



	:	<b>STATE OF NEW JERSEY</b>
	:	
	:	<b>FINAL ADMINISTRATIVE ACTION</b>
	:	<b>OF THE</b>
In the Matter of W.J., Correctional	:	<b>CIVIL SERVICE COMMISSION</b>
Police Officer (S9988T),	:	
Department of Corrections	:	
	:	
	:	
CSC Docket No. 2017-531	:	Medical Review Panel Appeal
	:	
	:	

**ISSUED: DECEMBER 7, 2018 (DASV)**

W.J., represented by Daniel J. Zirrith, Esq., appeals his rejection as a Correctional Police Officer<sup>1</sup> candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Police Officer (S9988T) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was referred for independent evaluation by the Civil Service Commission (Commission) in a decision rendered March 27, 2018, which is attached. The appellant was evaluated by Dr. Robert Kanen, who rendered the attached Psychological Evaluation and Report on April 23, 2018. Exceptions were filed on behalf of the appellant. No exceptions were filed by the appointing authority. It is noted that the Commission directed that the independent psychological evaluation shall include a full cognitive assessment of the appellant and evidence from the appellant of his work performance evaluations and writing samples.

The Psychological Evaluation and Report by Dr. Kanen discusses the evaluation procedure and reviews the previous psychological findings relative to the appellant. In addition to reviewing the reports, letters, recommendations and test data submitted by the previous evaluators, Dr. Kanen administered the following: Clinical Interview/Mental Status Examination; Wechsler Adult Intelligence Scale,

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

4<sup>th</sup> Edition; Wide Range Achievement Test – Revision 3, Spelling and Reading Parts, and the Inwald Personality Inventory – 2 (Inwald). Based on the test results, Dr. Kanen indicated that the appellant is functioning in the borderline range of cognitive ability, placing him above 3% and below 97% of his age group. Moreover, Dr. Kanen found that the appellant is not adequately alert to his surroundings, having difficulty in focusing and concentrating. Additionally, the Inwald, personality test revealed that the appellant fell into the category not likely to be recommended for employment in a public safety position. Therefore, Dr. Kanen determined that given the appellant's cognitive limitations, he would likely have difficulty in adapting to the demands of a situation. Accordingly, Dr. Kanen concluded that the appellant is psychologically unsuitable to perform the duties of the position sought.

In his exceptions, the appellant requests that the Commission reject Dr. Kanen's report and recommendation as it contains "a number of material errors and failed to properly follow the direction provided by the [Panel]." In that regard, the appellant explains that he presented copies of his work performance evaluations from The Home Depot and the Slackwood Volunteer Fire Company and his writing samples to Dr. Kanen. However, Dr. Kanen allegedly asked, "why do you need it." When the appellant responded that the Panel told him to bring this information, Dr. Kanen "simply took them, scanned them for approximately ten seconds and returned them" to the appellant. The appellant also approached Dr. Kanen after the written portion of the examination as to whether he needed the documentation, to which Dr. Kanen responded, "No, you can take them." Moreover, the appellant noted that Dr. Kanen referred to another candidate in his report.<sup>2</sup> The appellant argues that he has shown his ability to function at a higher level than what has been demonstrated in his test scores. He reiterates the findings of his psychologist, Dr. Harry Green, that he has sufficient cognitive abilities as he graduated high school, serves as a volunteer firefighter, and operates a successful business. In support of his appeal, the appellant submits letters of recommendation from his supervisor and the Assistant Chief of the Slackwood Volunteer Fire Company. He also submits the writing samples that he showed Dr. Kanen, which are The Home Depot case reports. It is noted that the appellant did not redact the names of the individuals in the cases reports. One case report referred to "aisle" as "isle." Moreover, the appellant indicates that he has been recognized as the number one Loss Prevention Specialist for The Home Depot in his district, which comprises of nine stores. He reiterates that the Commission should reject Dr. Kanen's

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<sup>2</sup> It is noted that Dr. Kanen was contacted regarding the reference to another individual in his report, which reads "[A.F.] was administered the Shipley Institute of Living Scale and was found." Dr. Kanen advised that the reference was mistakenly included in his report. Therefore, Dr. Kanen provided a revised report and confirmed that, but for this mistaken reference, the test results, the evaluation, and report were all attributable to the appellant. It is further noted that the appellant was provided with the revised report and the tests administered by Dr. Kanen. He was given an opportunity to submit supplemental exceptions. However, no further exceptions were filed.

evaluation and report given the “errors and omissions.” Alternatively, the appellant requests that he be referred for an independent evaluation with a different doctor.

## CONCLUSION

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.

The Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant’s ability to effectively perform the duties of the title. While the appellant may be successful in his current employment and as a volunteer firefighter, the record clearly supports that he is not psychologically suited for a Correctional Police Officer position, especially as evidenced by his cognitive testing. Furthermore, Dr. Kanen corrected the error in his report and the appellant has had the opportunity to file supplemental exceptions. The Commission has also reviewed the appellant’s writing samples. The Commission is concerned with the appellant’s lack of judgement in submitting unredacted case reports of a company which identifies individuals who may have been accused of shoplifting.

Thus, the Commission does not find that the appellant's exceptions are persuasive or a basis to send the appellant to another independent psychological evaluator.

Accordingly, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Psychological Evaluation and Report of the independent evaluator. Therefore, the appellant's appeal is denied.

**ORDER**

The Civil Service Commission finds that the appointing authority has met its burden of proof that W.J. is psychologically unfit to perform effectively the duties of a Correctional Police Officer and, therefore, the Commission orders that his 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 5<sup>TH</sup> DAY OF DECEMBER, 2018



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Attachment

c: W.J.  
Daniel J. Zirrith, Esq.  
Veronica Tingle  
Kelly Glenn





If W.J. 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 27<sup>TH</sup> DAY OF MARCH, 2018



Deirdre L. Webster Cobb  
Acting Chairperson  
Civil Service Commission

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Veronica Tingle  
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