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STATE OF NEW JERSEY

CIVIL SERVICE COMMISSION

In the Matter of A.G., Correction
Officer Recruit (S9987M),
Department of Corrections

Medical Review Panel

CSC Docket No. 2013-2987

ISSUED: DEC 18 2014

(BS)

A.G., represented by Curtis J. La Forge, 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 (S9987M) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on August 27, 2014, which rendered the attached report and recommendation on August 28, 2014. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Guillermo Gallegos (evaluator on behalf of the appointing authority) carried out a psychological evaluation of the appellant and characterized the appellant as having cognitive limitations and a "significant history of domestic violence," including three temporary restraining orders with two different women, although they were all dismissed. The appellant was also charged with making a terroristic threat, also dismissed, and he was issued a bench warrant for unpaid tickets. Dr. Gallegos also noted conflicting information as to the appellant's separation from employment with Enterprise Car Rental, and that the appellant failed to disclose a written warning for absenteeism in his position as a Parking Enforcement Officer. As a result, Dr. Gallegos failed to recommend the appellant for employment as a Correction Officer Recruit.

Dr. Daniel Williams (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and his overall impression of the appellant as having no indications of pathology present. Dr. Williams noted that testing did not reveal any indication of psychosis or a personality disorder. Dr. Williams concluded that the appellant was suitable for employment as a Correction Officer Recruit.

The evaluators on behalf of the appellant and the appointing authority reached differing conclusions and recommendations. The Panel concluded that the negative recommendation finds support in the appellant's history of adverse interactions with legal authorities. Specifically, the Panel asked him to explain the various incidents with which he was involved, which he did, and the Panel noted that, in each instance, the charges and restraining orders had been dismissed. The appellant indicated that he had not had any additional interactions with law enforcement after his evaluation with Dr. Gallegos. The appellant indicated that he continued his employment as a Parking Enforcement Officer and Basketball Coach without incident. The incident regarding his current employment as a Parking Enforcement Officer occurred as the result of the appellant being "confused" over scheduled time off. The appellant was somewhat vague when explaining his termination from Enterprise Car Rental and he characterized it as "leaving" rather than being terminated.

The Panel did not find anything in the results of the screening instruments which would suggest that the appellant had any issues with cognitive functioning and noted test data showed that his IQ was in the average range. Therefore, the Panel was satisfied that the appellant did not possess any cognitive limitations which would render him unsuitable for the position. Further, the Panel did not find any meaningful inconsistencies between his responses on the biographical summary and his responses provided during the interview with Dr. Gallegos. Although he was terminated from his employment with Enterprise Car Rental, his intervening work history was seen by the Panel as not raising any red flags. The Panel further noted that the appellant did not have a history of domestic violence; what he did have was a history of being charged with harassment, assault, and threats, and the placement of more than one temporary restraining order. All of the charges related to these incidents were dismissed, as were all of the temporary restraining orders. Although the Department of Corrections did not see these incidents as reason to disqualify the appellant, the Panel had significant concerns about any underlying mental conditions present that might make the appellant unsuitable for the position. Specifically, in spite of a lack of convictions, the Panel expressed concerns that the number of incidents could be reflective of underlying character issues which would make him unsuitable. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Correction Officer Recruit, justified sending the appellant for an

independent psychological evaluation which should focus on the concerns raised by the Panel.

In his exceptions, the appellant argues that his attorney was stuck in traffic and could not make by the scheduled 10 a.m. time. His attorney's associate, Michael Garcia, Esq., who was present, requested a 20 minute adjournment which the Panel rejected. The appellant submitted a number of documents for consideration which the appellant contends should obviate the need for further testing.

CONCLUSION

The Civil Service Commission has reviewed the report and recommendation of the Panel and concurs with the Panel's concerns about the appellant's involvement in numerous incidents including harassment, assault, threats, and restraining order. While the Commission is mindful of all of the charges were dismissed and restraining orders lifted, the Commission shares the Panel's concerns that the appellant's involvement in an inordinate number of such incidents could be reflective of underlying character issues which would make him unsuitable for the subject position. According, the Commission concurs with the Panel's recommendation that an independent psychological evaluation explore this possibility.

With regard to the appellant's argument that his attorney was stuck in traffic and thus unable to make the scheduled Panel meeting time, the Commission notes that the Panel meeting is not a plenary hearing where testimony is taken, and does not require the presence of the appellant's representative. Rather, the Panel meeting serves as a vehicle for the members of the Panel to directly question the appellant concerning areas of concern which arise from the Panel's own thorough review of both sets of evaluations, the test data, and behavioral record prior to rendering its own report and recommendation concerning the psychological suitability of the appellant. It is further noted that the Panel's observations regarding the appellant's 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. Copies of the Panel's report and recommendation are provided to the parties prior to a final decision being issued, and the parties are afforded an opportunity to file exceptions and cross exceptions to be addressed by the Commission in its Final Administrative Determination. The Commission relies on the expertise of these licensed professionals when deciding the merits of psychological disqualification appeals.

ORDER

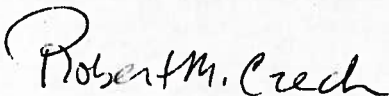
The Civil Service Commission therefore orders that A.G. be administered an independent psychological evaluation. The Commission further orders that it is appropriate in this matter to assess the cost incurred for this evaluation to the appointing authority in the amount of \$530. Prior to the Civil Service 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.

A.G. is to contact Dr. Robert Kanen, the Civil Service Commission's independent evaluator, in order to arrange for an appointment within 15 days of receipt of this order. 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 A.G. does not contact Dr. Kanen within the time period noted above, the entire matter will be referred to the Civil Service Commission for final administrative determination and the appellant's lack of pursuit will be noted.

**DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 17TH DAY OF DECEMBER, 2014**



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence:

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Attachments

c: **A.G.**
Curtis J. La Forge, Esq.
Jennifer Rodriguez
Kenneth Connolly