



he failed the drug test. Further, he is now aware that coca tea is illegal and he did not purposely buy it with intent to break the law. The appellant explains that his friends recommended coca tea as treatment when he experienced altitude sickness in New York. The appellant adds that he has never touched, used, or seen illegal narcotics since that time, and his personal physician provides a note indicating that he has not used illegal drugs. In addition, he has previously passed five drug tests from 2010 through 2014 and he has only failed the drug test in the instant matter.<sup>2</sup> The appellant contends that drug tests are not always accurate. In this regard, items such as poppy seeds and medicine may contribute to a false positive drug test. Moreover, the appellant also provides the definition of cocaine and information indicating that coca tea is derived from the same plant used to synthesize cocaine.

Additionally, the appellant avers that he would not put his dream of working in law enforcement in jeopardy and he submits letters of recommendations from various individuals in support of his appeal. The appellant is now concerned since he has been removed from three eligible lists as a result of the positive drug test, and he requests that his name be cleared from the Central Drug Registry. Moreover, the appellant states that he has recently joined the Navy and he requests to take another drug test to show that he will not test positive for cocaine.

In response, DOC maintains that the appellant's name should be removed from the eligible list since he clearly failed the drug test.

It is noted that the JJC and Union County did not provide a response.

*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.

## CONCLUSION

On appeal, the appellant asserts that his positive drug test for cocaine on May 8, 2012 was a result of drinking coca tea. He also argues that the drug test conducted by the State Toxicology lab may be incorrect. The appellant further requests that his name be removed from the Central Drug Registry. In this matter, the appellant does not provide any substantive evidence in support of his claims. In fact, he admits that he drank coca tea which led to the positive result for cocaine. Therefore, his arguments actually confirm that the positive result for cocaine is accurate. Moreover, the State Toxicology lab is properly certified to conduct drug tests. Thus, the appellant did not provide any substantive evidence to show that his

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<sup>2</sup> The appellant attaches a drug test to show that he did not test positive for cocaine.

drug test was not properly conducted. The fact that the appellant passed other drug tests from 2010 to 2014 is not dispositive, since the appellant clearly admitted to drinking coca tea before the drug test in the instant matter was conducted. Moreover, the Commission does not have jurisdiction to remove his name from the Central Drug Registry. In this regard, Section III(A) of the Attorney General's Law Enforcement Drug Testing Policy, revised 2001, states, in pertinent part, that a positive drug test will:

- a) result in the applicant being dropped from consideration for employment;
- b) cause the applicant's name to be reported to the central drug registry maintained by the Division of State Police;
- and c) preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test.

The appointing authority 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 at issue. The appellant, therefore, does not meet the required physical qualifications for Correction Officer Recruit or County Correction Officer. The job specification for Correction Officer Recruit defines the duties of the position as under immediate supervision of a supervisory officer within the Department of Corrections, receives in residence and on-the-job training including instructions for the appropriate care and custody of a designated group of inmates, and does work which will provide practical custody experience; does related work as required. The job specification for County Correction Officer defines the duties of the position as under supervision during an assigned tour of duty at a correctional facility, guard inmates serving court imposed sentences for the commission of criminal offenses; does other related duties. Clearly, a positive drug screen presents an impediment to the appellant's ability to perform these law enforcement duties. The Commission has previously found that the titles of Correction Officer Recruit, Correction Officer Recruit, Juvenile Justice, and County Correction Officer constitute a single title area. See *In the Matter of Michele Kinsey* (MSB, decided December 18, 2002). Moreover, candidates for law enforcement positions are notified, in part, that the pre-employment process will include drug testing and that a positive result will preclude the applicant from being considered for future law enforcement employment for a period of two years from the date of the drug test. See *In the Matter of Aquilla Lowery* (MSB, decided May 10, 2006). Therefore, the failure of a drug test warrants the removal of the appellant's name from the subject lists.

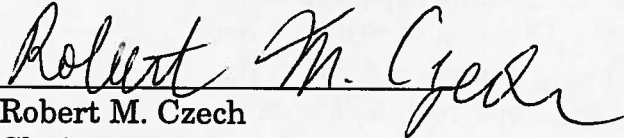
### ORDER

Therefore, it is ordered that this appeal be denied and the name of Shaun Griffin be removed from the eligible lists for Correction Officer Recruit (S9986M),

Juvenile Justice Commission, Correction Officer Recruit (S9987M), Department of Corrections, and County Correction Officer (C9966M), Union County.

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 17<sup>th</sup> DAY OF SEPTEMBER, 2014

  
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