



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

In the Matter of Carol Rotondo,
Department of Law and Public Safety

CSC Docket No. 2019-2086

Classification Appeal

ISSUED: JUNE 28, 2019

(SLK)

Carol Rotondo appeals the determination of the Division of Agency Services (Agency Services) that the proper classification of her position with the Department of Law and Public Safety is Paralegal Technician 1.¹ The appellant seeks a Paralegal Technician 2 classification.

The record in the present matter establishes that the appellant's permanent title is Paralegal Technician 1. The appellant sought reclassification of her position, alleging that her duties were more closely aligned with the duties of a Paralegal Technician 2. The appellant is assigned to the Division of Consumer Affairs, Team 10 (Cosmetology and Hairstyling/Electrology) and her immediate supervisor is Jay Malanga, Executive Secretary. The appellant has no direct supervisory responsibility. In support of her request, the appellant submitted a Position Classification Questionnaire (PCQ) detailing the different duties that she performs. Agency Services reviewed and analyzed the PCQ completed by the appellant and all information and documentation submitted. Agency Services found that the appellant's primary duties and responsibilities entailed, among other things: providing administrative support to the Executive Director and Licensing Boards; performing duties directly related to the legal responsibilities of the Board and Executive Director; providing the Board with legal-related documents such as subpoenas, motions, orders, *etc.*; researching, copying and redacting information on

¹ The appeal indicates that the appellant's current title is Paralegal Technician 2 and the appellant seeks a Paralegal Technician 1 classification. However, effective April 27, 2019, the title series was renumbered, and the appellant's current permanent title is Paralegal Technician 1 and she seeks the higher title, Paralegal Technician 2.

documents as appropriate; producing legal documents; researching laws and regulations and applying findings to legal matters; producing the Board's closed minutes, motions, orders and correspondence; working in collaboration with the Deputy Attorney General on legal matters and issues in the production of outcomes and decisions; following-up on cases; monitoring civil penalties and issuing orders such as Consent Orders, Default Orders, Provisional Orders and Orders of Summary and Suspension; and performing other paralegal responsibilities such as providing office support to the Executive Director and Board, processing the production of default orders, maintaining contacts and information, and answering questions concerning Board statutes and regulations, *etc.* In its decision, Agency Services determined that the duties performed by the appellant were consistent with the definition and examples of work included in the job specification for Paralegal Technician 1.

On appeal, the appellant presents that a review of the job specification for Paralegal Technician 2 indicates that she performs the majority of duties for this title. She states that the only reason it was determined that her position should not be classified as a Paralegal Technician 2 is because that title is in the "R" Employee Relations Group (ERG), which is a supervisory ERG, and she is not a supervisor. The appellant explains that she is the sole paralegal and professional legal employee in her unit. Additionally, she highlights that she possesses both a paralegal and Bachelor's degree. She believes that it unfair that she cannot be promoted because there are no other paralegals in her unit to supervise. The appellant states that it is unfair that the Paralegal Technician title series does not allow for the natural progression for her to achieve a higher title based on the staffing of her unit. She suggests that a separate Paralegal Technician 2 title be created that is not in the "R" ERG along with a supervisory Paralegal Technician 2 title. In the alternative, she requests that her salary in her title be moved to Salary Step 10. The appellant indicates that she is nearing retirement age and is requesting the opportunity to advance prior to retirement.

CONCLUSION

N.J.A.C. 4A:3-3.9(e) states that in classification appeals, the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

The definition section of the Paralegal Technician 1 (A17) job specification states:

Under the limited supervision of a supervisory official, researches laws, rules, and regulations, investigates facts, and prepares

documents for use in briefs, pleadings, appeals, and other legal actions; does other related duties as required.

The definition section of the job specification for Paralegal Technician 2 (R20) states:

Under the direction of an attorney or other supervisory official, supervises paralegal staff and personally performs the more complex work involved in the research of laws, rules, and regulations, the investigation of facts, and the preparation of documents for use in briefs, pleadings, appeals, and other legal actions; supervises staff and work activities; prepares and signs official performance evaluations for subordinate staff; does other related duties as required.

In this matter, the main difference between the Paralegal Technician 1 and Paralegal Technician 2 titles is that incumbents in the Paralegal Technician 2 title supervise staff, while Paralegal Technician 1s do not. As the appellant acknowledges that she is the sole paralegal in her unit and does not supervise any staff, her position cannot be classified as a Paralegal Technician 2. Concerning her comments that she does most of the duties of a Paralegal Technician 2, the fact that some of an employee's assigned duties may compare favorably with some examples of work found in a given job specification is not determinative for classification purposes, since, by nature, examples of work are utilized for illustrative purposes only. Moreover, it is not uncommon for an employee to perform some duties which are above or below the level of work which is ordinarily performed. For purposes of determining the appropriate level within a given class, and for overall job specification purposes, the definition portion of the job specification is appropriately utilized, and a review of the job specification for the Paralegal Technician 2 title indicates that the primary responsibility for incumbents in this title is to supervise paralegal and other subordinate staff. Further, as this title is in the "R" ERG, which is a supervisory ERG, it is required that incumbents be supervisors to be classified in this title.

With respect to the appellant's belief that it is unfair that the Paralegal Technician title series does not offer her a path for a promotion since there are no other Paralegals in her unit, the outcome of position classification is not to provide a career path to the incumbent, but rather to ensure the position was classified in the most appropriate title available within the State's classification plan. *See In the Matter of Patricia Lightsey* (MSB, decided June 8, 2005), *aff'd on reconsideration* (MSB, decided November 22, 2005). Regarding her suggestion that a new job title should be created that allows for Paralegals to achieve a higher title even when there are no Paralegals to be supervised, the appointing authority may request that the Division of Agency Services review the title series. Similarly, regarding the appellant's alternative request that her salary be moved to Salary Step 10, it is

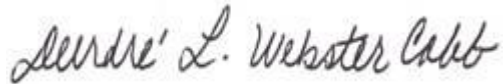
within the appointing authority's discretion to petition the Salary Adjustment Committee for an increase in the appellant's salary if appropriate.

ORDER

Therefore, it is ordered that this appeal be denied, and the position of Carol Rotondo is properly classified as Paralegal Technician 1.

This is the final administrative determination in this matter. Any further review is to be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 26th DAY OF JUNE, 2019



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