



STATE OF NEW JERSEY

In the Matter of Gary Mason
 Ann Klein Forensic Center,
 Department of Human Services

FINAL ADMINISTRATIVE ACTION
 OF THE
 CIVIL SERVICE COMMISSION

CSC DKT. NO. 2017-1498
 OAL DKT. NO. CSV 18078-16

ISSUED: JULY 20, 2018 BW

The appeal of Gary Mason, Senior Medical Security Officer, Ann Klein Forensic Center, Department of Human Services, removal effective November 7, 2016, on charges, was heard by Administrative Law Judge Catherine A. Tuohy, who rendered her initial decision on May 1, 2018. Exceptions were filed on behalf of the appellant and a reply to exceptions was filed on behalf of the appointing authority.

Having considered the record and the Administrative Law Judge's initial decision, and having made an independent evaluation of the record, the Civil Service Commission (Commission), at its meeting of July 18, 2018, accepted and adopted the Findings of Fact and Conclusion as contained in the attached Administrative Law Judge's initial decision.

ORDER

The Civil Service Commission finds that the action of the appointing authority in removing the appellant was justified. The Commission therefore affirms that action and dismisses the appeal of Gary Mason.

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 18TH DAY OF JULY, 2018



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
P. O. Box 312
Trenton, New Jersey 08625-0312

Attachment



State of New Jersey
OFFICE OF ADMINISTRATIVE LAW

INITIAL DECISION

OAL DKT. NO. CSV 18078-16

AGENCY DKT. NO. 2018-1498

**IN THE MATTER OF GARY MASON,
DEPARTMENT OF HUMAN SERVICES,
ANN KLEIN FORENSIC CENTER.**

Rashidah Hasan, Esq., for appellant, Gary Marson

**Marolhin D. Mendez, Deputy Attorney General, for respondent Department of
Human Services (Gurbir S. Grewal, Attorney General of New Jersey,
attorney)**

Record Closed: April 2, 2018

Decided: May 1, 2018

BEFORE CATHERINE A. TUOHY, ALJ:

STATEMENT OF THE CASE

Appellant, Gary Mason, a Senior Medical Security Officer at respondent, Ann Klein Forensic Center, Department of Human Services appeals his removal effective November 7, 2016 for violations of N.J.A.C. 4A:2-2.3(a)6 Conduct unbecoming a public employee; N.J.A.C 4A:2-2.3(a)11 Other sufficient cause; and Administrative Order 4:08 E1 Violation of a rule, regulation, policy or administrative decision as a result of his failure to pass a drug screening test upon his return to service following a first positive drug test.

PROCEDURAL HISTORY

On November 3, 2016, respondent issued a Preliminary Notice of Disciplinary Action (R-1) setting forth the charges and specifications made against the appellant. Appellant did not request a departmental hearing and the respondent issued a Final Notice of Disciplinary Action (R-2) on November 7, 2016 sustaining the charges in the Preliminary Notice and removing appellant from employment effective November 7, 2016. Appellant appealed on November 10, 2016 and the matter was transmitted by the Civil Service Commission Division of Appeals and Regulatory Affairs to the Office of Administrative Law (OAL) where it was filed on December 1, 2016, as a contested case pursuant to N.J.S.A. 52:14B-1 to 15; N.J.S.A. 52: 14F-1 to 13. The hearing was held on February 14, 2018. The record remained open to allow the parties to submit post-hearing submissions and the record closed on April 2, 2018.

FACTUAL DISCUSSIONS AND FINDINGS

Charles Moore testified on behalf of the respondent. He has been the employee Relations Coordinator for respondent since April 2008 and is responsible for the administration of the employee disciplinary program; handling grievances; and acting as a conduit between the union and the administration at the Ann Klein Forensic Center. He had previously been a state corrections officer since 1976 and retired from that position. Mr. Mason was employed as a Senior Medical Security Officer and was responsible for the daily care of the clients such as making sure they were fed, cleaned and took their medications. The medical security officer has client contact on a twenty-four-hour basis. Ann Klein is the only forensic hospital in the state of New Jersey. They house patients who have been civilly committed, transferred from county jails and those awaiting competency hearings. Ann Klein houses the most complex clients with the most severe behavioral problems.

