



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Jason Seminerio,  
County Correction Officer (S9999R),  
Passaic County

List Removal

CSC Docket No. 2016-1510

ISSUED: NOV 29 2016 (LDH)

Jason Seminerio appeals his removal from the eligible list for County Correction Officer (S9999R), Passaic County on the basis of a positive drug test.

By way of background, the appellant appeared on the County Correction Officer (S9999R), Passaic County eligible list, and his name was certified to the appointing authority on January 7, 2015. In disposing of the certification, the appointing authority requested the removal of his name due to a positive drug test. In support of its rejection and request for removal, the appointing authority submitted a laboratory report dated March 23, 2015, indicating that the appellant's urine sample taken on February 26, 2015 tested positive for Benzodiazepines (Benzo).

On appeal to the Civil Service Commission (Commission), the appellant argues that his removal from the eligible list was unjustified. The appellant argues that his failed drug test was the result of a prescribed medication, Xanax. He contends that since he takes a multitude of medications, he couldn't remember all the medications that he was prescribed when he was asked to complete the medication information sheet. He explains that he called the appointing authority the next day but a detective told him that he could clarify the drug test at a later date. Lastly, the appellant contends that he has had a Commercial Driver License for eight years and gets tested randomly but has never had an issue with a positive drug test. In support, he submits a medication list from his doctor dated August 12, 2015, a medication list from MediCenter Pharmacy dated October 6, 2015 and a medication list from Walgreens dated October 10, 2015.

In response, the appointing authority stands with its original decision to remove the appellant from the open-competitive eligible list due to his positive drug test. The appointing authority states that the appellant was given a description of the drug testing procedures and the requirements under the New Jersey Attorney General's Guidelines. According to the appointing authority, the appellant was given a chance to list all medications, for both over-the-counter and prescription, which he had taken. Furthermore, at the time of pre-employment screening, the appellant was given the chance to make a phone call to get the name of the medications or the nature of the medications he had taken. The appointing authority notes that the appellant did list some medications, but he did not list the medication that generated the positive test. The appointing authority opines that the appellant may have omitted the Xanax medication because it is used to treat panic and anxiety disorders, which raises red flags in the law enforcement process. In support, the appointing authority submits a chain of custody sheet, a toxicology report, the medication information sheet and e-mail correspondence between the appointing authority and the appellant.

### 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.

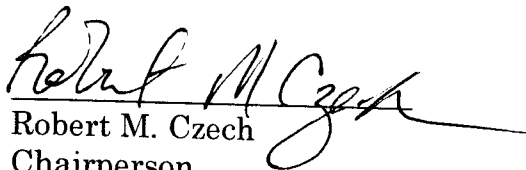
In the instant matter, the appellant has not disputed his positive drug test. Rather, he merely asserts that he forgot to list Xanax on his medication list, due to the number of medications he takes. Although the appellant does submit a printout from his pharmacy, on appeal, that verifies that he was prescribed Xanax two weeks before the pre-employment screening, he provides no specific evidence to indicate why he could not timely submit the requested documentation to the appointing authority. The appellant was made fully aware of the appointing authority's drug testing procedures as evidenced by the fact that he filled out the medication information sheet. Most importantly, the appellant by his own admission realized the day after the pre-employment screening that he did not put down his prescription for Xanax on the medication information sheet. As a result, the appellant had the responsibility to timely and adequately inform the appointing authority about his oversight. The appellant's argument that he called a detective at the appointing authority is unpersuasive. The appellant has not provided the name of the detective or the date and time of the phone call. Accordingly, the appellant's removal from the County Correction Officer (S9999R), Passaic County eligible list was appropriate.

**ORDER**

Therefore, it is ordered that this appeal be denied and the name of Jason Seminerio be removed from the eligible list for County Correction Officer (S9999R), Passaic County.

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 23RD DAY OF NOVEMBER, 2016

  
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and  
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