

Test Policy, the appellant was provided a Continuity of Evidence form which includes "Attachment B - Drug Testing Medication Information" on which he was to provide information for all medication that he may have taken in the past 30 days. Mr. Rota checked off choice "C" on the continuity form, which states, "During the past 30 days, I have taken NO prescription or non-prescription medications." Therefore, he failed the urinalysis drug test. The appointing authority notes that methadone can typically be detected in urine for two to four days after use.

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 does not dispute that he tested positive for methadone. Rather, he asserts that he last used methadone in late May or early June 2011. The appointing authority indicates that methadone can typically be detected in urine two to four days after use. However, other than his mere assertion, the appellant fails to explain why methadone was detected in his urine some two months after he last took it. Additionally, the Drug Testing Medication Information form clearly indicates that a candidate must list any non-prescription or prescription medicine taken within the last 30 days and he failed to do so. Accordingly, in this case, the Commission finds the appellant's arguments unpersuasive to dispute the positive drug test. Moreover, even if prescription medication caused the positive drug test, the appellant's unexplained failure to provide this information before the test 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 a list for Correction Officer Recruit. *See e.g., In the Matter of Melissa Puryear-McDuffie* (MSB, decided November 8, 2007).

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. 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 Dominic Rota be removed from the eligible list for Correction Officer Recruit (S9987M), 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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