



**STATE OF NEW JERSEY**

In the Matter of Douglas Carosella,  
Correctional Police Officer  
(S9988V), Department of Corrections

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2018-2607

List Removal Appeal

**ISSUED: FEBRUARY 8, 2019 (JET)**

Douglas Carosella appeals the removal of his name from the Correctional Police Officer<sup>1</sup> (S9988V), Department of Corrections, eligible list on the basis of a positive drug test.

The appellant took the open competitive examination for Correctional Police Officer (S9988V), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on October 20, 2017. The appointing authority rejected the appellant due to a positive drug test. Specifically, the appointing authority indicated that the appellant failed a urinalysis for positive use of Cannabinoids (THC).<sup>2</sup> It is noted that a toxicology report dated February 5, 2018 from the New Jersey State Toxicology Laboratory indicates that the appellant tested positive for THC.

On appeal to the Civil Service Commission (Commission), the appellant argues that he does not use any illegal substances and his presumption is that he inhaled second-hand marijuana smoke while at a friend's gathering which caused him to fail the urinalysis. As such, the appellant requests to take another urinalysis test to show that he does not use illegal substances.

<sup>1</sup> At the time of the certification, this title was known as Correction Officer Recruit. However, this title is now known as Correctional Police Officer.

<sup>2</sup> The appellant took the urinalysis when he appeared for Phase 1 and 2 of pre-employment processing on January 22, 2018.

In response, the appointing authority maintains that the appellant's name should be removed from the list as he clearly failed a drug test. Specifically, the appointing authority asserts that the February 5, 2018 toxicology report established that the appellant tested positive for THC, and as such, was properly removed from the eligible list. In this regard, the appointing authority's policy provides that any candidate who tests positive for an illegal controlled dangerous substance is automatically disqualified from the selection process and removed from the eligible list. Moreover, the appointing authority contends that the appellant has provided no medical evidence to show that the alleged second-hand exposure to marijuana at a friend's house caused him to fail the urinalysis, and it would be improper at this point to allow him to take another urinalysis.

### 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 Commission.

On appeal, the appellant states that he does not use illegal substances including THC and he unintentionally may have inhaled second-hand marijuana smoke. However, the appellant's arguments are not persuasive. In this regard, he did not submit any substantive evidence to establish that there was a false positive result for the February 5, 2018 drug test. Even assuming, *arguendo*, that he produced more contemporaneous documentation, that would not, in and of itself, conclusively establish the invalidity of the drug test.

Accordingly, the appointing authority has demonstrated that the appellant had a positive drug screen and that such matter would prevent the appellant from effectively performing the duties at issue. The appellant, therefore, does not meet the required physical qualifications for the Correctional Police Officer title. The job specification for Correctional Police Officer 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. Clearly, a positive drug screen presents an impediment to the appellant's ability to perform these security duties.

### ORDER

Therefore, it is ordered that this appeal be denied.

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 6<sup>th</sup> DAY OF FEBRUARY, 2019



Deirdre L. Webster Cobb  
Chairperson  
Civil Service Commission

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