



testing is highly imperfect and that a number of routinely prescribed medications, including some which she has taken regularly and listed on her intake sheet, as well as certain foods, have been associated with triggering false-positive results. Therefore, she argues that there is enough evidence to allow her to take another drug test before she is removed from the subject eligible list. The appellant notes that many laboratories that perform drug tests are not certified by an authoritative accrediting body, employ inadequately trained persons, do not follow strict protocols, and neglect to track and catalogue error rates. Therefore, since there is no evidence as to what extent the State's testing procedures comply with federally mandated protocols, the appellant asserts that its testing is unreliable and she should be retested.

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.

The appellant submits a urine test dated June 21, 2012 which was negative for cannabinoids. However, that test was conducted approximately two months after the positive drug test. Additionally, the appellant asserts that the State's test produced a false positive for cannabinoids and presents a number of possibilities as to the reason including, mislabeling her urine bottle, medications that she received in the hospital a few days prior to the test, being exposed to "second hand pot smoke" at a night club, general imperfections in the drug testing process, routine medications and foods that can trigger false positives, general accusations that many laboratories do not follow proper procedures and protocols, and other problems with testing practices. However, apart from these assertions, the appellant provides no specific evidence as to why her urinalysis produced a false positive for cannabinoids.

The appointing authority has met its burden of proving that the appellant had a positive drug screen and that such matter would prevent her 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 Teela M. Smith be removed 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 30<sup>th</sup> DAY OF JULY, 2014**



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