



STATE OF NEW JERSEY

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

In the Matter of C.E., Police Officer
(S9999R), Elizabeth

Medical Review Panel Appeal

CSC Docket No. 2017-677

ISSUED: September 21, 2018 (BS)

C.E., represented by Stephen B. Hunter, Esq., appeals his rejection as a Police Officer candidate by the City of Elizabeth Police Department and its request to remove his name from the eligible list for Police Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on November 17, 2017, which rendered the attached report and recommendation on December 11, 2017. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Betty C. McLendon (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as having a history and pattern of maladaptive functioning and adjustment problems. Dr. McLendon found the appellant to have limited insights, poor judgment, and a record of behaviors that reflected emotional instability across multiple domains of life. Dr. McLendon noted that the appellant's inability to adhere to standards and to maintain proper professional decorum has been documented and further supports his unsuitability for a public safety position. Dr. McLendon failed to recommend the appellant for employment as a Police Officer.

Dr. Jack Aylward and Dr. Nicole J. Rafanella (evaluators on behalf of the appellant) each carried out a psychological evaluations. Dr. Aylward opined that, from a psychological standpoint, the appellant was "adequate" and therefore psychologically fit for employment as a Police Officer. Dr. Rafanello concluded that,

even with the appellant's background history considered, this does not preclude the appellant from performing the duties of a Police Officer and maintaining the ideals of the department. Both Drs. Aylward and Rafanello concluded that the appellant was psychologically suitable for employment as a Police Officer.

The Panel concluded that the negative recommendation found support in indications related to the appellant's poor judgment. This is evidenced by incidents in which he yelled at a co-worker, directed profanity at a patient he was transporting, and for failing to respond to a dispatch. These incidents resulted in him being terminated from employment as an Emergency Medical Technician. Although he appealed this termination, an Administrative Law Judge ruled against him. Additionally, the Panel noted that the appellant's driver's license had been suspended five times. The Panel found that the appellant's pattern of not following rules is not consistent with the behavior expected of a Police Officer. The number of incidents, some in the recent past, led the panel to conclude that the appellant is not psychologically suitable for police work. Accordingly, the Panel concluded 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 his exceptions, the appellant asserts that he is a suitable candidate for employment as a Police Officer. The appellant asserts that both Drs. Aylward and Dr. Rafanello found him to be psychologically suitable. Additionally, the appellant submitted a certification as well as "compelling letters of recommendation, primarily from his supervisors and colleagues." The appellant argues that the traits he possesses as an Emergency Medical Technician, which include problem solving skills, physical strength, interpersonal skills, and other important character and personality traits are suitable for police work. Additionally, the appellant asserts that he passed a comprehensive background investigation prior to being extended a conditional offer of employment. In support of his appeal, the appellant submits a certification detailing his record. The appellant respectfully requests that he be restored to the list of eligibles.

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 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 arguments raised by the appellant in his exceptions do not persuasively dispute the findings and recommendations of the Panel. Specifically, the appellant's statements regarding the qualifications and skills necessary to function as an Emergency Medical Technician aside, the Commission finds that the appellant's behavioral record is clearly reflective of an individual of questionable judgment who does not satisfy the public's expectation of a suitable candidate for employment as a Police Officer. Candidates for employment as Police Officers are held to a higher standard of personal accountability and, accordingly, based on the totality of the data presented, the appellant's behavioral history is not conducive to his successfully functioning in a law enforcement environment.

The Commission notes that the Panel conducts an independent review 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 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. There are substantial linkages in the Panel's report and recommendation with Dr. McLendon's findings of maladaptive functioning and adjustment problems, limited insights, poor judgment, and a record of behaviors that reflected emotional instability. While perhaps lacking any specific mental pathology, the Commission finds that the incidents such as yelling at a co-worker, directing profanity at a patient he was transporting, and failing to respond to a dispatch, which resulted in

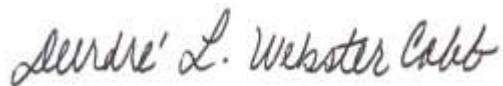
his termination, are clearly reflective of an individual of questionable judgment and impulse control who does not satisfy the public's expectation of a suitable candidate for employment as a Police Officer. Accordingly, the Commission finds the psychological traits and behavioral history identified by the Panel clearly adversely relate to effective performance as a Police Officer.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that C.E. is psychologically unfit to perform effectively the duties of a 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 20TH DAY OF SEPTEMBER, 2018



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