

:	STATE OF NEW JERSEY
:	FINAL ADMINISTRATIVE ACTION OF THE

:	CIVIL SERVICE COMMISSION
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Medical Examiners Panel Appeal

**ISSUED: MARCH 29, 2018** (DASV)

J.P. appeals the request by the City of Newark to remove her name from the Police Officer (S9999R) eligible list for medical unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Examiners Panel (Panel) on September 13, 2017, which rendered the attached report and recommendation on September 18, 2017. Neither the appellant nor the appointing authority was present at the meeting. Exceptions were filed on behalf of the appointing authority.

*N.J.A.C.* 4A:4-6.5 provides for the Civil Service Commission (Commission) to utilize the expertise of the Panel to make a report and recommendation on medical disqualification issues. The Panel is composed of medical professionals, all of whom are faculty and practitioners of Rutgers New Jersey Medical School.

In this case, the Panel's Chairman, Lawrence D. Budnick, MD, Director of Occupational Medicine Service and Associate Professor of Medicine, Rutgers New Jersey Medical School, requested a medical specialist to perform a chart review and to make findings and recommendations regarding the appellant's medical fitness for the job in question. Based on the evaluation of submitted information and the medical consultant's review, the Panel recommended that the appellant undergo a repeat exercise stress test using the Bruce protocol.

As set forth in the Panel's report, the September 8, 2015 pre-appointment medical examination found the appellant not medically fit for appointment due to

In the Matter of J.P., Police Officer (S9999R),

CSC Docket No. 2016-3461

City of Newark

anemia and poor exercise tolerance. Specifically, the exercise ECG stress test using the Bruce protocol revealed that the appellant had poor exercise tolerance, a blunted blood pressure response, and significant ST abnormalities. In a letter dated April 12, 2016, the appellant's personal physician indicated that the appellant previously had transient anemia, which had been corrected. He further indicated that the appellant has no restrictions that would impact her working on the police force. Upon review, the Panel found that the appellant had anemia at the time of the pre-appointment medical examination, but the condition was no longer present. It opined that myocardial ischemia could be exacerbated by anemia, which could have occurred. Therefore, as noted above, the Panel recommended that the appellant undergo a repeat exercise stress test using the Bruce protocol.

In its exceptions, the appointing authority, represented by France Casseus, Assistant Corporation Counsel, submits the response of its physician, Dr. Robert Mustillo. Dr. Mustillo states that based on the September 8, 2015 examination, the appellant was not medically cleared to enter the police academy because she was "moderately anemic and on her exercise stress test exhibited reduced exercise tolerance and possible exercise-induced paroxysmal atrial tachychardia." While Dr. Mustillo agrees with the Panel's comments, he states that it has been over two years since the appellant's pre-appointment medical examination. As such, the appellant would need to go through the entire medical examination and not just the stress test to determine whether she is medically fit to enter the police academy.

## 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 as contained in the Panel's report, but does not accept its recommendation for the appellant to undergo a repeat exercise stress test. It is not disputed that the appellant suffered from anemia. Regardless of whether it was transient, it affected her ability to perform at an acceptable level in the exercise ECG stress test which revealed poor exercise tolerance, a blunted blood pressure response, and significant ST abnormalities. The Commission notes that consideration of a candidate occurs at a specified period of time. A candidate must be available and medically capable of undergoing the training involved for the position sought at the time the candidate's application is considered. In this case, the appellant has not submitted sufficient documentation to challenge the medical findings which disqualified her for the position, regardless of whether her anemia is now resolved. Therefore, the record demonstrates that the appellant was not medically fit for the position. Accordingly, her appeal is denied.

## ORDER

The Commission finds that the appointing authority has met its burden of proof that J.P. was not medically fit to perform effectively the duties of the title and, therefore, the Commission orders that her 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 27<sup>TH</sup> DAY OF MARCH, 2018

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Deirdre L. Webster Cobb Acting Chairperson Civil Service Commission

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## Attachment

c: J.P.

Kecia Daniels France Casseus, Assistant Corporation Counsel Kelly Glenn