



In the Matter of G.G.B., Sheriff's Officer (S9999U), Middlesex County	:	STATE OF NEW JERSEY
	:	FINAL ADMINISTRATIVE
	:	ACTION
	:	OF THE
CSC Docket No. 2018-2530	:	CIVIL SERVICE COMMISSION
	:	
	:	
	:	
	:	Medical Review Panel
	:	

ISSUED: November 21, 2019 (BS)

G.G.B., represented by Stephen B. Hunter, Esq., appeals his rejection as a Sheriff's Officer candidate by Middlesex County and its request to remove his name from the eligible list for Sheriff's Officer (S9999U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on December 14, 2018, which rendered its report and recommendation on December 22, 2018. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that the report of Dr. Krista Dettle (evaluator on behalf of the appointing authority) conducted a psychological evaluation and characterized the appellant as evidencing significant problems, including poor judgment, poor social competence, and impulse dyscontrol. Dr. Dettle cited the appellant's DUI, job terminations, and the relationship with his ex-girlfriend. For these reasons, Dr. Dettle concluded that the appellant was psychologically unsuitable for employment as a Sheriff's Officer.

Dr. Daniel Gollin (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and did not see a pattern of personality issues, any evidence of major mental illness, or any objective evidence of pathology which would render the appellant unsuitable. However, Dr. Gollin did note personality patterns which appeared to fit Obsessive Compulsive Personality Disorder and histrionic features. The appellant admitted to having smoked

marijuana three times, the third of which resulted in a DUI, but that he was currently subjected to random drug testing to maintain his current job as a commercial driver. The appellant also self-reported to Dr. Gollin that his ex-girlfriend was “unstable” and had made up her report regarding his behavior. Dr. Gollin opined that despite the findings of the appointing authority’s background investigator, who found the ex-girlfriend’s statements to be credible, the appellant was advanced in the hiring process. With regard to his termination, the appellant told Dr. Gollin that a co-worker had posted a cartoon he had drawn about the company on social media which resulted in his termination. Dr. Gollin concluded that “this applicant’s disqualification from eligibility for Sheriff’s Officer may have been unwarranted.”

The Panel concluded that the negative recommendation found support in indications of poor judgment, poor social competence, and impulse dyscontrol. A review of collateral information in the Middlesex County Sheriff’s Office background narrative supported the findings of Dr. Dettle. During his appearance, the Panel found the appellant’s behavior did not indicate any overt psychopathology such as psychosis or thought disorder. However, the Panel did have concerns about the appellant’s employment history since he was terminated from 3 of his last 5 jobs. The Panel viewed the allegations raised by the appellant’s ex-girlfriend as unresolved at best. Given the appellant’s work history and the third party report of statements with threatening comments directed at his ex-girlfriend, in conjunction with the reports of Drs. Dettle and Gollin, the Panel did not recommend the appellant for appointment. The Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Sheriff’s 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 argues that the Panel failed to consider that the appellant had passed the appointing authority’s comprehensive background investigation prior to being psychologically evaluated by Dr. Dettle. The appellant further asserts that as established in *In the Matter of Anastasia Vey*, 124 *N.J.* 534 (1991) and 135 *N.J.* 306 (1994), Dr. Dettle failed to establish by “professionally acceptable measures” that the tests that were administered were “predictive or significantly correlated” with the element of work behavior which was being evaluated and, instead Dr. Dettle relied on unsubstantiated allegations of domestic violence. Finally, the appellant claims that his work history did not accurately refer to the circumstances regarding his terminations and do not present a basis for rendering him psychologically unsuitable to serve as a Sheriff’s Officer. Accordingly, the appellant argues that he should be restored to the subject eligible list.

CONCLUSION

The Job Specification for the title of Sheriff's Officer is the official job description for such county positions within the merit system. According to the specification, Officers are involved in maintaining order and security in a courtroom, serving court processes, criminal identification, ballistics and investigation, and the apprehension of criminals. Examples of work include: the field and office work necessary to serve and execute warrants, writs, court orders, summonses, subpoenas, and other documents directed to the Sheriff; making arrangements for the sequestering of juries; guarding and transporting prisoners; testifying in court; collecting monies to satisfy legal debts as ordered by the court; taking fingerprints; analyzing, indexing and classifying according to the F.B.I. version of the Henry System; examining bullets and fragments to determine the make and caliber of weapons involved in crimes; testing fired weapons in evidence and comparing test bullets with those on the crime scene; conducting criminal and other special investigations; locating and apprehending violators of the law; conducting classes related to departmental functions; operating a variety of communication equipment; providing security at public functions and county facilities; and conducting search and rescue operations.

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 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, as well as the appellant's demeanor and responses before the Panel, prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it. The exceptions filed on behalf of the appellant do not persuasively dispute the findings of the Panel. The Commission notes that past performance is indicative of future performance and the appellant's excuses aside, he has a history of being terminated from 3 of his last 5 positions. Coupled with his DUI and the unresolved situation with his ex-girlfriend, the appellant exhibits a pattern of bad judgment which is not conducive to someone who aspires to serve as a Sheriff's Officer. In this regard, the Commission notes that the public expects candidates for positions in law enforcement to be held to a higher standard of personal accountability and any adverse background information can be considered when evaluating candidates for law enforcement positions. The fact that Middlesex County did not request the appellant's removal simply because he "passed" its background investigation in no way negates the findings of Dr. Dettle or the Panel. There are plenty of behavioral markers in the appellant's employment and personal history which support findings

of poor judgment, poor social competence, and impulse dyscontrol which render the appellant unsuitable for a position in law enforcement.

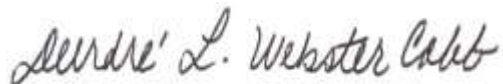
Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that G.G.B. is psychologically unfit to perform effectively the duties of a Sheriff 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 19TH DAY OF NOVEMBER, 2019



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