



STATE OF NEW JERSEY

In the Matter of A.Z.,
Correctional Police Officer (S9999A),
Department of Corrections

CSC Docket No. 2022-1631

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

Medical Review Panel Appeal

ISSUE: November 23, 2022 (DASV)

A.Z. appeals her rejection as a Correctional Police Officer candidate by the Department of Corrections and its request to remove her name from the eligible list for Correctional Police Officer (S9999A) on the basis of psychological unfitness to perform effectively the duties of the position.

The appeal was referred for independent evaluation by the Civil Service Commission (Commission) in a decision rendered August 24, 2022. The Commission indicated that the Medical Review Panel (Panel) was unable to render a determination regarding the appellant’s psychological suitability given the concerns it had with her possible “passivity, naiveté and adjustment difficulties.” Therefore, the Commission adopted the Panel’s recommendation for the appellant to undergo an independent psychological evaluation. It noted that the evaluation should include an in-depth assessment of the appellant’s ability to tolerate stress in a correctional environment, which shall include a review of the appellant’s behavioral record, prior evaluations, and her psychological testing, as well as any additional psychological tests deemed necessary in order to determine the appellant’s psychological suitability to perform effectively the duties of a Correctional Police Officer. *See In The Matter of A.Z.* (CSC, decided August 24, 2022). The matter was then forwarded to the Commission’s independent evaluator Dr. Robert Kanen, who issued a Psychological Evaluation and Report on September 9, 2022. Exceptions were filed by the appellant.

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 and test data submitted by the previous evaluators, Dr. Kanen administered the following: Clinical Interview/Mental Status Examination; Shipley Institute of Living Scale; Verbal Comprehension Index of the Wechsler Adult Intelligence Scale, 4th Edition; Wide Range Achievement Test – Revision 3, Reading Part; Public Safety Application Form; Behavioral History Questionnaire; and the Inwald Personality Inventory-2 (Inwald). Upon his interview of the appellant and based on the test results, Dr. Kanen found that the appellant was functioning “in the low average range of intelligence” which is considerably below that of an average Correctional Police Officer. Dr. Kanen noted that the appellant’s scores raised concerns about her ability to comprehend moderately complex and stressful events. Moreover, the appellant was at risk for poor decision making and judgment. Dr. Kanen also indicated that the appellant’s abstract reasoning skills “are exceptionally weak.” Regarding passivity, Dr. Kanen found that the appellant presented as passive during her interview, and on the Inwald, she appeared to be honest and candid but was elevated in the passivity scale. Dr. Kanen stated that the appellant endorsed items consistent with individuals with below average levels of assertiveness. The appellant was also found to be prone to intimidation by others and was at risk for difficulty in communicating with inmates as a result of her poor vocabulary. On personality testing, Dr. Kanen reported that the appellant fell into the category of “not likely to recommend for employment in a public safety/security position.” Therefore, Dr. Kanen concluded that the appellant was psychologically unsuited for employment as a Correctional Police Officer.

In her exceptions, the appellant states that she has undergone two psychological evaluations at her own expense and both doctors did not find any personality dysfunction which would render her psychologically unsuited. She also had provided three references who are “able to vouch” for her. In addition, the appellant emphasizes that Dr. Jennifer L. Pacyon, her psychological evaluator, had stated that she was fully able to recall the words that were given to her and that her “reading and writing of simple sentence[s] were intact.” Moreover, the appellant notes that Dr. Mark D. Lerner, a New York Psychologist who also evaluated her, stated that she did not possess psychological impairment or psychopathology which would render her unfit to perform the duties of a Correctional Police Officer. In support of her appeal, the appellant presents a letter from Dr. Pacyon. Dr. Pacyon states that based on the information that was available to her at the time of the appellant’s evaluation, the appellant did not meet the diagnostic criteria for a mental health disorder and that her “psychological status” did not render her psychologically unfit. The appellant emphasizes that Dr. Kanen stated that she was honest and candid when providing her responses. In conclusion, the appellant submits that she is capable of working in a stressful environment as she is currently working as an infant teacher. Therefore, she requests that the Commission reconsider her disqualification and provide her with the opportunity to demonstrate that she is capable of performing the duties of a Correctional Police Officer and handle the stress associated with the job.

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 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. Specifically, as concluded by Dr. Kanen, the appellant lacks the cognitive ability to effectively perform the duties of a Correctional Police Officer. The appellant's scores raised concerns about her ability to comprehend moderately complex and stressful events. While Dr. Kanen noted that the appellant appeared to be honest and candid, she was elevated in the passivity scale, which is not conducive to a correctional environment as an incumbent must be decisive in emergency situations. Moreover, although the appellant maintains that Dr. Pacyon had stated that she was fully able to recall the words that were given to her and that her "reading and writing of simple sentence[s]" were intact, the more recent tests administered by Dr. Kanen demonstrated that she was at risk for difficulty in communicating with inmates as a

result of her poor vocabulary. As set forth above, a Correctional Police Officer must have the ability to analyze custodial problems, recognize significant conditions and take proper actions in accordance with prescribed rules, and prepare clear, accurate and informative reports of significant conditions and actions taken. While the appellant may be successful in her current employment, the appellant has not persuasively challenged Dr. Kanen's evaluation to disturb his conclusion in this matter.

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. As set forth in his report, Dr. Kanen discussed the appellant's background and behavioral history and noted his review of the prior evaluations. Accordingly, the Commission does not find the appellant's exceptions persuasive.

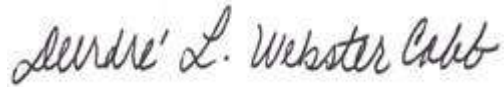
Therefore, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the independent evaluator's Psychological Evaluation and Report. Accordingly, the appellant's appeal is denied.

ORDER

The Commission finds that the appointing authority has met its burden of proof that A.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 23RD DAY OF NOVEMBER, 2022



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