

B-28



STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of J.T., Police Sergeant
(PM5149N), Rockaway Township

CSC Docket No. 2015-2242

Medical Review Panel Appeal

ISSUED: **SEP 18 2015**

(BS)

J.T., represented by Brian M. Cige, Esq., appeals his rejection as a Police Sergeant candidate by Rockaway Township and its request to remove his name from the eligible list for Rockaway Township (PM5149N) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on July 16, 2015, which rendered the attached report and recommendation on July 19, 2015. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Sergeant, indicate that the applicant is psychologically fit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should not be upheld. The Panel recommended that the candidate be restored to the eligible list.

CONCLUSION

Having considered the record and the Medical Review Panel's Report and Recommendation issued thereon, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and

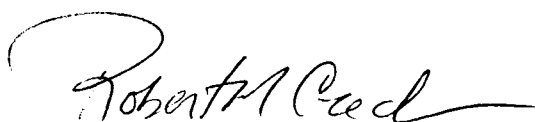
conclusions as contained in the attached Medical Review Panel's Report and Recommendation. Further, the Commission notes that, procedurally, if an appointing authority is using a psychological evaluation as part of its selection criteria, rather than in the context of a determination of Fitness for Duty, all candidates for that promotional examination who are being considered for appointment must be required to submit to a psychological evaluation. Moreover, the Appointing Authority is cautioned that since many of the duties of a Police Officer and a Police Sergeant are common to each other, finding a candidate for Police Sergeant unfit on the basis of psychological evaluation may render him/her unfit to continue as a Police Officer. *See In the Matter of B. O., Police Sergeant, (PM2714L), North Bergen Police Department, (CSC, decided May 1, 2013).*

ORDER

The Civil Service Commission finds that the appointing authority has not met its burden of proof that J.T. is psychologically unfit to perform effectively the duties of a Police Sergeant and, therefore, the Commission orders that his name be restored to the subject eligible list for prospective appointment consideration.

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 16TH DAY OF SEPTEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

Henry Maurer
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: J.T.
Brian M. Cige, Esq.
Gregory V. Poff
Kenneth Connolly