



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of A.M.L.,
Police Officer (S9999A),
West New York

Medical Review Panel Appeal

CSC Docket No. 2022-167

ISSUED: MAY 23, 2022 (BS)

A.M.L., represented by Eric J. Marcy, Esq., appeals her rejection as a Police Officer candidate by West New York and its request to remove her 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 December 10, 2021, which rendered its Report and Recommendation on December 10, 2021. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It notes that Dr. Sandra Ackerman Sinclair, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as having serious concerns in the areas of conscientiousness, poor judgment and decision making, immaturity, and integrity. In that regard, Dr. Sinclair initially noted that the appellant interrupted other test takers during the preemployment psychological written test when she spoke out loud about her computer and mouse issues and continued to do so even when she was advised to raise her hand. Dr. Sinclair also indicated that the appellant had a concerning employment history, as evidenced by terminations and job abandonment. Serious concerns were also evident in the appellant's personal history, which included her involvement in a physical and verbal altercation with her ex-husband's girlfriend, and throughout her educational history, which included many "tardy/lates" in high school and being required to attend court monthly with her parents to attest that she was attending school.

Moreover, Dr. Sinclair noted that the appellant attempted to attend college and also a training program as a surgical technician but dropped out of both. Dr. Sinclair stated that the appellant demonstrated a “clear pattern of immaturity and failure to commit and fulfill responsibilities.” Dr. Sinclair found that the psychological test data confirmed her concerns. As a result, Dr. Sinclair concluded that the appellant was not psychologically suitable for employment as a Police Officer.

The Panel’s report also indicates that Dr. Gerald Figurelli, evaluator on behalf of the appellant, conducted a psychological evaluation and concluded that the appellant did not experience any clinically significant symptoms which would require formal mental health treatment or that would prevent her from assuming the role of a Police Officer. Dr. Figurelli confirmed that although the appellant had a history of unstable employment, she was currently employed as a patient care coordinator and works with a culturally and ethnically diverse patient population. Dr. Figurelli opined that, based upon the letters of co-workers and supervisors, the appellant’s recent work performance over the last 18 to 19 months presents a “significant contrast” to her earlier history. In that regard, he noted that the employee review documents for the appellant’s current position revealed that she had “‘excellent’ job knowledge, productivity, enthusiasm, cooperation, attitude, initiative, work relations, punctuality, attendance, dependability, and communication skills.” Dr. Figurelli contacted the appellant’s co-workers who wrote on her behalf to confirm their assessments. Each individual reported to Dr. Figurelli of their direct observation of consistent quality and stability of the appellant’s work performance. When Dr. Figurelli questioned the appellant about the change in her work performance, the appellant self-reported that it was “due to emotional maturity on her part; and in part, it [was] due to her developing an enhanced understanding of her career needs.” The appellant further self-reported that her history of legal problems, traffic violations, and financial difficulties had been “addressed and resolved.” Dr. Figurelli concluded that “the totality of the data available at this time” supported the appellant’s psychological suitability for employment as a Police Officer.

As set forth in its report, the Panel noted that Dr. Sinclair raised concerns about the appellant’s immaturity, conscientiousness, judgment, and decision making. Dr. Figurelli viewed the appellant as having the psychological suitability for performing the duties of the position sought. However, the Panel found that the concerns expressed in Dr. Sinclair’s assessment were present in the appellant’s appearance before the Panel. The Panel indicated that, although the appellant has been able to hold a full-time position for the past two years and, per her letters of reference, she is doing well at that job, her past pattern of behavior remained a concern. As per the appellant’s comments throughout her appearance before the Panel, many of the issues related to the appellant’s decisions and choices were due to “immaturity.” The Panel commended the appellant’s recent efforts in fixing her credit issues and successfully maintaining employment. However, the Panel could not recommend the appellant’s psychological suitability for appointment as a Police

Officer based on the information the Panel reviewed and the appellant's appearance before the Panel. As a result, 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 psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. Accordingly, the Panel recommended that the appellant be removed from the subject eligible list.

In her exceptions, the appellant asserts that she is qualified to serve as a Police Officer. Given her ties to the community, her ethnic heritage, her fluency in Spanish, and her employment in both a hospital and medical practice as a patient care coordinator, the appellant maintains that she is an "excellent candidate" to be a Police Officer. The appellant contends that "not enough weight" was given to the medical professionals who submitted letters of recommendation. The appellant admits that her "early education and early prior work history" were "problematic," but asserts that it is "clear that she has developed into a responsible committed professional . . . during the most significant medical crisis this country has experienced in a generation." In support of her assertions, the appellant argues that Dr. Sinclair did not have the benefit of reviewing the numerous recommendations available to Dr. Figurelli. The appellant further argues that "psychological tests are but one component of a clinical evaluation¹" and that the appellant's "early difficulties with education and employment skew the test results as the test results do not capture her employment performance during the COVID epidemic." Since the appellant does not have a diagnosable illness or clinical syndrome that requires treatment or any sociopathology or psychopathology that would prevent her from performing the duties of a Police Officer, the appellant respectfully requests that she be reinstated into the appointment process.

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.

¹ The appellant raises that one of the tests that Dr. Sinclair administered is a proprietary test and is "not admissible." However, as noted below, the Panel reviews the raw data and the 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.

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 this title and the duties and abilities encompassed therein and finds legitimate concerns were raised by the appointing authority's evaluator regarding the appellant's behavioral traits which are adverse to the position sought. Moreover, the Commission is not persuaded by the appellant's exceptions and shares the Panel's concerns about the appellant's immaturity and poor judgment and decision making as evidenced by her employment, personal, and behavioral history. While the appellant argues that such traits were demonstrated in her "early education and early prior work history," the Commission notes that, at the time of her preemployment psychological written test, the appellant exhibited behavior that was consistent with poor judgement and deemed to be disruptive to other test takers. While the Commission commends the appellant's positive change in behavior and decision-making abilities, the Commission cannot ratify her psychological suitability in view of the totality of the record at this time. Nonetheless, should the appellant continue these positive changes in her behavior going forward, she may wish to apply again when more time has passed.

The Commission further acknowledges the numerous medical professionals who submitted recommendations on the appellant's behalf but notes that an appellant's actual psychological suitability is determined by New Jersey licensed psychiatrists or psychologists. See *N.J.A.C. 4A:4-6.5(a)*. The Commission also emphasizes that the Panel conducts an independent review of all of the raw data presented by the parties as well as the 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. The findings of Dr. Figurelli and the numerous recommendations submitted in support of her appeal were thoroughly reviewed by the Panel prior to it making its recommendation. The Panel's observations regarding the appellant's 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 the record, when viewed in its entirety, supports the findings of the Panel and the appointing authority's evaluator concerning the appellant's behavioral traits. Accordingly, the Commission finds that the appellant is not psychologically fit to serve as a Police Officer.

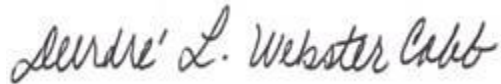
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon, and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusion as contained in the Panel's Report and Recommendation and denies the appellant's appeal.

ORDER

The Commission finds that the appointing authority has met its burden of proof that A.M.L. 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 18TH DAY OF MAY, 2022



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