



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of A.T., Police Officer
(S9999M), Jackson

CSC Docket No. 2015-2407

Medical Review Panel Appeal

ISSUED: OCT 26 2016 (BS)

A.T. represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by the Jackson Township Police Department and its request to remove his name from the eligible list for Police Officer (S9999M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on May 27, 2016, which rendered its report and recommendation on May 27, 2016. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Lewis Z. Schlosser (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as being asked to leave a job as an Emergency Medical Technician (EMT) for failing to follow procedure concerning an intoxicated person and also as having quit a job as an EMT without giving notice. The appellant served in the Army from 2009 to 2012, was deployed in a combat capacity where he was shot in the neck, and he is receiving a 60% disability from the military. The appellant did not report any symptoms of (Post Traumatic Stress Disorder (PTSD). Also while serving in the Army, the appellant was cited for driving after he had been drinking. The appellant's civilian driving record includes three accidents, none of which were determined to be his fault, and three driving tickets, none of which resulted in a loss of driver's license. Additionally, at age 19, after drinking alcohol, the appellant was involved in an accident which was not reported to the police. The appellant self-reported that he used alcohol three times per week, consuming one or two drinks

per occasion. Dr. Schlosser failed to recommend the appellant for appointment to the subject position.

Dr. Sandra L. Morrow, evaluator on behalf of the appellant, carried out a psychological evaluation and characterized the appellant as not presenting any overt signs of mental health problems. Dr. Morrow indicated that the appellant reported that he only consumed alcohol on social occasions. Dr. Morrow noted that the appellant had been awarded the purple heart after saving the life of his Sergeant, had top secret clearance while in the military, and received an Honorable Discharge at the rank of E-5 when his tour of duty with the Army was completed. With regard to the alcohol incident in the military, the appellant reported that he had been drinking the night before but thought that this was irrelevant when he returned to the base the following morning. He was required to complete a psycho-educational program, required of all personnel found to be drinking on the base. Additionally, the appellant either worked or volunteered as an EMT. With regard to the incident where he was asked to resign his position as an EMT, the appellant asserted that as he was the least senior person present during the incident in question, he did not believe he had the authority to challenge the decision that was made. Dr. Morrow noted that the appellant indicated that he originally did not report the accident he had at age 19 because no charges or tickets were filed and the accident was never reported to the police or his insurance company. Dr. Morrow concluded that the psychological test scores were normative and indicative of no pathology. Dr. Morrow opined that the appellant had evinced past service to his country and ongoing devotion to community service. Dr. Morrow could find no reason why the appellant was not psychologically fit to serve as a Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel concluded that the negative recommendation found support in the appellant's history of leaving employment positions under unfavorable circumstances as well as having a history of two instances of poor judgment after drinking alcohol. The appellant answered all of the Panel's questions regarding the aforementioned issue during his appearance. The Panel reviewed the two incidents involving drinking and driving. The unreported incident at age 19 involved the appellant sliding off the road and the vehicle had to be towed. As he did not report this incident to the police or his insurance company, the Panel opined that it appeared the appellant was attempting to conceal the fact that the accident had occurred after he had consumed alcohol. In the second incident, it is apparent that the appellant consumed a great deal of alcohol. The appellant had reported that he had stopped drinking eight hours before he was required to submit to a BAC test. Although the BAC of .08 was not considered above the military standard at the time, it was sufficient to require him to lose his security clearance for six months and undergo a psycho-educational program, required of all personnel found to be drinking on the base. The Panel also expressed concerns about the manner in which he left a job which did not meet his

expectations. He did not provide sufficient notice, if any at all, for a position which would have to be filled by another individual. Additionally, the Panel reviewed the conclusions of the investigators from the Jackson Township Police Department Professional Standards Unit who clearly indicated they did not believe the appellant fit to serve as a Police Officer. The Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, indicate that the candidate is psychologically unfit to perform effectively the duties of the position sought, and therefore, the action of the hiring authority should be upheld. The Panel recommended that the appellant be removed from the eligible list.

In his exceptions, the appellant asserts that the findings of Dr. Schlosser are “anecdotal observations and personal judgments” and there is no analysis which ties any of the issues raised with any psychological disorder. In contrast, the appellant asserts that Dr. Morrow’s report “provides ample proof of the candidate’s psychological suitability and the absence of any disqualifying psychological conclusions.” The appellant argues that the Panel gave too much consideration to Dr. Schlosser’s “unsubstantiated conclusions” and that he ignored “relevant, positive factors” indicating the appellant’s psychological suitability to serve in the subject position. Additionally, a letter from 12TH District New Jersey Assemblyman Ronald S. Dancer was submitted asking that the Civil Service Commission reconsider the Panel’s recommendation for removal from the list.

CONCLUSION

The Class Specification for 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 Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the 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 finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel in this regard. The Panel's concerns centered on the appellant's apparent use and attitude toward alcohol and an issue in his employment history. This was evidenced by the appellant's failure to report an accident after drinking, returning to base after a night of drinking with a BAC of .08, losing his security clearance for six months, and being required to undergo a psycho-educational program, and his apparent quitting an EMT position without giving proper notice. All of these acts are indicative of bad judgment which is not conducive to an individual who aspires to a career in law enforcement.

With regard to the appellant's assertion that the Panel weighed one evaluator's report over the other's when making its report and recommendation, the Commission notes 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.

Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of the appellant, 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.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that A.T. is psychologically unfit to perform effectively the duties of a Police Officer 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 19TH DAY OF OCTOBER, 2016



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