



STATE OF NEW JERSEY

In the Matter of P.R.,
Police Officer (S9999A),
City of Jersey City

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

CSC Docket No. 2022-1257

Medical Review Panel Appeal

ISSUED: May 3, 2023 (BS)

P.R., represented by Stephen B. Hunter, Esq., appeals her rejection as a Police Officer candidate by the City of Jersey City and its request to remove her 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 October 13, 2022, which rendered its Report and Recommendation on October 17, 2022. Exceptions were filed on behalf of the appellant.

The report by the Panel discusses all submitted evaluations. It notes that Dr. Rachel Safran, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and characterized the appellant as “friendly, cooperative, and upbeat during the interview.” The appellant reported that she had been terminated from two previous positions, once for not clocking in and once when there was “an incident where money was being taken.” Further, she indicated that she “maybe” had received three suspensions and two warnings due to lateness at her current job. She was also suspended for five days as a result of a co-worker conflict, which she grieved but was denied. Moreover, the appellant denied any history of arrests but was issued two summonses for fare evasion in 2002 and 2007. In addition, Dr. Safran indicated that the appellant was sued by a rehabilitation facility in 2017 for an unpaid bill, which she claimed she was unaware of until the facility issued a levy on her bank account. The appellant denied having any current problems paying her bills. Additionally, the appellant’s driving privileges

were suspended from October 2009 until March 2013 due to unpaid fees, but she denied being issued any motor vehicle summonses in the past 15 years. Dr. Safran also noted that the appellant had been diagnosed with a learning disability in high school and had an Individualized Education Plan but that she denied any history of mental health treatment. Of concern to Dr. Safran was the appellant's endorsement of test items which were indicative of bias against certain groups of people. As a result, Dr. Safran did not find the appellant psychologically suitable for employment as a Police Officer.

The Panel's report also indicates that Dr. David J. Gallina, evaluator on behalf of the appellant, carried out a psychiatric evaluation and characterized the appellant as having a good social life and not having a history of bankruptcy or foreclosure, drug or alcohol abuse, or mental health treatment. In 2008, the appellant was terminated, along with other employees from a store, for theft of money. However, the appellant was not arrested. Additionally, Dr. Gallina indicated that the appellant received two summonses from Transit Police for fare evasion in 2002 and 2007. Dr. Gallina noted that the appellant did not recall her driver's license being suspended, despite background records indicating that it had been suspended from October 2009 until March 2013. Her vehicle registration was also suspended from October 2009 to October 2021 due to an "unsatisfied installment judgment." In addition, the appellant reported to Dr. Gallina that she has been working for the Hudson County Department of Family Services since 2013 and was suspended for one day each for lateness a total of four times, with the most recent suspension occurring in 2019. Her five-day suspension was for "conduct unbecoming a public employee." However, Dr. Gallina found that the appellant produced test results that were within normal limits. Dr. Gallina concluded that there was no compelling psychiatric reason to disqualify the appellant for the position of 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 history of lateness to work, termination from previous employment, history of suspensions at her current employment, and responses to test items that indicated possible bias towards some groups of people. The appellant's evaluator did not share these concerns. The Panel noted that the appellant admitted to overly using the "grace period" at her job on several occasions and that she had been warned and disciplined a number of times for that. The appellant also admitted that she had recently been suspended over a "controversy" on the job and a disagreement with a co-worker. She grieved the five-day suspension and her grievance was denied. Additionally, the appellant claimed that her driving privileges were suspended due to a "clerical issue" which was the fault of the Motor Vehicle Commission. Likewise, regarding the suspension of her registration privileges between 2009 and 2021, the appellant reported to the Panel that it must have been another Motor Vehicle Commission "mistake" as she did not own a vehicle for this period. Finally, the appellant claimed

to be “unaware” of the unpaid medical bill until there was an attempt to garnish her wages. The matter was resolved through a third party after going to court.

Additionally, the Panel stated that, over the course of the meeting, it found that the appellant’s communication was often unclear and difficult to follow. The Panel opined that effective communication skills are necessary for one to function effectively as a Police Officer. The Panel also found that her continued lateness to work, despite several disciplinary actions being taken, was indicative of insufficient responsibility and commitment in meeting her job obligations. The Panel noted that police work requires a strong commitment to meeting several elements of job responsibility, including punctuality. 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.

In her exceptions, the appellant argues that the Panel overlooked the letters of recommendation that she submitted, which referred to her social awareness, empathy, tolerance, social self-confidence, and conflict management abilities, and instead relied exclusively on her employment record and the conclusions of the appointing authority’s psychologist. She maintains that her suspensions at work occurred over a 10-year period and the workplace incident occurred almost eight years ago “and is certainly not reflective of [her] overall competence.” Further, the appellant presents that her financial problems in the past has been corrected and reiterates that the registration suspension occurred when she did not have a car. Additionally, in response to the Panel’s findings regarding her communication skills, the appellant highlights the statement of one of her supervisors that had it not been for the appellant’s communication skills to defuse many situations at work, incidents could have led to intervention by the Sheriff’s Office. Dr. Gallina also found that the appellant “demonstrated good clarity of speech.” The appellant contends that the Panel failed to acknowledge “that nervousness, upon facing an interview that would arguably determine [her] employment career for the rest of her life, would be a natural reaction to such an unusual stressor factor.” The appellant also asserts that the Panel overlooked the fact that she passed a comprehensive background check conducted by an experienced detective and approved by the Police Chief and Police Director. As such, “there was no reasonable basis for the [Panel’s] conclusion” that she was not a suitable candidate for Police Officer. Moreover, the appellant contends that the Panel’s Report and Recommendation failed to meet the standards of a valid evaluation conducted in terms of the appellant’s psychological suitability for employment specifically predictive of or correlated to police work pursuant to *In the Matter of Anastasia Vey*, 124 N.J. 534 (1991) and 135 N.J. 396 (1994). The appellant maintains that the tests conducted by the appointing authority’s evaluator were also not sufficient in that regard. Accordingly, since there was no evidence in the record

of any psychopathology which would preclude her from serving as a Police Officer, the appellant submits that her name should be restored to 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 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 regarding the appellant's dutifulness, as evidenced by her history of lateness to work, termination from previous employment, history of suspensions at her current employment, and legal issues. The concerns regarding this trait was also supported by test results. As indicated by the Panel, the appellant has demonstrated insufficient responsibility and commitment in meeting her employment obligations. Contrary to the appellant's reliance on *Vey, supra*, the Commission notes that reliability, as well as a strong commitment to meeting several elements of job responsibility, including punctuality, is a psychological characteristic necessary for the successful performance of the duties of a Police Officer. Thus, the Commission is not persuaded by the appellant's exceptions and also shares the concerns of the Panel regarding the appellant's communication skills. 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 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 defers to its Panel's expert opinion regarding the appellant's suitability. 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 P.R. 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 3RD DAY OF MAY, 2023

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