



STATE OF NEW JERSEY

In the Matter of Jared Robinson,  
Paralegal Specialist (PC4881C),  
Mercer County Board of Social  
Services

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

CSC Docket No. 2022-2889

Examination Appeal

ISSUED: JULY 5, 2022 (SLK)

Jared Robinson appeals the determination of the Division of Agency Services (Agency Services) that the promotional examination for Paralegal Specialist (PC4881C), Mercer County Board of Social Services was not a promotion.

The subject promotional examination had a closing date of November 22, 2021. The education requirements were an Associate’s degree as a Legal Assistant or in Paralegal Studies, or an Associate or Bachelor’s degree and a Certificate of Proficiency in Paralegal Studies. A Juris Doctorate degree could have been substituted for the education requirements. Additionally, two years of experience in the preparation of drafts of contracts, briefs, motions, affidavits, or other legal documents and/or experience in the analysis of judicial decisions, legal opinions, rulings, memoranda, and other legal material, and the preparation of summaries of the points of law involved, could have substituted for the education requirements. A total of three employees applied and one was found eligible. Certification PL220242 was issued containing the name of the one eligible, who was appointed.

On the appellant’s application, he indicated the he possessed a Bachelor’s degree and a Paralegal Certification.<sup>1</sup> He also indicated that he was an Investigator,

<sup>1</sup> The appellant’s application indicated that his Paralegal Certification expired on November 22, 2021. It is unclear if his certification expired on that date or if he incorrectly completed his application as that date is the same as the closing date. If the appellant’s Paralegal Certification did expire, this would be an additional reason to determine the appellant ineligible for the subject title.

County Welfare Agency (Investigator) from October 2019 to the November 22, 2021, closing date, a Volunteer Juvenile Conference Committee Member for three hours per week from August 2016 to September 2020, a Human Services Specialist from December 2013 to September 2019, and a Judiciary Clerk for the New Jersey Judiciary Tax Court from September 2011 to November 2013. Personnel records indicate that the appellant was an Investigator from October 2019 to the November 22, 2021, closing date, a Human Services Specialist 2 from August 2015 to October 2019, a Human Services Specialist 1 from December 2013 to August 2015, and an Administrative Support Services TES for the Administrative Office of the Courts from May 2011 to November 2013. Agency Services determined that the appellant was not eligible for the subject examination as the subject title did not constitute a promotion from his permanent title.

On appeal, the appellant states that “CSC guidance notwithstanding,” the subject title represents a promotion to him. He presents that he has been employed by the appointing authority for nine years where he was a Human Services Specialist 1 and 2 before his current position as an Investigator. The appellant indicates that with each title change, he gained competence and skill that have led him to satisfying the subject examination requirements. Further, he states that his Paralegal Certification, work history, and agency knowledge make him well qualified to perform the required duties for the subject title. He notes that he currently earns \$70,366.85 as an Investigator and the maximum salary for this title is \$83,185 while the subject title salary range starts at \$73,547 and has a maximum salary of \$99,690. Therefore, he argues that this is a clear indication that the subject title represents a promotion with increased responsibilities.

## CONCLUSION

*N.J.A.C.* 4A:1-1.3 defines a promotion in local service as an advancement in title. To determine such advancement, each title is assigned a class code. To be considered a promotion, a title must have a higher class code than the former title.

*N.J.A.C.* 4A:3-4.1(a) provides that in local services, appointing authorities shall establish compensation plans that provide for paying employees in reasonable relationship to their job titles.

*N.J.A.C.* 4A:4-2.6(a) indicates that all requirements in a promotional announcement must be met as of the closing date. *N.J.A.C.* 4A:4-6.3(b) provides, in pertinent part, that the appellant shall have the burden of proof in examination appeals.

Initially, it is noted that there is no “CSC guidance notwithstanding” under Civil Service laws and rules, and Civil Service regulations are not “guidance” and must be followed.

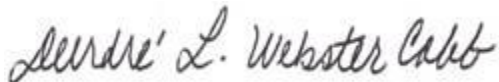
In this matter, Agency Services correctly determined that the appellant was not eligible for the subject examination as the subject title was not a promotion for him. Specifically, a review of official personnel records indicates that the appellant has permanent status in the title of Investigator, which has a designated class code of 18. However, the Paralegal Specialist title is designated as class code 12. A class code is a designation assigned to job titles in local government with ranking based upon an evaluation of job content, experience and education. Thus, because the appellant is in a permanent title that has a higher class code than the title under test, the subject title does not represent a promotion, but rather a demotion, and he, therefore, is not eligible for the promotional examination announcement regardless of his belief about his qualifications and the salary ranges. Additionally, it is noted that under *N.J.A.C. 4A:3-4.1(a)*, the appointing authority and not the Civil Service Commission establishes the salary ranges for employees in local services, and the appointing authority's compensation plan is not a factor in determining a promotion under *N.J.A.C. 4A:1-1.3*. Accordingly, if the appellant wants to be appointed in the subject title, he would be required to undergo voluntary demotion procedures. *See N.J.A.C. 4A:4-7.8.*<sup>2</sup>

### ORDER

Therefore, it is ordered that this appeal be denied.

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 29<sup>TH</sup> DAY OF JUNE 2022



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Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

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<sup>2</sup> It is noted that under Civil Service law and rules, there is no requirement that an appointing authority accept an employee's request for a voluntary demotion.

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