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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of O.T., County
Correction Officer (S9999R), Union
County

Medical Review Panel Appeal

CSC Docket No. 2015-1245

ISSUED: **SEP - 4 2015** (BS)

O.T. appeals his rejection as a County Correction Officer candidate by Union County and its request to remove his name from the eligible list for County Correction Officer (S9999R) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on May 27, 2015 which rendered the attached report and recommendation on May 27, 2015. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Robert Kanen (evaluator on behalf of the appointing authority) carried out a psychological evaluation of the appellant and characterized him as having a history of anxiety, panic attacks, and low self-esteem and a lack of confidence. Additionally, the testing suggests high levels of anxiety, depressive feelings, difficulty controlling conflict, and difficulty establishing and maintaining positive relationships. Dr. Kanen noted that the appellant presented as passive, anxious, and depressed during the interview. Dr. Kanen opined that the appellant was likely to be easily intimidated by a correctional environment. Dr. Kanen failed to recommend the appellant for the position sought.

Dr. Francine Silver (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and characterized the appellant as being non-defensive about his past struggle with anxiety and successful treatment. Dr. Silver opined that the appellant has demonstrated the ability to successfully

maintain high stress jobs for many years and long working hours while supporting his family. Dr. Silver opined that there was no reason to believe that the appellant would not be successful working as a County Correction Officer and she recommended him for the position.

The Panel concluded that the negative recommendation found support in the appellant's lack of self-confidence, depressed and anxious appearance, and predisposition to being intimidated by a corrections environment. The appellant answered all of the Panel's questions regarding his employment history, financial difficulties, and anxiety difficulties. The Panel noted that the appellant had sought treatment for his anxiety, saw a psychologist for a year, was prescribed medications, and noted improvement after about three or four months. The Panel noted that the appellant appeared anxious when he arrived at the Panel meeting, which is not unusual. However, as the meeting progressed, the appellant's level of anxiety did not dissipate, which is the case with most applicants. The Panel noted that Dr. Kanen's assessment, that of passivity, anxiety, difficulty controlling conflict, and being easily intimidated, were all readily apparent in the appellant's presentation to the Panel. Therefore, taking into consideration Dr. Kanen's psychological evaluation, Dr. Silver's psychological 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 his exceptions, the appellant asserts that he has not been treated by a psychologist in 17 years, continues to serve in the New Jersey National Guard, and feels that his anxiety should not be an issue. The appellant disagrees with the findings of Dr. Kanen and the Panel and argues that Dr. Silver interviewed him for over an hour and that she believes he was psychologically suitable for the subject position. The appellant argues that if his appeal is denied, he should be sent for an independent psychological examination.

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 the Panel's observations regarding the appellant's appearance before it and shares its concerns regarding the appellant's lack of self-confidence, history of anxiety issues, depressed and anxious appearance, and predisposition to being intimidated by a corrections environment. Further, the Commission finds no compelling reason to refer this appellant for an independent psychological evaluation. 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 O.T. is psychologically unfit to perform effectively the duties of the title 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 2ND DAY OF SEPTEMBER, 2015



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Attachments

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