



**STATE OF NEW JERSEY**

In the Matter of M.M., Correctional  
Police Officer (S9988T), Department  
of Corrections

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

CSC Docket No. 2016-3144

Medical Review Panel Appeal

**ISSUED:** November 26, 2018 (BS)

M.M., represented by Jeffrey S. Ziegelheim, Esq., appeals his rejection as a Correctional Police Officer<sup>1</sup> candidate by the Department of Corrections and its request to remove his name from the eligible list for Correctional Police Officer (S9988T) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on April 27, 2017, which rendered its report and recommendation on May 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. Christopher Sbaratta (evaluator on behalf of the appointing authority) carried out a psychological evaluation of the appellant and characterized the appellant as being diagnosed with and taking Adderall for ADHD, being arrested for urinating in public, being subjected to two disciplinary actions while attending college, alcohol misuse/abuse, and being unemployed for two months preceding the evaluation. Dr. Sbaratta noted that testing data indicated that the appellant would be at high risk for performance problems. Dr. Sbaratta concluded that the appellant was not psychologically suited for employment as a Correctional Police Officer.

<sup>1</sup> Pursuant to *N.J.S.A.* 11A:2-11.1, effective May 1, 2018, the title of Correction Officer Recruit has been retitled Correctional Police Officer.

Dr. Nicole J. Rafanello (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and opined that the appellant was psychologically suitable for employment as a Correctional Police Officer. Specifically, Dr. Rafanello cited the appellant's work as a volunteer Fire Fighter and volunteer Emergency Medical Technician and his experience working with individuals under duress. Dr. Rafanello indicated that the appellant exhibited no signs of mental or emotional impairment, with the exception of some mild anxiety, and she concluded that the appellant could safely carry out the duties of a Correctional Police Officer.

The evaluators on behalf of the appellant and the appointing authority reached differing conclusions and recommendations. The Panel concluded that the negative recommendation related to the appellant's history of poor judgment and immature behavior. The Panel found that the appellant's reporting of his own information was not consistent across the evaluations conducted and the Panel hearing. The appellant's explanations in which he urinated in public and was given a citation for drinking in his dorm room did not appear to be consistent or credible. The Panel also noted the appellant's limited experience outside of his family's business. Also of concern to the Panel was the appellant's honesty and maturity levels. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correctional Police Officer, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. Accordingly, the Panel recommended that the applicant be removed from the eligible list.

In his exceptions, the appellant argued that the Panel focused on his negative interactions while in college and ignored the good the appellant had done since college. Specifically, the appellant has served the community as a volunteer Fire Fighter and, "on diverse occasions," has served as President of the volunteer Fire Company. In addition, the appellant has also served as a volunteer Emergency Medical Technician. The appellant asserts that he served in both capacities without any disciplinary infractions. Further, the appellant argues that the Panel, in "an interaction only lasting several minutes," disregarded the findings of his own evaluator in favor of those of the appointing authority's evaluator. As a result, the appellant respectfully requests that the Commission refer this matter to an independent evaluator.

## CONCLUSION

The Job Specification for Correctional Police Officer is the official job description for such State positions within the Civil Service system. According to the specification, a Correctional Police Officer exercises full police powers and acts as a peace officer at all times for the detection, apprehension, arrest, and conviction of offenders against the law. Additionally, a Correctional Police Officer is involved

in providing appropriate care and custody of a designated group of inmates. These Officers must strictly follow rules, regulations, policies and other operational procedures of that institution. Examples of work include: encouraging inmates toward complete social rehabilitation; patrolling assigned areas and reporting unusual incidents immediately; preventing disturbances and escapes; maintaining discipline in areas where there are groups of inmates; ensuring that institution equipment is maintained and kept clean; inspecting all places of possible egress by inmates; finding weapons on inmates or grounds; noting suspicious persons and conditions and taking appropriate actions; and performing investigations and preparing detailed and cohesive reports.

The specification notes the following as required skills and abilities needed to perform the job: the ability to understand, remember and carry out oral and written directions and to learn quickly from written and verbal explanations; the ability to analyze custodial problems, organize work and develop effective work methods; the ability to recognize significant conditions and take proper actions in accordance with prescribed rules; the ability to perform repetitive work without loss of equanimity, patience or courtesy; the ability to remain calm and decisive in emergency situations and to retain emotional stability; the ability to give clear, accurate and explicit directions; and the ability to prepare clear, accurate and informative reports of significant conditions and actions taken.

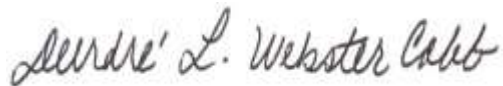
The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits, which were identified and supported by test procedures and the behavioral record, relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission finds that the appellant's exceptions do not provide substantive arguments which would dispute the findings and recommendations of the Panel. In this regard, prior to making its report and recommendation, the Panel conducts an independent review of all of the raw data presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it. The Panel's observations regarding the appellant's employment history, responses to the various assessment tools, and appearance before the Panel are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants. The Commission finds no compelling reason in this case to refer the appellant for an independent psychological evaluation. Therefore, having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

**ORDER**

The Civil Service Commission finds that the appointing authority has met its burden of proof that M.M. is psychologically unfit to perform effectively the duties of a Correctional Police 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 NOVEMBER, 2018



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Civil Service Commission

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