



**STATE OF NEW JERSEY**

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

In the Matter of Shamece Falana,  
County Correctional Police Officer  
(S9999U), Essex County

Administrative Appeal

CSC Docket No. 2021-141

**ISSUED: OCTOBER 23, 2020 (SLK)**

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Shamece Falana requests that the list for County Correctional Police Officer (S9999U), Essex County be revived in order for her to be considered for appointment at the time of the next certification.

The appellant's name was certified (OL190898) to the appointing authority on July 30, 2019. The appointing authority's disposition of the subject certification, which indicated that the appellant's name was to be retained on the list for future certifications only, was received by this agency on March 16, 2020. The list expired on May 1, 2020.

In her request, the appellant presents that she was very excited when she received notice that her name was certified for a position in the subject title with the appointing authority in August 2019 and she began the recruitment process. However, on October 28, 2019, she informed the appointing authority that she could not complete the physical test because she was pregnant. She asserts that she was informed by an Officer that she needed to write a letter explaining the situation and her name would roll over to the next recruitment class. The appellant submits her October 28, 2019 notice to the appointing authority indicating that she was pregnant and requesting that her recruitment for a position in the subject title be deferred to the next recruitment class. On April 15, 2020, she gave birth and she phoned the recruitment department on April 29, 2020, but did not receive a response. After several other attempts, the appellant states that an Officer advised her in July 2020 that her name was not on the list for the next recruitment class. Thereafter, after she contacted this agency, she was advised that the subject list expired in May 2020. The appellant argues that it unfair that she is not able to pursue this opportunity due to her pregnancy.

Although given the opportunity, the appointing authority did not respond.

### CONCLUSION

*N.J.A.C.* 4A:4.7(a)3 provides, in pertinent part, that an eligible who has declined appointment may, upon written request, have his or her name withheld from future certifications until available for appointment.

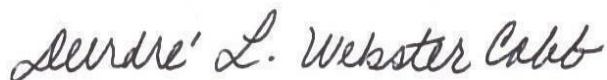
Initially, it is noted that the appointing authority properly returned the subject certification indicating that the appellant's name should be retained for future certifications only as the appellant had requested a deferment in October 2019 due to her pregnancy and the appellant had not yet indicated that she was available for appointment as she was still pregnant at the time the appointing authority returned its disposition of the subject certification in March 2020. However, the appellant is now indicating that she is available for appointment pursuant to *N.J.A.C.* 4A:4.7(a)3. Therefore, although the appellant was unable to complete the physical test at the time of her consideration for employment due to her pregnancy, she should not be precluded from consideration for employment now that she is no longer pregnant. *See In the Matter of Yane Peralta* (MSB, decided August 14, 2001). Moreover, since the S9999U eligible list expired on May 1, 2020, it is appropriate to revive that list at the time of the next certification to allow the appellant to be considered for prospective appointment.

### ORDER

Therefore, it is ordered that this appeal be granted and the list for County Correctional Police Officer (S9999U), Essex County be revived in order for the appellant to be considered for appointment at the time of the next certification for prospective employment opportunities only.

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 21<sup>ST</sup> DAY OF OCTOBER 2020



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