



**STATE OF NEW JERSEY**

In the Matter of J.H., County  
Correctional Police Officer (C0205D),  
Morris County Sheriff's Office

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

CSC Docket No. 2024-162

Medical Review Panel Appeal

**ISSUED:** December 18, 2024 (AMR)

J.H., represented by Nicholas J. Palma, Esq., appeals her rejection as a County Correctional Police Officer candidate by the Morris County Sheriff's Office and its request to remove her name from the eligible list for County Correctional Police Officer (C0205D)<sup>1</sup> 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 August 16, 2024, which rendered its Report and Recommendation on August 17, 2024. No exceptions were filed by the parties.

The report by the Panel discusses all submitted evaluations. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for County Correctional Police Officer, indicated that the appellant is psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the appointing authority should not be upheld. Accordingly, the Panel recommended that the appellant be restored to the subject eligible list.

<sup>1</sup> It is noted that the subject eligible list promulgated on November 10, 2022 and expired on November 9, 2023.

## CONCLUSION

The Job Specification for the title of County Correctional Police 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.

Having considered the record, including the Job Specification for County Correctional Police Officer and the duties and abilities encompassed therein, and the Panel's Report and Recommendation issued thereon, and having made an independent evaluation of the same, the Civil Service Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation.

## ORDER

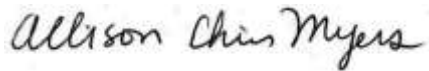
The Civil Service Commission finds that the appointing authority has not met its burden of proof that J.H. is psychologically unfit to perform effectively the duties of a County Correctional Police Officer and, therefore, the Civil Service Commission orders that the eligible list for County Correctional Police Officer (C0205D), Morris County Sheriff's Office, be revived and the appellant's name be restored. Absent any disqualification issue ascertained through an updated background check conducted after a conditional offer of appointment, the appellant's appointment is otherwise mandated. A federal law, the Americans with Disabilities Act (ADA), 42 U.S.C.A. § 12112(d)(3), expressly requires that a job offer be made before any individual is required to submit to a medical or psychological examination. *See also* the Equal Employment Opportunity Commission's *ADA Enforcement Guidelines: Preemployment Disability Related Questions and Medical Examination* (October 10, 1995). That offer having been made, it is clear that, absent the erroneous disqualification, the aggrieved individual would have been employed in the position.

Since the appointing authority has not supported its burden of proof, upon the successful completion of his working test period, the Civil Service Commission orders that the appellant be granted a retroactive date of appointment to May 22, 2023, the date she would have been appointed if her name had not been removed from the subject eligible list. This date is for salary step placement and seniority-based

purposes only. However, the Civil Service Commission does not grant any other relief, such as back pay or counsel fees, except the relief enumerated above.

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 18<sup>TH</sup> DAY OF DECEMBER, 2024




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Civil Service Commission

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