

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of M.R., Correctional
Police Officer (S9988V), Department
of Corrections

CSC Docket No. 2018-2851

Medical Review Panel Appeal

ISSUED: December 20, 2019 (BS)

M.R., represented by Donald A. DiGioia, Esq., appeals his rejection as a Correctional Police Officer¹ candidate by the Department of Corrections and its request to remove his name from the eligible list for Correctional Police Officer (S9988V) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on January 9, 2019, which rendered its report and recommendation on January 11, 2019. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Rachel Safran (evaluator on behalf of the appointing authority) carried out a psychological evaluation of the appellant and characterized the appellant as evidencing significant problems in the areas of stress tolerance, dutifulness, judgment, and maturity. Dr. Safran noted that the appellant had a poor driving record, mostly summonses for careless driving, and that he failed 13 out of a possible 16 credits at college. The psychological testing indicated that the appellant attempted to portray himself in a positive light and that he also had an elevated score on the Authoritarian Scale. The appellant endorsed several items without understanding them or endorsed them in error. Dr. Safran failed to recommend the appellant for appointment.

¹ 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. Roger Raftery (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and opined that the appellant had not demonstrated significant problems in the areas of stress tolerance, dutifulness or maturity required for a Corrections' position. Dr. Raftery noted Dr. Safran's concerns, but indicated that he found nothing in the record or test data which rose to the level of disqualification. Accordingly, Dr. Raftery concluded that the appellant was psychologically suitable for employment as 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 limited employment history and motor vehicle history which demonstrates impulsivity. The Panel found that the appellant's appearance before it was consistent with the findings of Dr. Safran. 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 asserts that the tests conducted by Dr. Raftery "are more generally recognized in the psychological community" than those utilized by Dr. Safran. The appellant also asserts that he only has one motor vehicle point against his license at present and that he has not had any motor vehicle infractions since July 2018. Further, the appellant argues that Dr. Guller was allowed to offer an opinion at the Panel meeting, even though he never met with or examined the appellant. The appellant argues that he is psychologically suitable for employment as a Correctional Police Officer and that he should be reinstated.

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. The Panel's concerns centered on the appellant's limited employment record and motor vehicle history. The Commission was not persuaded by the appellant's anecdotal explanations regarding his employment and motor vehicle record. The Commission notes that the examination for Correctional Police Officer was held on August 5, 2017 and the appellant's assertion that he has not committed a motor vehicle infraction since July 2018 is much too recent and hardly establishes that the appellant has undergone any prolonged or sustained level of maturity in the interim.

Moreover, the appellant was interviewed by Dr. Safran on January 31, 2018 and, in her report of March 5, 2018, determined that he was not psychologically suited for the position at that time. The Commission emphasizes that consideration of a candidate occurs at a specific period of time. As such, a candidate must be psychologically capable and available to undergo the training involved at that time. Thus, any positive behavioral evidence of an individual occurring after the time of the psychological determination cannot be considered. Accordingly, any prolonged or sustained level of maturity exhibited by a candidate after the psychological determination does not evidence that an appointing authority's removal of a candidate was in error. *See In the Matter of P.F.* (CSC, decided April 17, 2019).

With regard to Dr. Guller, the Commission that notes that Dr. Guller is Dr. Safran's supervisor at the Institute for Forensic Psychology and, as such, has a level of knowledge regarding her cases. However, Dr. Guller's opinion aside, the

Commission notes that 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, driver 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.

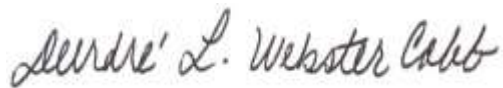
Therefore, having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that M.R. 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 18TH DAY OF DECEMBER, 2019



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