



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Terrence Arrington,
Correction Officer Recruit (S9988R),
Department of Corrections

List Removal

CSC Docket No. 2014-817

ISSUED: ~~2014~~ 3 1 2014 (HS)

Terrence Arrington appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections (DOC) and its request to remove his 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 stating that an initial screening of the appellant's urine sample on June 19, 2013 using the Immunoassay method was conducted and proved positive for cannabinoids (marijuana). The New Jersey State Toxicology Laboratory in Newark confirmed the positive test result, after retesting the original urine specimen using the mass spectrometry method.

On appeal, the appellant states that he has not knowingly used marijuana or any illegal substance since 1994. He states that he has "used hookah," which he believes to be a legal tobacco product, but has unfortunately been in "close vicinity" of a marijuana user, whom he is no longer on speaking terms with. He further states that he recently discovered that the hookah lamp he used was previously used for marijuana and by his former associate who was not aware of the appellant's intention to join the DOC. However, his former associate is unwilling to provide a statement regarding this matter due to recent misunderstandings. Finally, the appellant submits a medical examination report for a commercial driver

fitness determination dated August 14, 2013 that does not indicate any drug use, a laboratory report of a drug screen dated October 4, 2013 in which he tested negative for marijuana and a laboratory report of a medical screening dated October 7, 2013 in which he tested negative for cannabinoids.

In response, the appointing authority notes that it stands with its original decision to remove the appellant from the subject eligible list due to his positive urinalysis for cannabinoids. Specifically, the appointing authority states that the appellant appeared for pre-employment processing on June 19, 2013 and provided a urine sample. The New Jersey State Toxicology Laboratory produced a toxicology report on August 12, 2013 indicating that the appellant tested positive for cannabinoids, an illegal controlled dangerous substance, and the appointing authority submits a copy of that report. The appointing authority argues that the appellant has provided no medical documentation that refutes the positive drug test and no reasonable explanation for the June 19, 2013 positive test result.

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 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 Civil Service Commission.

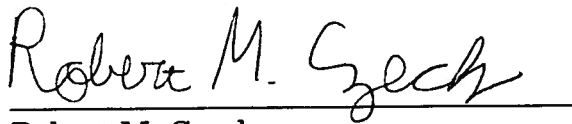
The appellant submits a medical examination report for commercial driver fitness determination dated August 14, 2013 that does not indicate any drug use, a laboratory report of a drug screen dated October 4, 2013 in which he tested negative for marijuana and a laboratory report of a medical screening dated October 7, 2013 in which he tested negative for cannabinoids. However, the medical examination for a commercial driver fitness determination was conducted nearly two months after the positive drug test, and the two screenings in October 2013 were conducted more than three months after the positive drug test. Additionally, the appellant states that he unknowingly used a hookah lamp that was previously used for marijuana. However, the appellant provides no corroborating evidence in support of this explanation. The appointing authority has met its burden of proving 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.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Terrence Arrington 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 30TH DAY OF JULY 2014**



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