



STATE OF NEW JERSEY

In the Matter of Almeisha
McCullough, Correction Officer
Recruit (S9988U), Department of
Corrections

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

CSC Docket No. 2018-362

List Removal Appeal

ISSUED: APRIL 9, 2018 (SLK)

Almeisha McCullough 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 (S9988U), Department of Corrections on the basis of a positive drug test.

The appointing authority removed the appellant from the subject list after it was presented with evidence of her positive drug test. In support of its request for removal, the appointing authority submitted a laboratory report stating that an initial screening of the appellant's urine sample taken on May 2, 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 states that she cannot understand how she had a positive drug test. The appellant submits documentation to show that she tested negative for drugs based on a sample collected in November 2016. The appellant indicates that she is willing to take another drug test.

In response, the appointing authority maintains that the appellant tested for the illegal controlled dangerous substance THC, the results of which were confirmed by the State Toxicology Laboratory. It asserts that while the appellant may have had

a negative drug screening in November 2016 that does not negate her positive drug test in May 2017. Further, the appointing authority asserts a current negative drug test would not negate her positive drug test.

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.

While the appellant states that she cannot understand how she could have tested positive for drugs and presents that she had a negative drug test in November 2016, there is no substantive evidence to refute the results of the appointing authority's May 2017 drug test. Further, the appellant's drug test six months before the subject test as well as any current drug test would not negate her positive drug test in May 2017. See *In the Matter of Latasia Peace* (CSC, decided September 20, 2017). Accordingly, the appointing authority has demonstrated that the appellant had a positive drug screen, which 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 Almeisha McCullough be removed from the eligible list for Correction Officer Recruit (S9988U), 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 4th DAY OF APRIL, 2018

Deirdre L. Webster Cobb

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