



STATE OF NEW JERSEY

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

In the Matter of Paralegal Technician
1, Department of Law and Public
Safety

CSC Docket No. 2022-1688

Request for Interim
Noncompetitive Appointments

ISSUED: FEBRUARY 7, 2022 (EG)

The Department of Law and Public Safety (L&PS) requests the reallocation of Paralegal Technician 1 title to the noncompetitive division of the career service on an interim basis.

As background, L&PS had requested the reallocation of certain titles to the noncompetitive division of the career service on an interim basis due to the recent passing of Expungement Bill – P/L. 2019. The request was granted by the Civil Service Commission (Commission) in *In the Matter of Expungement Title Variants, Department of Law and Public Safety* (CSC, decided October 6, 2021). Among the titles listed was Paralegal Technician Assistant.¹ This title was listed in error. The correct title requested by L&PS to reassign from the competitive to the non-competitive class of service on an interim basis was Paralegal Technician 1. L&PS relies on the reasoning provided in the prior decision in making the instant request for the reallocation of Paralegal Technician 1 title to the noncompetitive division of the career service on an interim basis.

The Division of Agency Services supports this request. Further, it is noted that pursuant to *N.J.A.C. 4A:3-3.3(f)*, the affected negotiations representatives were notified of the request to reallocate the subject title to the noncompetitive division, on an interim basis.

¹ It is noted the title of Paralegal Technician Assistant is a non-competitive title.

Upon review, it is noted that there is an open competitive (S0220B)² eligible list for the subject title and a regular reemployment list with two eligibles for the subject title.

CONCLUSION

N.J.A.C. 4A:3-1.2(c) provides that a job title may be placed in the noncompetitive division on an ongoing or interim basis when it is determined that it is appropriate to make permanent appointments to the title, and that one or more of the following criteria are met:

1. Competitive testing is not practicable due to the nature of the knowledge, skills and abilities associated with the job;
2. Certification procedures based on ranked eligible lists have not or are not likely to meet the needs of appointing authorities due to such factors as salary, geographic location, recruitment problems and working conditions; or
3. There is a need for immediate appointments arising from a new legislative program or major agency reorganization.

Based on the recent legislation described in *In the Matter of Expungement Title Variants, Department of Law and Public Safety*, interim noncompetitive status for the subject title is appropriate in this matter. However, because there are existing regular reemployment and open competitive eligible lists for the Paralegal Technician 1 title, it is not appropriate for such action to take effect until these lists are exhausted. The Commission notes that with the interim noncompetitive status that will follow the exhaustion of these lists, *N.J.A.C.* 4A:3-1.2(g) provides that, if a title is designated noncompetitive on an interim basis, at the end of the interim noncompetitive period, which shall be no greater than one year, the job title shall be redesignated as competitive. Individuals appointed during the interim noncompetitive period shall, upon successful completion of their working test periods, attain permanent status in the competitive division. It is further noted that this interim noncompetitive designation is limited to use by the State Police's Expungement Unit exclusively.

² The Paralegal Technician 1 (S0220B) eligible list promulgated on December 24, 2020 and expires on December 23, 2023. There is currently one eligible remaining on this list.

ORDER

Therefore, it is ordered that this request be granted, and interim noncompetitive designation for the Paralegal Technician 1 title be effected for a six-month period for use by the Division of State Police's Expungement Unit exclusively. It is further ordered that such action be effective on the beginning of the first pay period following the exhaustion of the regular reemployment list and the open competitive (S0220B) eligible lists for the subject title. At the end of this period, the subject title will be returned to the competitive division of the career service.

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 2ND DAY OF FEBRUARY 2022

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