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STATE OF NEW JERSEY
CIVIL SERVICE COMMISSION

In the Matter of S.A., Police Officer
(S9999M), Jersey City

CSC Docket No. 2015-551

Medical Review Panel Appeal

ISSUED: MAR 24 2017
(BS)

S.A., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by Jersey City and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on May 25, 2016 which rendered the attached report and recommendation on May 25, 2016. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority) conducted a psychological evaluation and characterized the appellant as lacking maturity and having questionable integrity. Dr. Gallegos opined that perhaps it would be beneficial to the appellant to start a law enforcement career by taking a job as a Special Police Officer, Class I or Class II, and then re-apply to the Jersey City Police Department in two or three years. Dr. Gallegos continued that an adequate performance at lower levels of law enforcement would indicate whether the appellant is capable of overcoming his current deficits. Dr. Gallegos did not recommend the appellant for appointment at this time.

Dr. Sandra Morrow (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant in which she characterized the appellant as demonstrating patience and persistence in pursuing the goal of becoming a Police Officer. The appellant has many extended family members on the police force who

have served as role models and mentors for him. Dr. Morrow indicated that, since high school, the appellant has been enrolled as a full-time student, in college and in trade school, and has held part-time employment throughout high school and college in the family business. Further, the appellant has never been arrested, never had a traffic ticket or a driver's license suspension. Additionally, there is no indication the he was ever involved in a lawsuit or has any financial issues. Dr. Morrow noted that the psychological test scores reveal no pathology and above average intelligence. With a reasonable degree of psychological certainty, Dr. Morrow concluded that the appellant was psychologically suitable for employment as a Police Officer.

The Panel noted that the negative recommendations that were indicated related to the appellant's difficulties with the law, lack of work history and questionable integrity. The Panel acknowledged that the appellant works as a Taxi Driver, owns his own power washing business, and that he completed accounting books for his father. Additionally, the appellant self-reported that his credit was good and he denied any problems with drugs or alcohol. However, the Panel noted that the psychological reports it reviewed are more than two years old so both are out-of-date. Since the Panel does not conduct new psychological examinations, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, justified sending the appellant for an independent psychological evaluation to determine his current suitability.

In his exceptions, the appellant argues that the Medical Review Panel failed to cite any specific evidence to support its recommendation that the appellant be sent for an independent psychological evaluation. The appellant contends that the Panel failed to review "the unsubstantiated findings offered in the Gallegos report;" however, the appellant also takes exception to the Panel's "adoption" of Dr. Gallegos' report and recommendation. Further, the appellant contends that the Panel report contains a false statement of fact in that the appellant never had a negative credit history nor did he have a vehicle repossessed. The appellant points out that he took the subject civil service examination upon graduation from high school but had to wait two years for appointment consideration. Dr. Morrow's evaluation found no grounds to deny the appellant's candidacy on psychological grounds. The appellant argues that his appeal should be granted, his name be restored to the subject eligible list, and he be appointed as soon as possible.

CONCLUSION

The Civil Service Commission has reviewed the report and recommendation of the Medical Review Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in

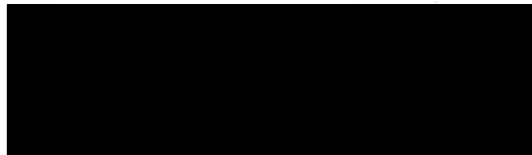
addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission is not persuaded by the appellant's exceptions and notes the Panel's report merely summarizes the findings of Dr. Gallegos' and Dr. Morrow's report and does not adopt them. For the purposes of evaluating law enforcement candidates, psychological evaluations are generally considered valid for a period of one year from the time they are rendered. In the instant situation, the reports and recommendations of both sets of evaluators are older than two years so the Commission agrees with the Panel in this regard. Therefore, the Commission finds it necessary to refer this matter for independent evaluation by a New Jersey licensed psychologist. Such an evaluation should address the current psychological suitability of the appellant as suggested by the Panel.

ORDER

The Civil Service Commission therefore orders that S.A. be administered an independent psychological evaluation. The Commission further orders that it is appropriate in this matter to assess the cost incurred for this evaluation to the appointing authority in the amount of \$530. Prior to the Civil Service Commission's reconsideration of this matter, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

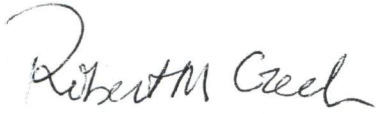
S.A. is to contact Dr. Robert Kanen, the Civil Service Commission's independent evaluator, in order to arrange for an appointment within 15 days of the issuance date on this order. Dr. Kanen's address is as follows:

Dr. Robert Kanen



If S.A. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Civil Service Commission for final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF MARCH, 2017



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: S.A.
Michael L. Prigoff, Esq.
Robert J. Kakoleski
Kelly Glenn
Dr. Robert Kanen