



**STATE OF NEW JERSEY**

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

In the Matter of K.M.V.,  
Police Officer (S9999R), City of East  
Orange

CSC Docket No. 2017-908

Medical Review Panel Appeal

**ISSUED:**

(BS)

K.M.V., represented by Anthony J. Fusco, Jr., Esq., appeals her rejection as a Police Officer candidate by the City of East Orange Police Department and its request to remove her name from the eligible list for Police Officer (S9999R), City of East Orange on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on October 27, 2017, which rendered its report and recommendation on November 9, 2017. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Han Zang Liang (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as being cooperative during the interview, although circumstantial at times. The appellant had been terminated from a position at age 26 for repeated time and attendance issues but failed to disclose this on her Biographical Summary Form. The appellant had also been disciplined for cellphone use while on duty. Dr. Liang also noted that the appellant had been arrested for theft of service due to "fare evasion," she had been issued seven motor vehicle summonses, and her driver's license was suspended after missing a court date. The appellant was also sued by the New Jersey Turnpike Authority after being involved in an accident and damaging a guardrail. Additionally, the appellant denied ever having financial problems but had \$6,000 in bills in collection. Dr. Liang failed to recommend the appellant for appointment to the subject position.

Dr. Paul F. Fulford (evaluator on behalf of the appellant) reviewed the behavioral history, previous psychological testing, and conducted a psychological evaluation of the appellant. Dr. Fulford characterized the appellant as establishing “adequate rapport” and appearing to put in her best effort during the evaluation process, achieving an above average score on a non-verbal test of intelligence, and providing responses to a personality test. Dr. Fulford noted that the appellant reported significant financial difficulties although she has maintained employment. The appellant has made appropriate arrangements to repay the debt she has accumulated, due to accidents and consumer debt. Dr. Fulford further noted that the appellant had bad charges against her criminally that were dropped and any legal action regarding owing money has been agreed to by the creditors to be withdrawn once she has paid her consumer debt. Dr. Fulford opined that the appellant appears to be intelligent, competent, and mentally and physically sound. Dr. Fulford concluded that the appellant was psychologically suitable for employment as a Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel concluded that the negative recommendation found support in the appellant’s history of problems at work and her lack of meeting important obligations in her life. The Panel noted a pattern of not following through on her responsibilities. The consensus reached by the Panel was that the appellant’s pattern of irresponsible behavior indicated that she would not meet the requirements involved in police work. Accordingly, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is mentally unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In her exceptions, the appellant asserts that her termination from her last employment had been for reasons related to her pregnancy and her employer’s refusal to accept her doctor’s note concerning an accommodation for her condition. The appellant further asserts that she had not been with this employer long enough to qualify for FMLA benefits. The appellant submits medical documentation regarding her pregnancy. Further, the appellant argues that her financial obligations are the result of car payments and student loans and she denies that she was irresponsible. The appellant respectfully requests that the Commission reject the Panel’s report and recommendation and restore her name to the subject eligible list.

## CONCLUSION

The Job Specification for the title, Police Officer, is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds legitimate concerns were raised by the appointing authority's evaluator concerning the appellant's pattern of not acting in a responsible manner in some important areas of her life. The Commission is not persuaded by appellant's exceptions that her employer failed to accommodate her due to her pregnancy and that her financial issues were due to car and student loans. The Commission is mindful that she also allowed her automobile insurance to lapse and her failure to appear in court which further illustrates her irresponsibility. The Commission finds the record, when viewed in its entirety, does not present an individual who is psychologically suitable to serve as a Police Officer.

## ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that K.M.V. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that her name be removed from the subject eligible list.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 10TH DAY OF SEPTEMBER, 2019

*Deirdre' L. Webster Cobb*

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Deirdré L. Webster Cobb  
Chairperson, Civil Service Commission

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