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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Serenity Davis,  
Correction Officer Recruit (S9988T),  
Department of Corrections

List Removal Appeal

CSC Docket No. 2016-4440

ISSUED: **FEB 10 2017** (HS)

Serenity Davis 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 (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 March 28, 2016 was initially screened for opiates and 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 the appellant's medication sheet. The report noted that clarification of medications was requested.

On appeal to the Civil Service Commission (Commission), the appellant presents an explanation by way of the following narrative. On February 24, 2016 the appellant went to the emergency room due to severe tooth pain and was prescribed oxycodone-acetaminophen. On March 4, 2016, she visited her dentist for further treatment and was prescribed acetaminophen-codeine. However, due to her pain and because she had exhausted her own prescription acetaminophen-codeine, the appellant used oxycodone prescribed to her mother. On March 26, 2016, she again visited her dentist for additional treatment and was again prescribed

acetaminophen-codeine. In support, the appellant submits a letter from her dentist and prescription records.

In response, the appointing authority notes that total oxymorphone is a Schedule II narcotic drug under the federal Controlled Substances Act. It notes that when candidates are scheduled for Phase 1 and 2 processing, they are instructed to bring a list of all prescription and non-prescription medications taken in the last 30 days. At Phase 1 and 2 processing, candidates are provided with a form to list their medications, which is sent with the candidate's urine sample to the New Jersey State Toxicology Laboratory. The appointing authority reiterates that the laboratory report indicates that the appellant did not list total oxymorphone on her medication sheet. It maintains that if the appellant was prescribed this medication, she should have listed it on her medication sheet.

In addition, the appointing authority notes that it later requested verification from the appellant that she had a prescription for total oxymorphone at the time she reported for Phase 1 and 2 processing on March 28, 2016 or within 30 days immediately preceding that date. The appointing authority highlights that the appellant, in her response, admitted that she took oxycodone prescribed to her mother and provided copies of her mother's oxycodone prescription; her February 24, 2016 oxycodone-acetaminophen prescription; and her March 26, 2016 acetaminophen-codeine prescription. The appointing authority maintains that it seeks to select candidates who exhibit respect for the law in order to effectively manage the operations of a prison system and thus requests that its decision to remove the appellant's name from the subject eligible list be sustained.

## 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.

In this matter, the appointing authority has demonstrated that the appellant had a positive drug screen and that such matter provides a basis to remove her name from the subject eligible list. While it is noted that the appellant provided copies of her February 24, 2016 oxycodone-acetaminophen prescription and her March 26, 2016 acetaminophen-codeine prescription in response to the appointing authority's request for prescription verification, it cannot be ignored that the appellant admitted to using oxycodone that was not prescribed to her. Such an action is indicative of questionable judgment, which is unacceptable for an individual seeking a position as a Correction Officer Recruit. In this regard, the Commission notes that a Correction Officer Recruit is a law enforcement employee

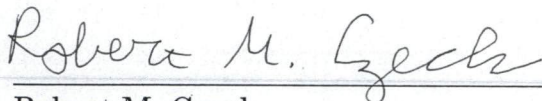
who must help keep order in the State prisons and promote adherence to the law. Correction Officers, like municipal Police Officers, hold highly visible and sensitive positions within the community and the standard for an applicant includes good character and the image of utmost confidence and trust. *See Moorestown v. Armstrong*, 89 N.J. Super. 560 (App. Div. 1965), *cert. denied*, 47 N.J. 80 (1966). *See also In re Phillips*, 117 N.J. 567 (1990). The public expects prison guards to present a personal background that exhibits respect for the law and rules. Accordingly, there is a sufficient basis to remove the appellant's name from the subject eligible list.

### ORDER

Therefore, it is ordered that this appeal be denied and the name of Serenity Davis 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 8<sup>TH</sup> DAY OF FEBRUARY, 2017



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