



STATE OF NEW JERSEY

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

In the Matter of D.E.M., Fire Fighter
(M1809W), City of Camden

CSC Docket No. 2022-2628

Medical Review Panel Appeal

ISSUED: November 2, 2022 (BS)

D.E.M. appeals his rejection as a Fire Fighter candidate by the City of Camden and its request to remove his name from the eligible list for Fire Fighter (M1809W) 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 July 12, 2022, which rendered its Report and Recommendation on July 19, 2022. Exceptions were filed by the appellant.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Christopher Sbaratta, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as presenting with serious concerns in the areas of judgment, decision making, dependability, and conscientiousness. Dr. Sbaratta noted that the appellant had been terminated from employment four times. Although the appellant denied any criminal charges or arrests, Dr. Sbaratta indicated that the appellant had been arrested and charged with driving under the influence of alcohol (DUI). He characterized the appellant as “unable and/or unwilling” to recall his blood alcohol content at the time of his arrest but indicated that he “probably had more than he should have (to drink).” The appellant stated that his driver’s license had been suspended a total of five or six times, mostly due to unpaid traffic tickets. He self-reported that he had been pulled over 25 times and had been issued 12 motor vehicle summonses in the five-year period prior to the evaluation. The appellant also reported late payments on his credit cards, having personal loans in collections, and

having his vehicle repossessed in 2015. As a result, Dr. Sbaratta did not recommend the appellant for appointment to the subject position.

Dr. Ange Puig, evaluator on behalf of the appellant, carried out a psychological evaluation and noted that the appellant provided responses to a psychological test that indicated that he was a “poorly suited applicant by psychologists with an expertise in assessment for public safety job applicants.” However, the appellant provided responses to other tests in which he denied ever being terminated from employment or having any driving history or credit problems. Dr. Puig found the appellant to be “prompt, appropriate and focused” during the evaluation and provided test results that “were not reflective of aberrant behavior or behaviors inconsistent with typical Fire Fighter/EMT norms.” Dr. Puig also found “no clinical flags” in his behavioral observation and/or interview of the appellant which were inconsistent with the psychological makeup of the typical Fire Fighter/EMT candidate. Dr. Puig opined that the findings supported appropriate judgment, skills, and coping ability for the appellant to be employed as a Fire Fighter.

As indicated by the Panel in its report, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. While Dr. Sbaratta raised concerns regarding the appellant’s history of arrest for DUI, poor driving record, and four terminations from employment, Dr. Puig did not have the same concerns and commented on the appellant possessing appropriate judgment, skills, and coping ability for the appellant to be employed as a Fire Fighter. The Panel discussed its concerns with the appellant’s behavior during the Panel meeting, including his four terminations. The appellant explained that he wrote “terminated” on the forms because he thought it would “look worse” if he said he had resigned. The Panel expressed concerns about the appellant’s lack of integrity and honesty in the way he reported his personal history. The Panel had additional concerns regarding the failure of the appellant’s evaluator to mention the appellant’s DUI or driving history problems. Given that the appellant’s four previous jobs ended in unsatisfactory ways and that he has had many motor vehicle summonses and a DUI, the Panel indicated that it appeared that the appellant had failed to fully inform Dr. Puig regarding his background in an accurate manner. The Panel found that the concerns about honesty, responsibility, and integrity related to the appellant’s work history, driving record (including a DUI), and his history of financial difficulties rendered him unsuitable for employment in the subject position. As such, based on the foregoing, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, indicated that the appellant was not psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. Therefore, the Panel recommended that the appellant be removed from the subject eligible list.

In his exceptions, the appellant disagrees with the Panel's conclusions. While he acknowledges that his work and driving history is not perfect, he maintains that it is in his past. He is currently working as a medical transporter and has a "clean driving record and valid license." The appellant takes full accountability for his "mistakes" and indicates that it should not be held against him as "it is not an accurate description of who [he] is today." Therefore, the appellant requests that he be given a chance to become a Fire Fighter as it has been a dream and goal of his for the past 15 years.

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.

The Civil Service Commission (Commission) has reviewed the Job Specification for Fire Fighter and the duties and abilities encompassed therein and finds that the negative psychological traits, which were identified by the appointing authority's evaluator and supported by its test procedures, and the behavioral record of the appellant relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission does not find the appellant's exceptions to be persuasive. In this regard, the Commission notes the appellant's history of arrest for DUI, poor driving record, four terminations from employment, and credit problems, each being demonstrative of deficiencies in judgment, which is not conducive to an individual seeking a position in public safety. Further, although the appellant maintains that his "mistakes" are in the past, the Commission finds the recent discrepancies in the appellant's self-reporting to the appointing authority's evaluator and his own evaluator, as noted by the Panel, also demonstrates a lack of integrity and honesty in

the way he reported his personal history. A lack of integrity and honesty are traits not conducive to an individual seeking employment in public safety. Accordingly, the Commission shares the Panel's concerns about the appellant's background and the traits it reveals, and whether he would be reliable and responsible to serve as a Fire Fighter.

It is emphasized that, prior to making its Report and Recommendation, 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 and, as such, are not subjective. The Panel's observations regarding the appellant's behavioral record, 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. The Commission finds that the record supports the findings of the Panel and the appointing authority's evaluator of the appellant's problematic behaviors. Accordingly, the Commission agrees with the Panel's assessment that the appellant is not psychologically suitable for employment as a Fire Fighter.

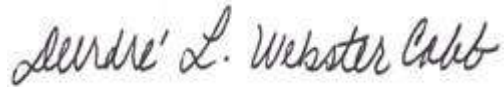
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed by the appellant, and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation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

ORDER

The Commission finds that the appointing authority has met its burden of proof that D.E.M. 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 2ND DAY OF NOVEMBER, 2022



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