



**STATE OF NEW JERSEY**

In the Matter of T.W., Police Officer  
(S9999A), Vineland

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

CSC Docket No. 2023-739

Medical Review Panel Appeal

**ISSUED: July 19, 2023 (AMR)**

T.W. appeals his rejection as a Police Officer candidate by Vineland and its request to remove his name from the eligible list for Police Officer (S9999A) 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 January 20, 2023, which rendered its Report and Recommendation on January 22, 2023. Exceptions were filed by the appellant.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Jennifer Buhler, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as presenting as a poor historian with a tendency to minimize areas of concern as well as to minimize his own responsibility for the consequences of his behaviors. She noted that T.W. displayed a tendency to say one thing and then the very next statement he would discount the previous statement. Moreover, Dr. Buhler indicated that the appellant had been terminated from employment four times. She also noted that, in line with his long-standing history of poor judgement and decision making, he reported a juvenile record, where he was arrested for allowing a classmate to use his cell phone to leave a "vulgar voicemail" for another classmate. Dr. Buhler stated that the appellant once again minimized his responsibility in this incident, stating he was merely "guilty by association." Further, Dr. Buhler was concerned about the appellant's judgement with regard to not following instructions and disrespectful behavior, both as a teenager and as an adult, in his current employment. Furthermore, testing demonstrated that the appellant "may experience a degree of

bias thinking.” Therefore, Dr. Buhler did not recommend the appellant for appointment to the subject position.

The Panel’s report also indicates that Dr. Melissa Lane, 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 prosocial individual with no overt symptoms of any major mood, anxiety or thought disorders. The appellant provided that, while he received probation as a juvenile for charges of harassment and terroristic threats, he has no adult criminal record and he indicated that he passed the background check for the position. Moreover, Dr. Lane noted that the appellant engaged in positive impression management and felt this was significantly higher when compared to other law enforcement employment candidates. He generally denied normative experience of stress and anger and engages in social activities, particularly for stress management. However, based upon Dr. Lane’s clinical impression and review of the data, she considered the appellant to be fit for duty as a Police Officer.

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. Dr. Buhler had concerns about the appellant’s vocational history, poor judgement and psychological testing including his responses to “bias” items. While Dr. Lane noted the appellant’s limited insight and minimization of “biases and weaknesses,” she found his “prosocial behavior, healthy interpersonal functioning,” lack of criminogenic concerns and psychiatric stability as the basis for his suitability to be employed as a Police Officer. 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 was not particularly concerned about the appellant’s juvenile history (judgement in lending out his phone, behavioral issues in school) as the behavioral history was not consistent with these issues persisting into adulthood. However, the Panel was concerned with the appellant’s responses to “bias” items on the testing and about his vocational history, which has persisted into adulthood. Specifically, the recent suspensions due to his not following the directive of a supervisor, as well as past terminations related to an accusation of theft of time and reducing the prices on purchased items were of concern. 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 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 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. He argues that the result is biased, and his character is being judged based on his prior employment history. He maintains that all information discussed during the Panel meeting was also discussed during his interview with the Vineland Police

Department, as well as his background investigation, all of which he responded to and he was nevertheless offered the position later that day. He states that he submitted his paperwork to payroll and purchased uniforms as instructed, before the deadline of the last week of July. He notes that his evaluation was conducted after the employment offer.

## CONCLUSION

The Job Specification for the title of Police Officer is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring. Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Civil Service Commission (Commission) has reviewed the Job Specification for Police Officer 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, four terminations from employment and the concerns that both the appointing authority and his evaluator had with regard to endorsement of bias items in the psychological tests. 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 Police Officer.

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 Police Officer.

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 T.W. is psychologically unfit to perform effectively the duties of a 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 19<sup>TH</sup> DAY OF JULY, 2023

*Allison Chris Myers*

---

Allison Chris Myers  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

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

c: T.W.  
Anthony Fanucci  
Richard Tonetta, Esq.

Division of Human Resource Information Services