



STATE OF NEW JERSEY

In the Matter of Amarjit S. Chawla,
Title Officer (PS4010T), Department
of Transportation

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

CSC Docket No. 2023-418

Examination Appeal

ISSUED: October 12, 2022 (SLK)

Amarjit S. Chawla appeals his score and rank on the Title Officer (PS4010T), Department of Transportation promotional examination.

By way of background, the subject examination’s closing date was September 21, 2021. The education requirement was a Bachelor’s degree. The experience requirements were seven years of experience in title searching and other work relating to the conveyance of real estate, two years of which shall have been in a supervisory capacity with experience in the preparation of deed and related instruments incidental to the conveyance of real estate and the conduct of final closing settlements. Applicants who do not possess the required education could have substituted additional non-supervisory experience on a year for year basis with one year of experience equal to 30 semester hour credits. A total of four employees applied and two were found eligible, including the appellant. The subject examination was a qualified unassembled examination (QUE) where the other eligible received the maximum points for his education and experience (76.543), seniority (5.00) and Performance Assessment Review (PAR) due to his three PAR rating (3.00) for a final average of 84.550. The appellant received the maximum points for his education and experience (76.543) and seniority (5.00) and one point for his two PAR rating for a final average of 82.550. Certification PS220960 was issued indicating that the other eligible was the first ranked eligible and the appellant was the second ranked eligible. The list expires on August 17, 2025.

On appeal, the appellant states that his education, experience and seniority exceed the requirements for the subject examination and asserts that he has more knowledge and a greater legal background to be a Title Officer than the other eligible. He presents that the other eligible has 15 college credits and does not have a college degree while he has 150 college credits including a liberal arts degree, a professional three-year law degree which is the equivalent to a Juris Doctor degree, 30 law school credits, and is eligible to take the Pennsylvania Bar Examination. The appellant indicates that he joined the appointing authority in 1986 while the other eligible started in 2001 and the appellant presents that he has 20 more years of experience than the other eligible as a Principal Title Examiner. He states that he has more supervisory experience and other experience than the other eligible in such areas as eminent domain-title practices, title liens and encumbrances, examining property titles, commitments, and title insurances, condemnation cases, and court procedures. The appellant also presents that he has experience with file documents, creating work plans and delivering documents, using Microsoft Office, and knowledge of department policies and procedures.

The appellant asserts that he is an expert in the preparation and drafting of legal documents, deeds and other closing instruments used for acquiring and conveying property and land for and from the State. He indicates that he has vast experience in the review and preparation of legal instruments like mortgages and releases, subordination of agreements, liens, judgments, foreclosures, corporation status, State House Commission approval and many other documents for the appointing authority for more than 30 years. The appellant presents that he has experience in examining the title of deeds, title commitments, title insurance and examining court judgments and the conveyance of dedication of deed for fee and easement parcels to be conveyed by owners all over the State to the appointing authority and vice-versa before getting access permits and deeds recorded.

The appellant states that he has more experience to be a Title Officer than anyone in the Right of Way and Major Access Division and more experience than anyone within the appointing authority in almost all fields related to a Title Officer as he has more than 35 years of experience with the appointing authority. He also notes that he was a practicing attorney in India for seven years.

The appellant argues that the PAR rating is not the only criteria that is considered for determining the score and rank on a promotional examination and claims that this agency improperly did not consider the other criteria as required, such as his experience and education. He asserts that the only criteria that favors the other eligible is his PAR rating and he believes that the determination that he was the lower ranked candidate violated Civil Service law and rules.

CONCLUSION

N.J.A.C. 4A:4-2.15(c)1 provides that 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. When the PAR consists of a three-level rating scale, credit shall be awarded three points for Exceptional and one point for Successful.

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

The subject examination was a QUE. Applicants that met the education and examination requirements received a 76.543. Further, the final score was comprised of the QUE score, seniority (5.00 maximum), and PAR points added together. In other words, contrary to the appellant's argument, this agency did consider the eligibles' education, experience and seniority in determining the candidates' scores. However, there was no differentiation between meeting the education requirement via possessing a Bachelor's degree or by meeting it using the substitution clause for education. Additionally, there was no extra credit for having additional education beyond the minimum education requirement. Similarly, there were no extra points for having greater experience beyond meeting the eligibility requirements and there were no extra points for having seniority greater than the number of years needed to receive the maximum score for seniority.

In this matter, the appellant and the other eligible both received the maximum 76.543 score for education and experience and the maximum 5.00 score for seniority. Personnel records indicate that the other eligible's PAR rating was three (Exceptional) while the appellant's PAR rating was two (Successful). Therefore, this agency properly determined that the other eligible was the first ranked candidate with a final average score of 84.550 (76.543 for education and experience, 5.00 for seniority, and 3.00 for PAR) while the appellant was the second ranked candidate with a final average score of 82.550 (76.543 for education and experience, 5.00 for seniority, and 1.00 for PAR).

Regardless, it is noted that the appellant's appeal is essentially moot. *N.J.S.A.* 11A:4-8, *N.J.S.A.* 11A:5-7 and *N.J.A.C.* 4A:4-4.8(a)3i (Rule of Three) allow an appointing authority to select any of the top three interested eligibles on an open competitive or promotional list provided no veteran heads the list. It is noted that neither eligible is a veteran. Therefore, under the Rule of Three, assuming, *arguendo*, that the appellant has greater education, experience and/or seniority than the other eligible as he alleges, the appointing authority could choose to bypass the other candidate in favor of the appellant for these reasons or some other legitimate business reason. Similarly, even if the appellant was the first ranked candidate, the

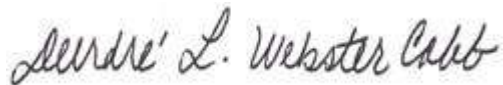
appointing authority could have chosen to bypass the appellant in favor of the other eligible based on the other eligible's higher PAR rating or some other legitimate business reason. Moreover, once the appointing authority appoints one of the eligibles, the other eligible will then become the first ranked eligible as that eligible will be the only remaining eligible on the list.

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 12TH DAY OF OCTOBER, 2022



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