Mr. Moore co-facilitates the random drug screening program at Ann Klein together with Anne Kenyon and is familiar with the facts of this case. Mr. Mason violated the drug policy set forth in Administrative Order 4:23 that was implemented on September 7, 2010 (R-3). The purpose of the policy was to develop a drug testing policy because it was

necessary to have a drug free environment to ensure the patients safety. All employees are given this policy and Mr. Mason received this policy. Once an employee tests positive on a random screening, the employee is referred to EAS (Employee Advisory Services) for a consultation and the counsellor will recommend a course of treatment for the employee. The employer does not know what the course of treatment is, only that the employee went to EAS and that they were referred to a program that might require them to miss work for a period of time. EAS will usually advise the employer how long the employee will need to be out of work. EAS is not part of the Department Human Service or the Department of Health, they are a part of civil service. Mr. Moore explained that he would call and make an appointment for the employee to attend EAS for the first time while the employee is on duty and then the employee would follow-up on their own time. Employees are advised that if they refuse to submit to a random drug test they may be terminated. They are further advised that if they test positive for unlawful use of any controlled dangerous substance, they may be referred to EAS or terminated from employment with DHS (R-4).

Mr. Mason's name randomly came up on a list of employees to be tested and he was scheduled to be tested on November 5, 2015 (R-5). Employees are selected quarterly for random drug testing by a third-party company, Energetix TPA, Toxicology Services Group. Employees receive notice the same day they are to be tested to report for a random drug screen. Mr. Mason received notice of the random drug screen on November 5, 2015 and was directed to immediately report to Corporate Health for drug testing on that day (R-6). Mr. Mason acknowledged that he understood that a negative result was a condition of his continued employment with DHS (R-6). On November 5, 2015 Mr. Mason gave a urine sample for drug testing (R-7). Usually the results are provided within seventy-two hours and they are negative. If there is a positive reading for any of the twelve panels they test for, the medical review officer will contact the employee to review any prescription medications they may be taking that could have provided a positive result. In those cases, it may take about a week if the employee provides the prescription and the medical review officer will review same to see if that prescription would cause a positive drug test. If the medical review officer determines that the prescription the employee was taking produced the positive test, they will advise that the drug test is negative because the employee had a prescription. On November 13, 2015 the lab results of Mr. Mason's November 5, 2015

drug test came back positive for cocaine (R-8). Mr. Mason was referred to EAS and completed the return to work protocol. On May 24, 2016 Mr. Mason was notified to report to Capital Health for a follow up drug test (R-14). Capital Health by letter dated May 26, 2016 advised that Mr. Mason passed the drug test after his return to work (R-15). An additional notice for drug testing was served upon Mr. Mason to report for a drug test on October 6, 2016 (R-17). Mr. Mason provided an additional urine specimen on October 6, 2016 which tested positive for cocaine (R-18). This was the second follow-up after Mr. Mason's return to work. The medical clearance report dated October 14, 2016 which attached the Quest Diagnostic Lab Report indicated that Mr. Mason failed his follow-up urine drug test of October 6, 2016 by testing positive for cocaine metabolites (R-19).

On cross-examination Mr. Moore admitted that Mr. Mason was not a discipline problem. An employee is referred to EAS after they fail the drug test. The employer is not advised of what the treatment consists of before the employee is cleared to return to work. Departmental policy requires that an employee be terminated after the failure of the second drug test and they are not referred to EAS again by the employer. On October 7, 2016 David Botti, a Counselor with EAS wrote to Anne Kenyon, Director of Human Services for Ann Klein Forensic Center that Mr. Mason had been seen for an assessment on October 7, 2016 and an outside referral was recommended which would require him to be on medical leave for thirty to forty-five days, effective October 10, 2016 (R-20). Mr. Moore explained that this letter indicates that EAS made a referral to Mr. Mason and not that the employer referred Mr. Mason to EAS. Mr. Mason self-reported to EAS on October 7, 2016.

Anne Kenyon testified on behalf of the respondent. She is the Director of Human Resources at Ann Klein Forensic Center. She has worked for the State in human resources for thirty years and has been at Ann Klein since July 1993. Ms. Kenyon became Director of Human Resources in 2003 and oversees all human resource functions including hiring, promotions, timekeeping and payroll, training and staff development, finger printing and drug screening processes. She knows Mr. Mason as an employee and has never had any personal issues with him. Ms. Kenyon is familiar with the drug testing policy at Ann Klein. When an employee tests positive for drugs for the first time on a random drug screening, the test results are sent to her electronically from the medical

review officer and she prints out the document and gives it to the employee relations coordinator, Charles Moore, who will meet with the employee and refer them out to EAS and explain the procedures to them. The return to duty drug testing process begins at the EAS, the employee advisory service. They are required to clear the employee to return to duty by having a drug test screening that is in compliance with the policy and then notify the employer that this has been accomplished and the employee is returned to work. The employee is then subject to a minimum of three follow-up tests within the year. The consequences of a second positive on a follow up drug screen is a removal from employment.

