

STATE OF NEW JERSEY

In the Matter of J.J.W., Parole
Officer Recruit (S1000U), New Jersey
State Parole Board

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

CSC Docket No. 2019-2783

Medical Review Panel Appeal

ISSUED: JUNE 19, 2020 (BS)

J.J.W., represented by Paul N. Mirabelli, Esq., appeals his rejection as a Parole Officer Recruit candidate by the New Jersey State Parole Board and its request to remove his name from the eligible list for Parole Officer Recruit (S1000U) on the basis of psychological unfitness to perform effectively the duties of the position.

This appeal was brought before the Medical Review Panel on February 26, 2020, which rendered its report and recommendation on February 26, 2020. Exceptions were filed on behalf of the appellant.

The report by the Medical Review Panel discusses all submitted evaluations. Dr. Guillermo Gallegos, evaluator on behalf of the appointing authority, conducted a psychological evaluation and concluded that the appellant evidenced significant problems with integrity, judgment, substance misuse/abuse, and impulse control. The appellant also presented with a history of illegal acts, authority problems, lack of empathy, instability, and excitement seeking. Dr. Gallegos failed to recommend the appellant for appointment.

Dr. Betty C. McLendon, evaluator on behalf of the appellant, conducted a psychological evaluation and concluded that there is not indication that the appellant had a dependency on drugs or alcohol. Dr. McLendon found no evidence that the appellant possesses personality deficits, problems with impulse control, or that he continues to exercise poor judgment in his employment or relations with others. Dr. McLendon opined that the appellant was psychologically suitable to be employed as a Parole Officer Recruit.

The Panel concluded that the negative recommendation found support in the appellant's presentation before the Panel, which was consistent with the findings of Dr. Gallegos which included significant problems with integrity, judgment, substance misuse/abuse, and impulse control. The Panel also noted that there were indications that the appellant used cocaine multiple times, which he failed to disclose to Dr. McLendon. The Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the available information and the Job Specification for Parole Officer Recruit, 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. Accordingly, the Panel recommended that the applicant be removed from the eligible list.

In his exceptions, the appellant asserts his alcohol or substance use "was situational and isolated to a brief period while he in college." While employed at Precision Pipeline Solutions, the appellant claims, in addition to not having any difficulties, reprimands, or suspensions, "he was subject to random drug and alcohol testing which he never failed." The appellant further claimed that he only used cocaine one time. With regard to his termination, the appellant claimed to have worked for Bayshore Hospital for four years without incident. The appellant further claims that he was just a passenger in the vehicle and had nothing to do with the driver's decision to attempt to outrun the Police. In fact, he was not charged in the incident. Regarding the incident with the appellant's father, "this was simply a family dispute, nothing more" and the incident should not be seen in a negative context. The appellant argues that he is psychologically fit to serve in the subject position.

CONCLUSION

The Job Specification for the title of Parole Officer Recruit is the official job description for such positions within the merit system. According to the specification, officers are responsible for the care, use and security of firearms and equipment; detection, apprehension, arrest and conviction of law offenders; participation in investigations of existing and potential employment opportunities for persons on parole; assisting in investigations and in developing parole plans for prospective parolees; learning to recognize and rapidly evaluate potentially dangerous situations involving parolees/parole violators; exercise of caution and independent judgment to avoid personal injury or to prevent endangerment of the general public or serious property damage; liaison with law enforcement agencies, courts, employers, clergymen, school officers, welfare agencies, and civic and business organizations, and with relatives of parolees and others for the purpose of rehabilitating persons on parole; and coordination of parolees' collection efforts of court-imposed revenue obligations with other government or private agencies in the event of default.

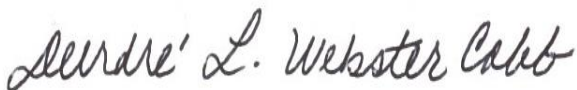
The Civil Service Commission has reviewed the job specification for this title and the duties and abilities encompassed therein and found that the psychological traits, which were identified and supported by test procedures and the behavioral record, relate adversely to the appellant's ability to effectively perform the duties of the title. The explanations provided by the appellant in his exceptions do not persuasively refute the findings of the Panel in this regard. The Commission notes that the behavioral record reveals a pattern of acts of bad judgment which is not conducive to an individual who aspires to serve in a law enforcement capacity. For example, although the appellant may not have been charged as a passenger in a vehicle whose driver attempted to outrun the Police, this does not negate the appellant's bad judgment for being a passenger in a vehicle with such a driver in the first place. All such interactions with law enforcement are subject to review in the context of an applicant's psychological evaluation. The number of incidents in the appellant's behavioral record are suggestive of an individual with significant problems regarding judgment and impulse control which are not conducive to serving in a law enforcement capacity. Having considered the record and the Medical Review Panel's report and recommendation issued thereon and having made an independent evaluation of same, the Civil Service Commission accepted and adopted the findings and conclusions as contained in the Medical Review Panel's report and recommendation.

ORDER

The Civil Service Commission finds that the appointing authority has met its burden of proof that J.J.W. is psychologically unfit to perform effectively the duties of a Parole Officer Recruit 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
17TH DAY OF JUNE, 2020



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