



**STATE OF NEW JERSEY**

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

In the Matter of Iverilyn Rodriguez,  
Paralegal Technician 2 (PM2049B),  
City of Paterson

CSC Docket No. 2021-588

Examination Appeal

**ISSUED: MARCH 26, 2021 (RAM)**

Iverilyn Rodriguez appeals the determination of the Division of Agency Services (Agency Services), which found that she did not meet the experience requirement for the promotional examination for Paralegal Technician 2 (PM2049B), City of Paterson.

The subject examination was open to employees in the competitive division who had an aggregate of one year of continuous permanent service as of the January 21, 2020 closing date in any competitive title and met the requirements listed in the announcement. In part, the subject examination required an Associate’s degree from an accredited college as a Legal Assistant or in Paralegal Studies **or** an Associate’s or Bachelor’s degree and a Certificate of Proficiency in Paralegal Studies with three years of experience as a paralegal in a law firm, legal tribunal, or legal department in a public or private entity whose primary function is in the research, enactment, enforcement or litigation of legal matters. A Juris Doctor degree could have substituted for the above education requirements. It is noted that the appellant was the only applicant. Consequently, since she was found ineligible, the examination was cancelled on November 28, 2020.

Upon its review, Agency Services found that the appellant met the educational requirement, as she possessed an Associate’s degree with a Certificate of Proficiency in Paralegal Studies. However, the experience in the positions listed on the appellant’s application and resume was not found applicable. In that regard, the appellant indicated on her application that she served as a “Paralegal” with the City of Paterson from April 2015 to January 2020, a “Word Specialist 2” with the Public Defender’s Office from April 2012 to April 2015, and a Judiciary Clerk 3 with the

Superior Court of New Jersey from December 2000 to December 2007. Agency Services noted that, although some aspects of the required duties were listed by the appellant on her application and resume, the primary focus of the appellant's positions was either administrative or clerical and not gained as a paralegal conducting the required duties. Therefore, it was determined that the appellant lacked three years of the required experience.

On appeal, the appellant states that she has held a paralegal position within the law department of the City of Paterson for approximately three years and has assisted all parties in litigation matters. In support, she submits documentation regarding her education, emails from her agency and contacts from other agencies on legal matters and inquiries. She also presents letters of recommendations from previous employers. Therefore, the appellant maintains that she is qualified for the subject examination as set forth in the announced requirements. It is noted that agency records indicate that the appellant was appointed provisionally pending promotional examination procedures as a Paralegal Technician 2 with the City of Paterson effective September 23, 2019. She previously served as a Legal Secretary and was appointed to that title effective August 19, 2014. Moreover, agency records reveal that the appellant had been employed as a Word Processing Specialist 2 with the Office of the Public Defender from April 7, 2012 to May 16, 2014. She was also employed as a Judiciary Clerk 2 and Judiciary 3 with the Judiciary, Vicinage 11-Passaic County from December 4, 2000 to December 22, 2008.

## CONCLUSION

*N.J.A.C.* 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional examination announcement by the closing date.

At the outset, Agency Services correctly deemed the appellant ineligible for the subject examination since she did not indicate on her application or resume that she met the three years of experience as a paralegal in a law firm, legal tribunal, or legal department in a public or private entity whose primary function is the research, enactment, enforcement, or litigation of legal matters. It is noted that in order for experience to be acceptable, it must mirror the experience required in the examination announcement. In addition, it must have as its **primary** focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004).

Agency Services' review of the appellant's application and resume determined that there were some aspects of the required duties, but the primary focus of her duties was administrative and/or clerical. Further, she did not work as a paralegal in her prior positions. Rather, she indicated that she served as a Legal Secretary, Word Processing Specialist 2, and Judiciary Clerk 3. The experience listed on her application and resume, which also includes her duties as a provisional Paralegal

Technician 2, involved drafting, processing and forwarding various forms of documents, such as videos, certificates, discovery and other legal documents to appropriate staff. She also set up meetings and conferences, assisted with case management, received and processed legal billings, ordered lab reports and provided technical support to the legal staff. Moreover, the information submitted on appeal is consistent with what she submitted on her application and resume. Thus, her duties do not rise to the level and scope of the primary focus of responsibilities in the required areas of research, enactment, enforcement or litigation of legal matters. In addition, as noted, agency records indicate that the appellant was appointed provisionally as a Paralegal Technician 2, effective September 23, 2019. However, the primary focus of the duties of the position listed on her application and resume do not appear to match the duties of the title. For eligibility purposes, it is not sufficient to be provisional in the title, but the candidate must also be performing the duties of the title. In that regard, the definition of the Job Specification for Paralegal Technician 2 states that an incumbent “[u]nder 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.<sup>1</sup>”

Therefore, an independent review of all material presented indicates that the decision of Agency Services that the appellant did not meet the announced requirements for eligibility by the closing date is amply supported by the record. The appellant provides no basis to disturb this decision. Thus, the appellant has failed to support her burden of proof in this matter.

Finally, since it appears that the appellant may not be currently performing the work of a Paralegal Technician 2, it is appropriate to refer the matter of the classification of her provisional position to Agency Services for review, and the appointing authority shall affect the proper classification of the position within 30 days of Agency Services’ classification determination. If it is determined that the appellant’s provisional position should be reclassified and the appellant is found to be ineligible for the new provisional appointment, she should be returned to her prior-held permanent title at that time. If she is found to be currently performing the work of a Paralegal Technician 2, the Commission notes that she still would not have a sufficient amount of experience for the subject examination as she was appointed to

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<sup>1</sup> On her application and resume, the appellant indicated that she supervised one professional staff member and one support staff member and monitored and assigned daily tasks. On appeal, she states that she supervises a “Legal Assistant” in the discovery process. It does not appear that the appellant is actually referring to the Civil Service title of Legal Assistant which has a higher local class code of 29 in comparison to the subject title of Paralegal Technician 2, which is designated with a local class code of 22.

that title in 2019, less than three years ago, and the Commission has found that the duties she listed on her application, resume, and in her appeal are not at the level and scope of a Paralegal Technician 2. Additionally, the appointing authority is reminded that *N.J.S.A. 11A:4-13(b)* provides that “[p]rovisional appointments shall be made only in the competitive division of the career service and only in the absence of a complete certification, if the appointing authority certifies that in each individual case the appointee meets the minimum qualifications for the title at the time of appointment and that failure to make a provisional appointment will seriously impair the work of the appointing authority. In no case shall any provisional appointment exceed a period of 12 months.”

### ORDER

Therefore, it is ordered that this appeal be denied, and the matter of the appellant’s position classification be referred to Agency Services for review.

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 24<sup>TH</sup> DAY OF MARCH, 2021

*Deirdre' L. Webster Cobb*

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