An EAS counsellor evaluated Mr. Mason on November 18, 2015 and an outside referral was recommended. The Compliance Signature Sheet was signed by EAS counsellor, Mr. Botti and Mr. Mason on November 18, 2015 indicating the necessary steps Mr. Mason had to follow to be in compliance with the return to work policy (R-10).

By letter dated January 7, 2016, Mr. Mason was cleared to return to work after completing treatment and the return to work protocol which included a negative drug test result (R-13). There also was a letter submitted from Gen Psych, a behavioral health organization dated January 11, 2016 indicating Mr. Mason was able to return to work (R-13). Mr. Mason did return to work after January 11, 2016. After an employee returns to work, they are required to pass a minimum of three follow-up random drug tests within the year. If an employee tests positive on a follow-up, the employee is administratively removed (R-3). The October 7, 2016 letter from EAS was sent to the Ann Klein Forensic Center advising them that Mr. Mason was there, but it was not because he was referred to EAS by his employer (R-20).

On cross-examination, reference was made to paragraph "E" of the drug testing policy entitled "Voluntary Participation in Drug Treatment" which provides that:

"Employees in direct care functions who have drug abuse problems are encouraged to voluntarily seek treatment. Treatment may be sought through the Employee Advisory Service (EAS) or independently by the employee without employer involvement.

Nothing herein shall prevent the employer from taking appropriate disciplinary action for violations under this policy." (R-3)

Gary Mason testified on his own behalf. He was employed by respondent for over nine years as a medical security officer before his removal. As a medical security officer, he provided daily care for the mentally ill clients he serviced, including taking care of their hygiene needs and making sure they had clean clothes and ate properly.

In November 2015 after he received the first positive drug test, he was referred by his employer to the EAS. He went to the EAS and spoke with Mr. Botti who referred him to Gen Psych. Mr. Mason did not know what to expect since he had never been in treatment. It was two hours a day, three times a week for a thirty-day program. He had a cognitive/rational thinking class, and an art and music class. Looking back, it really was not a treatment program at all. Mr. Mason was not working during this time. He finished the program and returned to work. Prior to getting the test results back from the last test that he failed, he called Mr. Botti before he took the test. Mr. Botti advised him that he could not refuse it, so take the test and call him the next day and he would try and help him. Mr. Mason went to his office and Mr. Botti called around for various treatment programs and found one in West Palm Beach Florida. He went the next day to Florida. It was supposed to be a ninety-day program but on the twentieth day there was a problem with the insurance so they discharged him. Mr. Mason felt that this program focused more on inter-personal relationships and was not geared towards drug or alcohol abuse. Mr. Mason called Mr. Botti who advised him to come back and he would find Mr. Mason another program. Mr. Mason did not receive anything from his employer regarding his job status while he was in Florida. Mr. Mason came back to New Jersey and then returned to Florida three days later and attended the Recovery Institute of South Florida (RISA) for seventy-five days. He had his own therapist, medical doctor and psychiatrist. He was seen by a specialist to adjust his medication. Mr. Mason was required to go to outside meetings four days a week. The staff were professional and the recovery personnel educated him on the disease of addiction. They brought up issues he did not know he had. This facility dealt with his underlying psychological issues. Mr. Mason received the help he needed and is glad he went for treatment. Mr. Mason wishes he was sent there first. He has been clean and sober since his treatment at RISF.

On cross-examination, Mr. Mason was asked how he was able to pass the first drug test upon his return to work if the first EAS referral program did not help him. He returned to work and was clean for a while but was trying for three months but could not stop using drugs. If he had the proper treatment initially, he would have been able to remain clean. Mr. Mason was shown R-10, the Direct Care Employee Compliance Sheet which he signed acknowledging that he understood that a second positive drug test may result in termination.

