



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of M.P.,  
Police Officer (S9999M), Borough of  
Roselle

CSC Docket No. 2013-1212

Medical Review Panel Appeal

ISSUED: **AUG 14 2014** (BS)

M.P. represented by Darryl M. Sanders, Esq., appeals his rejection as a Police Officer candidate by the Borough of Roselle and its request to remove his name from the eligible list for Police Officer (S9999M) 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 22, 2014, which rendered its report and recommendation on May 27, 2014. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Irving B. Guller (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as producing test scores indicative of "the bottom end of the low average range and significantly below the level normally required for a public safety officer" and significantly below the necessary level for a person who would carry a weapon. Dr. Guller concluded that, although the appellant was a good-natured, pleasant individual, who was obviously very interested in working as a Police Officer, he is limited intellectually and cognitively. Dr. Guller opined that, while there is no overt pathology, the deficits which the appellant shows and which were confirmed twice by testing for ability, would appear to preclude him from being a Police Officer and he would potentially represent a danger in a crisis situation where he would have possession of a weapon. Dr. Guller failed to recommend the appellant for appointment to the subject position.

Dr. Anne R. Farrar-Anton, evaluator on behalf of the appellant, carried out a psychological evaluation and characterized the appellant as a friendly and engaging young man who is pursuing his ambition to be a Police Officer. Dr. Farrar-Anton noted, and her own testing revealed, that the appellant exhibited some weaknesses in his neurological functioning which Dr. Farrar-Anton opined were likely the direct result of his chemotherapy, bone marrow transplant, and radiation treatment for his childhood diagnosis of Acute Lymphocytic Leukemia. However, Dr. Farrar-Anton found that the appellant's overall performance was similar to that of his same-age peers with regard to his intellectual reasoning skills and that this should not preclude him from serving 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 potential cognitive limitations. The appellant answered all of the Panel's questions regarding the aforementioned issue during his appearance. The Panel was concerned about the appellant's ability to discern some of the critical aspects of challenges that may arise when one has to contend with a wide variety of individuals and circumstances while working as a Police Officer. This was evidenced by his difficulty with expressing how he might interact differently with individuals based on their presentation or behavior. The appellant also offered some responses which were not seen as completely addressing the concerns or issues raised. The Panel collectively found that there was sufficient evidence to support the findings from the evaluation conducted on behalf of the appointing authority. 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 is a graduate of Seton Hall Preparatory School and that he has taken and passed the law enforcement examination twice before. The first time he scored a 91 and the last time a 92. Additionally, the appellant asserts that he has been employed as a Security Guard for over eight years at the Ronald Reagan Academy in Elizabeth where he "performs some of the functions of a Police Officer already and his performance has been exemplary." The appellant states that his medical history is well-documented by all the parties in this matter and that he has been participating in a program called "Cure and Beyond," which is a program for people like the appellant who survived a life-threatening disease. The appellant disputes the findings of the Panel and the appointing authority that possessing an IQ of 86 makes it "too dangerous for a person to possess a firearm as a Police Officer" and he cites a county in South Carolina that actually significantly lowered its maximum IQ cut-off

because new hires with IQs of 60 "were less likely to second guess orders, less susceptible to corruption, and less likely to hurt innocent people. The theory is the less likely new hires are to question superior officers, the safer the community will be." Finally, the appellant argues that he is a good learner and that a person's IQ is not fixed and that it can be improved over time. At the academy, the appellant will be trained in how to handle the different situations the Panel expressed concern about, and that would be the proper venue to raise these issues. For all of these reasons, the appellant requests that the Civil Service Commission not adopt the Panel's report and recommendation and restore him to the subject eligible list. In support of his appeal, the appellant submitted two performance evaluations from his position as a Security Guard and a letter of recommendation from the School Principal.

### CONCLUSION

The Class Specification for Police Officer is the official job description for such municipal positions within the merit 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 finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel in this regard. The Panel and the appointing authority were actually concerned with the appellant's overall intellectual and cognitive functioning as revealed in the testing, not merely his IQ

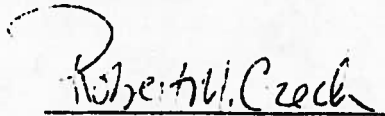
score which was in the low average range and not low enough to disqualify him. The Panel's concerns centered on the appellant's apparent inability to discern the critical aspects of diverse situations with which he would have to contend as a Police Officer. This was evidenced in the difficulty he had in expressing his responses and some responses he offered to the Panel were not seen as adequately addressing the concerns or issues raised. The Commission notes that the Panel conducts an independent review of all of the raw data presented by the parties as well as the raw data and 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 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. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of 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 M.P. 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 13TH DAY OF AUGUST, 2014



Robert M. Czech  
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  
PO Box 312  
Trenton, New Jersey 08625-0312**

**Attachments**

**c: M.P.  
Darryl M. Saunders, Esq.  
David G. Brown, II  
Kenneth Connolly**