

STATE OF NEW JERSEY

In the Matter of J.C., Public Works Repairer, Morris County(C0149T)

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-2267

Medical Examiners Panel Appeal

ISSUED JAN 2 0 2017

(DASV)

J.C. appeals the request by Morris County to remove his name from the Public Works Repairer (C0149T) eligible list for medical unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Examiners Panel (Panel) on November 22, 2016, which rendered the attached report and recommendation on November 23, 2016. The appellant was not present at the meeting. However, Robert Greenbaum, Esq., who represents Morris County, was present. No exceptions were filed by the parties.

N.J.A.C. 4A:4-6.5 provides for the Civil Service Commission (Commission) to utilize the expertise of the Panel to make a report and recommendation on medical disqualification issues. The Panel is composed of medical professionals, all of whom are faculty and practitioners of Rutgers New Jersey Medical School.

In this case, the Panel's Chairman, Lawrence D. Budnick, MD, Director of Occupational Medicine Service and Associate Professor of Medicine, Rutgers New Jersey Medical School, requested a medical specialist to perform a chart review and to make findings and recommendations regarding the appellant's medical fitness for the job in question. Based on the evaluation of submitted information and the medical consultant's review, the Panel found, with a reasonable degree of medical certainty, that the appellant has a significant medical impairment or functional limitation in his right shoulder. Therefore, the Panel recommended that the

appellant not be considered to be physically capable of performing the essential functions of a Public Works Repairer.

CONCLUSION

Having considered the record and the Panel's report and recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's report and recommendation that the appellant is not medically fit to perform effectively the duties of a Public Works Repairer. The Panel sets forth the appellant's medical history regarding issues with his right shoulder. He injured his right shoulder in 2014 and re-injured it in 2015. Moreover, agency records reveal that the appellant was certified for the position on August 11, 2015. As of November 9, 2015, his "right shoulder has significant weakness in abduction." The Commission emphasizes that a Public Works Repairer, as set forth in the job specification, must perform physical labor, including "construction, maintenance, and repair of street, sewer, water, sanitation, and other public facilities." Therefore, the record demonstrates that the appellant is not medically fit for the position. Accordingly, his appeal is denied.

ORDER

The Commission finds that the appointing authority has met its burden of proof that J.C. is not medically fit to perform effectively the duties of the title and, therefore, the Commission orders that his 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 18TH DAY OF JANUARY, 2017

Robert M. Czech

Chairperson

Civil Service Commission

Inquiries and Correspondence

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Attachment

c: J.C. Frank Corrente Robert Greenbaum, Esq. Kelly Glenn