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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of A.D., Fire Fighter  
(M2542M), Jersey City

Medical Review Panel Appeal

CSC Docket No. 2015-1068

ISSUED: APR 12 2017 (BS)

A.D., represented by Michael L. Prigoff, Esq., appeals his rejection as a Fire Fighter candidate by Jersey City and its request to remove his name from the eligible list for Fire Fighter (M2542M) 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 25, 2016, which rendered the attached report and recommendation on May 25, 2016. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Betty McLendon (evaluator on behalf of the appointing authority), conducted a psychological evaluation of the appellant and characterized the appellant as demonstrating a long pattern of maladaptive functioning manifested by problems adhering to standards and exercising appropriate decision making skills. Dr. McLendon noted that this was completely borne out by a review of the appellant's background data, including his extensive criminal record, motor vehicle infractions, academic underachievement, and negligible work record. Dr. McLendon concluded that the appellant lacked initiative, a sense of responsibility, sound judgment, and reliability that would be expected as a candidate for a public safety position. Dr. McLendon failed to recommend the appellant for appointment to the subject position.

Dr. Sandra Morrow, evaluator on behalf of the appellant, carried out a psychological evaluation and indicated that, although the appellant had numerous scrapes with the law, he never resisted apprehension and always paid compensation for his wrongdoing. Dr. Morrow opined that juvenile offenses cannot be considered evidence of serious character deficiencies, but were behavioral errors that manifest themselves in a typical youthful context. However, Dr. Morrow opined that marijuana possession was a more serious offense, but noted that the appellant showed sufficient remorse for his youthful indiscretions. None of the testing data revealed any "evidence of endemic pathology" or substance abuse in his psychological profile which would render the appellant unfit to serve as a Fire Fighter. Dr. Morrow indicated that the appellant is capable of insight regarding the essential qualities constructing the character of a public servant. Dr. Morrow could find no reason why the appellant was not psychologically fit to serve as a Fire Fighter.

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 poor work history, arrest record, driving record, and immaturity. The appellant offered explanations for his various juvenile and adult offenses to the Panel. However, the Panel indicated that the appellant presented as guarded and evasive. The Panel found the appellant's behavioral record revealed a pattern of behavior that demonstrates a lack of maturity and decision making skills, as noted throughout Dr. McClendon's report. The Panel opined that, as a Fire Fighter or civil servant in general, it is expected that an individual in these careers make appropriate life choices that uphold the law. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Fire Fighter, 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 Panel focused exclusively on Dr. McClendon's conclusions regarding "a number of minor incidents from the appellant's youth" and gives no weight to the findings of Dr. Morrow. The appellant contends that, as with Dr. McClendon's evaluation, the Panel's Report and Recommendation fails to connect any of the appellant's conduct as a youth to any psychological disorder or condition, and instead focuses on the appellant's parking violations. The appellant argues that he has not been in trouble with the police since his youth and that he has not been arrested or charged with a crime in more than ten years. Further, none of these incidents involved violence and were all "typical adolescent occurrences." The appellant contends that Dr. McClendon is "transfixed" on his statements regarding the amount of assistance he has received from his parents over the years and "utterly fails" to link this to any psychological

factors which would preclude him from serving as a Fire Fighter. Accordingly, the appointing authority has failed to sustain its burden of proof in this matter. As a result, the appellant argues that he should be restored to the list for Fire Fighter.

### CONCLUSION

The Class Specification for the title of Fire Fighter is the official job description for such positions within the civil service system. According to the specification, Fire Fighters are entrusted with the safety and maintenance of expensive equipment and vehicles and are responsible for the lives of the public and other officers with whom they work. Some of the skills and abilities required to perform the job include the ability to work closely with people, including functioning as a team member, to exercise tact or diplomacy and display compassion, understanding and patience, the ability to understand and carry out instructions, and the ability to think clearly and apply knowledge under stressful conditions and to handle more than one task at a time. A Fire Fighter must also be able to follow procedures and perform routine and repetitive tasks and must use sound judgment and logical thinking when responding to many emergency situations. Examples include conducting step-by-step searches of buildings, placing gear in appropriate locations to expedite response time, performing preparatory operations to ensure delivery of water at a fire, adequately maintaining equipment and administering appropriate treatment to victims at the scene of a fire, e.g. preventing further injury, reducing shock, restoring breathing. The ability to relay and interpret information clearly and accurately is of utmost importance to Fire Fighters as they are required to maintain radio communications with team members during rescue and firefighting operations.

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 Panel's concerns centered on a behavioral record that revealed a pattern of lack of maturity and decision making skills. The Commission notes that the variety of incidents over time illustrate the findings of the Panel and is mindful that past behavior is a predictor of future performance. It 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 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. The Commission further finds that the appellant's exceptions do not persuasively dispute the findings and recommendations of the Panel in this regard.

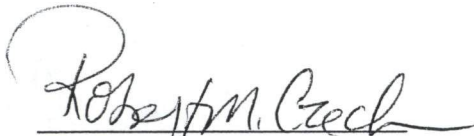
Having considered the record and the Medical Review Panel's report and recommendation issued thereon and the exceptions filed on behalf of the appellant, and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the 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 A.D. is psychologically unfit to perform effectively the duties of a Fire Fighter 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 5TH DAY OF APRIL, 2017



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Civil Service Commission

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Attachment

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