

B.18



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Abdul Suber,
Correction Officer Recruit (S9988T),
Department of Corrections

List Removal Appeal

CSC Docket No. 2017-319

ISSUED: **DEC 22 2016** (ABR)

Abdul Suber appeals the removal of his name from the eligible list for Correction Officer Recruit (S9988T) on the basis of a positive drug test.

The appointing authority rejected the appellant, a Correction Officer Recruit candidate, due to a positive drug test. In support of its rejection and request for removal, the appointing authority submitted a laboratory report stating that an initial screening of the appellant's urine sample was conducted on March 14, 2016 using the Immunoassay method and proved positive for cannabinoids (marijuana). The New Jersey State Toxicology Laboratory (Toxicology Lab) in Newark confirmed the positive test result, after retesting the original urine specimen using the mass spectrometry method.

On appeal to the Civil Service Commission (Commission), the appellant contests the screening results. He seeks to have his name removed from the Central Drug Registry and expresses a willingness to retake the drug test. He claims that after taking this drug test, he passed two screening tests for other jobs.

In response, the appointing authority states that it stands with its original decision to remove the appellant from the subject eligible list and submits a copy of the Toxicology Report from the Toxicology Lab. The appointing authority observes that the appellant did not submit the results from the other drug tests that he claims to have passed. Moreover, the appointing authority argues that negative results from subsequent drug tests would not negate the fact that the specimen he provided on February 16, 2016 tested positive.

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.

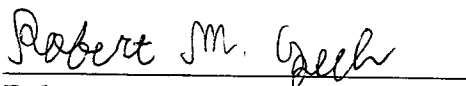
While the appellant asserts that he passed two drug tests for other jobs after taking a drug test for this position, he does not submit any documentation to confirm the purported results of those subsequent screenings. Furthermore, such proof would not negate the fact that the urine sample the appellant provided on February 16, 2016 tested positive. Moreover, the appellant has not submitted any substantive evidence to dispute the result of the drug test at issue in this matter. Accordingly, the appointing authority has met its burden of proving that the appellant had a positive drug test. 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 enforcement duties.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Abdul Suber be removed from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections.

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 21ST DAY OF DECEMBER, 2016



Robert M. Czech

Chairperson

Civil Service Commission

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and
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