



STATE OF NEW JERSEY

**DECISION OF
CIVIL SERVICE COMMISSION**

In the Matter of W.J., Correction
Officer Recruit (S9988T),
Department of Corrections

CSC Docket No. 2017-531

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Medical Review Panel

ISSUED: MARCH 29, 2018 (DASV)

W.J., represented by Daniel J. Zirritth, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988T) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel (Panel) on September 29, 2017, which rendered the attached report and recommendation. No exceptions were filed by the parties.

The report by the Panel discusses all submitted evaluations and the information obtained from the meeting. The negative indications related to the appellant’s “limited cognitive abilities, poor dutifulness, poor judgment, poor attention to safety and impulse dyscontrol.” For instance, the appointing authority’s evaluator, Dr. Rachel Safran, found the appellant to have difficulty with recall and understanding questions posed to him. The appellant also scored very low on two tests of cognitive functions. The appellant’s evaluator, Dr. Harry Green, did not find any significant evidence to suggest that the appellant suffers from a major mental illness or personality disorder. While Dr. Green acknowledged that the appellant’s testing was at a very low range, this was consistent with the appellant’s self-reported identification as having a learning disability in high school. However, Dr. Green noted that the appellant possessed sufficient cognitive abilities to graduate high school, serve as a volunteer fire fighter, and operate a successful business. Therefore, Dr. Green concluded that the appellant was psychologically fit to perform the duties

of the position sought. Upon review, the Panel was concerned that the appellant could not meet the cognitive demands of a Correction Officer Recruit given that, in both Drs. Safran and Green's assessments, it was determined that the appellant's intellectual abilities were within borderline range. Therefore, based on the evaluations, the test results of the appellant, and his presentation at the meeting, the Panel recommended that the appellant undergo an independent evaluation, which shall include a full cognitive assessment and evidence from the appellant of his work performance evaluations and writing samples.

CONCLUSION

The Civil Service Commission (Commission) has reviewed the report and recommendation of the Panel. 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 and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel's recommendation and finds it necessary to refer the appellant for an independent evaluation by a New Jersey licensed psychologist.

ORDER

The Commission therefore orders that W.J. be administered an independent psychological evaluation. The Commission further orders that the cost incurred for this evaluation be assessed to the appointing authority in the amount of \$530. Prior to the Commission's reconsideration of this matter, copies of the independent evaluator's report and recommendation will be sent to all parties with the opportunity to file exceptions and cross exceptions.

W.J. is to contact Dr. Robert Kanen, the Commission's independent evaluator, within 15 days of the issuance of this determination in order to arrange for an appointment. Additionally, W.J. is to submit to Dr. Kanen work performance evaluations and writing samples. Dr. Kanen's address is as follows:

Dr. Robert Kanen
Kanen Psychological Services
76 West Ridgewood Avenue
Ridgewood, New Jersey 07450
(201) 670-8072

If W.J. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Commission for final administrative determination and the appellant's lack of pursuit will be noted.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 27TH DAY OF MARCH, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

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and
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Attachment

c: W.J.
Daniel J. Zirrith, Esq.
Veronica Tingle
Dr. Robert Kanen
Kelly Glenn
Annemarie Ragos