

As set forth in the Panel's report, the appellant underwent a pre-appointment medical examination on November 6, 2016, which found him not medically fit for appointment due to laboratory and stress tests. Additionally, on November 18, 2016, the appellant's personal physician did not clear the appellant to proceed with training given his tests, which revealed that the appellant had a hemoglobin A1c of 11.3%. However, the appellant was subsequently evaluated via a treadmill nuclear stress test on December 14, 2016 and a transthoracic echocardiogram on December 15, 2016, which were both normal. Moreover, the appellant reported during the Panel meeting that he checks his blood sugar daily, which is in the 90 to 100 mg/dl range, and has had no episodes of hypoglycemia. He also advised the Panel that his physician started him on Metformin, which he took a few months, but then discontinued a few months ago, since he was well controlled on diet alone. The Panel concluded that although the appellant suffers from diabetes mellitus, the condition "has apparently NOT resulted in an impairment or functional limitation." However, the Panel was concerned that the appellant's condition may currently be poorly controlled or unstable, which could cause a direct threat to himself and others on the job. Therefore, as noted above, it recommended that the appellant undergo a repeat hemoglobin A1c lab testing.

In its exceptions, the appointing authority, represented by Robert J. Pompliano, Assistant Corporation Counsel, maintains that the appellant suffered from a physical ailment at the time of the pre-appointment medical examination. It indicates that the ailment still exists and the Panel's recommendation for further tests supports its determination that the appellant should be removed from the subject eligible list.

CONCLUSION

Having considered the record and the Panel's report and recommendation issued thereon and having made an independent evaluation of the same, the Commission accepts and adopts the findings and conclusions as contained in the Panel's report that the appellant's diabetes mellitus has not resulted in his impairment or functional limitation. More significantly, the Commission adopts the finding and conclusion that the appellant's diabetes mellitus may be poorly controlled or unstable, which could cause a direct threat to himself or others in the job of a Hudson County Sheriff's Officer. It is uncontested that at the time of the pre-appointment medical examination on November 6, 2016 the appellant was not medical fit to perform the duties of the title. Further, almost two weeks later, on November 18, 2016, the appellant's personal physician did not clear him to proceed with training given his tests, which revealed he had hemoglobin A1c of 11.3%. As such, in accordance with *N.J.A.C.* 4A:4-6.1(a)3, the appellant was physically unfit to perform the duties of the title at the time the appointing authority was considering his appointment as his diabetes mellitus did not appear to be under control. The fact that the appellant's condition may currently be poorly controlled or unstable provides further evidence to support the removal of his name from the subject

eligible list and does not demonstrate that he was medically fit to undergo the required training at the time of initial appointment consideration. Therefore, under these circumstances, the appointing authority has met its burden of proof. Accordingly, the appellant's appeal is denied.

ORDER

The Commission finds that the appointing authority has met its burden of proof that N.H. was not medically fit to perform effectively the duties of the title 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 27TH DAY OF MARCH, 2018



Deirdre L. Webster Cobb
Acting Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals
and Regulatory Affairs
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: N.H.
Frank X Schillari
Robert J. Pompliano, Assistant County Counsel
Kelly Glenn