



STATE OF NEW JERSEY

FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION

In the Matter of Kelly McVeigh,  
Senior Engineer Traffic (PS7158T),  
Department of Transportation

Examination Appeal

CSC Docket No. 2015-268

ISSUED: **AUG 14 2014** (HS)

Kelly McVeigh appeals the decision of the Division of Selection Services (Selection Services) denying his request for a make-up examination for Senior Engineer Traffic (PS7158T), Department of Transportation (DOT).

The subject examination, a professional level engineering promotional examination, was scheduled to begin at 6:00 p.m. on June 19, 2014. On June 25, 2014, this agency received the appellant's request for a make-up examination in which he indicated that he missed the examination due to his prior obligation as the DOT Liaison for the 2014 USA Special Olympic Games (Games). He noted that he was in the Incident Command Post from 7:00 a.m. to 7:00 p.m. monitoring traffic conditions in relation to the Games. Selection Services denied his request.

On appeal, the appellant reiterates that he missed the examination due to his participation in the event management for the Games.

In support of this appeal, the appointing authority notes that the appellant is the Incident Management Lead for the Traffic Operations South Office. In this role, the appellant's primary function is to prepare traffic management plans for special events. The appointing authority argues that the Games, which took place primarily in Mercer County from June 15, 2014 through June 20, 2014, were among the "most significant" events that the appellant had to coordinate. The appointing authority states that the appellant was the DOT's "point of contact" responsible for working out of the Incident Command Center with the New Jersey State Police

(NJSP). Along with NJSP representatives, the appellant monitored traffic conditions to ensure there were no significant back-ups or incidents during the Games. The appointing authority indicates that the appellant was required to be at the Command Post from June 15, 2014 through June 20, 2014 from 7:00 a.m. to 7:00 p.m. The appointing authority adds that two employees who were originally scheduled to assist the appellant with this assignment became unavailable due to retirements.

## CONCLUSION

*N.J.A.C.* 4A:4-2.9(b) provides that for professional level engineering promotional examinations, make-up examinations may be authorized only in cases of: (1) debilitating injury or illness requiring an extended convalescent period, provided the candidate submits a doctor's certification containing a diagnosis and a statement clearly showing that the candidate's physical condition precluded his or her participation in the examination; (2) death in the candidate's immediate family as evidenced by a copy of the death certificate; (3) a candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation; (4) when required for certain persons returning from military service (*see N.J.A.C.* 4A:4-4.6A); or (5) error by the Civil Service Commission or appointing authority. *N.J.A.C.* 4A:1-1.2(c) provides that a rule may be relaxed for good cause shown in a particular situation. *N.J.A.C.* 4A:4-2.9(f) provides, in pertinent part, that a candidate must request, in writing, a make-up examination, within five days after the examination date.

Initially, it is noted that that the subject examination was held on the evening of June 19, 2014, and this agency received the appellant's written request for a make-up examination via regular mail on June 25, 2014. As such, the appellant's request was timely.

With regard to the merits of this appeal, the appointing authority indicates that the appellant was, at the time the subject examination was scheduled to begin, performing required traffic management duties to assist in the coordination of a significant special event taking place in the State. The appointing authority further notes that the appellant was working without the assistance of two employees who had originally been scheduled for this assignment. Under these particular circumstances, good cause exists to permit the appellant to take a make-up of the subject examination.

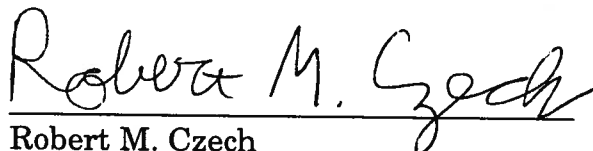
## ORDER

Therefore, it is ordered that this appeal be granted and the appellant be scheduled for a make-up examination. In so doing, the remedy provided herein is

limited to the facts of this case and may not be used as precedent in any other matter.

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 13<sup>TH</sup> DAY OF AUGUST, 2014



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