



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of M.F.,
Police Officer (S9999U), Roselle

CSC Docket No. 2018-571

Medical Review Panel Appeal

ISSUED: June 14, 2019 (BS)

M.F., represented by Peter B. Paris, Esq., appeals her rejection as a Police Officer candidate by the Roselle Police Department and its request to remove her name from the eligible list for Police Officer (S9999U), Roselle 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 10, 2018, which rendered its report and recommendation on August 10, 2018. Exceptions were filed by the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. It notes that Dr. Lewis Schlosser (evaluator on behalf of the appointing authority) conducted a psychological evaluation of the appellant and characterized the appellant as presenting with significant problems, including poor social competence, poor dutifulness, and poor integrity. The appellant was defensive, evasive, and nonchalant during her interview and consistently sought to minimize the known negatives from her social history. Dr. Schlosser noted that the appellant demonstrated multiple problems with social competence in her work as a Dispatcher which led to multiple disciplinary actions. These disciplinary actions have failed to help her modify her behavior. Dr. Schlosser found her history to be filled with examples of poor judgment and “behaviors that cut against convention.” Further, the appellant admitted to being an inpatient and involved in therapy since 2011. Test data produced unfavorable indicators of essential job functions and performance and revealed that the appellant was “poorly suited” for work in law enforcement. Dr. Schlosser failed to recommend the appellant for appointment.

Dr. Nicole J. Rafanello (evaluator on behalf of the appellant) carried out a psychological evaluation of the appellant and characterized the appellant as free from mental or emotional impairment which would prevent her from performing the duties of the position. Dr. Rafanello noted that the appellant independently sought help when struggling in her life, learned from her mistakes, and showed several prognostic indicators for being a suitable Police Officer. Dr. Rafanello indicated that the appellant posed a low to medium risk on the objective measures of Police attributes. Therefore, Dr. Rafanello found no significant psychological reason why the appellant would be unsuitable for employment as a Police Officer.

The evaluators on behalf of the appellant and the appointing authority arrived at differing conclusions and recommendations. The Panel noted that the negative recommendations found support in the appellant's limited poor social competence, dutifulness, and integrity. The appellant has worked as a Dispatcher for Roselle Borough Police and has been the subject of five disciplinary actions during that period. The appellant had previously been suspended from college for underage drinking on a "dry campus." When the appellant applied to the Union County Sheriff's Office, her application was rejected for "falsification." Although Dr. Schlosser had expressed concerns, the Panel found the appellant's use of mental health treatment under the circumstances presented to be reasonable.

However, of most concern to the Panel was the history of disciplinary actions. When questioned about the inappropriateness of the responses, there was no recognition that this type of behavior in the workplace, let alone in law enforcement, is inappropriate and it jeopardizes relations with the public. When asked about the discipline regarding the sarcastic remarks to the Sergeant, the appellant stated that she allowed this person "to get under her skin." The Panel noted that being a Police Officer requires someone to be able to have social awareness and competence to react in a more professional and calm manner. Further, as a Dispatcher, the Panel noted that the appellant works in a supervised setting. As a Police Officer, the appellant would be in the field on her own and would need to address potentially volatile situations without the presence of a supervisor on site. The Panel found the appellant's presentation consistent with Dr. Schlosser's evaluation. Accordingly, the Panel found that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for Police Officer, 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 her exceptions, the appellant asserts that the findings of poor social competence and lack of dutifulness and integrity are inaccurate and that her

integrity and sense of duty are evidenced by her “forthright acknowledgment and acceptance” of her disciplinary record. She then sets out explanations for her behavior in each instance. She argues that she has been forthcoming regarding her role in each of the incidents cited, she has accepted the consequences of her actions, and that she “has learned from her mistakes.” The appellant also indicates that she earned a Bachelor’s degree in Criminal Justice (*magna cum laude*) and will be completing her Master’s degree in June 2019. The appellant requests that the Commission restores her name for consideration. In support of her appeal, the appellant submitted a number of letters of reference endorsing her suitability.

CONCLUSION

The Job Specification for the title, Police Officer, is the official job description for such municipal positions within the Civil Service system. The specification lists examples of work and the knowledge, skills and abilities necessary to perform the job. Examples include the ability to find practical ways of dealing with a problem, the ability to effectively use services and equipment, the ability to follow rules, the ability to put up with and handle abuse from a person or group, the ability to take the lead or take charge, knowledge of traffic laws and ordinances, and a willingness to take proper action in preventing potential accidents from occurring.

Police Officers are responsible for their lives, the lives of other officers and the public. In addition, they are entrusted with lethal weapons and are in daily contact with the public. They use and maintain expensive equipment and vehicle(s) and must be able to drive safely as they often transport suspects, witnesses and other officers. A Police Officer performs searches of suspects and crime scenes and is responsible for recording all details associated with such searches. A Police Officer must be capable of responding effectively to a suicidal or homicidal situation or an abusive crowd. The job also involves the performance of routine tasks such as logging calls, recording information, labeling evidence, maintaining surveillance, patrolling assigned areas, performing inventories, maintaining uniforms and cleaning weapons.

The Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and finds legitimate concerns were raised by the appointing authority’s evaluator concerning the appellant’s poor judgment and integrity issues. The Commission is not persuaded by appellant’s exceptions and shares the Panel’s concerns regarding the appellant’s history of disciplinary actions, limited poor social competence, dutifulness, and integrity. Particularly disturbing to the Commission is the appellant’s disciplinary history and strongly agrees with the Panel that this type of behavior in the workplace, let alone in a law enforcement environment, is inappropriate and jeopardizes relations with the public. The Commission finds the record, when viewed in its entirety, supports the findings of the Panel and the appointing authority’s evaluator concerning her judgment and

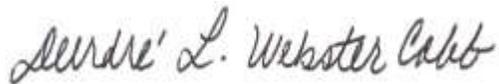
conflict resolution skills. Accordingly, the Commission is not comfortable in ratifying the appellant's psychological fitness to serve as a Police Officer.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that M.F. is psychologically unfit to perform effectively the duties of a Police Officer 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 12TH DAY OF JUNE, 2019



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