



**STATE OF NEW JERSEY**

In the Matter of Saima Ahmad,  
Claims Adjudicator Supervisor,  
Disability Determinations  
(PS0927N), Department of Labor and  
Workforce Development

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

Examination Appeal

CSC Docket No. 2022-765

**ISSUED: DECEMBER 6, 2021 (SLK)**

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Saima Ahmad appeals the scoring and ranking of the Claims Adjudicator Supervisor, Disability Determinations (PS0927N), Department of Labor and Workforce Development promotional examination.

By way of background, the subject examination’s closing date was November 21, 2021. The scoring standard, among other criteria, included the candidates’ 2019 Performance Assessment Review (PAR) where the candidate received one point for a “successful” rating and three points for an “exceptional” rating. As the appellant’s 2019 PAR rated her as “successful,” she received one point. A total of 55 candidates applied and 45 were determined eligible. The appellant was initially the seventh-ranked eligible on the list. Subsequently, the 13<sup>th</sup> ranked candidate was changed to tied with the third-ranked candidate. Certification PS210663<sup>1</sup> was issued containing the names of 12 candidates, where the first two positioned candidates were bypassed, the third through seventh positioned candidates were appointed<sup>2</sup>, and the eighth through 12<sup>th</sup> positioned candidates were not reachable for appointment. The appellant was the eighth positioned candidate. Certification PS211275<sup>3</sup> was also issued containing 11 candidates and its disposition is due February 5, 2022. The appellant is the third ranked and positioned candidate on that certification. The list expires on April 28, 2023.

On appeal, the appellant states that she was advised by this agency in March 2021 that her 2019 PAR would not be considered for scoring and ranking the subject

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<sup>1</sup> Certification PS210663 indicates that the location for this position is Statewide.

<sup>2</sup> The candidate whose rank was changed was the fourth positioned candidate and appointed.

<sup>3</sup> Certification PS211275 indicates that the location for this position is Essex County.

examination. Thereafter, she presents that she learned in September 2021 that her 2019 PAR was used for scoring and ranking purposes and she then filed this appeal. The appellant highlights that another employee filed a grievance regarding her 2019 PAR, which was then changed to “exceptional,” which led to her receiving a higher ranking on the subject eligible list and an appointment in the subject title. She asserts that she did not have the opportunity to challenge her 2019 PAR because this agency gave her the wrong information and she would have challenged her 2019 PAR sooner if this agency advised her that the 2019 PAR was being used. The appellant notes that she received an “exceptional” PAR rating from the same supervisor in 2020 and 2021. The appellant requests that the 2019 PAR not be used in determining ranking and scoring for the subject examination.

### CONCLUSION

*N.J.A.C. 4A:6.5.3(b), (c) and (d)*, provide, in pertinent part, that employees may appeal a PAR final rating of “successful” using the grievance procedures set forth in *N.J.A.C. 4A:2-3.4*.

*N.J.A.C. 4A:2-3.4(a)* provides, in pertinent part, that a grievance must be filed within 30 calendar days from either the date on which the alleged act occurred or the date on which the grievant should reasonably have known of its occurrence.

*N.J.A.C. 4A:4-6.3(b)* provides that the appellant has the burden of proof in examination appeals.

In this matter, the appellant received a “successful” rating on her 2019 PAR, which led to her receiving one point being added to her final average for the subject examination instead of three points for an “exceptional” rating. The appellant complains that if she had known sooner about the 2019 PAR being used in the scoring and ranking in the subject examination, she would have appealed her 2019 PAR rating sooner. However, it is noted that the appellant’s 2019 PAR rating was provided to her in 2019. Therefore, if she was dissatisfied with that rating, any grievance regarding that PAR should have been filed within 30 days of receipt of her 2019 PAR rating. *See N.J.A.C. 4A:2-3.4(a)*. Additionally, it would be unfair to the other candidates whose scoring and rankings were based on their 2019 PAR ratings to not use the 2019 PAR for the subject examination since the appellant did not timely grieve her PAR at the time she received it. Finally, it is immaterial that the appellant was misinformed by staff regarding the usage of the PAR ratings as an individual cannot benefit from an administrative error.<sup>4</sup> *See Cipriano v. Department of Civil Service*, 151 *N.J. Super.* 86 (App. Div. 1977); *O’Malley v. Department of Energy*, 109

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<sup>4</sup> Moreover, even if the appellant was informed that the 2019 PAR was to be used in the examination upon her inquiring in March 2021, she was **already** too late to challenge that PAR rating at that juncture.

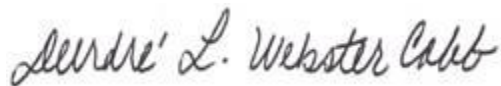
*N.J. 309 (1987); HIP of New Jersey v. New Jersey Department of Banking and Insurance, 309 N.J. Super. 538 (App. Div. 1998).*

**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 1<sup>ST</sup> DAY OF DECEMBER 2021



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