

STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Johnny L. Harris, Police Officer (S9999U), City of Orange Township

List Removal Appeal

CSC Docket No. 2018-359

ISSUED: April 6, 2018 (AMR)

Johnny L. Harris appeals his rejection as a Police Officer candidate by the City of Orange Township and its request to remove his name from the eligible list for Police Officer (S9999U), City of Orange Township on the basis of a positive drug test.

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The appointing authority rejected the appellant, a Police Officer 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 a sample of the appellant's urine taken on May 5, 2017 was initially screened for oxycodone using the immunoassay method. The laboratory report further indicated that the sample was retested using the mass spectrometry method, which confirmed a positive test for total oxymorphone, and that total oxymorphone was not listed on a medication sheet. Specifically, the report noted that a medication sheet was not provided.

On appeal to the Civil Service Commission (Commission), the appellant states that two weeks prior to testing, he cracked and bruised his ribs, which resulted in him receiving a prescription for oxycodone to alleviate his pain. The appellant stated that he failed to note the drug on his medical sheet due to the fact that he believed the drug would no longer be detectible in his system by the date of the drug screen and requests his name to be reinstated to the eligible list. However, the appellant enclosed documentation from his doctor stating that he was to continue taking the prescribed Percocet for 2 weeks after his visit to the ER to alleviate his pain and swelling and was instructed to discontinue the medication on May 5, 2017.

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 Commission.

The record in this matter indicates that the appellant had a positive drug test for total oxymorphone, which was not listed on his medication sheet. No substantive evidence has been presented to dispute this information. The appellant maintains that the positive result is explained by his prescription for oxycodone-acetaminophen. However, given the fact that the appellant was instructed to continue taking the prescribed oxycodone up until May 5, 2017 and his urine test was also conducted on May 5, 2017, it is unclear as to how the appellant would assume that the drug would no longer be detectible in his system by the time of the drug screen. Thus, since the appellant was taking prescription oxycodone-acetaminophen that caused the positive drug test, the appellant's failure to provide up-to-date verifying documentation undermined the appointing authority's ability to conduct an effective and valid drug test.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Johnny Harris be removed from the eligible list for Police Office (S9999U), City of Orange Township.

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 4th DAY OF APRIL . 2018

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c. Johnny Harris Lena Taylor Kelly Glenn