The following facts having been stipulated to by counsel as not being in dispute (J-4) are **FOUND as FACTS**:

Mr. Mason acknowledged that he received and signed for the DHS Administrative Order 4:23 Policy regarding Drug Testing on October 8, 2010 (R-4). He was randomly selected to be drug tested on November 5, 2015 (R-5). Mr. Mason submitted his urine as part of the random drug testing procedure on November 5, 2015. He signed the drug testing custody and control form on November 5, 2015 (R-7). On November 13, 2015 the lab results indicated that Mr. Mason tested positive for cocaine metabolites (R-8). The veracity of the lab results from November 5, 2015 are not in question. Mr. Mason was referred to meet with an EAS counsellor on November 17, 2015 (R-9). On December 29, 2015 lab results came back negative for all illicit drugs. In January 2016 Mr. Mason successfully completed the return to work procedures and was recommended to return to work in January 2016. On May 24, 2016, Mr. Mason was notified of a subsequent drug test. Mr. Mason submitted his urine as part of the random drug testing procedure on May 25, 2016. On May 27, 2016 the lab results came back negative for all illicit drugs. The veracity of the lab results was not in question. On October 6, 2016 Mr. Mason was notified of a subsequent drug test (R-17). On October 6, 2016 Mr. Mason voluntarily reported to EAS. Mr. Mason submitted his urine as part of the random drug testing procedure on October 6, 2016 which was a follow-up. Mr. Mason signed the drug custody and control form on October 6, 2016 (R-18). On October 14, 2016 the lab report results came back indicating that Mr. Mason testified positive for cocaine metabolites (R-19). The veracity of the lab results was not in question. Mr. Mason subsequently entered the Recovery

Institute of South Florida. The treatment records from RISF were stipulated into evidence in their entirety as J-3.

LEGAL ANALYSIS AND CONCLUSIONS

Appellant's rights and duties are governed by laws including the Civil Service Act and accompanying regulations. A civil service employee who commits a wrongful act related to his or her employment may be subject to discipline, and that discipline, depending upon the incident complained of, may include a suspension or removal. N.J.S.A. 11A:1-2, 11A:2-6, 11A:2-20; N.J.A.C. 4A2-2.

The Appointing Authority bears the burden of establishing the truth of the allegations by a preponderance of the credible evidence. Atkinson v. Parsekian, 37 N.J. 143, 149 (1962) Evidence is said to preponderate "if it establishes the reasonable probability of the fact." Jaeger v. Elizabethtown Consol. Gas Co, 124 N.J.L. 420, 423 (Sup. Ct 1940) (citation omitted). Stated differently, the evidence must "be such as to lead a reasonably cautious mind to a given conclusion." Bornstein v. Metro. Bottling Co., 26 N.J. 263, 275 (1958); see also Loew v. Union Beach, 56 N.J Super. 93,104 (App. Div. 1959).

Appellant was charged with "Conduct unbecoming a public employee," N.J.A.C. 4A:2-2.3(a)(6). "Conduct unbecoming a public employee" is an elastic phrase, which encompasses conduct that adversely affects the morale or efficiency of a governmental unit or that has a tendency to destroy public respect in the delivery of governmental services. Karins v. City of Atlantic City, 152 N.J. 532, 554 (1998); see also In re Emmons, 63 N.J. Super. 136, 140 (App. Div. 1960). It is sufficient that the complained of conduct and its attending circumstances "be such as to offend publicly accepted standards of decency." Karins, supra, 152 N.J. at 555 (quoting In re Zeber, 156 A.2d 821, 825 (1959)). Such misconduct need not necessarily "be predicated upon the violation of any particular rule or regulation, but may be based merely upon the violation of the implicit standard of good behavior which devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct." Hartmann v. Police Dep't. of Ridgewood, 258

N.J. Super. 32, 40 (App. Div. 1992) (quoting Asbury Park v. Dep't of Civil Serv., 17 N.J. 419, 429 (1955)).

Appellant was a Medical Security Officer who had daily direct care contact with the clients at respondent's facility. Mr. Mason was responsible for taking care of the client's physical needs including ensuring their safety, good hygiene, nutrition, and clean clothing. The Ann Klein Forensic Center cares for the most complex clients with the most severe behavioral problems. To protect their clients and employees' safety, respondent has instituted a drug testing policy to ensure that their employees be free from the effects of controlled dangerous substances. Mr. Mason failed a random drug screening test by testing positive for cocaine metabolites on November 5, 2015. He returned to work after having completed the return to work policy, knowing that he was subject to three additional random urine drug screens for the next year and knowing that a second positive test would result in his termination. On October 14, 2016, Mr. Mason underwent another random urine drug test and again tested positive for cocaine metabolites and was terminated November 17, 2016. Mr. Mason's conduct in using illicit drugs, i.e. cocaine, adversely affects the morale and efficiency of the Department of Human Services and has a tendency to destroy public respect in the delivery of governmental services. His conduct in using cocaine endangers the safety of the clients he services as well as other employees. Therefore, I **CONCLUDE** that the respondent has met its burden of proof in establishing a violation of unbecoming conduct.

