

written information when compared to the information he provided on his oral interview. In addition, Dr. Safran indicated that the test data supported her conclusions that the appellant was not psychologically suited for the position. Thus, the appellant was not recommended for appointment.

The Panel's report also indicates that Dr. Robert Kanen, evaluator on behalf of the appellant, carried out a psychological evaluation and indicated that the appellant showed no evidence of mental illness or personality problems. However, Dr. Kanen noted that the appellant was "defensive and guarded on testing." Dr. Kanen expressed concerns about the appellant's verbal comprehension skills, which were significantly below that of an average law enforcement candidate. Dr. Kanen opined that, [w]hen faced with the demands of the job," the appellant "may have difficulty comprehending the situation and making sound decisions." Dr. Kanen further noted that the appellant had a limited work history and saw "some evidence of immaturity." However, Dr. Kanen found no serious psychopathology or personality problems which would interfere with the appellant's work performance.

The Panel noted that the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. While Dr. Safran was concerned about the appellant's evasiveness, limited insight, integrity, judgment and immaturity, Dr. Kanen, although concerned about the appellant's verbal comprehension, decision making, and maturity, found no psychopathology or personality problems which would preclude the appellant from serving as a Correctional Police Officer. The Panel had similar concerns about the appellant's negative findings, which revealed a history of several incidents, which took place as recently as 2019, where he attracted the attention of law enforcement. The Panel noted that, in each incident, the appellant described his interaction with law enforcement as having been due to the behavior of other individuals. The Panel found that the "content and number of incidents reflected a level of immaturity" which, in the Panel's opinion, rose to the level of psychological disqualification. As a result, 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, indicated that the appellant was not psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. Therefore, the Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant argues that the Panel was mistaken in its conclusions because it failed to consider the material facts surrounding each of the incidents, mainly, that none of these incidents resulted in any arrests or convictions. Since the appellant admitted his mistakes, these incidents should not be sufficient to establish that the appellant is not psychologically fit. The appellant contends that the appointing authority was fully aware of these incidents prior to extending him the conditional offer of employment. Moreover, the appellant highlights the positive

aspects of his background, which includes his experience as a volunteer Fire Fighter and the fact that his driver's license was never suspended, he comes from an intact family unit, and he does not have a history of mental health concerns, alcohol or drug use, or serious financial problems. Further, the appellant emphasizes that Dr. Kanen's testing revealed that the appellant "falls into the category likely to recommend for employment in a public safety/security position" and "likely to meet expectations" for the position based on field training officer predications. In addition, in support of his maturity, the appellant presents letters of recommendation. The appellant also cites the standards articulated in *In the Matter of Anastasia Vey*, 124 N.J. 534 (1991) and 135 N.J. 396 (1994), which states in pertinent part that an employer must establish the characteristics being examined or measured, then establish how each characteristic or trait being measured is important to the position, and finally, demonstrate by professionally acceptable measures that the selection device predicts or correlates with the work characteristic or trait. The appellant contends that the test results and conclusions of Dr. Safran are flawed and the appointing authority has failed to satisfy its burden of proof in this matter. Accordingly, he maintains the 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 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 is not persuaded by the appellant's exceptions in this matter and agrees with the Panel's conclusions regarding the appellant's immaturity. The Commission notes that, when given the opportunity to explain the incidents to the Panel, the appellant described his interaction with law enforcement as having been due to the behavior of other individuals, rather than taking personal responsibility for his actions. Any adverse interaction with law enforcement, regardless if such interactions result in arrests or convictions, may be cause to disqualify an individual from a position in law enforcement. In this case, although the appointing authority was aware of such incidents, the interaction supports a finding that the appellant is not psychologically suited for the position. In other words, the recentness and substance of these incidents support the findings of judgment issues and immaturity raised in Dr. Safran's report and meet the standards articulated in *Vey, supra*. When coupled with concerns raised regarding verbal comprehension and the appellant's ability to comprehend a situation and make sound decisions, which the appellant's own psychological evaluator noted, these findings more than support the appellant's psychological unsuitability for the subject position.

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

ORDER

The Commission finds that the appointing authority has met its burden of proof that S.A. 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 24TH DAY OF MARCH, 2021

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