



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of T.H.,
Police Officer (S9999R), City of
Elizabeth

CSC Docket No. 2016-996

Medical Review Panel Appeal

ISSUED: November 27, 2018 (BS)

T.H., represented by Stephen B. Hunter, Esq., appeals her rejection as a Police Officer candidate by the City of Elizabeth Police Department and its request to remove her name from the eligible list for Police Officer (S9999R), City of Elizabeth on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on September 28, 2016, which rendered its report and recommendation on October 19, 2016. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Mark Siegert (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as having a history of being suspended twice in high school for cutting classes and as being employed as a Correction Officer Recruit since 2012. The appellant had been terminated from a previous position at a supermarket for excessive absences, which she attributed to mandatory meetings and appointments she had to attend when applying to work at the Department of Corrections. Additionally, the appellant has a poor credit history, which included not making payments on an auto loan for a few months, and having her license suspended on several occasions for unpaid parking tickets. The appellant had been arrested in December 2008 and charged with Criminal Mischief, Possession of a Weapon, and Possession of a Weapon for Unlawful Purpose. Objective psychological testing indicated that the appellant would not likely be recommended for a position in law

enforcement or public safety. Dr. Siegert failed to recommend the appellant for appointment to the subject position.

Dr. David J. Gallina (evaluator on behalf of the appellant) reviewed the behavioral history, previous psychological testing, and conducted a psychiatric evaluation of the appellant. The appellant produced responses that indicated that she was a low risk for experiencing clinical problems. Dr. Gallina opined that, within reasonable medical certainty, the appellant was psychologically suitable for employment 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 poor judgment and history of not acting in a responsible manner in some important areas of her life. The appellant did appear to have made some important changes in her life, such as resolving her credit problems. However, she did admit receiving 20 parking tickets, simply putting them in her glove compartment, and not addressing them for years. She also displayed a lack of accountability and good judgment involving a paintball gun incident. Her presentation during the Panel meeting revealed that she did not appreciate the seriousness of this incident which led to her arrest and posed a danger to other motorists. The Panel also expressed concerns about the appellant's communication style which indicated a lack of awareness of the concerns of the Panel with regard to her history of irresponsible behaviors. Accordingly, 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 her exceptions, the appellant asserts that the Panel failed to consider her successful performance as a Correction Officer, her letters of reference, nor the fact that she had passed a previous psychological examination for her job as a Correction Officer. Further, the appellant asserts that the Panel placed too much emphasis on incidents which occurred ten years in the past in arriving at its negative recommendation. The appellant notes that Investigators from the Department of Corrections were aware of these incidents but she nevertheless passed the background investigation. Finally, the appellant contends that the Panel's report and recommendation is arbitrary and capricious in that it failed to comment on the appellant's "approximately five years of outstanding service" as a State Correction Officer. The appellant respectfully requests that the Commission reject the Panel's report and recommendation and restore her name to the subject eligible list.

CONCLUSION

The Job Specification for the title, 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 Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds legitimate concerns were raised by the appointing authority's evaluator concerning the appellant's poor judgment and history of not acting in a responsible manner in some important areas of her life. The Commission is not persuaded by appellant's exceptions that she has served successfully in another law enforcement title. The Commission notes that Correction Officer and Police Officer are two distinct titles and passing a psychological examination for one is no guarantee that an individual is psychologically suitable for another title as well. The Commission notes that a Police Officer occupies a far more visible role within the community than a Correction Officer, and as such candidates for employment as Police Officers are held to a higher standard of personal accountability. Over the years, the appellant has exhibited a pattern of questionable judgment and she clearly demonstrated to the Panel that she still did not appreciate the seriousness of her actions, even ten years later. The Commission finds the record, when viewed in its entirety, does not present an individual who is psychologically suitable to serve as a Police Officer.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that T.H. is psychologically unfit to perform effectively the duties of

a Police Officer 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 21ST DAY OF NOVEMBER, 2018



Deirdré L. Webster Cobb
Chairperson, Civil Service Commission

Inquiries
and
Correspondence:

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
PO Box 312
Trenton, New Jersey 08625-0312

c: T.H.
Stephen B. Hunter, Esq.
AA
Kelly Glenn