Appellant has also been charged with violating N.J.A.C. 4A:2-2.3(a)(12), "Other sufficient cause." Other sufficient cause is an offense for conduct that violates the implicit standard of good behavior that devolves upon one who stands in the public eye as an upholder of that which is morally and legally correct. Appellant's conduct in using cocaine violates the implicit standard of good behavior one would expect from a Medical Security Officer. Therefore, I **CONCLUDE** that the respondent has met its burden of proof in establishing a violation of other sufficient cause.

The appellant was also charged with a violation of Administrative Order 4:08 E1, "Violation of a rule, regulation, policy, procedure or Administrative decision." On September 7, 2010 respondent implemented Department of Human Services

Administrative Order 4:23 which provided for mandatory drug testing for applicants for employment and direct care staff members employed in State psychiatric hospitals and developmental centers in order to promote the safety and welfare of its employees and clients (R-3). In order for the Department Human Services State psychiatric hospitals and developmental centers to meet their commitment to consumers and employees, it is essential that the Department Human Services operate in a drug free environment, and that its employees be free from the effects of controlled dangerous substances. It is the responsibility of each employee to ensure that he is drug free in compliance with the law and the requirements of this policy. As a condition of employment with the Department Human Services, employees are prohibited from being under the influence of illegal drugs.

The unlawful use, possession, solicitation for or sale of controlled dangerous substances including prescription drugs is strictly prohibited (R-3, page 1). The policy required that direct care staff members be subject to random drug testing for controlled dangerous substances (R-3, page 2). Employees who test positive for unlawful use of a controlled dangerous substance may be suspended from duty, referred to employee advisory service (EAS), or terminated from employment (R-3, page 5). Upon receipt of documentation which substantiates a positive drug test, the facility Office of Human Resources/Employee Relations will contact the employee to explain to the employee the procedures with regard to his mandated referral to the employee advisory service (EAS) and a return to work drug screen. The employee will not be allowed to return to work until the employee is cleared by EAS and has been authorized to return to work by the facility Office of Human Resources/Employee Relations (R-3, page 8). An employee who has been subject to random drug testing and has engaged in conduct prohibited by this policy shall, prior to his return to work, undergo a return-to-work drug test with a result indicating a verified negative result for controlled dangerous substance use (R-3, pages 11 & 12). When an employee is permitted to return to duty requiring the performance of direct care functions, the employee shall be subject to unannounced follow-up controlled dangerous substances tests at least three (3) times in the first 12 months following the return-to-duty (R-3, page 13).

Based upon the facts of this case as set forth above, I **CONCLUDE** respondent has met its burden of proof that appellant has violated Administrative Order 4:08 E1, "Violation

of a rule, regulation, policy, procedure or Administrative decision" by violating the drug testing policy of respondent contained in Department Human Services Administrative Order 4:23 by testing positive for cocaine metabolites a second time, after his return to work following his first random urine drug screen tested positive for cocaine.

PENALTY

In determining the appropriateness of a penalty, several factors must be considered, including the nature of the employee's offense, the concept of progressive discipline, and the employee's prior record. George v. N. Princeton Developmental Ctr., 96 N.J.A.R.2d (CSV) 463. Pursuant to West New York v. Bock, 38 N.J. 500, 523-24 (1962), concepts of progressive discipline involving penalties of increasing severity are used where appropriate. See also In re Parlo, 192 N.J. Super. 247 (App. Div. 1983). However, where the charged dereliction is an act which, in view of the duties and obligations of the position, substantially disadvantages the public, good cause exists for removal. See Golaine v. Cardinale, 142 N.J. Super. 385 (Law Div. 1976), *aff'd*, 163 N.J. Super. 453 (App. Div. 1978); In re Herrmann, 192 N.J. 19 (2007). The question to be resolved is whether the discipline imposed in this case is appropriate.

Some disciplinary infractions are so serious that removal is appropriate notwithstanding a largely unblemished prior record. In re Carter, 191 N.J. 474, 484 (2007), citing Rawlings v. Police Dep't of Jersey City, 133 N.J. 182, 197-98 (1993) (upholding dismissal of police officer who refused drug screening as "fairly proportionate" to offense); see also In re Herrmann, 192 N.J. 19, 33 (2007) (DYFS worker who snapped lighter in front of five-year-old):

. . . judicial decisions have recognized that progressive discipline is not a necessary consideration when reviewing an agency head's choice of penalty when the misconduct is severe, when it is unbecoming to the employee's position or renders the employee unsuitable for continuation in the position, or when application of the principle would be contrary to the public interest.

