

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. He was informed that the rule does not allow for averaging several years of PAR ratings.

In addition, given the quantity of promotional examinations administered each year, and the fact that PARs are not completed at the same time, his suggestion is administratively unfeasible. To obtain, then average, multiple PARs for each promotional State examination applicant would take significant time and resources, and would be susceptible to error. In addition, it would require that the rule be changed. He was therefore informed that candidates for this and future examinations will continue to receive PAR points as described in *N.J.A.C. 4A:4-2.15(c)*.

The appellant responded that using one PAR score to depict so much of an individual's State service stands in marked contrast to other measurements used in the engineering profession. He states that, in a typical UE, all applicants are strongly encouraged to fill out as many details as they can; to not neglect any education or experience in the application that may affect the applicant's final score, and he states that he attached every document, and every training/license certificate from his college years until June 20, 2014, amounting to over forty years of his professional training and experience. He cannot understand how one single PAR rating by one short-term supervisor can be used to represent his 14 years of service and achievements as an employee of the State of New Jersey. As to the rule, the appellant argues that the "final PAR rating on file in the candidate's personnel office" means all final PAR ratings on file for each applicant's State service years. He contends that this information should be readily available within each Department or Agency appointing authority's database, and it would not be too difficult to tally an average mean to more accurately represent an applicant's State service years of accomplishment. But if it does require additional effort, he believes that the greater equity would make this a worthy and just investment.

Additionally, he argues that all PARs are not consistently scored, and scores vary greatly depending on an individual supervisor's discretion. He states that any single PAR is neither a fair, nor transparent measure of a given permit writer's annual accomplishments. Because the single PAR score is used to portray career-long achievement while only reflecting one short-term period of service, he believes it is not a valid measure in the technical sense of that word. Because the scores vary depending on who completes the PAR, inter-rater reliability seems dubious, raising the question of the instrument's reliability. Since validity and reliability are the essential building blocks of any test or measurement, he requests that the Commission reconsider the current practice of using single PAR scores for promotional examination scoring purposes. He argues that a single PAR score cannot, and so should not, be used to represent all of an applicant's performance in State service.

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 Commissioner 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. The PAR rating is not meant to reflect all years of service and achievements by an employee, but is an added 1 to 3 points for recent performance on the job. In this regard, the appellant's arguments regarding a revision of the rule are unpersuasive.

As to consistency, in *In the Matter of Andrew Nardelli* (Commissioner of Personnel, decided March 17, 1997), the appellant argued that his PAR reviewer did not possess the requisite technical expertise to accurately rate his work which would ultimately be used in examination scoring. In that matter, it was determined that this issue could not be addressed in the context of a scoring appeal, as complaints concerning individual PARs must be addressed through non-contractual grievance procedures and that such complaints must be presented to the PAR coordinator within the personnel office for the subject agency or department. Complaints concerning an individual's final PAR rating or performance standards shall be addressed through the procedures set forth in *N.J.A.C. 4A:6-5.3(b)* through (d). See *N.J.A.C. 4A:6-5.2(h)*. Also, *N.J.A.C. 4A:6-5.2* (PAR procedure: State service) provides, in pertinent part, that a complaint that an entire agency or unit is in violation of this subchapter shall be presented to the PAR coordinator within the personnel office for the subject department. See *N.J.A.C. 4A:6-5.2(g)*. See also, *In the Matter of David Kady* (MSB, decided November 6, 1997) and *In the Matter of New Jersey Law Enforcement Supervisors Association, et al., Correction Lieutenant (PS7819I), Department of Corrections* (Merit System Board, decided September 26, 2007).

Lastly, it is noted that PAR ratings are subject to comments from the employee and are reviewed by the rater's supervisor. As such, employees can provide feedback and objections during the PAR process, and the reviewer has a responsibility to ensure consistency of ratings. The PAR process is interactive, not static, and is balanced to provide accuracy. The appellant's argument that his work was consistent, but the rating was not due to a change in rater, is unpersuasive and does not warrant consideration in the context of an examination scoring appeal. This announcement was open to employees who had an aggregate of *one year*

[emphasis added] of continuous permanent service as of the closing date, not three years or several years or more. 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.

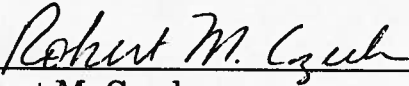
A thorough review of the record indicates that the determination of the Division of Selection Services was proper and consistent with civil service regulations, and that the appellant has not met his burden of proof in this matter.

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 4th DAY OF MARCH, 2015



Robert M. Czech
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

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

c: Henry Li
Deni Gaskill
Dan Hill
Joseph DeNardo
Joseph Gambino