



STATE OF NEW JERSEY

In the Matter of F.J.D.,
Police Officer (S9999A),
Township of Scotch Plains

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-213

Medical Review Panel Appeal

ISSUED: December 21, 2022 (BS)

F.J.D., represented by Richard M. Sasso, Esq., appeals his rejection as a Police Officer candidate by the Township of Scotch Plains and its request to remove his name from the eligible list for Police Officer (S9999A) 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 February 10, 2022, which rendered its Report and Recommendation on February 10, 2022. No exceptions or cross exceptions were filed by the parties.¹

The report by the Panel discusses all submitted evaluations. It notes that Dr. Han Zhang Liang, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as being “strategically vague, particularly when recounting negative life events,” and that he

¹ The appellant’s attorney, Richard M. Sasso, Esq., submitted a letter prior to the Panel meeting, dated February 8, 2022, in which he asserted that the report of Dr. Han Zhang Liang was “replete with unsatisfactory conclusions.” Mr. Sasso objected to the results of the Anti-social test conducted by Dr. Liang which suggested that the appellant may have been involved in illegal occupations or other criminal acts during adolescence and stated that the appellant had no criminal record, not even an ordinance violation, with the exception of one isolated incident which occurred when the appellant was 16 years old. Mr. Sasso cited *In the Matter of Anastasia Vey*, 124 N.J. 534 (1991) and 135 N.J. 396 (1994) and contended that Dr. Liang’s report did not link anything but raw test scores, despite a duty to show a direct link that the particular trait is an important element of work behavior. On this basis, Mr. Sasso argued that the appellant should be restored to the subject eligible list.

was “generally not a good historian.” Dr. Liang indicated that the appellant presented with significant concerns with regard to impulse control, integrity, judgment, and social competence. The appellant had two serious domestic issues with his mother, one of which involved striking his mother. These domestic issues raised serious concerns regarding the appellant’s ability to de-escalate conflict and to control his negative emotions. Dr. Liang also noted that the appellant failed to disclose these incidents until confronted about them by the background investigator. Further, Dr. Liang expressed concerns about the appellant’s academic record as he had been attending college full time since 2016 but had yet to obtain a degree. The results of the test data supported Dr. Liang’s concerns. As a result, Dr. Liang did not find the appellant psychologically suitable for employment as a Police Officer.

The Panel’s report also indicates that Dr. Sarah DeMarco, evaluator on behalf of the appellant, carried out a psychological evaluation and characterized the appellant as not having any current mental health problem or condition which would affect his ability to carry out the duties of the position. Dr. DeMarco noted the two domestic incidents between the appellant and his mother in 2014 and 2016, but concluded that, although alarming, these were isolated incidents in the context of his teenage years. She noted that the appellant continues to reside with his mother without incident and had not exhibited any problematic behavior since then. The appellant has also maintained stable employment and has been involved in a three-year relationship. Dr. DeMarco found no other concerning behaviors related to violence or aggression, such as alcohol or substance abuse, no interpersonal problems, employment problems, major mental or personality disorders, mood instability, lack of insight, or otherwise violent ideation upon her evaluation of the appellant. Additionally, per collateral interviews, Dr. DeMarco opined that the appellant does not have trouble managing his own stress or engaging in appropriate conflict resolution. Not attempting to minimize his history, Dr. DeMarco emphasized that the appellant had demonstrated significant stability over the past five years while continuing to live with his mother. Dr. DeMarco could find no compelling psychological data that would preclude the appellant from serving as a Police Officer.

As set forth in the Panel’s report, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The concerns of the appointing authority’s evaluator centered on the appellant’s defensiveness, vagueness, impulse control, integrity, judgment, social competence, the two domestic incidents, and the appellant’s failure to disclose them. The appellant’s evaluator did not share these concerns. Upon its review, the Panel noted that the appellant did not evidence a pattern of altercations with women or others subsequent to the 2014 and 2016 incidents with his mother. However, what concerned the Panel was the issue of integrity. The Panel noted that Police Officers were held to a higher standard than other individuals and must be able to demonstrate integrity at all times. The Panel found the appellant’s appearance before it consistent with the findings of Dr. Liang, which the Panel found to be

demonstrative of the concerns regarding integrity, judgment, and vagueness surrounding negative life events. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicated that the appellant was psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. The Panel recommended that the appellant be removed from the subject eligible list.

CONCLUSION

The Job Specification for the title of 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 Civil Service Commission (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 integrity, which were shared by the Panel based upon the appellant's presentation before it. Contrary to the appellant's attorney's assertion in his letter that the report of Dr. Liang failed to link any of the appellant's traits to a specific required job behavior as articulated in *Vey, supra*, the Commission notes that integrity is a psychological trait absolutely essential to the successful performance of the duties of a Police Officer. Further, the Commission defers to the expert opinion of its Panel in this matter.

In that regard, the Commission notes that, prior to making its Report and Recommendation, 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, as well as 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 to it and, as such, are not subjective. The Panel's observations regarding the appellant's behavioral record, employment history, responses to the various assessment tools, and 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 applicants. The Commission finds that the record, when viewed in its entirety, supports the findings of the Panel and the appointing authority's evaluator regarding the appellant's integrity, judgment, and vagueness surrounding negative life events. Accordingly, the Commission cannot ratify the appellant's psychological fitness to serve as a Police Officer.

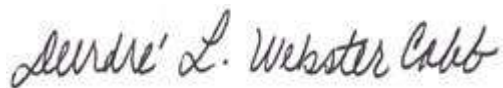
Therefore, having considered the record and the Panel's Report and Recommendation issued thereon, and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusion as contained in the Panel's Report and Recommendation and denies the appellant's appeal.

ORDER

The Commission finds that the appointing authority has met its burden of proof that F.J.D. 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 21st DAY OF DECEMBER, 2022



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