



STATE OF NEW JERSEY

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

In the Matter of D.F., Police Officer
(S9999U), Township of Bloomfield

CSC Docket No. 2018-229

Medical Examiners Panel Appeal

ISSUED: APRIL 22, 2019 (DASV)

D.F. appeals the request by the Township of Bloomfield to remove his name from the Police Officer (S9999U) eligible list for medical unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Examiners Panel (Panel) on January 30, 2019, which rendered a report and recommendation on February 6, 2019. Neither the appellant nor the appointing authority was present at the meeting. Exceptions were filed on behalf of the appointing authority.

N.J.A.C. 4A:4-6.5 provides for the Civil Service Commission (Commission) to utilize the expertise of the Panel to make a report and recommendation on medical disqualification issues. The Panel is composed of medical professionals, all of whom are faculty and practitioners of Rutgers New Jersey Medical School.

In this case, the Panel's Chairman, the Panel's Chairman, Lawrence D. Budnick, MD, Professor of Medicine, Director of Occupational Medicine Service, Rutgers New Jersey Medical School, requested a medical specialist to perform a chart review and to make findings and recommendations regarding the appellant's medical fitness for the job in question. As set forth in the Panel's report, the July 11, 2017 pre-appointment medical evaluation found the appellant not medically fit for appointment due to the results of an exercise stress test. In that regard, the Panel indicated that the appellant had a physical examination, which included chest x-rays on June 28, 2017, which did not reveal evidence of acute cardiopulmonary disease. Further, the July 11, 2017 ECG stress test report stated

that the appellant failed due to “increase blood pressure.” The Panel noted that no further details had been provided. Thereafter, on August 7, 2017, the appellant underwent another ECG stress test which was conducted using the Bruce protocol. The appellant had no chest discomfort or arrhythmias throughout the test. The test showed no evidence which suggested ischemia. Further, the Panel stated that the appellant had been taking hydrochlorothiazide, which is medication that treats high blood pressure. It is noted that the pre-appointment medical documentation included a note, dated July 13, 2017, that the appellant “failed 2nd attempt at stress test.”

Based on the evaluation of submitted information and the medical consultant’s review, the Panel found, with a reasonable degree of medical certainty, that the appellant currently has no significant cardiac disease, impairment, or functional limitation which would hinder his ability to perform the essential functions of or cause a direct threat to the appellant or others should the appellant serve as a Police Officer. Therefore, the Panel recommended that the appellant be considered physically capable of undergoing training and performing the duties of a Police Officer.

In its exceptions, the appointing authority indicates that the appellant underwent an initial stress test on July 11, 2017, which he failed due to high blood pressure. He was advised to seek treatment with his personal physician. The appointing authority notes that it was informed that the appellant was then placed on medication. Additionally, it states that the appellant was given another opportunity to pass his stress test; however, he also failed that test. The appointing authority emphasizes that training at the police academy was to commence on July 14, 2017. It underscores that the medical documentation submitted by the appellant deemed him medically fit in August 2017. However, recruits are required to be physically and mentally fit before being accepted to the police academy. Therefore, the appointing authority stands by its decision to remove the appellant’s name from the subject eligible list.

CONCLUSION

Having considered the record and the Panel’s report and recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings of the Panel that the appellant *currently* has no significant cardiac disease, impairment, or functional limitation which would hinder his training or performance of the duties of a Police Officer. However, there is not a sufficient basis to restore the appellant to the subject eligible list and mandate his appointment. In that regard, there is no dispute that the pre-appointment medical evaluation deemed the appellant unfit to attend the police academy at the time due to the results of the stress test. While the Panel noted that no further details were provided, a review of the medical documentation

reveals a note that the appellant was administered a second stress test and he failed due to high blood pressure. Furthermore, the Panel found that the appellant was taking medication for his blood pressure. Additionally, the appointing authority states that the police academy was to commence on July 14, 2017 and the appellant was not medically cleared for duty by his personal physician until August 2017. The Commission emphasizes that consideration of a candidate occurs at a specified period of time. A candidate must be available and medically capable of undergoing the training involved for the position sought at the time the candidate's application is considered. As set forth in the job specification, a Police Officer, during an assigned tour of duty, on foot, or in an automobile, patrols a designated area to provide assistance and protection for persons, to safeguard property, to assure observance of the law, and to apprehend law-breakers, and does related work as required. Thus, in accordance with *N.J.A.C. 4A:4-6.1(a)3*, the appellant was physically unfit to perform the duties of the title. The fact that the appellant's condition may currently be controlled does not demonstrate that he was medically fit to undergo the required training at the time of initial appointment consideration. *See e.g., In the Matter of K.C.* (CSC, decided March 27, 2018) (Commission found that although the appellant's injury may have resolved itself within two months of the pre-employment medical examination, she was not cleared for training at the time of the determination, and therefore, she was appropriately removed from the list for not being medically fit); *In the Matter of N.H.* (CSC, decided March 27, 2018) (Commission found that although the appellant's diabetes mellitus may currently be poorly controlled or unstable provides further evidence to support the removal of his name from the subject eligible list and does not demonstrate that he was medically fit to undergo the required training at the time of initial appointment consideration).

Therefore, under these circumstances, the Commission finds the appointing authority's exceptions to be persuasive. Accordingly, it has met its burden of proof, and the appellant's appeal must be denied. The Commission notes that the subject eligible list has expired, and this determination does not preclude the appellant from seeking a law enforcement position in the future if he meets the requirements of the position at the time.

ORDER

The Commission finds that the appointing authority has met its burden of proof that D.F. was not medically fit 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 17TH DAY OF APRIL, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

c: D.F.
Kimberly Duva
Kelly Glenn