



STATE OF NEW JERSEY

**DECISION OF THE
CIVIL SERVICE COMMISSION**

In the Matter of D.M., Police Officer
(S9999U), City of Newark

CSC Docket No. 2018-3419

Medical Review Panel

ISSUED: JUNE 14, 2019 (DASV)

D.M., represented by Ricardo Gonzalez, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999U) 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 February 22, 2019, which rendered a report and recommendation. No exceptions were filed by the parties. It is noted that the appellant, his attorney, and France Casseus, Assistant Corporation Counsel, and Drs. Nicole Rafanello and Christopher King on behalf of the appointing authority were present at the Panel meeting.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant's history of an assault charge in 2008 and his psychological test results. Although the Panel did not find a pattern of aggression or violence that would psychologically disqualify the appellant from employment, it had concerns with the appellant's comprehension of certain test items. It noted that, during the Panel meeting, the appellant's explanation of his responses to the test items was unclear, as well as his responses about his student loan status and college grade point average. In reply, Dr. Rafanello indicated that, as a part of the testing process, candidates are given an explanation regarding double negatives and an opportunity to obtain clarification of the meaning of words. However, Dr. Rafanello submitted that the appellant had significant difficulty in accurately completing the test items. Based on this information, the Panel determined that the appellant may be

struggling with cognitive and communication limitations which could interfere with the performance of the duties of a Police Officer. Therefore, the Panel concluded that the appellant should undergo an independent evaluation to address the concerns raised with respect to his communication skills and ability to comprehend verbal information at a level expected of a Police Officer. The evaluation should also include an assessment of the appellant's intellectual abilities and whether his ability would meet the intellectual demands of a Police Officer position.

CONCLUSION

The Civil Service Commission (Commission) has reviewed the report and recommendation of the 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 and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist which shall include the proper protocol for an in-depth intellectual and cognitive assessment of the appellant for a Police Officer position. The independent evaluation should also consist of the appropriate test(s) to determine whether the appellant's communication skills and his verbal comprehension are at a level appropriate for a Police Officer.

ORDER

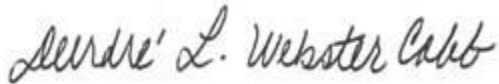
The Commission therefore orders that D.M. be administered an independent psychological evaluation as set forth in this decision. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's consideration of the evaluation, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

D.M. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance date on this determination to schedule an appointment. Dr. Kanen's contact information is as follows:

Dr. Robert Kanen
Kanen Psychological Services
76 West Ridgewood Avenue
Ridgewood, New Jersey 07450
(201) 670-8072

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

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12TH DAY OF JUNE, 2019



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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and
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