

ability," which is "significantly below that of the average law enforcement officer" and supports the testing of the initial preemployment evaluation that showed a low score on decision making and judgment and communication skills. Dr. Kanen stated that the foregoing result raises concerns about the appellant's ability to understand complex information within a fast-moving situation and arrive at a decision which reflects sound reasoning and judgment. It was also determined that the appellant's attention to detail was limited, which leaves him at risk for not recognizing security issues. Moreover, Dr. Kanen determined that although the appellant "is functioning within normal ranges on personality testing and shows no indication of a major mental illness or substance abuse problems, his cognitive deficiencies and lack of insight would leave him at risk for poor reasoning and inappropriate responses to events encountered in a law enforcement/correctional environment." It is noted that Dr. Kanen is referring to the Inwald Personality Inventory-2 Report (Inwald), which indicated that, based on this test, the appellant was likely to be recommended for employment in a public safety position. However, Dr. Kanen further indicated that the appellant was found to be "guarded," which contributes to lowering the validity of the test. The appellant's response style on the Inwald also suggested "socially acceptable responses were favored and limited self-insight." Based on the foregoing findings and test results, Dr. Kanen concluded that the appellant was psychologically unsuited to serve as a County Correction Officer.

In his exceptions, the appellant objects to a series of questions asked of him by Dr. Kanen. For instance, the appellant was asked, "how is water made," "what continent is the Sahara desert in," and "who was the president during the Civil War." He was also directed to put shapes and puzzles together and was given mathematical questions. The appellant challenges the relevancy of these questions and argues that the tests administered by Dr. Kanen fail to place him in a hypothetical setting for a law enforcement situation. In comparison, the appellant states that the doctor who performed his psychological evaluation for the County Police Officer position conducted a series of cognitive ability tests and asked him relevant questions, such as how he would handle a situation when two men were fighting and one man pulls a knife on the other man. Regarding the Inwald, the appellant argues that Dr. Kanen "expounds upon every single examination done except for one, the results of the personality test," which calls his findings into question. The appellant emphasizes that the Inwald provided positive results in his favor in that he is likely to be recommended for employment in a public safety position and likely to meet expectations in "control of conflict," "public relations," "report writing," and "overall [Field Training Officer] rating." He contends that Dr. Kanen should have given the findings much more weight. Therefore, the appellant urges the Commission to reject Dr. Kanen's report and recommendation, or alternatively, send him to another independent evaluator for an evaluation of cognitive ability related to the position of County Correction Officer.

CONCLUSION

The Class Specification for the title of County Correction Officer is the official job description for such positions within the Civil Service 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 Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds 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 shares the concerns of Dr. Kanen and does not find the exceptions presented by the appellant to be persuasive. The appellant possesses traits which are not conducive for a County Correction Officer, as he is likely not able to cope with crisis situations and to react properly due to his cognitive deficits. The appellant criticizes Dr. Kanen on the type of questions he posed and cognitive tests he administered. However, the appellant presents no authority or expert rebuttal to challenge these assessment tools and invalidate their use. There was no directive for Dr. Kanen to exclusively use hypothetical questions in a law enforcement situation to test the cognitive ability of the appellant. Moreover, Dr. Kanen did in fact consider the Inwald as noted above, and the Commission is not persuaded that he failed to give the test results the proper weight. In that regard, the Commission is mindful that the Inwald is but one test among many factors in considering the psychological suitability of a candidate. Indeed, the Inwald emphasizes that:

[t]his report is intended to be used as an aid in assessing an individual's suitability for a job in the public safety/security field. It is not intended as a substitute for a clinical interview, as a final evaluative report regarding a candidate's ultimate job suitability, or as a sole source for denying employment to an applicant. It has been developed with the purpose of providing relevant information to be further explored in individual interviews and investigations.

Dr. Kanen performed a clinical interview and administered other tests. The appellant scored significantly below that of the average law enforcement officer,

which supports the preemployment testing. It is emphasized that Dr. Kanen is a licensed psychologist. In addition to his own evaluation and testing, Dr. Kanen conducts an independent review of the Panel's Report and Recommendation and the raw data, recommendations and conclusions drawn by the various evaluators prior to rendering his own conclusions and recommendations, which are based firmly on his expertise in the field of psychology and his experience in evaluating the psychological suitability of hundreds of applicants for employment in law enforcement and public safety positions. Accordingly, having considered the record and the report and recommendation of the independent evaluator and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the attached report and recommendation of the independent evaluator.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that A.F. is psychologically unfit to perform effectively the duties of a County Correction 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 20TH DAY OF JUNE, 2018

Deirdre L. Webster Cobb

Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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and
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Trenton, New Jersey 08625-0312

Attachment

c: A.F.
Corey M. Sargeant, Esq.
Frank E. Cirii
Antonieta Rinaldi, Esq.
Peter Celeste
Kelly Glenn
Records Center

STATE OF NEW JERSEY

DECISION OF
CIVIL SERVICE COMMISSION

In the Matter of A.F., County
Correction Officer (S9999R),
Department of Corrections

CSC Docket No. 2017-98

Medical Review Panel

ISSUED:

(DASV)

A.F., represented by Corey M. Sargeant, Esq., appeals his rejection as a County Correction Officer candidate by Camden 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 (Panel) on July 26, 2017, which rendered the attached report and recommendation. No exceptions were filed by the parties. It is noted that the appellant, his attorney, and Antonietta Rinaldi, Esq., County Correction Lieutenant Robert Leithead, and Dr. Jennifer Kelly on behalf of the appointing authority were present at the Panel meeting.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. Dr. Kelly's concerns related to the results of the appellant's testing which revealed that he had difficulties with cognition and understanding complex material. Moreover, during the Panel meeting, the appellant exhibited difficulty understanding questions posed by the Panel. The Panel indicated that the appellant has a history of anxiety and ADHD, which may exacerbate problem-solving and learning complex information. However, the latter diagnosis would not in and of itself disqualify the appellant from the position sought. Additionally, while the appellant's score on the Wonderlic test, a cognitive measure, had been referenced, it did not appear that the test was administered to the appellant for the current position. Nonetheless, the Panel noted that the Wonderlic test does not provide a thorough assessment of cognition. Therefore, based on the evaluations, the test results of the appellant, and his presentation at the meeting, the Panel requested that the appellant undergo an independent

evaluation to assess "the cognitive ability of the applicant coupled with the concerns around attention to safety and impulse control."

CONCLUSION

The Civil Service Commission (Commission) has reviewed the report and recommendation of the Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel's recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist.

ORDER

The Commission therefore orders that A.F. be administered an independent psychological evaluation. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's reconsideration of this matter, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

A.F. is to contact Dr. Robert Kanen, the Commission's independent evaluator, in order to arrange for an appointment within 15 days of receipt of this order. Dr. Kanen's address is as follows:

Dr. Robert Kanen
Kanen Psychological Services
76 West Ridgewood Avenue
Ridgewood, New Jersey 07450
(201) 670-8072

If A.F. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 15TH DAY OF NOVEMBER, 2017



Robert M. Czedh, Chairperson
Civil Service Commission

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and
Correspondence:

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Attachment

c: A.F.
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Annemarie Ragos