

that she was taking during the time of her urinalysis. Therefore, in accordance with departmental policy, it removed the appellant from the eligible list and reported her name to the Central Drug Registry maintained by the Division of State Police. The appointing authority states that the appellant has not submitted any scientific evidence to support her claim that taking large amounts of Ibuprofen can cause a false positive for cannabis. Additionally, the appointing authority argues that the September 10, 2015 pre-employment oral fluid test does not establish that the June 11, 2015 urine test was inaccurate as it was taken three months after the urine test. In support, the appointing authority's submits the appellant's toxicology report for the specimen at issue.

CONCLUSION

N.J.A.C. 4A:4-4.7(a)1, in conjunction with *N.J.A.C. 4A:4-6.1(a)3*, states that an eligible who is physically unfit to effectively perform the duties of the position may be removed from the eligible list. *N.J.A.C. 4A:4-4.7(a)1*, in conjunction with *N.J.A.C. 4A:4-6.1(a)9*, also states that an eligible may be removed from an eligible list for other sufficient reasons as determined by the Civil Service Commission.

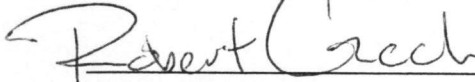
In the instant matter, the appellant's June 11, 2015 urine test was positive for cannabis. Moreover, although the appellant submits a negative oral fluid test, that test was dated September 10, 2015, three months after the positive drug test. The appellant's argument that the positive result was due to large amounts of Ibuprofen is unpersuasive. She has submitted no scientific evidence that her positive urine sample for cannabis was due to Ibuprofen. Moreover, the appellant's argument that she tested negative for cannabis over the past three years including her September 10, 2015 test is irrelevant. The only test that is important is the urinalysis at issue. Consequently, the appointing authority has met its burden of proving that the appellant had a failed urinalysis examination and that such matter would prevent her from effectively performing the duties of the position at issue. The job specification for Correction Officer Recruit defines the duties of the position as tracking the number of inmates, escorting inmates to and from their quarters, patrolling assigned areas of the buildings and grounds, making required reports and assisting in controlling the general conduct and behavior of inmates who are gathered in groups. Clearly, a positive drug screen presents an impediment to the appellant's ability to perform these law enforcements duties. Thus, the appellant was properly removed from the subject eligible list.

ORDER

Therefore, it is ordered that this appeal be denied.

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 16TH DAY OF DECEMBER, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Henry Maurer
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

Attachment

c: Denise Rodriguez
Jennifer Rodriguez
Kenneth Connolly
Joseph Gambino



State of New Jersey
DEPARTMENT OF CORRECTIONS
Custody Recruitment Unit
PO Box 863
TRENTON NJ 08625-0863

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

GARY M. LANIGAN
Commissioner

August 18, 2015

DENISE RODRIGUEZ
[REDACTED]
[REDACTED]

Re: Notification of Removal
Symbol: S9988R; Rank: 8741
Expiration Date: 05/22/2015

Dear Candidate:

This letter is to inform you that your name has been removed from the above-referenced eligible list for State Correction Officer Recruit due to failure of the urinalysis for positive use of **Cannabinoids (THC)**. As a result, your name has also been forwarded to the Central Drug Registry maintained by the Division of State Police.

N.J.A.C. 4A:4-4.7 provides for the removal of a prospective employee for the reason noted. Therefore, your name has been removed from the list.

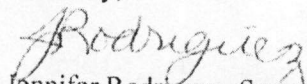
Please be advised that in accordance with Merit System Rules, you may appeal the decision to the Division of Merit System Practices and Labor Relations within twenty (20) days of the date of this letter. You must submit all proofs, arguments and issues which you plan to use to substantiate the issues raised in your appeal. You must include a copy of this letter with your appeal. **You must notify the Appointing Authority if you appeal and provide copies of all documents submitted for consideration to the mailing address noted above.**

All appeals must be sent to:

Merit System Practices and Labor Relations
Written Appeals Record Unit
P.O. Box 312
Trenton, NJ 08625-0312

Please be advised that pursuant to P.L. 2010 C.26, effective July 1, 2010, there shall be a \$20 fee for all appeals. Please include the required \$20 fee with your appeal. Payment must be made by check or money order only, payable to the NJ CSC. Persons receiving public assistance pursuant to P.L. 1947, C.156 (C.44:8-107 et seq.), P.L. 1973, C.256 (C.44:7-85 et seq.), or P.L. 1997, C.38 (C.44:10-55 et seq.), and individuals with established veteran's preference as defined by N.J.S.A. 11A:5-1 et seq. are exempt from these fees.

Sincerely,


Jennifer Rodriguez, Supervisor
Custody Recruitment Unit

JR/tj