



**STATE OF NEW JERSEY**

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

In the Matter of R.C., Police Officer  
(S9999A), South Plainfield

CSC Docket No. 2023-148

Medical Review Panel Appeal

**ISSUED: September 20, 2023 (HS)**

R.C., represented by Robert K. Chewning, Esq., appeals her rejection as a Police Officer candidate by South Plainfield 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 March 9, 2023, which rendered its Report and Recommendation on March 12, 2023. Exceptions and cross exceptions were filed on behalf of the parties.

The report by the Panel discusses all submitted evaluations. It indicates that Dr. Rachel Safran, evaluator on behalf of the appointing authority, conducted a psychological evaluation of the appellant and found that the appellant had demonstrated a history of problems related to integrity and stress tolerance. Specifically, Dr. Safran noted that the appellant was terminated from her long-term position at Red Robin in 2020 after abusing the customer loyalty reward system, admitting that when customers paid in cash, she would input her mother's phone number and would receive \$10 off the bill at times, and add it to her tip. Prior, she was arrested in 2018 for using her friend's identification to buy alcohol when she was underage and was issued two summonses, one for underage drinking and the other for using false identification. She had also been issued three speeding tickets since she began driving. With regard to stress tolerance, the appellant reported to Dr. Safran that she had difficulty handling the switch from in-person to online learning during the COVID-19 pandemic and failed several classes. She also served in her

police dispatch job for only eight months, stating that she hated the job and forced herself to go into work every day, ultimately quitting to return to work as a bartender. She stated that she quit after getting what she needed from the job, implying that it was for her resume. With regard to psychological testing, on the Candidate and Officer Personnel Survey-Revised, the appellant scored very low in Social Adjustment, reflecting someone who was less effective at navigating social requirements. She was moderately elevated on the Antisocial Activity scale, suggesting a risk for future behavior or an antisocial nature. On the Personality Assessment Inventory (PAI), the appellant was significantly elevated on the Positive Impression Management scale. She responded to the PAI in such a defensive and minimizing fashion that her test profile could not be used to rule out the presence of counterproductive traits and characteristics. Dr. Safran found that the appellant approached the test in a “very guarded and defensive manner, denying even ubiquitous human shortcomings or flaws.” The appellant’s score was found in less than one percent of incumbent Police Officers. Dr. Safran stated that such a self-appraisal was simply implausible, given the known life history of functioning demonstrated by the appellant. Thus, the test profile was deemed indeterminate, and no objective evidence of psychopathology or emotional stability could be gleaned. Based on these concerns, Dr. Safran did not recommend the appellant for appointment.

Dr. Robert Kanen, evaluator on behalf of the appellant, carried out a psychological evaluation and did not share the concerns expressed by the appointing authority’s evaluator. Dr. Kanen found that the appellant was functioning within normal ranges, and there was no psychopathology or personality problem that would interfere with work performance. He indicated that the appellant had the necessary cognitive and academic skills to perform the job; was stable and responsible; and had a two-year college degree. Dr. Kanen found that the appellant had an excellent work record prior to her termination from Red Robin and that there was no indication of antisocial behavior in her background. On personality testing, he noted that the appellant scored in the category “likely to recommend for employment in a public safety/security position.” She scored in the category “likely to meet expectations” in terms of her ability to control conflict, in her ability to relate and work with the public, and in the overall rating by a field training officer. Dr. Kanen concluded that the appellant was psychologically suitable for employment as a Police Officer.

As indicated by the Panel in its report, the evaluators on behalf of the appointing authority and appellant arrived at differing conclusions and recommendations. While Dr. Safran raised concerns regarding the appellant’s integrity and stress tolerance, Dr. Kanen did not share these concerns. The Panel noted that it was not particularly concerned about the appellant’s history, aside from the termination from Red Robin. Although the termination did not lead to any legal repercussions for the appellant, the Panel saw her behavior as similar in nature to theft. The appellant made the point that there was no money taken from customers.

However, her abuse of the rewards program led to her receipt of money that rightfully belonged to her employer. It was the Panel's opinion that the appellant still did not recognize that she was taking money from her employer and only saw herself as having misused her employer's reward program. For the Panel, this raised concerns regarding the appellant's integrity and judgment. Based on the foregoing, 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 not psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should be upheld. Therefore, the Panel recommended that the appellant be removed from the subject eligible list.

In her exceptions, the appellant argues that she should be found psychologically fit for the position of Police Officer. In this regard and with respect to the Red Robin termination, she states that she regrets her decision and recognizes that what she did was wrong and that her actions led to her employer not receiving money. The appellant reiterates her explanation of what she did and states that when she "engaged in this practice, she was not aware that it was a violation" of the rewards program or that it could lead to her being terminated. "If she did, she would not have engaged in such practice." Moreover, before her Red Robin termination, the appellant notes that she was not disciplined nor was she terminated from any other job. The appellant highlights that the Panel found nothing else of concern in her background. She emphasizes that she worked for South Plainfield as a dispatcher without incident. She maintains that she should not have been found to have integrity or judgment concerns severe enough to prevent her from being found psychologically fit for the position sought. In that regard, the appellant relies on the results of the tests administered by Dr. Kanen in support of her appeal.

In its cross exceptions, the appointing authority, represented by Paul R. Rizzo, Esq., highlights that the Panel specifically noted that the appellant, during the Panel meeting, did not recognize that she had been taking money from her employer and she had only seen herself as having misused the employer's reward program. The appellant did not express regret before the Panel. Moreover, although the appellant had worked for South Plainfield, the appointing authority submits that according to the appellant, "she hated the job and had to force herself to go to work every day." The appointing authority maintains that the appellant's attempt to now rehabilitate her appearance before the Panel further brings into question her integrity. The appointing authority insists that the findings of Dr. Safran and statements of the appellant before the Panel where she failed to comprehend the significance of her conduct that led to her termination from Red Robin provided a sufficient basis for the Panel to sustain the appointing authority's determination and recommend the removal of the appellant's name 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 vehicles 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 relating to the appellant's integrity and stress tolerance. The Commission is not persuaded by the appellant's exceptions and shares the concerns of the Panel regarding the appellant's integrity and judgment. While the appellant may now state that she regrets the actions that led to her termination from Red Robin, the Panel found that in the appellant's appearance before it, the appellant did not recognize that she had been taking money from her employer. This troublesome finding evidences that the appellant is not psychologically suited for the position of Police Officer, as her background in that regard and her appearance before the Panel demonstrate poor integrity and judgment. Such qualities are necessary traits for an individual seeking a position as a Police Officer. A Police Officer is a law enforcement employee who must enforce and promote adherence to the law. Municipal Police Officers hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). The public expects municipal Police Officers to present a personal background that exhibits respect for the law and rules. Thus, the Commission does not find a sufficient basis to reject the Panel's conclusion regarding the appellant.

The Commission emphasizes 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. 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 R.C. 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 20<sup>TH</sup> DAY OF SEPTEMBER, 2023

*Allison Chris Myers*

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