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In the Matter of D.F., County
Correction Officer (S9999R), Essex
County

STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-2499

Medical Review Panel Appeal

ISSUED: JUN 23 2017 (BS)

D.F., represented by Lynsey A. Stehling, Esq., appeals his rejection as a County Correction Officer candidate by Essex County and its request to remove his name from the eligible list for County Correction Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was referred for independent evaluation by the Civil Service Commission in a decision rendered November 23, 2016, which is attached. The appellant was evaluated by Dr. Robert Kanen, who rendered the attached Psychological Evaluation and Report on December 25, 2016. Exceptions were filed on behalf of the appellant.

The Psychological Evaluation and Report by Dr. Robert Kanen, the Civil Service Commission's independent evaluator, discusses the evaluation procedure and reviews the previous psychological findings relative to the appellant. In addition to reviewing the reports, letters, recommendations and test data submitted by the previous evaluators, Dr. Kanen administered the following: Clinical Interview/Mental Status Examination, Inwald Personality Inventory, Behavioral History Questionnaire, Shipley Institute Scale of Living, the Rorschach Ink Blot Method, and the Public Safety Application form. Dr. Kanen characterized the appellant as having a history of interpersonal problems that have continued into 2013. The appellant has five children by three mothers, which Dr. Kanen found to be suggestive of poor planning, poor impulse control, and poor judgment. Dr. Kanen also found the appellant's handling of the situation which resulted in a restraining

order against him as yet another example of poor judgment, a lack of empathy, and insensitivity. Although his responses on the Inwald Personality Inventory fell within normal ranges, the appellant was defensive and guarded. The validity measure suggested a lack of insight and socially desirable responses. Dr. Kanen found that the appellant's interpersonal relationships and irresponsible behavior (including one bankruptcy) suggested poor planning, poor judgment, and were reflective of personality characteristics that are not conducive to an individual seeking to be successful in a career in law enforcement. Dr. Kanen concluded that the appellant was psychologically unsuited to serve as a County Corrections Officer.

In his exceptions, the appellant admits to having had credit problems and a bankruptcy but disputes Dr. Kanen's conclusions that this is reflective of poor judgment since he has been financially stable thereafter. Further, the appellant disputes Dr. Kanen's reliance on the issuance of temporary restraining orders to support his findings of the appellant's history of interpersonal problems since Dr. Kanen did not "actually speak with the alleged victims." The appellant argues that Dr. Kanen was "pre-disposed to arrive at certain conclusions" and that Dr. Kanen "failed to comprehend the information" the appellant provided, thus rendering Dr. Kanen's report "unreliable."

CONCLUSION

The Class Specification for the title of County Correction Officer is the official job description for such positions within the civil service system. According to the specification, officers are responsible for the presence and conduct of inmates as well as their safety, security and welfare. An officer must be able to cope with crisis situations and to react properly, to follow orders explicitly, to write concise and accurate reports, and to empathize with persons of different backgrounds. Examples of work include: observing inmates in a variety of situations to detect violations of institutional regulations; escorting or transporting individual and groups of inmates within and outside of the institution; describing incidents of misbehavior in a concise, factual manner; following established policies, regulations and procedures; keeping continual track of the number of inmates in his or her charge; and performing regular checks of security hazards such as broken pipes or windows, locks that were tampered with, unlocked doors, etc.

The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. Specifically, the Commission shares the concerns of Dr. Kanen about the appellant's problems with interpersonal relationships, including restraining orders, and his irresponsible behavior, which included financial instability and a bankruptcy. The Commission is not persuaded by the appellant's exceptions which

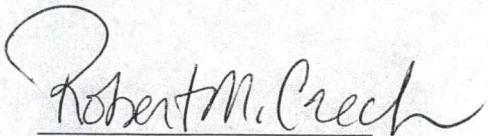
accuse Dr. Kanen of somehow being "predisposed" to certain conclusions in this matter but the appellant fails to provide any substantive rebuttal to support his accusation. The Commission notes that, in addition to his own evaluation and testing, Dr. Kanen conducts an independent review of the Medical Review Panel's Report and Recommendation and the raw data, recommendations and conclusions drawn by the various evaluators prior to rendering his own conclusions and recommendations, which are based firmly on his expertise in the field of psychology and his experience in evaluating the psychological suitability of hundreds of applicants for employment in law enforcement and public safety positions. Accordingly, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached report and recommendation of the independent evaluator.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that D.F. is psychologically unfit to perform effectively the duties of a County Correction Officer 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 21ST DAY OF JUNE, 2017



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Chairperson
Civil Service Commission

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Attachment

c: D.F.
Lynsey A. Stehling, Esq.
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