

at the “in-patient level of care” due to suicidal ideation in 2015. However, the appellant could not offer any specific reason for his suicidal ideation that led to his hospitalization. The appellant was currently receiving treatment from a psychiatrist for “depression and anxiety” but denied that he had currently been prescribed any psychotropic medication.

With regard to the appellant’s background, Dr. Cevasco noted that the appellant denied any history of arrests or terminations from employment. However, the appellant revealed that he experienced “interaction difficulties with the public” when he was assigned to work the front desk at his current job and subsequently had been assigned to a different area. The appellant further self-reported that he had been disciplined at work for telling a joke with sexual content that a co-worker had found upsetting. In summary, Dr. Cevasco stated that his clinical concerns centered around the appellant’s history of depression and suicidal thoughts, his lack of insight into his depression, his social awkwardness which will likely make it difficult for him to ask for help when needed, and the trauma and stress associated with being a Fire Fighter, which could increase the likelihood of a future depressive episode. Dr. Cevasco opined that the appellant’s “emotional strength to deal with this depression is questionable and, therefore, may place him at greater risk of experiencing suicidal thoughts.” Dr. Cevasco concluded that, based on significant psychological contraindications, the appellant was not psychologically suitable for employment as a Fire Fighter.

The report of the Panel also discusses the findings of Dr. Ronald G. Silikovitz, evaluator on behalf of the appellant. Dr. Silikovitz conducted a psychological evaluation of the appellant and characterized the appellant as presenting as “relaxed, open, direct, and attuned to the tone of [their] conversation.” The appellant exhibited no evidence of anxiety, depression, or social awkwardness. The appellant reported that he had a history of being placed on academic probation and defaulting on his student loans. However, he earned his Bachelor’s degree in Health Care Management in 2021. Additionally, the appellant reported that he was paying his private student debt in full and that he was planning to pay his federal student loan, which had been in default. The appellant confirmed that he was employed as a Clerk by the Elizabeth Police Department since 2016 and that he had only been disciplined once for telling a “suggestive joke.” The appellant denied any arrests or history of substance abuse. Moreover, Dr. Silikovitz confirmed that the appellant had served in the Army National Guard from September 2021 to April 2022 but was granted an “entry level separation” due to his history of depression and “brief” hospitalization. The appellant had a history of being under the care of psychiatrist for mental health problems and had been treated on an outpatient basis in 2015. Dr. Silikovitz further noted that the appellant had experienced “low energy, feeling of loneliness” and had contemplated leaving school to get a job when he experienced “some suicidal thoughts” and then was hospitalized for two weeks in 2015. However, he denied having any current suicidal thoughts. Dr. Silikovitz opined that the appellant had a

good family support system, a number of friends, and a personality that came across as warm, responsive, relaxed, and down to earth, with a good sense of humor. Dr. Silikovitz's personal observations of the appellant yielded no evidence of social awkwardness, poor insight, or any personality or mental health issues. Dr. Silikovitz concluded that there were no psychological contraindications in the appellant's current emotional and lifestyle functioning that would prevent him from serving as a Fire Fighter.

As set forth by the Panel, the evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The negative recommendation found support in the appellant's history of having difficulty interacting with the public at his job, his history of psychiatric problems that impacted his ability to function, and a potential for interpersonal interaction difficulties. The appellant's psychological evaluator did not share these concerns. During the Panel meeting, the Panel reviewed these concerns with the appellant. The appellant reported that he had not been promoted at his current job, although he had applied for a Clerk 2 position but had not been appointed. The appellant admitted telling an inappropriate joke at work for which he received a written warning. When asked by the Panel, the appellant had difficulty explaining why he was moved from a more public area of his department to an area of less public contact, which supported the appointing authority evaluator's opinion that his move was prompted by the appellant's difficulties with interpersonal interactions. The Panel also reviewed the circumstances surrounding the appellant's separation from the Army National Guard. The appellant reported that he had revealed his history of depression on the forms he completed upon enlistment. When the appellant later mentioned his history of psychiatric hospitalization to his drill sergeant, it became necessary for him to report it which, in turn, led to the appellant being evaluated for his appropriateness for military service. After the evaluation was completed, while it took several months, the appellant was discharged from the military.

