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STATE OF NEW JERSEY

In the Matter of Sedina Young,
Correction Officer Recruit (S9988R),
Department of Corrections

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2015-3286

List Removal Appeal

ISSUED: OCT 23 2015 (JET)

Sedina Young appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9988R) 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 from the State Toxicology Laboratory stating that a screening of the appellant's urine sample on April 6, 2015 was conducted and she tested positive for cannabinoids (THC).

In support of her appeal, the appellant explains that she maintains a healthy diet of organic products, and she frequently eats food that contains Hemp ingredients. The appellant states that she was unaware that Hemp would cause her to test positive for THC and she has not previously used marijuana. Moreover, the appellant requests to take a new drug test so that her name may be restored to the eligible list.

In response, the appointing authority maintains that the appellant's name should be removed from the eligible list since she clearly failed the 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.

On appeal, the appellant asserts that the positive result may have occurred due to her organic diet which includes foods that contain Hemp products. The appellant also states that she was not using marijuana at the time of the test. However, the appellant did not submit any substantive evidence to establish that her diet led to a false positive result for her drug test. Moreover, the State Toxicology lab is properly certified to provide drug tests. The appellant cannot take a new drug test to refute the State Toxicology lab report since it has been over six months after the positive drug test.

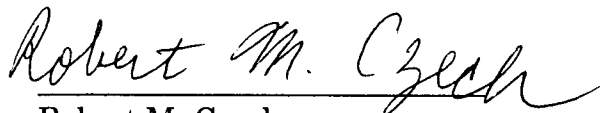
The appointing authority met its burden of proving that the appellant had a positive drug screen and that such matter would prevent her from effectively performing the duties at issue. The appellant, therefore, does not meet the required physical qualifications for the Correction Officer Recruit title. The job specification for Correction Officer Recruit defines the duties of the position as under immediate supervision of a supervisory officer within the Department of Corrections, receives in residence and on-the-job training including instructions for the appropriate care and custody of a designated group of inmates, and does work which will provide practical custody experience; does related work as required. 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 Sedina Young be removed from the eligible list for Correction Officer Recruit (S9988R), 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 OCTOBER, 2015



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