

B-2



STATE OF NEW JERSEY

DECISION OF THE CIVIL SERVICE COMMISSION

In the Matter of R.R., Correction Officer Recruit (S9988R), Department of Corrections

Medical Review Panel Appeal

CSC Docket No. 2016-574

ISSUED: FEB 14 2017 (BS)

R.R. appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on June 29, 2016 which rendered the attached report and recommendation on July 25, 2016. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The negative indications related to the appointing authority evaluator's findings are in regard to the appellant's cognitive abilities and his history of being prescribed psychotropic medications. The appellant's evaluator did not note any cognitive problems nor did he comment on the appellant's mental history. The Panel noted that appellant was forthcoming during the meeting and answered its questions in a cooperative and verbally facile manner. The Panel noted the results of the cognitive testing but was not particularly impressed with these results serving as a rationale for finding the appellant psychologically unfit. During the interview, the Panel found the appellant to be verbally fluent and without any clear evidence of impairment from cognitive problems. The Panel noted that the appellant possessed a good employment history and has worked with the public without obvious evidence of impairment from cognitive problems. The Panel noted that the tests employed by Dr. Guillermo Gallegos, evaluator for the appointing authority, were screening tests and the Panel opined that a non-screening test such as the Wechsler

Adult Intelligence Scale (WAIS) might shed further light on the nature of the appellant's cognitive issues.

With regard to his history of a mood disorder, the Panel noted that the appellant had been in treatment for many years. However, Dr. Gallegos commented on the appellant's mental health history but failed to comment on the history of suicidality or the appellant's stay in a psychiatric hospital as an adolescent, items the appellant noted in the Candidate and Officer Personnel Survey (COPS) test. The appellant's own evaluator, Dr. Daniel Mahoney, failed to mention these issues at all. The Panel was unable to render an opinion on whether or not this history, and his current mental status related to these issues, rendered the appellant psychologically unsuitable for employment as a Correction Officer Recruit.

Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correction Officer Recruit, justified sending the appellant for an independent psychological evaluation. That evaluation should focus on addressing the cognitive and mental health issues noted in the Panel's report.

CONCLUSION

The Civil Service Commission has reviewed the report and recommendation of the Medical Review Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel's recommendation that greater clarification is needed regarding the appellant's cognitive functioning and whether his mental health history, including the time he spent as an adolescent in a psychiatric hospital, rendered the appellant psychologically unsuitable for employment as a Correction Officer Recruit. Therefore, the Commission finds it necessary to refer this matter for independent evaluation by a New Jersey licensed psychologist. Such an evaluation should address the areas of concern raised by the Panel.

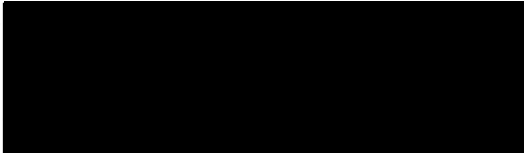
ORDER

The Civil Service Commission therefore orders that R.R. be administered an independent psychological evaluation. The Commission further orders that it is appropriate in this matter to assess the cost incurred for this evaluation to the appointing authority in the amount of \$530. Prior to the Civil Service Commission's

reconsideration of this matter, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

R.R. is to contact Dr. Robert Kanen, the Civil Service Commission's independent evaluator, in order to arrange for an appointment within 15 days of receipt of this order. Dr. Kanen's address is as follows:

Dr. Robert Kanen



If R.R. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Civil Service Commission for final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 8TH DAY OF FEBRUARY, 2017

A handwritten signature in cursive script that reads "Robert M. Czech".

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

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

Attachment

c: R.R.
Jennifer Rodriguez
Kelly Glenn
Dr. Robert Kanen