



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Jesse Robinson,
Correction Officer Recruit (S9988R),
Department of Corrections

List Removal

CSC Docket No. 2014-463

ISSUED: **31 2014** (HS)

Jesse Robinson 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 13, 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.

In support of his appeal, the appellant submits a laboratory report of a urine drug screen from LabCorp Raritan dated August 9, 2013 in which he tested negative for cannabinoids. He states that the drug test was a false positive that likely was caused by a legal substance in his system, his diabetes or the food he consumed prior to the drug test. He also asserts that he has not taken any illegal drugs.

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 13, 2013 and provided a urine sample. The New Jersey State Toxicology Laboratory produced a toxicology report on July 18, 2013 indicating that the appellant tested positive for cannabinoids, an illegal controlled dangerous substance, and the appointing authority submits a copy of that report. Regarding the appellant's August 9, 2013 urine test, the appointing authority states that that test was conducted 58 days after the positive drug test. The appointing authority contends that, apart from his assertion of a false positive, the appellant has not provided medical documentation to refute the positive drug test and has not provided any reasonable explanation for the positive 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 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.

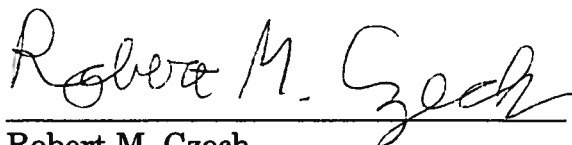
The appellant submits a urine test dated August 9, 2013 which was negative for cannabinoids. However, that test was conducted nearly two months after the positive drug test. Additionally, the appellant states that the drug test produced a false positive likely caused by a legal substance, his diabetes or food he consumed. However, apart from this assertion, the appellant provides no evidence that any of these factors produced a false positive for cannabinoids in this case. 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 Jesse Robinson 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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