

B-4



STATE OF NEW JERSEY

In the Matter of Nazarra Thomas,
Correction Officer Recruit (S9988T),
Department of Corrections

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2017-2449

List Removal Appeal

ISSUED: JUL 28 2017 (JET)

Nazarra Thomas appeals the removal of her name from the Correction Officer Recruit (S9988T), Department of Corrections, eligible list on the basis of a positive drug test.

The appellant took the open competitive examination for Correction Officer Recruit (S9988T),¹ achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on September 15, 2016. The appointing authority rejected the appellant due to a positive drug test. Specifically, the appointing authority indicated that the appellant failed a urinalysis for positive use of Cannabinoids (THC). It is noted that a toxicology report dated January 6, 2017 from the New Jersey State Toxicology Laboratory indicates that the appellant tested positive for cannabinoids (THC).

On appeal to the Civil Service Commission (Commission), the appellant asserts that she does not use Cannabinoids (THC) and requests to retake a drug test in support of her claims. Moreover, she maintains that she is interested in a career as a Correction Officer and requests to have her name restored to the list. The appellant also submits two additional drug tests from January 30, 2017 and April 14, 2017, which did not indicate a positive drug test.

In response, the appointing authority maintains that the appellant's name should be removed from the list as she clearly failed a drug test. Specifically, the

¹ It is noted that the S9988T list will expire on July 22, 2017.

appointing authority asserts that on December 5, 2016, the appellant reported for pre-employment processing and provided a urine specimen in accordance with pre-employment processing requirements. The appointing authority explains that the January 6, 2017 toxicology report established that the appellant tested positive for Cannabinoids (THC), and as such, was properly removed from the eligible list. In this regard, the appointing authority's policy provides that any candidate who tests positive for an illegal controlled dangerous substance is automatically disqualified from the selection process and removed from the eligible list. Moreover, the appointing authority contends that the additional drug tests the appellant took do not change the outcome of this matter, as they were taken over a month after the appellant's initial drug test was taken on December 5, 2016.

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 requests to retake the drug test to show that she will not test positive for Cannabinoids (THC). However, the appellant's arguments are not persuasive. In this regard, she did not submit any substantive evidence to establish that there was false positive result for the December 5, 2016 drug test. Additionally, although the appellant submits additional reports to show that she has tested negative, the January 2017 and April 2017 drug tests were taken one month and four months after the positive drug test.

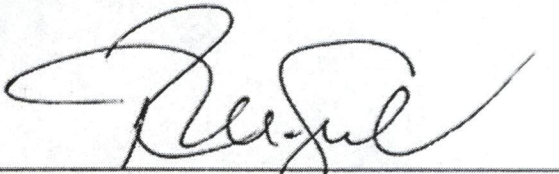
The appointing authority has met its burden of proving that the appellant had a positive drug screen and that such matter would prevent her from effectively performing the duties at issue. The appellant, therefore, does not meet the required physical qualifications for the Correction Officer Recruit 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 security duties.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Nazarra Thomas 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 26th DAY OF JULY, 2017



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