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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of L.P., Sheriff's Officer
(C9970M), Passaic County

CSC Docket No. 2015-98

Medical Review Panel

ISSUED: **DEC - 9 2016** (BS)

L.P., represented by Annette Verdesco, Esq., appeals his rejection as a County Correction Officer candidate by Passaic County, and its request to remove his name from the eligible list for County Correction Officer (C9970M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on September 30, 2015, which rendered the attached report and recommendation on September 30, 2015. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that the report of Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority) characterized the appellant as presenting an inconsistent employment record, as being terminated once from a position for a positive marijuana test, and he also received summonses related to alcohol. The appellant also admitted to using marijuana at least "a couple of times." In addition, there was also a discrepancy related to his report of motor vehicle violations and he had also been delinquent on financial obligations on at least two occasions. Dr. Gallegos opined that the appellant's denial of having a history of legal troubles "cast serious doubt on his integrity." When coupled with poor to low average public safety employment suitability and personality test scores ("COPS" test), Dr. Gallegos concluded that the appellant was psychologically unsuitable for employment as a County Correction Officer.

Dr. Nicole Rafanello (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and characterized the appellant's test results as scoring in the low ranges on most measures of job suitability and risk, and in the medium risk range in three areas. None of the areas was in the high risk range. Dr. Rafanello discounted the results of "COPS" test because she lacked information about the test. Dr. Rafanello interpreted the results of the other testing as not being suggestive of potential problems and opined that the appellant's risk of being rated a poor applicant was low. The testing revealed that the appellant's IQ was in the average range. Dr. Rafanello found the results of the Minnesota Multiphasic Personality Inventory (MMPI-2) to be "marginally valid" and not suggestive of pathology. Dr. Rafanello concluded that the appellant possessed the necessary psychological characteristics to perform the essential duties of a County Correction Officer and recommended that he be restored to the subject eligible list.

The Panel concluded that the appellant possessed the necessary cognitive ability for the position and it did not find any significant problems with the psychological testing. However, the Panel expressed concerns about the truthfulness of the appellant's responses to the interviewers and on the paperwork he completed. The Behavioral Summary form is quite clear in asking the appellant to list summonses that he might have received and these were not revealed. Additionally, the appellant's current account of his past substance use is significantly different from what he had previously reported. The Panel found this to be consistent with the concerns about integrity cited by Dr. Gallegos. Accordingly, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Sheriff's Officer, 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 the Panel focused its recommendation on "minor inconsistencies" in the Biological Summary form and the appellant's subsequent explanations of these issues. The appellant further asserts that he passed the independent psychological evaluation of Dr. Rafanello and that the Panel failed to give this evaluation any weight. Additionally, the appellant argues that he is more mature and responsible now. The appellant further argues that he has served as an interim Corrections Officer with Passaic County and has successfully performed in that capacity without incident. Accordingly, the appellant indicates that he should be restored to the subject eligible list.

CONCLUSION

The Class Specification for the title of County Correction Officer is the official job description for such positions within the merit 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.

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 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, as well as the appellant's demeanor and responses before the Panel, prior to rendering its own conclusions and recommendations, which are based firmly on the totality of the record presented to it. The exceptions filed on behalf of the appellant do not persuasively dispute the findings of the Panel, which are firmly based not only on the Panel's own review of the results of the tests administered to the appellant by both sets of evaluators, but also on an assessment of the appellant's presentation before it. In this regard, the Commission shares the concerns about the appellant's integrity expressed by the Panel.

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.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that L.P. is psychologically unfit to perform effectively the duties of a County Correction 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 7TH DAY OF DECEMBER, 2016



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Civil Service Commission

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Attachment

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