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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of V.V.,
Police Officer (Special Reemployment
List), Trenton

CSC Docket No. 2013-3482

Medical Review Panel Appeal

ISSUED: MAY 08 2015 (BS)

V.V. represented by Lawrence E. Popp, Esq., appeals his rejection as a Police Officer candidate by the Trenton Police Department and its request to remove his name from the Special Reemployment list for Police Officer on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on December 22, 2014, which rendered its report and recommendation on December 24, 2014. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Lewis Schlosser (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as producing test scores indicative of average intellectual functioning. Dr. Schlosser concluded that the appellant has evidenced chronic problems in his interpersonal functioning, which manifested itself primarily in his three arrests for domestic violence. Even though the charges were eventually dismissed, what was most concerning to Dr. Schlosser was that the fact that the incidents involved two different women. Dr. Schlosser noted that the appellant has seen first-hand how his problems in interpersonal relationships have negatively impacted his work as a Police Officer since 2008, such as being placed on restricted duty without firearm privileges, yet he has been unable and/or unwilling to interact in such a way with the mothers of his children so as not to necessitate the involvement of the police. Dr. Schlosser failed to recommend the appellant for appointment to the subject position.

Dr. Edward Tobe, evaluator on behalf of the appellant, carried out a psychiatric evaluation and characterized the appellant as being the subject of several domestic violence allegations, with no findings of guilt based on those allegations. Dr. Tobe further indicated that there were no records of problems with the appellant's conduct or performance while he was serving as a Police Officer. Dr. Tobe noted the appellant had performed his duties competently, handled difficult instances, and exercised good judgment. Dr. Tobe found the appellant to be cogent, understanding of his community, and caring about his job. Dr. Tobe concluded that there was no documentable evidence of psychiatric illness and that the appellant was fit for duty as a Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel concluded that the negative recommendation found support in the appellant's history of disciplinary actions taken against him due to interpersonal conflicts that occurred in his home. The appellant answered all of the Panel's questions regarding the aforementioned issue during his appearance. The Panel was concerned about the appellant's lack of insight into the interpersonal interactions that led up to and precipitated the domestic violence charges being lodged against him. The Panel was also quite concerned about the appellant's explanations, which focused exclusively on the problems he believes the mothers of his children had rather than expressing any understanding of the role his own behavior played in the conflicts, and the Panel collectively found that the issues raised by the appointing authority's evaluator were of enough merit to warrant the conclusion that the appellant is not psychologically suitable to effectively perform the duties and responsibilities of the position he is seeking. 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 mentally 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 his exceptions, the appellant asserts that he held the position of Police Officer for a period of five years prior to Trenton's financial crisis. The appellant takes exception to the Panel's characterization that he lacked understanding of his actions in each of the three incidents. He claims he was "nervous" during the Panel meeting, and that his answers were "brief." The appellant argues that he can explain each incident "in more detail, with more insight," and then presents his written descriptions of the three incidents.

CONCLUSION

The Class Specification for 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 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 concurs with the Panel that the appellant lacks insight and understanding of the role his own behavior played in each of these incidents and the fact that disciplinary action was taken against him supports the conclusion that he is not psychologically suitable for employment as a Police Officer, a role in which one must demonstrate insight and understanding in various situations and exercise good judgment. The Commission finds that the appellant's anecdotal explanations do not persuasively dispute the findings and recommendations of the Panel in this regard.

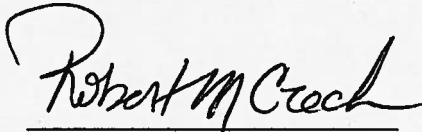
Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed by the appellant, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the attached Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that V.V. is psychologically unfit to perform effectively the duties of a 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 6TH DAY OF MAY, 2015**



**Robert M. Czech
Chairperson
Civil Service Commission**

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Attachments

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