

B-11



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Ryan Connell,
Correction Officer Recruit (S9988R),
Department of Corrections

List Removal

CSC Docket No. 2014-537

ISSUED: JUL 31 2014 (HS)

Ryan Connell 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 (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 24, 2013 using the Immunoassay method was conducted and proved positive for oxycodone. The New Jersey State Toxicology Laboratory in Newark confirmed the positive test result, after retesting the original urine specimen using the mass spectrometry method. Oxycodone was listed on the appellant's medication sheet as a prescribed medication. The appointing authority advised the appellant by letter dated July 30, 2013 that he was to verify his prescription by submitting appropriate documentation. Acceptable documentation consisted of documentation from the treating physician on the physician's letterhead, a copy of the prescription or a printout from the pharmacy indicating that the listed substance was a prescribed medication at the time the appellant reported for processing on June 24, 2013 or within 30 days preceding the appointment date. The appointing authority further advised the appellant that failure to verify his prescription within 10 days of the July 30, 2013 letter would result in his name being removed from the eligible list and the forwarding of his name to the Central Drug Registry maintained by the Division of State Police. On August 26, 2013, the appointing authority advised the

appellant that his name would be removed from the eligible list and forwarded to the Central Drug Registry for failure to verify his prescription.

On appeal, the appellant submits a printout from his pharmacy containing a list of his medications, including oxycodone. Although he acknowledges that he is late in submitting this information, he explains that he has "had some health issues recently." He further states that he has done nothing wrong and wishes to have his name removed from the Central Drug Registry.

In response, the appointing authority notes that it stands with its original decision to remove the appellant from the subject eligible list. Specifically, the appointing authority states that its policy on substance abuse specifies that candidates who test positive for a prescribed medication must verify the prescription with acceptable documentation. It further notes that as of August 26, 2013, 27 days after the date of the letter requesting verification, it had not received the requested documentation regarding the appellant's prescription. The appointing authority states that it accordingly removed the appellant from the eligible list and forwarded his name to the Central Drug Registry. The appointing authority argues that the appellant has provided no evidence that he submitted his prescription within the allotted time frame as requested and that he failed to follow instructions. The appointing authority submits the New Jersey State Toxicology Laboratory's toxicology report, the letter requesting documentation verifying the appellant's prescription, and the appointing authority's letter informing the appellant of his removal from the list and the forwarding of his name to the Central Drug Registry.

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 (Commission).

The appellant does not dispute that he failed to submit documentation verifying his prescription within the appointing authority's requested time frame. Although the appellant does submit a printout from his pharmacy on appeal and makes a general reference to health issues as the reason for the delay in submitting the information, he provides no specific evidence to indicate why, despite clear instructions, he could not timely submit the requested documentation to the appointing authority. Specifically, he was advised by letter of the acceptable forms of documentation and the allotted time to submit the documentation. Accordingly, the appellant's explanation of his inability to timely submit the requested is not

persuasive. The appellant's failure to timely provide the requested verifying documentation undermined the appointing authority's ability to conduct an effective and valid drug test. Such a failure to cooperate with the employment process, by itself, constitutes other sufficient cause for removal from the list for Correction Officer Recruit. *See e.g., In the Matter of Melissa Puryear-McDuffie* (MSB, decided November 8, 2007).

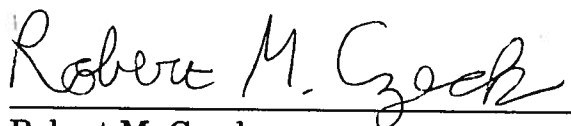
Finally, with regard to the appellant's request that his name be removed from the Central Drug Registry, it is noted that the Commission does not have jurisdiction over the addition or removal of names from the Registry.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Ryan Connell 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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