Thus, progressive discipline has been bypassed when an employee engages in severe

misconduct, especially when the employee's position involves public safety and the misconduct causes risk of harm to persons or property. See, e.g., Henry v. Rahway State Prison, 81 N.J. 571, 580 (1980).

Pursuant to the New Jersey Department of Human Services Administrative Order 4:23 does not call for a range of discipline and removal is the only option for a second violation of the drug testing policy. Appellant knew that as a condition of his continued employment he had to remain drug free after his first positive drug test for cocaine metabolites. Appellant does not dispute the fact that he failed his follow up drug test. What appellant argues is that his first treatment program failed and he should be given a third chance. Although it is commendable that Mr. Mason did eventually seek the further treatment he needed and received at the RISF, respondent's actions in terminating him after he tested positive the second time was appropriate and in the interest of public safety. As a medical security officer in a psychiatric facility providing direct care services for the most complex clients with the most severe behavioral issues, Mr. Mason was required to free from the effects of controlled dangerous substances. After having considered all of the proofs offered in this matter, and the impact upon the institution regarding the behavior by appellant herein and in light of the seriousness of the offense, I **CONCLUDE** that the removal of the appellant was appropriate.

ORDER

Accordingly, I **ORDER** that the action of the respondent is **AFFIRMED**, as set forth above. Appellant's appeal is **DISMISSED**.

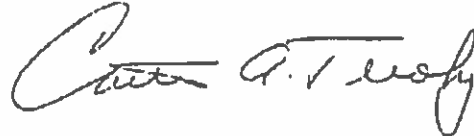
I hereby **FILE** my initial decision with the **CIVIL SERVICE COMMISSION** for consideration.

This recommended decision may be adopted, modified or rejected by the **CIVIL SERVICE COMMISSION**, which by law is authorized to make a final decision in this matter. If the Civil Service Commission does not adopt, modify or reject this decision within forty-five days and unless such time limit is otherwise extended, this recommended decision shall become a final decision in accordance with N.J.S.A. 52:14B-10.

Within thirteen days from the date on which this recommended decision was mailed to the parties, any party may file written exceptions with the **DIRECTOR, DIVISION OF APPEALS AND REGULATORY AFFAIRS, UNIT H, CIVIL SERVICE COMMISSION, 44 South Clinton Avenue, PO Box 312, Trenton, New Jersey 08625-0312**, marked "Attention: Exceptions." A copy of any exceptions must be sent to the judge and to the other parties.

May 1, 2018

DATE



CATHERINE A. TUOHY, ALJ

Date Received at Agency:

May 1, 2018 (emailed)

Date Mailed to Parties:

May 1, 2018 (emailed)

/mel

APPENDIX

WITNESSES

For Petitioner:

Gary Mason

For Respondent:

Charles Moore

Anne Kenyon

EXHIBITS

Joint:

- J-1 (R-1) Preliminary Notice of Disciplinary Action (31-A) 11/3/16)
- J-2 (R-2) Final Notice of Disciplinary Action (31-B) 11/7/16
- J-3 Appellants treatment records from RISF (119 pages)
- J-4 Stipulation of Facts

For Petitioner:

None

For Respondent:

- R-3 Administrative Order 4:23
- R-4 Employee Acknowledgement of Drug Testing Policy
- R-5 List of Employees Selected to be Randomly Tested
- R-6 Employee Notice for Random Drug Testing dated 11/5/15
- R-7 Custody and Control Form

- R-8 November 2015 Positive Urine Test Results
- R-9 Notice of Referral to EAS dated 11/17/15
- R-10 EAS Compliance Signature Sheet 11/18/15
- R-11 EAS Compliance Letter to HR 11/23/15
- R-12 Medical Clearance Report 1/11/16 passed urine drug test
- R-13 1/7/16 Return to Work Approval
- R-14 Employee Notice for Testing 5/24/16
- R-15 Medical Clearance Report dated May 2016 passed urine drug test
- R-16 5/26/16 letter to HR from EAS with attachment
- R-17 Employee Notice for Testing 10/6/16
- R-18 Custody and Control Form 10/4/16
- R-19 Medical Clearance Form dated October 2016 failed urine drug test
- R-20 EAS letter to HR 10/7/16
- R-21 10/26/16 letter from HARP facility
- R-22 11/3/16 discharge letter from GenPsych