



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Expungement Unit  
Titles, Department of Law and Public  
Safety

CSC Docket No. 2022-3084

Administrative Appeal  
(CORRECTED)

ISSUED: JUNE 30, 2022 (EG)

The Department of Law and Public Safety (L&PS) requests the reallocation of the Supervisor 1 & 2, Expungement; Agency Services Representative 1, 2, 3, & 4, Expungement; and Paralegal Technician 1 titles to the noncompetitive division of the career service on an interim basis be extended for an additional 12 months.

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 passing of Expungement Bill – *P.L.2019, c.269*. In the attached decision, *In the Matter of Expungement Title Variants, Department of Law and Public Safety* (CSC, decided October 6, 2021) the Civil Service Commission (Commission) granted L&PS's request to place the subject titles into the noncompetitive division for a period of six months due to the passing of that bill.<sup>1</sup>

In the instant matter, the L&PS requests that the interim noncompetitive reallocation of the above titles be extended for an additional 12 months. It asserts

<sup>1</sup> In the attached decision, *In the Matter of Paralegal Technician 1, Department of Law and Public Safety* (CSC, decided February 2, 2022) the Commission corrected an error with regard to the title of Paralegal Technician 1 title from the October 6, 2021 decision. However, the Commission noted that it was not appropriate to move the title of Paralegal Technician 1 to the noncompetitive division as there were open competitive and regular reemployment eligible lists still active. Agency records indicate these lists have not yet been exhausted so the title of Paralegal Technician 1 was not yet placed in the noncompetitive division.

that the extension is necessary to continue its rapid recruitment and hiring in response to the legislative enactment. The Division of Agency Services supports the extension request.

### 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.

Further, *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.

With regard to the titles of Supervisor 1 & 2, Expungement and Agency Services Representative 1, 2, 3, & 4, Expungement, based on the recent legislation described in *In the Matter of Expungement Title Variants, Department of Law and Public Safety*, extending the interim noncompetitive status for the subject titles for an additional six months is appropriate in this matter. The Commission notes that *N.J.A.C.* 4A:3-1.2(g) limits the interim noncompetitive basis to a year. Thus, since the subject titles were initially granted interim noncompetitive status for six months, they can only be extended an additional six months.

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 for this title until these lists are exhausted, as noted in the Commission's prior decision.

Finally, 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.

**ORDER**

Therefore, it is ordered that this request be granted, and interim noncompetitive designations for the Supervisor 1 & 2, Expungement and Agency Services Representative 1, 2, 3, & 4, Expungement titles be effected for use by the Division of State Police's Expungement Unit exclusively. This designation will be effective July 2, 2022, for a period of six months. At the end of this period, the subject titles 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 15<sup>TH</sup> DAY OF JUNE 2022



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Attachment

c: Colonel Patrick J. Callahan  
Jessica Chianese  
Division of Agency Services  
Records Unit



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.<sup>1</sup> 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.

<sup>1</sup> 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)<sup>2</sup> 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.

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<sup>2</sup> 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 2<sup>ND</sup> DAY OF FEBRUARY 2022

*Deirdre' L. Webster Cobb*

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Chairperson  
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Jessica Chianese  
Agency Services  
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STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Expungement Unit  
Titles, Department of Law and Public  
Safety

CSC Docket No. 2022-526

Request for Interim  
Noncompetitive Appointments

ISSUED: OCTOBER 12, 2021 (EG)

The Department of Law and Public Safety (L&PS) requests that the Supervisor 1 and 2, Expungement, Agency Services Representative 1, 2, 3 and 4, Expungement, and Paralegal Technician Assistant titles, in the Division of State Police's Expungement Unit (Expungement Unit), be reallocated to the noncompetitive division of the career service on an interim basis.

As background, due to the recent passing of Expungement Bill – P/L. 2019, the Expungement Unit has experienced a significant increase in petitions for record expungement. The legislation also included funding for 136 additional positions in the Expungement Unit to address the current backlog and to manage the increased number of petitions expected after the statutory change. In this regard, L&PS explains that there are currently 11 full-time employees in the Expungement Unit and that the backlog for final orders is currently six months. It adds that without additional staff, it is projected that the backlog will grow to over 12 months. Therefore, it requests that the subject titles be reallocated to the noncompetitive division on an interim basis to permit it to obtain staff that has the prerequisite knowledge, skill and length of service critical to its ongoing expungement efforts

The Division of Agency Services supports this request. It states that the reallocation of the aforementioned titles to the noncompetitive division on an interim basis will allow L&PS to comply with the recent legislation.

Upon review, it is noted that there are no current eligible lists for any of the subject titles.