



STATE OF NEW JERSEY

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

In the Matter of S.S., Police Officer
(S9999U), Newark

CSC Docket No. 2018-3624

Medical Review Panel Appeal

ISSUED: November 21, 2019 (BS)

S.S. appeals her rejection as a Police Officer candidate by the Newark Police Department and its request to remove her name from the eligible list for Police 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 March 27, 2019, which rendered its report and recommendation on April 3, 2019. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. Dr. Paul Montalbano, evaluator on behalf of the appointing authority, conducted a psychological evaluation and characterized the appellant as having a history of financial problems, leaving a job to avoid being terminated, having her driver's license suspended, and failing to file her taxes for two years. Dr. Montalbano noted the appellant had history of having "trouble with the law" as an adolescent, was suspended from high school for possession of a weapon, and having a physical conflict with a former paramour. The testing produced several unfavorable indicators on objective psychological measures and Dr. Montalbano expressed concerns about her mental and emotion stability raised through an in-depth background review and clinical interview. As a result, Dr. Montalbano opined that, within the limits of reasonable professional certainty, the appellant was psychologically unsuitable for employment as a Police Officer.

Dr. Richard Pilchman, evaluator on behalf of the appellant, conducted a psychological evaluation and characterized the appellant as attempting to “scare” a fellow student with a pair of scissors, having attending but not completing the New Jersey Department of Corrections Academy, being “tardy” to work a total of ten times, “fervently” denying any history of substance abuse, and denying any “anger issues” as a young adult. Dr. Pilchman indicated that the appellant reported that she had reacted “reflexively twice physically” when describing her response to “being grabbed and assaulted” by a former paramour. The appellant attended two counseling sessions but ultimately ended the relationship with the man who grabbed and assaulted her. Additionally, the appellant admitted to consistently disregarding parking regulations when attending class and receiving several parking tickets as a result. The appellant acknowledged that she demonstrated poor judgment in not filing her tax returns. Dr. Pilchman opined that the appellant was a “positive candidate” for employment as a Police Officer.

The Panel concluded that the negative recommendation found support in multiple instances of reporting late to work, the circumstances surrounding the scissors incident, suspensions of her driver’s license, management of her finances, and her failure to file income tax returns. The Panel discussed the appellant’s work history in which she has held 12 jobs since she was 14. Although the Panel found it admirable that she held more than one job at a time and attempted to earn a good income, her planning and organizational skills were not sufficient enough to avoid time and attendance problems. The Panel noted that the appellant still had problems managing her finances and had accumulated credit card debt and has deferred paying her student loan. Further, the appellant appeared to not appreciate the seriousness of not filing her tax returns. The Panel opined that the appellant lacked a basic understanding of the importance of upholding standards that adults in positions of authority are expected to uphold. During the course of the meeting, the Panel was advised that the appellant failed to disclose the charge she faced as an adolescent during the course of two previous law enforcement evaluations. Thus, a pattern of not being forthright as well as not following important standards was evident to the Panel. Accordingly, the Panel found 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 her exceptions, the appellant asserts that, in her many years of employment, she had no issues with time and attendance. Further, the appellant fails to see how she manages her finances is related to her psychological suitability to serve as a Police Officer. The appellant acknowledges the “seriousness” of filing taxes but “was not aware it was mandatory to file every year.” The appellant denies failing to disclose an arrest during a previous law enforcement position evaluation.

The appellant argues that she passed the psychological evaluation for Correction Officer Recruit and attended the academy. The appellant states that she is responsible and competent and psychologically suitable to serve as a Police Officer.

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 was not persuaded by the exceptions filed by the appellant. With regard to the appellant's assertion that she had been found psychologically suitable for Correction Officer Recruit and had attended the academy, the Commission notes that Police Officer and Correction Officer Recruit (now Correctional Police Officer) are separate and distinct titles and psychological suitability for one title does not necessarily translate to psychological suitability for the other. The Commission further notes that the appellant failed to complete the academy. The Commission shares the concerns of the appointing authority's evaluator and the Panel regarding the appellant's lack of basic understanding of the importance of upholding standards that adults in positions of authority are expected to uphold. 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 prior to rendering its own conclusions

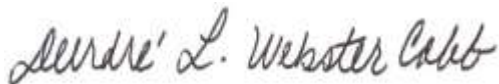
and recommendations which are based firmly on the totality of the record presented to it and its experience reviewing thousands of applicants. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil 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 S.S. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that her 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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