



STATE OF NEW JERSEY

In the Matter of J.G.A., Correctional
Police Officer (S9999U), Department
of Corrections

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

CSC Docket No. 2020-779

Medical Review Panel Appeal

ISSUED: NOVEMBER 27, 2020 (BS)

J.G.A., represented by Michael L. Prigoff, Esq., appeals his rejection as a Correctional Police Officer¹ candidate by the Department of Corrections and its request to remove his name from the eligible list for Correctional 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 on August 26, 2020, which rendered its Report and Recommendation on September 3, 2020. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The Medical Review Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correctional Police Officer, indicated that J.G.A. is psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should not be upheld. Accordingly, the Medical Review Panel recommended that J.G.A. be restored to the eligible list.

CONCLUSION

¹ Pursuant to *N.J.S.A. 11A:2-11.1*, effective May 1, 2018, the title of Correction Officer Recruit has been retitled Correctional Police Officer.

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.

Having considered the record, including the Job Specification for Correctional Police Officer and the duties and abilities encompassed therein, and the Medical Review Panel's Report and Recommendation issued thereon, and having made an independent evaluation of the same, the Civil Service Commission accepts and adopts the findings and conclusions as contained in the Medical Review Panel's Report and Recommendation.

ORDER

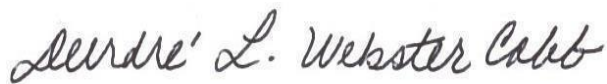
The Civil Service Commission finds that the appointing authority has not met its burden of proof that J.G.A. is psychologically unfit to perform effectively the duties of a Correctional Police Officer and, therefore, the Civil Service Commission orders that his name be restored to the subject eligible list. Absent any disqualification issue ascertained through an updated background check conducted after a conditional offer of appointment, the appellant's appointment is otherwise mandated. A federal law,

the Americans With Disabilities Act (ADA), 42 U.S.C.A. §12112(d)(3), expressly requires that a job offer be made before any individual is required to submit to a medical or psychological examination. *See also* the Equal Employment Opportunity Commission's *ADA Enforcement Guidelines: Preemployment Disability Related Questions and Medical Examination* (October 10, 1995). That offer having been made, it is clear that, absent the erroneous disqualification, the aggrieved individual would have been employed in the position.

Since the appointing authority has not supported its burden of proof, upon the successful completion of his working test period, the Civil Service Commission orders that appellant be granted a retroactive date of appointment to November 14, 2019, the date he would have been appointed if his name had not been removed from the subject eligible list. This date is for salary step placement and seniority-based purposes only. However, the Commission does not grant any other relief, such as back pay or counsel fees, except the relief enumerated above.

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 24TH DAY OF NOVEMBER 2020

A handwritten signature in cursive script that reads "Deirdre' L. Webster Cobb".

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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