



STATE OF NEW JERSEY

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

In the Matter of B.J.S., Fire Fighter
(M1867W), City of Pleasantville

CSC Docket No. 2020-2389

Medical Review Panel Appeal

ISSUED: FEBRUARY 23, 2021 (DASV)

B.J.S., represented by Michelle J. Douglas, Esq. and Phillip S. Burnham, II, Esq., appeals his rejection as a Fire Fighter candidate by the City of Pleasantville and its request to remove his name from the eligible list for Fire Fighter (M1867W) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was referred for independent evaluation by the Civil Service Commission (Commission) in a decision rendered October 21, 2020. The Commission agreed with the recommendation of the Medical Review Panel (Panel) and directed that the appellant’s evaluation “not only include an in-depth assessment of the appellant’s alcohol consumption, but also a review of his overall behavior history, and whether these behaviors deem him psychologically unsuitable for a Fire Fighter position.” *See In the Matter of B.J.S.* (CSC, decided October 21, 2020). The appellant was evaluated by Dr. Robert Kanen, who issued a Psychological Evaluation and Report on November 17, 2020. No exceptions or cross exceptions were filed by the parties.

The Psychological Evaluation and Report by Dr. Kanen discusses the evaluation procedure and reviews the previous psychological findings relative to the appellant. In addition to reviewing the reports, recommendations, and test data submitted by the previous evaluators, Dr. Kanen administered the following: Clinical Interview/Mental Status Examination, Public Safety Application Form, Behavioral History Questionnaire, the Inwald Personality Inventory – 2, and the Rorschach Ink Blot Method. Dr. Kanen found that the appellant has a history of opioid use disorder.

He was injured in 2007, and once his prescription ran out, he purchased Percocet from friends and co-workers. Dr. Kanen noted that the appellant is employed in a public works department and has been a volunteer firefighter for six years. Although the appellant has not used prescription pain medication in many years, Dr. Kanen found his current continued consumption of alcohol concerning. Those concerns were shared by the Panel which requested that the appellant undergo the independent evaluation as there was "conflicting information" in that regard. Moreover, Dr. Kanen noted that the appellant has a family history of substance abuse. He experienced emotional pain in his family, which he has never dealt with through counseling. In the Inwald Personality Inventory-2 that was administered, Dr. Kanen indicated that the appellant was "defensive and guarded" although he was functioning within normal ranges. In the section "Estimated Psychologist Recommendation" of the test, the appellant fell "into the category not likely to recommend for employment in a public safety/security position." Moreover, Dr. Kanen reported that the appellant denied his juvenile arrest and presented himself in an overly favorable light. In addition, Dr. Kanen found that the appellant's responses to the Rorschach Ink Blot Method "suggest generalized oppositional tendencies associated with underlying feelings of anger and resentment." Dr. Kanen opined that the appellant "is at ongoing risk to develop a substance abuse problem. He is not likely to function well in unstructured settings encountered off the job. Having 10 to 12 drinks per month with a history of prescription pain medication abuse leaves him very vulnerable to relapse or to an alcohol problem. He is in a tempting environment as he purchased pills from co-workers after the legal prescriptions ran out. Furthermore, he shows problems regulating emotion. Relapsing would make him a very costly employee and public safety risk." Therefore, Dr. Kanen concluded that the appellant is not psychologically suitable for employment as a Fire Fighter.

CONCLUSION

The Job Specification for the title of Fire Fighter is the official job description for such positions within the Civil Service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical thinking when responding to many emergency situations. Examples include conducting step-by-step searches of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of water at a fire, adequately

maintaining equipment and administering appropriate treatment to victims at the scene of a fire, *e.g.*, preventing further injury, reducing shock, and restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and firefighting operations.

In the present matter, the Commission agreed with the Panel to refer the appellant for an independent psychological evaluation. As set forth above, Dr. Kanen interviewed the appellant and performed applicable tests to determine his psychological fitness. Dr. Kanen found serious issues with the appellant's behavioral history and the appellant's continued consumption of alcohol despite a previous opioid use disorder. Dr. Kanen's assessment of the appellant as having an ongoing risk of a substance abuse problem is consistent with the City of Pleasantville's preemployment evaluation regarding the appellant's history of substance abuse and confirmed the Panel's concerns in that regard. The Commission emphasizes that, in addition to his own evaluation and testing, Dr. Kanen conducts an independent review of the Panel's Report and Recommendation and the raw data, recommendations, and conclusions drawn by the various evaluators prior to rendering his own conclusions and recommendations, which are based firmly on his expertise in the field of psychology and his experience in evaluating the psychological suitability of hundreds of applicants for employment in law enforcement and public safety positions. While the appellant may currently be a volunteer firefighter, the Commission cannot ignore the weight of the psychological recommendations, which were confirmed by various tests, that the appellant is not suitable for employment as a Fire Fighter.

Therefore, having considered the record and the independent Psychological Report and Recommendation issued thereon, and having made an independent evaluation of the same, including a review of the Job Specification for the position sought, the Commission accepts and adopts the findings and conclusions as contained in the independent Psychological Report and Recommendation. Accordingly, the appellant's appeal is denied.

ORDER

The Commission finds that the appointing authority has met its burden of proof that B.J.S. is psychologically unfit to perform effectively the duties of a Fire Fighter 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 17TH DAY OF FEBRUARY, 2021

Deirdre' L. Webster Cobb

Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: B.J.S.
Michelle J. Douglas, Esq.
Phillip S. Burnham, II, Esq.
Jesse L. Tweedle, Sr.
Amy E. Rudley, Esq.
Division of Agency Services