



In the Matter of Leonard Zazzarino, :
 Bridge Operator Trainee (S0152N), :
 Department of Transportation :
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 CSC Docket No. 2014-102 :
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STATE OF NEW JERSEY
FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

List Removal Appeal

ISSUED **AUG 01 2014** (WR)

Leonard Zazzarino appeals his rejection as a Bridge Operator Trainee candidate by the Department of Transportation and its request to remove his name from the eligible list for Bridge Operator Trainee (S0152N), Department of Transportation on the basis of a positive drug test.

The appointing authority rejected the appellant, a Bridge Operator Trainee 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 a screening of the appellant's urine sample on May 14, 2013 conducted in accordance with 49 C.F.R. Part 40 and Part 382 proved positive for cannabinoids (marijuana).

On appeal to the Civil Service Commission (Commission), the appellant does not dispute that he tested positive for cannabinoids. Instead, he states that he has never been a marijuana user, but "indulged" "one time" at a charity golf outing. In support of his appeal, the appellant submits laboratory reports of a urine drug screen from AEM Group, Inc. dated July 3, 2013 and August 7, 2013 in which he tested negative for cannabinoids.

In response, the appointing authority explains that because the subject position is safety sensitive, the appellant was required to pass, in part, a drug screening test. The appointing authority states that the appellant's drug screening test was conducted in accordance with the aforementioned federal regulations and its own drug and alcohol policy and accordingly requests the removal of the appellant's name from the subject eligible list. In support, the appointing authority

submits the results of the appellant's drug screening and a copy of its drug and alcohol policy.

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.

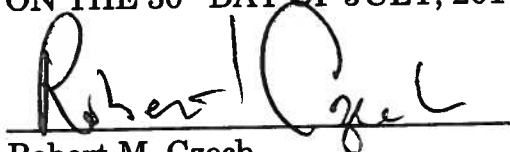
Initially, the appellant does not dispute that he tested positive for cannabinoids. Rather, he claims that he used it only one time. In support, the appellant submits urine tests dated July 3, 2013 and August 7, 2013, which were negative for cannabinoids. In this case, the Commission finds that the appointing 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 Bridge Operator Trainee title. The job specification for Bridge Operator Trainee defines the duties of the position, in part, as operating one or more drawbridges. Clearly, a positive drug screen presents an impediment to the appellant's ability to perform the duties of this safety sensitive position.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Leonard Zazzarino be removed from the eligible list for Bridge Operator Trainee (S0152N), Department of Transportation.

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



Robert M. Czech
Chairperson
Civil Service Commission

**Inquiries
and
Correspondence**

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

**c: Leonard Zazzarino
Michele Shapiro
Kenneth Connolly**

