



STATE OF NEW JERSEY

In the Matter of Legal Specialist Title Series	:	FINAL ADMINISTRATIVE ACTION
	:	OF THE
	:	CIVIL SERVICE COMMISSION
	:	
CSC Docket No. 2025-1634	:	
	:	
	:	Title Creation/Inactivation
	:	
	:	
	:	

ISSUED: November 26, 2025 (SLD)

The Division of Agency Services (Agency Services) requests the establishment of the new unclassified titles Legal Specialist 1 (P26), Legal Specialist 2 (R29), Legal Specialist 3 (&32), and Legal Specialist 3, Confidential (M32) for use in State service. Agency Services also requests that the unclassified title of Legal Specialist (X98) be inactivated.¹

In support of its request, Agency Services explains, by way of background, that the current title of Legal Specialist (37156, X98), was established in 1994, after the enactment of Executive Order No. 6 in 1990, when most attorneys were transferred to the Office of the Attorney General (OAG) or were reclassified to a non-legal title. It explains that these movements left a classification void for positions whose incumbents still maintained certain policy-level responsibilities in the agencies/departments. Moreover, that as a result of the highly confidential nature of the positions in the development of policy, and as advisors to the chief executive officers of the agencies/departments, the title of Legal Specialist was allocation to the

¹ This matter was previously held over from the June 11, 2025 Civil Service Commission meeting for further consideration after receiving additional comments from the Communications Workers of America regarding this title series being originally considered for placement as “no-range” titles. As a result, a survey was sent to the State appointing authorities, asking: whether they would find a four level or three level series more appropriate for its organizational structure; if salary ranges were to be assigned how would that impact its agency/department; and would its agency/department support the establishment of the title series in the unclassified service.

unclassified service pursuant to *N.J.S.A. 11A:3-4*. Additionally, Agency Services notes that as part of the 2019-2023 Communications Workers of America (CWA) contract, the union began representing certain incumbents in the current Legal Specialist title, pending a determination of an appropriate bargaining unit or reclassification of the incumbents to an existing CWA represented title. Moreover, Agency Services indicates that per the current CWA contract, the Department of the Treasury (Treasury) reviewed the job specification for Legal Specialist, and the duties of staff in its department and in the in-but-not-of agencies under it, to align represented individuals currently in the title of Legal Specialist with an appropriate title. It was determined that positions that were currently classified as Legal Specialist, were utilized in a wide range of organizational levels and with a wide range of salaries. As a result, Treasury requested that a three-level series be created. It is noted that CWA was contacted and provided input with regard to the proposed title series.

Agency Services maintains that the title series should be created and allocated to the unclassified service since the Legal Specialist titles will act as liaisons between State agencies and the OAG in receiving, formulating and transmitting requests for legal advice on behalf of State agencies, and will perform policy-influencing research related to agency/department programs. Additionally, Agency Services asserts that it would not be practicable to determine merit and fitness by examination, based on the nature of duties. For example, even at the lowest level, incumbents in these titles provide guidance as to the nature and substance of the various statutes and regulations covering the responsibilities of the employing State entity; draft proposed regulations, legislations, and amendments; and develop legal or policy questions to raise with the OAG. It is noted that the Legal Specialist 1 title is for professional, non-supervisory level personnel; the Legal Specialist 2 title is for professional, primary-level supervisory personnel; and the Legal Specialist 3 titles are for professional, management-level supervisory personnel.²

Additionally, Agency Services explains that it completed a Hay evaluation for each of the proposed titles for the Legal Specialist title series. Based on those evaluations, it was determined that the title of Legal Specialist 1 should be assigned a class code of 26; Legal Specialist 2, should be assigned a class code of 29; and Legal Specialist 3 and Legal Specialist 3, Confidential were both assigned a class code of 32. Accordingly, Legal Specialist 1 is to be assigned to salary range P26; Legal Specialist 2, is to be assigned to salary range R29; and Legal Specialist 3 and Legal Specialist 3, Confidential are to be assigned to salary ranges &32 and M32,

² Although Legal Specialist 2 is a first level supervisory (R) title, in this title series, they would be eligible for promotion to the Legal Specialist 3 titles. In this regard, Agency Services notes that by the time an individual has advanced to the Legal Specialist 3 titles, where they oversee one or more major legal units with primary-level supervisors and subordinate Legal Specialists, their legal work is inherently of the scope and breadth to be considered managerial, warranting inclusion in the State Government Manager's Unit, represented by IBEW Local 30 (&) or excluded managerial (M).

respectively. These salary ranges are to be effective the first pay period after the issuance of this decision.

