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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Cynthia Williams,
Practical Nurse (Special), New
Lisbon Developmental Center,
Department of Human Services

List Removal Appeal

CSC Docket No. 2017-1289

ISSUED: ~~MAY~~ 08 2017 (HS)

Cynthia Williams appeals the removal of her name from the special reemployment list for Practical Nurse, New Lisbon Developmental Center, Department of Human Services, on the basis of a positive drug test.

The appellant appeared on the subject eligible list and was certified to the appointing authority on July 27, 2016.¹ In disposing of the certification, the appointing authority requested the removal of her name due to a positive drug test. In support of its request for removal, the appointing authority submitted a report from Concentra Medical Center indicating that a test of the appellant's urine sample, collected on August 24, 2016, proved positive for marijuana.

On appeal to the Civil Service Commission (Commission), the appellant states that "something went seriously wrong" in the drug screen analysis. She maintains that she does not engage in any illegal drug use. In support, the appellant submits a laboratory report indicating that no drugs were detected in a specimen collected on August 30, 2016.

In response, the appointing authority states that the appellant underwent a pre-employment drug screening in accordance with Administrative Order 4:23. It is noted that the order indicates that "[a]ll individuals receiving conditional offers of employment for direct care positions in State psychiatric hospitals or developmental

¹ Agency records indicate that the appellant was laid off from the subject title with New Lisbon Developmental Center, Department of Human Services, effective January 9, 2015.

centers will be required to undergo testing for controlled dangerous substances before final employment is confirmed.” It also notes that the appellant’s negative drug screen was based on a specimen collected six days after the initial collection taken at Concentra Medical Center.

CONCLUSION

N.J.A.C. 4A:8-2.3(c)3 states that removal of names from a special reemployment list may be made in accordance with applicable rules (*see N.J.A.C.* 4A:4-4.7 and 4A:4-6). *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 perform effectively 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 appellant asserts that there was an error in the initial drug screen analysis and that she does not engage in illegal drug use. In support, she presents a laboratory report indicating that no drugs were detected in a specimen collected on August 30, 2016. However, that specimen was collected six days after the initial collection. Given that there is no substantive evidence to refute the results of the original drug test, the appointing authority has demonstrated that the appellant had a positive drug screen and that such matter would prevent her from effectively performing the duties of the position at issue. The appellant, therefore, does not meet the required physical qualifications for the Practical Nurse title. Per the definition section of the job specification for Practical Nurse, an individual serving in this title, under direction of a Registered Professional Nurse in a health care facility, performs the duties required to care for clients and carries out medical orders prescribed by a licensed physician that require an understanding of elementary nursing. Clearly, a positive drug screen presents an impediment to the appellant’s ability to perform these direct care duties.

ORDER

Therefore, it is ordered that this appeal be denied.

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 3RD DAY OF MAY, 2017

Robert M. Czech

Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Written Record Appeals Unit
Civil Service Commission
P.O. Box 312
Trenton, New Jersey 08625-0312

c. Cynthia Williams
Lois Robinson
Kelly Glenn

THE UNIVERSITY OF
THE STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER

STATE OF NEW YORK
OFFICE OF THE STATE COMPTROLLER
ALBANY, N. Y.