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In the Matter of Samiera Smith, :
 Correction Officer Recruit (S9988R), :
 Department of Corrections :
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 CSC Docket No. 2015-2452 :
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STATE OF NEW JERSEY
 FINAL ADMINISTRATIVE ACTION
 OF THE
 CIVIL SERVICE COMMISSION
 List Removal Appeal

ISSUED JUN 05 2015 (SLK)

Samiera Smith appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her 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 January 15, 2015 using the Emit-Assay 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 gas chromatography/mass spectrometry method.

In support of her appeal, the appellant states that the reason that she did not list the cannabinoids (marijuana) on her medication sheet is that she never used the substance. The appellant provides that she did list several vitamins, Vitamin C, multivitamins, and Vitamin B on her medication sheet. She explains that she takes Vitamin B complex and high doses of Vitamin B are known to turn urine bright yellow, potentially interfering with any urine test and a urinalysis itself. The appellant also argues that it is possible that one sample tested over the cut off limit and that her other sample showed less concentration but the results still remained positive based on her first sample. The appellant further presents that the urine sample was ordered on January 15, 2015 and the report was dated January 29, 2015. The appellant asserts that urine must be refrigerated if it cannot be

examined promptly, and a delay of more than two hours between collection and examination can often cause unreliable results. Additionally, the appellant submits a letter from her physician and a drug test on March 12, 2015 which indicates that she did not test positive for cannabinoids or any other controlled substances.

In response, the appointing authority states that the appellant provided a urine specimen on January 15, 2015, and on January 29, 2015 a toxicology report was generated by the State Toxicology Laboratory. It presents that the report indicated that the appellant tested positive for the illegal controlled dangerous substance cannabinoids (THC). It also submits the Continuity of Evidence Form signed by the appellant acknowledging the terms and conditions of the urinalysis. The appointing authority asserts that the position of a Correction Officer is a highly visible one in law enforcement and maintaining a high standard for potential candidates is imperative to hire individuals who it can trust to effectively manage the day-to-day operations of a prison system.

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 March 12, 2015 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 her taking high doses of Vitamin B and other vitamins, that one of the bottles possibly tested positive even though the other bottle did not, and that the time between the date the urine sample was taken and the examination date could cause unreliable results. 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

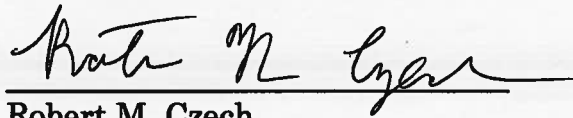
gathered in groups. Clearly, a positive drug screen presents an impediment to the appellant's ability to perform these law enforcement duties.

ORDER

Therefore, it is ordered that this appeal be denied and the name of Samiera Smith be removed 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 3rd DAY OF JUNE, 2015



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