



STATE OF NEW JERSEY

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

In the Matter of Latasia Peace,
Correction Officer Recruit (S9988T),
Department of Corrections

List Removal Appeal

CSC Docket No. 2017-2850

ISSUED: SEPTEMBER 22, 2017 (CSM)

Latasia Peace 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 (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 an initial screening of the appellant's urine sample taken on January 17, 2017 using the immunoassay method was conducted and proved positive for cannabinoids (THC). The New Jersey State Toxicology Laboratory confirmed the positive test result, after retesting the original urine sample using the mass spectrometry method.

On appeal to the Civil Service Commission (Commission), the appellant maintains that she has never used illegal drugs. She states that unlike most of her family members, she has remained abstinent from illicit drug usage. The appellant also states that she is an inbound Ambassador for Amazon, which requires her to comply with a random drug test policy and she underscores that she would not do anything to jeopardize her occupation. In support of her appeal, the appellant provides a copy of the result of a drug test based on a sample she provided on March 11, 2017, which was negative for THC.

In response, the appointing authority maintains that the appellant tested positive for the illegal controlled dangerous substance THC. It also argues that the appellant even though she states that she has not participated in using illegal drugs, the positive toxicology report indicated otherwise.

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.

The appellant asserts that there was an error in the initial drug screen analysis and that she does not engage in illegal drug use. In support, she presents a laboratory report indicating that no drugs were detected in a specimen collected on March 11, 2017. However, that specimen was collected almost two months after the initial collection. Given that there is no substantive evidence to refute the results of the original drug test, the appointing authority has demonstrated 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. Accordingly, the appointing authority has demonstrated 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 Latasia Peace 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 20TH DAY OF SEPTEMBER, 2017



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