



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Bruce Harris Jr.,  
Department of Corrections

CSC Docket No. 2016-1738

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List Removal

ISSUED: NOV 29 2016 (LDH)

Bruce Harris Jr. 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 (S9988T), 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 that during an analysis of the appellant's urine sample taken on September 11, 2015, he tested positive for Cannabinoids (Cannabis).

On appeal to the Civil Service Commission (Commission), the appellant argues that his positive test was the result of exposure to marijuana smoke at a friend's August 23, 2015 party. The appellant states that he did not know there was going to be marijuana at the party and acknowledges that it was a bad decision for him to stay while marijuana was being used.

In response, the appointing authority asserts that it removed the appellant's name due to a positive urinalysis for Cannabis and it rejects the appellant's assertion that second-hand marijuana smoke resulted in the positive test. Moreover, it notes that the appellant failed to provide any evidence to support his theory. In support, it submits a Continuity of Evidence Form and a September 30,

2015 toxicology report that indicated that the appellant tested positive for the illegal controlled dangerous substance, Cannabis.

### 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.

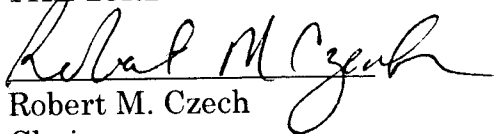
In the instant matter, the appointing authority had sufficient cause to remove the appellant's name from the eligible list. The toxicology report indicated that the appellant tested positive for Cannabis. Moreover, other than the appellant's mere statement that he tested positive due to second-hand marijuana smoke, he submits no evidence to support his theory. Accordingly, the appellant was appropriately removed from the Correction Officer Recruit (S9988T), Department of Corrections eligible list due to a positive urinalysis.

### ORDER

Therefore, it is ordered that this appeal be denied and the name of Bruce Harris Jr. be removed from the eligible list for Correction Officer Recruit (S9988T), 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 23RD DAY OF NOVEMBER, 2016



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and  
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