

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

CSC Docket No. 2018-1069

ISSUED: March 29, 2019 (BS)

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Krista Dettle, (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as arriving late for her appointment without calling and as being dressed inappropriately when she arrived. The appellant presented as “nonchalant, passive, and very vague during her interview.” Although the appellant reported a history of no arrests, she had previously been arrested and issued a summons for being on a beach at night. Further, she had at least one license suspension and at least four or five motor vehicle summonses on her driving abstract. The appellant reported trying cocaine once at the age of 21 and initially stating she used marijuana “occasionally” from the ages of 14 to 20, she later stated she smoked it on a weekly basis. The appellant also admitted getting into physical confrontations with her siblings and another individual while drinking. Dr. Dettle concluded that the appellant was not psychologically suitable for employment as a Police Officer.

Dr. David S. Cowen (evaluator on behalf of the appellant) noted that the appellant denied suffering from anxiety, depression, bipolar disorder or obsessive compulsive disorder. The appellant has been employed for the last six years as a Pizzeria/Liquor Store Manager and denying any work performance problems. She reported that she was late for the appointing authority's assessment due to being stuck in traffic and not having a phone number to call and denying that she was inappropriately dressed. The appellant reported that she had shoplifted several times when she was 15 years old and receiving a ticket for being on a closed beach when she was 21. The appellant stated that she only had fights with her siblings and reported that the police did not have to be called and no one was injured. Dr. Cowen noted that the appellant scored "high" on a measure of substance abuse, but reporting no drug use in the last five years. The appellant also scored "high" for aggression, but claimed to only have fights with her siblings. Dr. Cowen found no significant psychological reason why the appellant would be unsuitable for employment as a Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel noted that the negative recommendations found support in primary concerns regarding possible poor judgment skills, potential poor resolution of conflicts, and immaturity. The Panel found the appellant's communication skills sub-par and significant follow-up by the Panel was required to obtain the information being requested. The Panel reviewed the appellant's behavioral record and had significant concerns about her judgment and conflict resolution skills. Of the most concern in the appellant's behavioral record to the Panel was her history of physical conflicts with siblings. The Panel noted that conflict resolution is an integral part of police work and officers are often confronted with emotionally charged or difficult interpersonal interactions. Responding to aggression with physical force or aggressive behaviors could escalate already volatile situations. The ability to exercise personal restraint in such situations is necessary in law enforcement work. Accordingly, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In her exceptions, the appellant asserts that she has worked in customer service and has never been involved in a heated verbal dispute. The appellant argued that it was "absolutely absurd" to conclude that she is aggressive because she engaged in two shoving matches with her siblings when she was 21 years old. The appellant further argued that Dr. Dettle was biased toward her because of her

lateness, lost her temper during the interview, and let it be known that her intention was to fail the appellant. Finally, the appellant claims that “every concern raised in all of the evaluations” has been brought to the attention of the appointing authority and, “with that knowledge, it has been highly recommended” that she should be hired as a Police Officer.

In its cross exceptions, the appointing authority, represented by H. Thomas Clarke, Esq., rejects the appellant’s assertion that its evaluator, Dr. Dettle, was biased and requests that the Commission reject the appellant’s unsubstantiated claims in this regard. The appointing authority asserts that, based on a review of the entire record presented to it, including the appellant’s appearance before it, the Medical Review Panel concluded that the appellant was not psychologically suitable to serve as a Police Officer. The appointing authority argued that that the Panel’s report and recommendation is fully supported by the record and requests that the Civil Service Commission uphold the appellant’s removal.

CONCLUSION

The Job Specification for the title, 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 Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds legitimate concerns were raised by the appointing authority’s evaluator concerning the appellant’s poor judgment and integrity issues. The Commission is not persuaded by appellant’s exceptions and shares the Panel’s concerns regarding possible poor judgment skills, potential poor

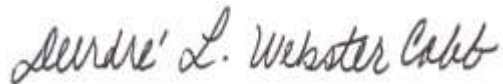
resolution of conflicts, and immaturity. The Commission finds the record, when viewed in its entirety, supports the findings of the Panel and the appointing authority's evaluator concerning her judgment and conflict resolution skills. Accordingly, the Commission is not comfortable in ratifying the appellant's psychological fitness to serve as a Police Officer.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that S.M.O. is psychologically unfit to perform effectively the duties of a Police Officer and, therefore, the Commission orders that her 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 27TH DAY OF MARCH, 2019



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