With regard to his hospitalization, the appellant reported that he had been going through a difficult period in his life and had concerns about the direction things were taking. The appellant stated that he never intended to kill or harm himself but that he was "placed at a hospital level of care for one week at that time." The Panel noted that there were conflicting reports concerning the total time he had been hospitalized. Previous reports indicated that the appellant had been hospitalized in both New Jersey and Delaware. The Panel determined that the appellant failed to provide consistent, clear accounts of important parts of his personal history. Thus, the Panel found sufficient evidence to support the conclusion of Dr. Cevasco, which included problematic interactions in the appellant's workplace, concerns about the appellant providing clear and accurate information about his personal history, and concerns about the appellant's ability to manage stressors involved in the position for which he is applying. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification

for Fire Fighter, indicated that the candidate 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 his exceptions, the appellant states that the Civil Service Commission (Commission) has held that “any potential behavioral or performance issues regarding the appellant’s employment can be addressed during the working test period.” *See In the Matter of D.J.Q., Fire Fighter (M1855W), City of New Brunswick*, (CSC, decided June 29, 2022). In support of his appeal, the appellant submits three positive reviews of his performance in his current employment. The appellant asserts that he regularly interacts with the public in his position with the City of Elizabeth and has never received any complaints from the public. He also officiates recreational sports for adults and has never had an issue with interacting with the public. The appellant emphasizes that Dr. Silikovitz found that he had no ongoing signs of social awkwardness, depression, or anxiety following his treatment in 2015. The appellant further argues that he has matured and has fully recovered during the eight years following the 2015 episode and that he has committed himself to self-care and to the awareness of any signs or symptoms should he require future assistance. The appellant also clarifies the move he made at work and takes “umbrage” with the Panel’s determination that he had difficulty explaining the circumstances of his move at work and that the move may have been promoted by interpersonal interactions. Moreover, the appellant contends that it “is not an indictment against [him] or any of the other clerks that applied and didn’t get” a Clerk 2 position. Further, he explains his past episode of depression and his separation from the Army National Guard. Thus, the appellant maintains that the appointing authority has not met its burden of proof and the Commission should grant his appeal, restore his name to the subject eligible list, and award him a retroactive appointment date, backpay, benefits and counsel fees.

CONCLUSION

The Job Specification for the title of Fire Fighter is the official job description for such positions within the Civil Service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical thinking when responding to many emergency situations. Examples include conducting step-by-step searches

of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of water at a fire, adequately maintaining equipment and administering appropriate treatment to victims at the scene of a fire, *e.g.*, preventing further injury, reducing shock, and restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and firefighting operations.

The Commission has reviewed the Job Specification for Fire Fighter and the duties and abilities encompassed therein and finds that the negative psychological traits, which were identified and supported by test procedures and the behavioral record, relate adversely to the appellant's ability to effectively perform the duties of the title. The Commission shares the concerns of the Panel and Dr. Cevasco, which centered on the appellant's history of depression and suicidal thoughts, his lack of insight into his depression, his history of psychiatric problems that impacted his ability to function, his inconsistency in reporting his personal history, and a potential for interpersonal interaction difficulties. Although the appellant argues that he has "matured" over the eight years since his hospitalization for psychiatric treatment and submits positive performance reviews from his work, the Commission notes that, in April 2022, the appellant was granted an "entry level separation" from the Army National Guard due to his history of depression and psychiatric hospitalization, which further illustrates the findings of the Panel. The Commission emphasizes that 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. The Panel's observations regarding the appellant's 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 appellants. The Commission finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel in this regard. Furthermore, while potential behavioral or performance issues can be addressed during a working test period, a candidate must be psychologically suited prior to appointment. Thus, in the appellant's case, there are psychological contraindications in his evaluation that adversely relates to the duties of a Fire Fighter that a working test period cannot resolve.

Therefore, having considered the record and the Panel's Report and Recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's Report and Recommendation and denies the appellant's appeal.³

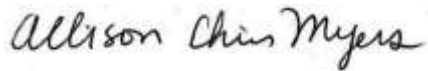
³ Accordingly, there is not a sufficient basis to restore the appellant to the subject eligible list and grant the appellant a retroactive appointment date as he requested. Even if the appellant had

ORDER

The Commission finds that the appointing authority has met its burden of proof that A.M. is psychologically unfit to perform effectively the duties of a Fire Fighter 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 12TH DAY OF JUNE, 2024



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prevailed, backpay, benefits, and counsel fees are not ordinarily awarded in psychological disqualification appeals.