



STATE OF NEW JERSEY

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

In the Matter of D.Z., Correctional
Police Officer (S9988T), Department
of Corrections

Medical Review Panel Appeal

CSC Docket No. 2019-3106

ISSUED: FEBRUARY 5, 2021 (BS)

D.Z., represented by Luretha M. Stribling, 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 (S9988T) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on December 13, 2019, which rendered a Report and Recommendation on December 20, 2019. Exceptions were filed on behalf of the appellant.

The Panel’s Report and Recommendation noted that Dr. Krista Dettle (evaluator on behalf of the appointing authority) conducted a psychological evaluation of the appellant and characterized the appellant as presenting as “circumstantial” at times during his interview. Dr. Dettle stated that the appellant presented “long-winded responses without answering questions asked” and he made several errors on his paperwork and testing. The appellant only achieved a score in the ninth percentile of the population of job applicants on the Wonderlic Personnel Test and his score on a non-verbal test of intelligence indicated low average intellectual functioning. Dr. Dettle also indicated that the appellant had been employed as a “guard” at a psychiatric hospital since October 2018 and has worked on a per diem basis as a “security enforcer” since April 2018 and a full-time

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.

“security officer” since January 2016. Moreover, the appellant reported to Dr. Dettle that he had been terminated from three prior positions, once for changing his schedule without permission, once for not punching out for lunch, and another for having “expired credentials.” He also informed Dr. Dettle that his driver’s license had been suspended “three or four times,” but he was unable to recall the reasons. However, according to Dr. Dettle, the appellant’s motor vehicle background information revealed that his driver’s license had actually been suspended seven times. Regarding his finances, the appellant had a history of late payments on his credit cards, a car repossessed, student loans in deferment, and a recent large car loan. Dr. Dettle concluded that the appellant was not psychologically suitable for employment as a Correctional Police Officer.

Dr. Ronald G. Silikovitz (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and reviewed the relevant documentation. Dr. Silikovitz noted that the appellant presented as “earnest but not fully prepared to defend himself with regard to a number of issues that had been evident during his initial examination.” The appellant was not circumstantial or evasive, but he had difficulty responding directly and immediately to questions related to his driving record suspensions and to his financial situation. Additionally, Dr. Silikovitz indicated that the appellant had no arrests or suspensions from school and denied using any illegal drugs. He also possesses a Bachelor’s degree. The appellant admitted to Dr. Silikovitz that he had three “at fault” accidents on his driving record. It was Dr. Silikovitz’s clinical opinion, within a reasonable degree of psychological certainty, that the appellant “should be given a final opportunity to be fully prepared to convince” the Panel that he is psychologically suitable to serve as a Correctional Police Officer and that “his assets and his dedication to his current employment suggest that he would be able to satisfactorily carry out his responsibilities as a Corrections officer.”

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. As set forth in the Panel’s Report and Recommendation, the primary concerns raised in the appointing authority’s expert report included his history of terminations from employment, possible cognitive limitations, inadequate communication skills, problematic driving record, and problems with his personal finances. In spite of Dr. Silikovitz’s assessment that the appellant would be ready to articulate his responses to the Panel, the Panel indicated that his responses lacked specific facts and follow up questions had to be posed. When reviewing his employment history, the Panel found it difficult to discern the facts surrounding those terminations due to the confusing explanations provided by the appellant. Even when the appellant described his current employment, his explanation was unclear and the Panel had to ask for clarification more than once. The appellant could also not recall when he received his last motor vehicle ticket. The appellant admitted to having multiple tickets in the past and several license suspensions. Additionally, the appellant admitted to having

multiple financial problems, including accounts in collection and having his car repossessed. The Panel found that the concerns regarding the appellant's communication skills and his motor vehicle difficulties were well founded. The appellant's lack of communication skills and concerns about his judgment, as evidenced by his driving record, all supported the findings of the appointing authority's evaluator. Therefore, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicated that the appellant was psychologically unfit to perform effectively the duties of the position sought. Accordingly, the Panel recommended that the action of the appointing authority should be upheld.

In his exceptions, the appellant initially emphasizes that he was recommended to continue to the next phase of hiring notwithstanding "some derogatory work history." When he was interviewed by Dr. Dettle, Dr. Dettle failed to describe his work in security since 2007 as an asset. Additionally, he notes that Dr. Dettle was incorrect that he did not list his medication on the biographical report. He also disagrees with Dr. Dettle that he did in fact answer a question about stress when he responded that he did not see himself stressed. Moreover, the appellant asserts that difficulties in understanding him was because "[h]is phraseology was likely 'cultural.'" He maintains that the writing sample he provided does not support the claim that he has poor written communication skills. Furthermore, he contends that Dr. Dettle failed to "obtain a comprehensive personal history questionnaire nor was there a structured interview focused on job related behavior." In contrast, Dr. Silikovitz "refuted" Dr. Dettle's findings and spent more time in examining him. The appellant indicates that he admitted to Dr. Silikovitz that "there was some difficulty in understanding some of the questions because of his cultural background." Moreover, the appellant questions "why needing to ask follow-up questions is a negative." The appellant also questions why his driving and financial history should impact negatively on the position sought as he was not rejected due to these issues. The appellant maintains that although he had some financial difficulties in the past, he is now happily married and working two jobs, without disciplinary issues, to support his family. The appellant reiterates that his over 12 years of experience in the security field should be an asset to the position sought. The appellant submits that the conclusions of Dr. Dettle and the Panel were in error. Therefore, he should be restored to the subject eligible list.

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 (Commission) has reviewed the Job Specification for this title and the duties and abilities encompassed therein and finds that the appellant's psychological traits, which were identified and supported by test procedures and his behavioral record, relate adversely to his ability to effectively perform the duties of the title. The Commission is not persuaded by the appellant's exceptions. Specifically, with regard to his driving history, the appellant's record is extensive and demonstrative of the appellant's poor judgment, which is not conducive to an individual who is pursuing a career in law enforcement. When considering the appellant's problematic driving record, his possible cognitive limitations, inadequate communication skills, financial difficulties and previous terminations, for which he could not provide coherent explanations, it is all suggestive of an individual who does not possess the skills and abilities needed for work as a law enforcement officer in a correctional setting.

Moreover, it is emphasized that the Panel conducts an independent review of the psychological reports presented by the parties as well as the raw data and recommendations and conclusions drawn by the various evaluators upon 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 behavioral 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. Although the appellant argues that perhaps the difficulties in understanding him

may have been due to cultural phraseology, the Panel did not find that to be the case. Rather, he spoke in a tangential manner, provided confusing explanations, and was unable to recall his most recent motor vehicle ticket. Moreover, as set forth above, his behavioral record evidences poor judgement.

Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that D.Z. 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 3RD DAY OF FEBRUARY 2021

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