



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of C.V., Police Officer
(S9999R), Jersey City

CSC Docket No. 2015-2451

Medical Review Panel Appeal

ISSUED: JUL 18 2017 (BS)

C.V., represented by Michael L. Prigoff, Esq., appeals his rejection as a Police Officer candidate by the Jersey City Police Department and its request to remove his name from the eligible list for Police Officer (S9999R) 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 and cross-exceptions were filed by the parties.

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 having been terminated from prior employment as a Mechanic and as a Security Guard, having a history of time and attendance problems, as quitting a job so he could "go on vacation," as having a history of "chronic lateness" during school which led to his being suspended, and as dressing in an inappropriate manner during the evaluation. The appellant reported a history of three motor vehicle tickets but having no points on his license at the time of evaluation. However, the record indicated that he actually had five motor vehicle tickets. Dr. Gallegos also noted that the appellant reported that he consumes alcohol once or twice a month and that he consumes six or seven beers on each occasion. Dr. Gallegos 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 quiet, cooperative, and appropriate in his comportment during the interview. The appellant spoke in a straightforward manner and did not present as manipulative. The appellant impressed Dr. Morrow as being an industrious worker, who is respectful of traditional family values, is athletically prepared, and educationally and vocationally equipped to be considered for training in the field of law enforcement. Additionally, Dr. Morrow opined that the appellant is "intimately acquainted with the duties and responsibilities of police work through his sister who is already a member of the force." Dr. Morrow noted that the appellant would bring a specialty of computer and auto mechanic skills to the force, and that he is also bilingual in Spanish and English. Dr. Morrow further noted that his standardized test scores are indicative of no psychopathology in his personality or character. Dr. Morrow could find no reason why the appellant was not psychologically fit to serve as a Police Officer and endorsed his candidacy "beyond a reasonable degree of psychological certainty."

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 time and attendance problems at work as well as inconsistencies in his reporting of his own history. Included in a pattern of problems with punctuality and attendance clearly evident in his work history were six separate disciplinary action items stemming from his work with a previous employer. The Panel noted that the appellant's explanations regarding these incidents raised concerns about his communication patterns with employers. The appellant missed an important meeting concerning his standing with one employer and was not able to communicate with them effectively. Additionally, he under-reported the number of driving violations he accrued. The Panel collectively concluded that the appellant had not evidenced a work history that indicates that he would be able to handle the responsibilities of a Police Officer. Accordingly, 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 appointing authority's evaluator, Dr. Gallegos, relies on personal opinions and "fails to provide insight into a number of conclusions that he drew regarding appellant." The appellant contends that "absent some clinical analysis or some showing of specialized knowledge that would help the trier of fact determine an important issue in this matter, the Gallegos Report is an inadmissible net opinion." The appellant alleges that Dr. Gallegos demonstrated bias against him based on opinion and not based on actual

background information involving a specific situation. Dr. Gallegos was overly concerned about the manner in which the appellant was dressed rather than any particular test scores. The appellant also asserts that he waited for six hours before being seen by Dr. Gallegos. With regard to his employment history, the appellant stated he "believed" he was terminated from Elsey Auto Repair but that "his separation was for anything but amicable reasons" because he needed a formal certification rather than for reasons of work performance. The appellant takes exception with the weight given Dr. Gallegos' report over that of Dr. Morrow, whose report was based on an analysis of a full battery of psychological tests. The appellant possesses an Associate's degree in Computer Science with a 3.3 GPA, has no criminal history and only a few traffic tickets, and passed the appointing authority's background investigation. The appellant argues that Dr. Gallegos' report is arbitrary, ignores several positive characteristics while emphasizing the negative, and that the appointing authority has not met its burden of proof in this matter. Accordingly, the appellant requests that the Civil Service Commission restore him to the eligible list.

In its cross exceptions, the appointing authority, represented by Vincent Signorile, Assistant Corporation Counsel, asserts that the Medical Review Panel's Report and Recommendation correctly outlines the reasons for the appellant's disqualification. Due to the appellant's extensive history of absenteeism, in addition to a documented disregard for professional protocol and procedure noted from previous jobs, the Panel found the appellant psychologically unsuitable to carry out the public services required of a Police Officer, which demands a higher degree of responsibility and dedication. Accordingly, the appointing authority argues that the Commission should adopt the report and recommendation of the Panel that the appellant be removed from the eligible list for Police Officer.

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 history of time and attendance problems at work as well as inconsistencies in his reporting of his own history. Candidates for positions in law enforcement are held to a higher standard of personal accountability and a pattern of problems with punctuality and attendance clearly demonstrates a lackadaisical attitude and disregard for rules which is not conducive to an individual who aspires to a successful career in law enforcement.

With regard to the appellant's assertion that the Panel weighed Dr. Gallegos' report and recommendation over that of Dr. Morrow, 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 behavioral history, responses to the various assessment tools, and 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.

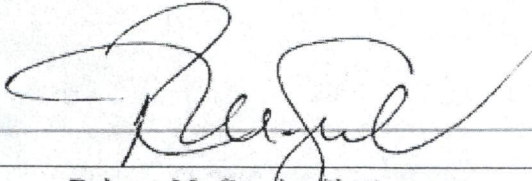
Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the 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 C.V. 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 13TH DAY OF JULY, 2017



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