



B-2

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of E.L., County
Correction Officer (C9979M), Essex
County

Medical Review Panel Appeal

CSC Docket No. 2015-3

ISSUED: **MAY 21 2015** (BS)

E.L. appeals her rejection as a County Correction Officer candidate by Essex County and its request to remove her name from the eligible list for County Correction Officer (C9979M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on February 18, 2015 which rendered the attached report and recommendation on February 18, 2015. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Susan A. Funari (evaluator on behalf of the appointing authority) carried out a psychological evaluation of the appellant and characterized her as having an inadequate ability score which suggested that she may have difficulty accessing knowledge quickly, applying strong logic skills, shifting reasoning strategies, and applying previous knowledge to new situations. In addition, Dr. Funari noted that the appellant's test results, in spite of her strong desire to present well, indicated above average levels of anxiety, mild levels of depressive feelings, some antisocial attitudes, some difficulty anticipating negative consequences for impulsive actions, and some unhealthy lifestyle choices. Dr. Funari indicated that the appellant is predicted to have difficulty with conflict control and report writing and is not likely to meet the expectations of the job. Dr. Funari opined that her presentation, background, and test results suggest that she lacks the requisite personality traits and behavioral characteristics necessary to

handle the stressors inherent in the position of County Correction Officer. Dr. Funari failed to recommend the appellant for the position sought.

Dr. James R. Cowan¹ (evaluator on behalf of the appellant) carried out a psychiatric evaluation of the appellant and concluded that her mental status was unremarkable. Dr. Cowan noted that the appellant did not appear to be depressed or anxious and concluded that the appellant was fit to serve as a County Correction Officer.

The Panel concluded that the negative recommendation found support in the appellant's appearance before the Panel. The negative recommendations that were indicated related to the appellant's intellectual ability, anxious presentation, difficulty anticipating negative consequences, and the likelihood she would not meet job expectations. The appellant answered all the Panel's questions. The Panel noted that the appellant made three previous unsuccessful attempts to pass the academy. As the Panel questioned her readiness this time, the appellant reported that she did not like confrontations and continued to rely on being trained to handle confrontational situations. The appellant reported that she would walk away from situations that involved confrontations. When the Panel suggested that this would not always be possible, the appellant offered that she would reprimand the inmate and, if the inmate did not listen, "there would be consequences." The appellant stated that her training would need to teach her which choices to make and actions to take. As the appellant continued to explain, it was clear to the Panel that her presentation was consistent with the concerns raised by Dr. Funari. Therefore, taking into consideration Dr. Funari's psychological evaluation, Dr. Cowan's psychiatric evaluation and the appellant's presentation at the Panel meeting, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for County Correction 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 is a suitable candidate for the position and that she "has never been so motivated to take advantage of this opportunity." The appellant reviewed Dr. Funari's remarks regarding her evaluation and indicates that she did not answer her questions thoroughly. The appellant suggested that her "fear of not passing" caused her "to answer without fully thinking them through." The appellant argues that she should be given another opportunity to respond so she can "fully comprehend" rather than be removed based on the evaluators' opposing reports.

¹ The Report and Recommendation of the Medical Review Panel incorrectly lists the appellant's evaluator on page 1. This is a typographical error and that evaluator's name has been redacted. Dr. Cowan is correctly indicated thereafter.

CONCLUSION

The Class Specification for the title of County Correction Officer is the official job description for such positions within the merit system. According to the specification, officers are responsible for the presence and conduct of inmates as well as their safety, security and welfare. An officer must be able to cope with crisis situations and to react properly, to follow orders explicitly, to write concise and accurate reports, and to empathize with persons of different backgrounds. Examples of work include: observing inmates in a variety of situations to detect violations of institutional regulations; escorting or transporting individual and groups of inmates within and outside of the institution; describing incidents of misbehavior in a concise, factual manner; following established policies, regulations and procedures; keeping continual track of the number of inmates in his or her charge; and performing regular checks of security hazards such as broken pipes or windows, locks that were tampered with, unlocked doors, etc.

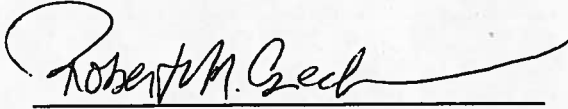
The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits which were identified and supported by test procedures and the behavioral record relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission finds that the exceptions filed by the appellant do not persuasively dispute the findings of the Panel, which are firmly based not only on the Panel's own review of the raw data and results of the tests administered by the evaluators to the appellant, but also on an assessment of the appellant's presentation before it. The Commission concurs with Panel's observations regarding the appellant's appearance before it and shares its concerns regarding the appellant's intellectual ability, anxious presentation, difficulty anticipating negative consequences, and the likelihood she would not meet job expectations. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that E.L. is psychologically unfit to perform effectively the duties of the title 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 20TH DAY OF MAY, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachments

c: E.L.
Alan Abramowitz
Kenneth Connolly