



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Sherman Williams  
County Correction Officer (S9999R),  
County of Camden

List Removal Appeal

CSC Docket No. 2016-2474

ISSUED: **NOV 30 2016**

(ABR)

Sherman Williams appeals the removal of his name from the eligible list for County Correction Officer (S9999R) on the basis of a positive drug test.

By way of background, the appellant appeared on the County Correction Officer (S9999R) eligible list, and his name was certified to the appointing authority on March 24, 2015. The eligible list expires on May 1, 2017.<sup>1</sup> In disposing of the certification, the appointing authority requested the removal of his name due to a positive drug test. In support of its request for removal, the appointing authority submitted an Employer Drug Testing Summary Report from Virtua Immediate Care (Virtua) dated June 18, 2015. The report stated that the appellant's urine sample was collected on June 11, 2015, and tested by Clinical Reference Laboratory, Inc. using a Urine 9 Drug Panel with Expanded Opiates Test which proved positive for marijuana-cannabinoids.

On appeal to the Civil Service Commission (Commission), the appellant states that he "had been taking various medications due to an automobile accident [and has] documentation of [his] prescribed medication." The appellant also submitted a copy of an email dated June 26, 2015, that was purportedly sent to the appointing authority. In that email, the appellant claimed that he only consumed liquids, food, over-the-counter pain medication, several types of over-the-counter cold/allergy medication, and protein shakes in the preceding 30-day period. He also noted that he had provided the information to Virtua on June 12, 2015.

<sup>1</sup> The expiration date of the subject eligible list was extended one year, to May 1, 2017.

In response, the appointing authority submits a copy of the Employer Drug Testing Summary Report showing the positive test for marijuana-cannabinoids and an internal memorandum dated September 18, 2015, stating the appellant was being rejected for failure of the Employer Drug test.

### 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.

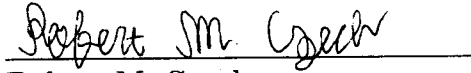
Apart from asserting that the only items he consumed outside of food and liquids were over-the-counter pain medication, several types of over-the-counter cold/allergy medicine, and protein shakes in the period before the drug test, the appellant provides no substantive evidence to dispute the result of his drug screen. Accordingly, the appointing authority has met its burden of proving that the appellant had a positive drug test. The job specification for County Correction Officer 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 enforcement duties.

### ORDER

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

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 23<sup>RD</sup> DAY OF NOVEMBER, 2016



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