



**STATE OF NEW JERSEY**

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

In the Matter of Agata Opacka,  
Claims Adjudicator Supervisor  
Disability Determinations  
(PS3520N), Department of Labor and  
Workforce Development

Examination Appeal

CSC Docket No. 2017-4079

August 21, 2017

**ISSUED:**

(RE)

Agata Opacka appeals the calculation of her performance assessment review (PAR) points for the promotional examination for Claims Adjudicator Supervisor Disability Determinations (PS3520N), Department of Labor and Workforce Development. It is noted that the appellant received a final average of 80.240 and ranks 29<sup>th</sup> on the resultant eligible list.

The subject examination was tested via the Supervisory Test Battery (STB), and the appellant received 1.392 points for seniority and 1.000 point for a PAR rating, as there was no PAR on file. Fifty candidates appear on the eligible list, which was certified once with ten names, but no appointments have yet been made. Of the 50 candidates, 30 were given 1 PAR point. The closing date for this examination was October 21, 2016, and the PAR cycle ended September 30, 2016. On that date, there was no PAR on file for the appellant. Her prior PAR, finalized on September 30, 2015, provided a PAR rating of 3. The appellant did not provide a copy of a PAR she wishes to be considered.

On appeal, the appellant argues that her final average for the above examination did not include her PAR evaluation points. Specifically, she states that there was no PAR rating on file as of the announced closing date for the rating period immediately preceding the announced closing date as her immediate supervisor was absent. She presents that her immediate supervisor was on extended leave, and her Division Chief was to complete her PAR, but did not complete it in a timely manner due to work constraints. She states that these factors were not under her control, and that other candidates were affected as well.

She requests that the rule be relaxed and that this PAR be used in scoring when it is finalized.

*N.J.A.C.* 4A:4-2.15(c), candidates for State service promotional examination shall receive credit for the final PAR rating on file in the candidate's personnel office as of the announced closing date for the rating period immediately preceding the announced closing date. *N.J.A.C.* 4A:4-2.15(c)3 states that when there is no final rating on file for a candidate as of the announced closing date, the rating for that period shall be deemed "Successful" in the case of both a three-level rating scale and a five-level rating scale, and credit shall be given for that rating. That is, 1 PAR point is awarded when no final rating is on file.

### CONCLUSION

It has been long-standing practice, since at least the 1970's, for PAR points to be added to examination and seniority scores to arrive at a final average. The manner in which this was done was at the discretion of the former head of this agency until it was codified in the rules. Currently, *N.J.A.C.* 4A:4-2.15(c) states that credit is given for the final PAR rating on file in the candidate's personnel office as of the announced closing date for the rating period immediately preceding the announced closing date. Previous years' ratings are not used. If no rating is received at the end of the rating period immediately preceding the closing date, it must be assumed that the employee's performance was 'Successful' and one point is given.

Further, supervisors are responsible to complete performance assessment agreements for employees under their supervision. Supervisory personnel are held accountable to complete PARS, and this should be reflected in the supervisor's rating. *N.J.A.C.* 4A:6-5.2(e) states that a supervisor's own PAR shall provide that the supervisor shall complete the PAR of his or her subordinates. A supervisor who fails to timely complete the final ratings of his or her subordinates, or who is responsible for another employee's failure to timely complete a final PAR rating, shall receive a rating of Unsatisfactory, and may be subject to discipline. As long as the appointing authority is making a good faith effort to properly and fully implement the PAR program, the appellant's arguments regarding a relaxation of the rule are unpersuasive. In this case, the record indicates that 30 of the 50 eligibles had PAR scores of 1, and 20 had PAR scores of 3. A PAR provided after the closing date would reflect duties and behaviors outside of the one-year rule, and thereby disadvantages any individuals whose PAR scores are based within the one-year rule. Providing credit for the final PAR rating on file for the rating period immediately preceding the announced closing date is reasonable, fair, and administratively feasible.

A thorough review of the record indicates that the determination of the Division of Agency Services was proper and consistent with civil service regulations, and that the appellant has not met her burden of proof in this matter.

**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  
THE 16<sup>th</sup> DAY OF AUGUST, 2017



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