B-1

STATE OF NEW JERSEY

CIVIL SERVICE COMMISSION

In the Matter of J.L., County Correction Officer (S9999R), Passaic County

Medical Review Panel Appeal

CSC Docket No. 2015-2237

ISSUED: NOV 06 2015 (BS)

J.L. appeals his rejection as a County Correction Officer candidate by Passaic County and its request to remove his name from the eligible list for County Correction Officer (S9999R) 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 25, 2015 which rendered the attached report and recommendation on August 25, 2015. No exceptions were filed by the parties.

The report by the Medical Review Panel discusses all submitted evaluations. The Panel noted the negative recommendations that were indicated by Dr. Lewis Z. Schlosser,[1] evaluator on behalf of the appointing authority, who cited the appellant's behavioral history which included the following: a domestic violence incident; being released from Bergen Regional Medical Center without being sent for follow-up psychiatric or mental health treatment; failing to report an incident involving a verbal dispute between appellant and his landlord over the noise-level at a party; denying a history of having his driver's license suspended even though his abstract indicated his license was suspended from July 2005 to June 2006; failing to accurately report the number of motor vehicle tickets he received; and failing to

[1] The Medical Review Panel report incorrectly refers to the Institute for Forensic Psychology's (IFP) Dr. Matthew Guller as the evaluator rather than IFP's Dr. Lewis Z. Schlosser. This is a typographical error. Dr. Guller appeared at the Panel meeting on behalf of IFP and Dr. Schlosser evaluated the appellant.

accurately report his dates of military service or the place of his residence. Dr. Schlosser failed to recommend the appellant for appointment to the subject position.

Dr. John Fiorello, evaluator on behalf of the appellant, concluded that the appellant appeared to have the appropriate adjustment reaction to being disqualified from the Police Academy for reportedly not passing his psychological evaluation. Dr. Fiorello opined that such a reaction is not considered to be pathological or uncommon given the gravity of the consequences.

The evaluators on behalf of the appellant and the appointing authority reached differing conclusions and recommendations. The Panel concluded that the negative recommendations that were indicated related to discrepancies in the appellant's reporting of his background history, possible poor integrity, and difficulty with stress management. Although the appellant answered all of the questions posed to him by the Panel, his accounting of his personal history was not clear. For example, he did not provide consistent reports regarding his motor vehicle driving history. The Panel's concerns focused on the appellant's integrity and it concluded that the information reported and reviewed during the evaluations did not conclusively demonstrate whether or not the appellant was psychologically suitable for employment as a County Correction Officer. Accordingly, the Panel concluded that the test results and procedures and the behavioral record, when viewed in light of the Job Specification for County Correction Officer, justified sending the appellant for an independent psychological evaluation which should address the discrepancies that exist between the appellant's reporting of his personal history and the depiction of poor stress tolerance, tendency to be not fully truthful, and poor decision making ability as indicated in the appointing authority's evaluation.

CONCLUSION

The Civil Service Commission has reviewed the report and recommendation of the Medical Review Panel. The Commission notes that the Panel conducts an independent review of the raw data presented by the parties as well as the recommendations and conclusions drawn by the various evaluators and that, in addition to the Panel's own review of the results of the tests administered to the appellant, it also assesses the appellant's presentation before it prior to rendering its own conclusions and recommendations which are based firmly on the totality of the record presented. The Commission agrees with the Panel's recommendation that an independent psychological evaluation needs to address the discrepancies that exist between the appellant's reporting of his personal history and the depiction of poor stress tolerance, lack of veracity, and poor decision making ability as indicated in the appointing authority's evaluation. Therefore, the Commission finds it necessary to refer this matter for independent evaluation by a New Jersey licensed psychologist.

ORDER

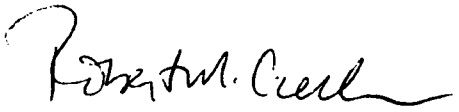
The Civil Service Commission therefore orders that J.L. be administered an independent psychological evaluation. The Commission further orders that it is appropriate in this matter to assess the cost incurred for this evaluation to the appointing authority in the amount of $530. Prior to the Civil Service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

J.L. 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 J.L. 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 5TH DAY OF NOVEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

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Attachment

c: J.L.
Anthony J. DeNova
Kenneth Connolly
Dr. Robert Kanen