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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Andrew Jenkins,
Correction Officer Recruit (S9988T),
Department of Corrections

List Removal Appeal

CSC Docket No. 2017-2610

ISSUED: JUN 15 2017 (EG)

Andrew Jenkins appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9988T), Department of Corrections 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 a sample of the appellant's urine taken on December 29, 2016 was initially screened for cannabinoids (THC) using the immunoassay method. The New Jersey State Toxicology Laboratory confirmed the positive test result, after retesting the original urine sample using the mass spectrometry method.

On appeal to the Civil Service Commission (Commission), the appellant argues that he does not smoke marijuana or consume edible drugs. The appellant contends that a cousin who had been living with him did smoke marijuana and he believes his positive test result was due to second hand smoke. Additionally, the appellant asserts that he is willing to take another drug test to prove he does not take drugs. Further, he requests the removal of his name from the Central Drug Registry.

In response, the appointing authority maintains that the appellant tested positive for the illegal controlled dangerous substance cannabinoids (THC). It also

maintains that any negative result from a current drug test would not negate the fact that he had previously 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 Commission.

The appellant argues that he does not smoke marijuana nor consume edible drugs, and claims he tested positive on the drug test due to second hand smoke. However, 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 him from effectively performing the duties of the position 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 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.

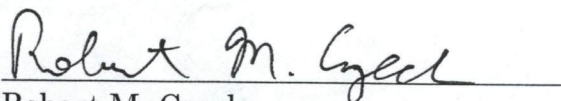
Finally, with regard to the appellant's request that his name be removed from the Central Drug Registry, it is noted that the Commission does not have jurisdiction over the addition or removal of names from the Registry.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Andrew Jenkins 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 7TH DAY OF JUNE, 2017



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