

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of M.O., County Park
Ranger (C2397N), Monmouth County

CSC Docket No. 2015-2128

Medical Review Panel Appeal

ISSUED: DEC 2 2016 (BS)

M.O. appeals his rejection as a County Park Ranger candidate by Monmouth County and its request to remove his name from the eligible list for County Park Ranger (C2397N), Monmouth County on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on October 28, 2015 which rendered its report and recommendation on October 28, 2015. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as consuming alcohol "mostly in moderation," using marijuana regularly while attending college, used cocaine in 2012, and test results indicated that he was at a high risk of pre-hire anger management problems and had a proclivity for substance abuse. Dr. Gallegos failed to recommend the appellant for employment as a County Park Ranger.

Dr. Daniel Chung (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant. Dr. Chung characterized the appellant as having an unstable work history, "situational" use of alcohol and drugs, as able to get along with others, and having good self-discipline and persistence. Dr. Chung indicated that although the appellant impressed as a bright and capable young man, he appears to have some difficulty in tolerating and managing stress. His use

of alcohol and drugs suggests that he has a tendency to avoid his problems. However, Dr. Chung recommended the appellant "with reservations" and opined that he would benefit from individual therapy to work on developing and utilizing effective stress management strategies.

The Panel concluded that the negative recommendation found support in the appellant's substance use/misuse, poor coping mechanisms, and inconsistent work history. The appellant's appearance before the Panel was consistent with the findings of the previous evaluators. The appellant admitted using marijuana in college, which he considered "normative" and that he had also used cocaine a couple of times a few years ago. He could not recall the last time he smoked marijuana, but it was sometime in the last year. The appellant reported that he drinks alcohol "casually," the last time he drank alcohol was two weeks prior to the Panel meeting, and that he was "buzzed." When the Panel questioned the appellant's marijuana use going forward if the County Park system allowed it, he said he would use the illicit substance if it was allowed. The Panel noted that the appellant's own evaluator, Dr. Chung, recommended the appellant "with reservations" and also that he recommended psychotherapy to address the concerns previously noted. The Panel opined that if the appellant was looking to pursue a civil service career in the future, he would need to demonstrate a solid work history and have addressed the concerns of both psychologists who evaluated him. The Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for County Park Ranger, indicate that the candidate is mentally 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 he is a suitable candidate for employment as a County Park Ranger. The appellant argues that, prior to his psychological evaluation, he was considered the "winning job candidate" based on other factors including multiple interviews, employment history, and background check. The appellant claims that the "State's medical personnel" re-evaluated his employment history and were "twisting it into a negative." The appellant disputes the Panel's findings that the reports of both evaluators were consistent and lists the names of the various psychological tests used by each evaluator. He goes on to assert that "[t]here is zero consistency (at least in the titles) of these testing regimens [*sic*]." The appellant further asserts that the Panel's report and recommendation neither explains nor addresses the differences in the reports of Dr. Gallegos and Dr. Chung. The appellant argues that his "impression" of the Panel's report is that it "basically re-states old information and attempts to validate everything that the two doctors have previously stated."

CONCLUSION

The Class Specification for the title, County Park Ranger, is the official job description for such local government positions within the civil service system. According to the specification, a County Park Ranger uses effective methods of communication with the public and provides assistance to the park visitor. A County Park Ranger applies established law enforcement procedures and techniques to enforce State laws, and ensures that natural and physical resources as well the park visitor are protected. Examples of work include: fosters protection of natural and physical resources through communication with the public and the methods which are established for the assigned area; patrols throughout assigned area either on foot, patrol vehicle, mountain bicycle, all terrain vehicles (ATVs), or water craft to increase patrol visibility, prevent crime, or to discover crime in progress; corrects park visitors found violating rules and regulations of the County Park Service and uses established enforcement practices including physical arrest when such action will not cease voluntarily; employs techniques used in prevention, suppression, and reporting of fires as a first responder; employs techniques used in prevention, suppression, and reporting of theft and damage to County Park property; and utilizes techniques, policies, and procedures relating to detecting and reporting oil spills, hazardous waste, or dumping on and off State land; and gives assistance when accidents or illness occurs and calls for emergency assistance.

The specification notes the following as required skills and abilities needed to perform the job: the ability to read, understand, and apply department rules, regulations, policies, and procedures, and organize work and develop effective work methods; the ability to recognize significant conditions and take proper actions in accordance with prescribed rules; the ability to read, understand, and apply federal, state, and local laws including but not limited to search and seizure rights, confiscation of evidence, and the inherent rights of citizens; the ability to read, understand, and apply knowledge of patrolled park or forest including knowledge of common trees, plants, animals, history of landmarks, and location of facilities; the ability to read and understand about forest and park maintenance programs and procedures; and the ability to communicate courteously and effectively with park visitors individually or in groups.

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 arguments raised by the appellant in his exceptions do not persuasively dispute the findings and recommendations of the Panel. Of particular concern to the Commission is the appellant's attitude toward illegal drug use. County Park Ranger is a law enforcement position and, as such, candidates for employment as County Park Rangers are held to a higher standard of personal accountability. When taken in the aggregate, the appellant's poor

coping mechanisms, inconsistent work history, and substance use/misuse are clearly reflective of an individual of questionable judgment who does not satisfy the public's expectation of a suitable candidate for employment as a County Park Ranger at this time. Further, with regard to the appellant's exceptions, the Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the 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 and conclusions regarding the psychological testing are based on its expertise in the fields of psychology and psychiatry, as well as its experience in evaluating hundreds of appellants seeking public safety positions. In this regard, as stated above, the Commission finds the psychological traits and behavioral history identified by the Panel clearly adversely relate to effective performance as a County Park Ranger.


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 M.O. is psychologically unfit to perform effectively the duties of a County Park Ranger 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 23RD DAY OF NOVEMBER, 2016



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Attachments

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