B-27



STATE OF NEW JERSEY

In the Matter of Marlyn Williams, : Correction Officer Recruit (S9987M), : Department of Corrections :

CSC Docket No. 2013-366

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

List Removal Appeal

ISSUED

AUG 0 1 2014

(WR)

Marlyn Williams appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9987M), Department of Corrections 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 than an initial screening of the appellant's urine sample on June 27, 2012 tested positive for cannabinoids (marijuana) by the New Jersey State Toxicology Laboratory in Newark using the immunoassay method and confirmed by retesting the original urine specimen using the gas chromatography/mass spectrometry method.

On appeal to the Civil Service Commission (Commission), the appellant contends that he is not, nor has he ever been, a substance user. Accordingly, the appellant states that he is unsure why he tested positive for cannabinoids. He posits his presence around "a lot of second hand smoke" while volunteering at a church or "taking medications for dental work" could be the reason he tested positive. In support of his appeal, the appellant supplies three character references.

Despite the opportunity, the appointing authority 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.

In the present matter, the appellant contends that he did not consume cannabinoids but he posits that secondhand smoke at his church or medications he took for dental work could have caused the positive result. Apart from this assertion, however, the appellant offers no evidence to support his claim. Accordingly, in this case, the Commission finds the appellant's arguments unpersuasive to dispute the positive drug test. 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 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 Marlyn Williams 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 30th DAY OF JULY, 2014

Robert M. Czech

Chairperson

Civil Service Commission

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