



In the Matter of Chad Hopkins,  
Sheriff's Officer (S9999M) Mercer  
County Sheriff's Office

CSC Docket No. 2012-3108

**STATE OF NEW JERSEY**  
**FINAL ADMINISTRATIVE ACTION**  
**OF THE**  
**CIVIL SERVICE COMMISSION**

List Removal Appeal

**ISSUED JUL 30 2014 (SLK)**

Chad Hopkins appeals his rejection as a Sheriff's Officer candidate by the Mercer County Sheriff's Office and its request to remove his name from the eligible list for Sheriff's Officer (S9999M) on the basis of a positive drug test.

By way of background, the appellant, a veteran, appeared on the Sheriff's Officer (S9999M), Mercer County Sheriff's Office, eligible list, and his name was certified to the appointing authority on September 14, 2011. In disposing of the certification, the appointing authority requested the removal of his name due to a positive drug test. In support of its request for removal, the appointing authority submitted a laboratory report from the New Jersey State Toxicology Laboratory in Newark, dated February 15, 2012, indicating that a sample of the appellant's urine was collected on January 13, 2012 and proved positive for Total Oxymorphone and Total Oxycodone.

In support of his appeal, the appellant states that approximately two months before his pre-employment urinalysis, his wife and he were preparing for her return home from a kidney transplant, part of which included organizing their medicine cabinet to accommodate her new medications. While organizing their medications, she came across an old prescription bottle of his containing what she thought was Tylenol. However, it turned out to be an old prescription of generic Percocet reading, "Oxycodone-Acetaminophen." The appellant asserts that knowing acetaminophen was Tylenol, his wife emptied the remaining pills into a half full Tylenol bottle and threw away the prescription bottle. He notes that the only difference in the Percocet and the Tylenol was the number marked on the pill as the Percocet pills were the exact size, color and texture of the generic Tylenol that was

in their medicine cabinet labeled acetaminophen. The appellant claims that his wife did not think anything of it and he was unaware of the incident until the Sheriff's Department informed him of the urinalysis results. After discussing the positive test with his wife, he explains that she then told him about what happened with the Tylenol. The appellant highlights that during his four-year enlistment in the Navy and six months in the Police Academy, he had passed countless random drug tests. The appellant submits his medical records and pharmacy records which indicate that he was prescribed Tylenol with Codeine/oxycodone on June 18, 2009. Additionally, he submits a letter from his physician stating that the appellant never sought pain medication or sought narcotics in all the years that she treated him, that his explanation is wholly plausible, and that she supports his appeal.

The appointing authority, despite being provided the opportunity, did not respond.

### 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.

Appellant does not dispute that he tested positive for oxycodone but asserts that it was a direct result of an old prescription medication that he mistakenly took as he thought it was Tylenol. While the appellant's explanation could be plausible, ultimately, the appellant is responsible for knowing what medications he has ingested. Accordingly, in this case, the Commission finds the appellant's arguments unpersuasive to dispute the positive drug test.

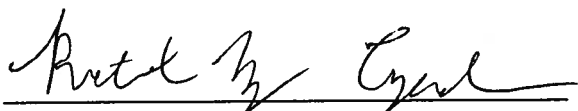
The appointing authority has met its burden of proving that appellant had a positive drug screen and that such matter would prevent him from effectively performing the duties of the position at issue. Appellant, therefore, does not meet the required physical qualifications for the Sheriff's Officer title. The job specification for Sheriff's Officer defines the duties of the position as maintaining order and security in the courtroom, conducting criminal investigations, enforcing traffic control, and other public safety duties. Clearly, a positive drug screen presents an impediment to appellant's ability to perform these law enforcement duties.

**ORDER**

Therefore, it is ordered that this appeal be denied and the name of Chad Hopkins be removed the eligible list for Sheriff's Officer (S9999M) Mercer County Sheriff's Office.

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 30<sup>th</sup> DAY OF JULY, 2014**



Robert M. Czech  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Henry Maurer  
Director  
Division of Appeals and  
Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312

c: Chad Hopkins  
John Kemler  
Kenneth Connolly