

B-24



**STATE OF NEW JERSEY**

In the Matter of Correction Officer  
Recruit, Juvenile Justice Commission  
(S9986M)

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

CSC Docket Nos. 2015-1144, 2015-  
1145, 2015-1146, 2015-1147, 2015-  
1148, 2015-1149 and 2015-1150

**Request for Administrative Relief and  
List Revival**

**ISSUED: DEC - 5 2014 (CSM)**

The Juvenile Justice Commission requests that the names of Kyara Johnson, Jeffrey Malek, Nicole Nightingale, Kathleen Pesina, Ebony Trice, Steven Tursi, and Gerard Vizcarrando be restored to the open competitive list for Correction Officer Recruit, Juvenile Justice Commission (S9986M) and that the list be revived so that they may be considered for current appointments.

By way of background, the subject list promulgated on June 10, 2011 and expired on May 9, 2014. Johnson, Malek, Nightingale, Pesina, Trice, Tursi, and Vizcarrando were appointed from the subject list effective June 15, 2013 and commenced their training at the Juvenile Justice Commission Training Academy. Due to various reasons while at the academy, these individuals were unable to complete the required training. As a result, the appointing authority offered these individuals the option to resign from their positions and advised them that it would request that their names be restored to the subject list for future consideration. Subsequently, the subject list was certified on January 28, 2014 (OS140067). However, due to an administrative error, the appointing authority did not request that the names of these individuals be restored to the list until after that certification was issued and the list subsequently expired.

In the instant request, the appointing authority requests that the names of Johnson, Malek, Nightingale, Pesina, Trice, Tursi, and Vizcarrando be restored to the Correction Officer Recruit, Juvenile Justice Commission (S9986M) list and that the list be revived so that they may be considered for current appointments. The

appointing authority explains that due to its error, it did not timely request the restoration of these names during the life of the list and prior to the issuance OS140067. Therefore, consistent with its past practice, the appointing authority requests the names of Johnson, Malek, Nightingale, Pesina, Trice, Tursi, and Vizcarrando be restored to the list and that the list be revived so that it can consider them for the next academy training, which will commence in the Spring of 2015.

It is noted that the subsequent eligible list for Correction Officer Recruit, Juvenile Justice (S9999R) was certified on October 27, 2014 (OS140516) and has a disposition due date of April 27, 2015.

### CONCLUSION

*N.J.A.C.* 4A:4-3.4(a) provides that an eligible list may, for good cause, be revived to correct an administrative error or for other good cause.

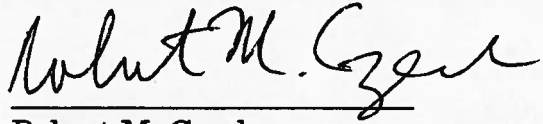
In the present matter, due to an administrative error, the appointing authority did not request the restoration of the names of Johnson, Malek, Nightingale, Pesina, Trice, Tursi, and Vizcarrando to the subject list until more than a month after certification OS140067 was issued and the eligible list subsequently expired. However, during the life of the list, Johnson, Malek, Nightingale, Pesina, Trice, Tursi, and Vizcarrando all requested that their names be restored and the appointing authority indicates that as part of its past practice, it always recommends restoration of individuals to the eligible list who were unable to complete academy training prior to requesting that a list be certified. Under these circumstances, good cause exists to restore the names of these individuals and to revive the list. Additionally, since the appointing authority petitioned the Civil Service Commission for this relief only five days prior to its request to certify the new eligible list, the names of Johnson, Malek, Nightingale, Pesina, Trice, Tursi, and Vizcarrando should be added to certification OS140516 so they may be considered for current employment opportunities.

### ORDER

Therefore, it is ordered that this request be granted and Kyara Johnson, Jeffrey Malek, Nicole Nightingale, Kathleen Pesina, Ebony Trice, Steven Tursi, and Gerald Vizcarrando be restored to the open competitive list for Correction Officer Recruit, Juvenile Justice Commission (S9986M). It is also ordered that the subject list be revived on a one-time basis and the names of these individuals be added to certification OS140516 for current employment opportunities.

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 3<sup>RD</sup> DAY OF DECEMBER, 2014**



**Robert M. Czech  
Chairperson  
Civil Service Commission**

**Inquiries  
and  
Correspondence**

**Henry Maurer  
Director  
Division of Appeals  
and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P.O. Box 312  
Trenton, New Jersey 08625-0312**

**c: Josie Piccolella  
Kyara Johnson,  
Jeffrey Malek  
Nicole Nightingale  
Kathleen Pesina  
Ebony Trice  
Steven Tursi  
Gerald Vizcarrando  
Kenneth Connolly**