Finally, Agency Services notes that the current Legal Specialist (37156, X98) title be made archaic, and requests the inactivation of it once the title is vacated.

CONCLUSION

In matters involving the question of whether a particular title should be allocated to the career or unclassified service, the starting point is the *New Jersey Constitution*, Article VII, sec. 1, par. 2, providing that:

Appointments and promotions in the civil service of the State, and of such political subdivisions as may be provided by law, shall be made according to merit and fitness to be ascertained, *as far as practicable, by examination*, which, as far as practicable, shall be competitive; except that preference in appointments by reason of active service in any branch of the military or naval forces of the United States in time of war may be provided by law (emphasis added).

An interpretation of Civil Service law governing the unclassified service must be made in view of this constitutional mandate and a strict interpretation is generally given in matters concerning allocation to the unclassified service. See *In the Matter of Investigator, Penal Institution, et al., Essex County* (MSB, decided September 16, 1997).

In State service, *N.J.S.A.* 11A:3-4 provides that the unclassified service shall be limited to those titles it specifically designates, which includes physicians, and all other titles created by law or as the Civil Service Commission (Commission) may determine. *N.J.A.C.* 4A:3-1.1(a) provides that all job titles shall be allocated to the career service, except for those job titles allocated by the Commission to the unclassified service pursuant to *N.J.A.C.* 4A:3-1.3. *N.J.A.C.* 4A:3-1.3(a) provides that a title shall be allocated to the unclassified service when:

- 1) In State service, the title is so designated under *N.J.S.A.* 11A:3-4;
- 2) In local service, the title is so designated under *N.J.S.A.* 11A:3-5;
- 3) The title is designated unclassified by another specific statute;
- 4) A specific statute provides that incumbents in the title serve for a fixed term or at the pleasure of the appointing authority; or

- 5) The Civil Service Commission determines that it is not practicable to determine merit and fitness for appointment in or promotion to that title by examination and that it is not appropriate to make permanent appointments to the title.

Our courts have recognized the State's strong public policy, as evinced by the State Constitution, favoring the inclusion of as many titles as possible in the career service. *See Walsh v. Department of Civil Service*, 32 N.J. Super. 39, 43-44 (App. Div. 1954); *Loboda v. Clark Township*, 40 N.J. 424, 434 (1983); *State v. Clark*, 15 N.J. 334, 341 (1954); *In the Matter of Hudson County Probation Department*, 178 N.J. Super. 362, 371 (App. Div. 1981). This principle of ascertaining "merit and fitness" for promotions and appointments through an open-competitive examination process is at the very heart of our merit system.

In the instant matter, Agency Services argues, that it is impracticable to determine merit and fitness by examination for the title series of Legal Specialist. Specifically, even at the lowest level, incumbents in these titles will provide guidance as to the nature and substance of the various statutes and regulations covering the responsibilities of the employing State entity; draft proposed regulations, legislations, and amendments; and develop legal or policy questions to raise with the OAG. It also noted that there is a long history of the use of an unclassified Legal Specialist title. The creation of the Legal Specialist title series merely makes it possible to more appropriately classify individuals in the title of Legal Specialist, on the basis of their duties, and the level of supervision provided and received. Thus, the Commission concludes that there is good cause to permit the creation of the unclassified titles of Legal Specialist 1, Legal Specialist 2, Legal Specialist 3 and Legal Specialist 3, Confidential and assign them to salary ranges P26, R29, &32 and M32, respectively.

Finally, the Commission also finds good cause to inactivate the unclassified title of Legal Specialist (37156, X98), once all current employees in the title have been reclassified to the appropriate level in the new title series of Legal Specialist. Until the title of Legal Specialist is unencumbered, the title will be considered archaic.

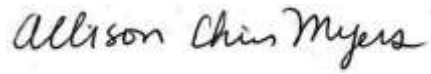
ORDER

Therefore, it is ordered that this request be granted and that the titles of Legal Specialist 1 (P26), Legal Specialist 2 (R29), Legal Specialist 3 (&32) and Legal Specialist 3, Confidential (M32) are established in the unclassified service to be utilized only in State service, to be effective one pay period after the date of this decision.

It is also ordered that the request be granted to inactivate the unclassified title of Legal Specialist (X98) once the title is unencumbered.

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 26TH DAY OF NOVEMBER, 2025



Allison Chris Myers
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Nicholas F. Angiulo
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P.O. Box 312
Trenton, New Jersey 08625-0312

c: Antoinette Sargent
Division of Agency Services
Division of Human Resources and Information Services