



**STATE OF NEW JERSEY**

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

In the Matter of Paralegal Specialist  
(M0781V), Jersey City  
Redevelopment Agency

Request for Appointment Waiver

CSC Docket No. 2019-1174

**ISSUED: JULY 26, 2021 (EG)**

In *In the Matter of Paralegal Specialist (M0781V), Jersey City Redevelopment Agency* (CSC, decided June 12, 2019), the Civil Service Commission (Commission) held in abeyance Jersey City Redevelopment Agency’s request for the waiver of the appointment requirement pending the determination of the Division of Agency Services (DAS) regarding the classification of Maria Aguilar-Ambrossi’s position. Thereafter, DAS determined that Aguilar-Ambrossi was properly classified in her permanent title of Paralegal Technician 2, and the matter is now being presented to the Commission.

By way of background, in *Jersey City Redevelopment Agency, supra*, the Commission noted that after a complete certification was issued for Paralegal Specialist, the Redevelopment Agency requested that Paralegal Specialist be changed to Paralegal Technician 2, as this title was more appropriate for the duties currently being performed by Aguilar-Ambrossi. Aguilar-Ambrossi’s provisional appointment as a Paralegal Specialist was terminated effective when she was provisionally appointed to the title of Paralegal Technician 2, on September 17, 2018, at the same salary of \$55,000. Additionally, the Commission indicated that a review of job specifications revealed that an individual in the title of Paralegal Specialist performs similar duties as an individual in the title of Paralegal Technician 2, without the supervisory duties. The Commission noted that the Redevelopment Agency did not provide the names of the paralegals Aguilar-Ambrossi supervises and official records indicated that Aguilar-Ambrossi was the only employee in a paralegal related title in

the Redevelopment Agency. The Commission was concerned that the Redevelopment Agency's actions in requesting the position of Paralegal Specialist be changed to the title Paralegal Technician 2, was merely an attempt to circumvent Civil Services law and rules. However, the Commission found that since it could not determine on the existing record whether Aguilar-Ambrossi's title was appropriately changed to Paralegal Technician 2, it referred the matter to DAS for a classification review.<sup>1</sup> See *N.J.S.A.* 11A:3-1, *N.J.A.C.* 4A:3-3.1(a), *N.J.A.C.* 4A:3-3.3(d) and *N.J.A.C.* 4A:3-34.

DAS completed its classification review and determined that Aguilar-Ambrossi's duties involve being directly responsible for the preparing, reviewing and analysis of legal documents for briefs, appeals, pleadings, and other legal actions for the office. Her responsibilities also include assigning, reviewing and approving work for subordinate staff. Consequently, DAS determined that Aguilar-Ambrossi's current duties and responsibilities were commensurate with the position of Paralegal Technician 2.

## CONCLUSION

In accordance with *N.J.S.A.* 11A:4-5, once the examination process has been initiated due to the appointment of a provisional employee or due to an appointing authority's request for a list to fill a vacancy, the appointing authority must make an appointment from the resulting eligible list if there are three or more interested and eligible candidates. The only exception to this mandate may be made for a valid reason such as fiscal constraints.

In the instant matter, the examination for the title of Paralegal Specialist was generated as a result of the provisional appointment of Aguilar-Ambrossi. After a complete certification was issued, Jersey City Redevelopment Agency provisionally appointed Aguilar-Ambrossi to the title of Paralegal Technician 2 effective September 17, 2018, and requested an appointment waiver since Aguilar-Ambrossi was no longer serving provisionally in the subject title. After a classification review DAS determined that Aguilar-Ambrossi's position was properly classified as Paralegal Technician 2. Accordingly, based on the foregoing, Jersey City Redevelopment Agency has presented sufficient justification for an appointment waiver.

Although the appointment waiver is granted, both *N.J.S.A.* 11A:4-5 and *N.J.A.C.* 4A:10-2.2(a)2 state that if an appointing authority receives permission not to make an appointment, it can be ordered to reimburse the costs of the selection process. While administering examinations and providing the names of eligible job candidates to the jurisdictions under the Civil Service system are two of the primary activities of this agency, these costly efforts are thwarted when appointing authorities fail to utilize the resulting eligible lists to make appointments and candidates have

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<sup>1</sup> It is noted that Jersey City Redevelopment Agency had remitted a check in the amount of \$2,048 in the prior proceeding.

needlessly expended their time, effort and money to take these examinations in hopes of being considered for a permanent appointment. In the instant situation, although Jersey City Redevelopment Agency has shown a valid reason for not making an appointment from the subject eligible list, it has failed to provide any basis for not being charged for the costs of the selection process which produced the subject eligible list. Rather, Jersey City Redevelopment Agency submitted a check in the amount of \$2,048 for the costs of the selection process. Therefore, since Jersey City Redevelopment Agency has conceded that it is responsible for those costs, it is appropriate that Jersey City Redevelopment Agency be assessed for the costs of the selection process.

### ORDER

Therefore, it is ordered that the request for the waiver of the appointment requirement be granted. Additionally, the Commission orders that Jersey City Redevelopment Agency be assessed for the costs of the selection process but notes that a check in the amount of \$2,048 has already been remitted

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 JULY, 2021

*Deirdre' L. Webster Cobb*

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