



STATE OF NEW JERSEY

In the Matter of Jada Shivers,
Correctional Police Officer (S9988V),
Department of Corrections

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

CSC Docket No. 2018-3705

List Removal Appeal

ISSUED: MARCH 8, 2019 (JET)

Jada Shivers appeals the removal of her name from the Correctional Police Officer (S9988V), Department of Corrections, eligible list on the basis of a positive drug test.

The appellant took the open competitive examination for Correctional Police Officer (S9988V), achieved a passing score, and was ranked on the subsequent eligible list. The appellant's name was certified on January 28, 2018. The appointing authority rejected the appellant due to a positive drug test. Specifically, the appointing authority indicated that the appellant failed a urinalysis for positive.¹ It is noted that a toxicology report dated April 30, 2018 from the New Jersey State Toxicology Laboratory indicates that the appellant tested positive for Cannabinoids (THC).

On appeal to the Civil Service Commission (Commission), the appellant asserts that the result of the drug test occurred because she unknowingly consumed brownies and other edibles that contained marijuana at a friend's party. The appellant maintains that she does not smoke or knowingly consume marijuana on a daily basis. Moreover, the appellant submits the results of a drug test dated December 13, 2018 in support of her claims which indicates no positive results for THC.

¹ The appellant took the urinalysis when she appeared for Phase 1 and 2 of pre-employment processing on April 2, 2018.

In response, the appointing authority maintains that the appellant's name should be removed from the list as she clearly failed a drug test. Specifically, the appointing authority asserts that the April 30, 2018 toxicology report established that the appellant tested positive. The appointing authority adds that the appellant admitted that she consumed brownies and other edibles that contained marijuana. The appointing authority explains that its policy provides that any candidate who tests positive for an illegal controlled dangerous substance is automatically disqualified from the selection process and removed from the eligible list.

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.

On appeal, the appellant states that she ate brownies and other edibles that contained marijuana at a party, and she maintains that she does not use recreational drugs including marijuana. However, the appellant's arguments are not persuasive. In this regard, she admits on appeal that she consumed brownies that contained marijuana. Additionally, she did not submit any substantive evidence to establish that there was a false positive result for the drug test. In this regard, the medical documentation submitted by the appellant on appeal is dated nearly nine months after she took the initial drug test. Even assuming, *arguendo*, that she produced more contemporaneous documentation, that would not, in and of itself, conclusively establish the invalidity of the drug test.

Accordingly, the appointing authority has demonstrated that the appellant had a positive drug screen and that such matter would prevent the appellant from effectively performing the duties at issue. The appellant, therefore, does not meet the required physical qualifications for the Correctional Police Officer title. The job specification for Correctional Police Officer defines the duties of the position as under immediate supervision of a supervisory officer within the Department of Corrections, receives in residence and on-the-job training including instructions for the appropriate care and custody of a designated group of inmates, and does work which will provide practical custody experience; does related work as required. Clearly, a positive drug screen presents an impediment to the appellant's ability to perform these security duties.

ORDER

Therefore, it is ordered that this appeal be denied.

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 6th DAY OF MARCH, 2019



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