

STATE OF NEW JERSEY

In the Matter of Ramesh J. Patel and	:	FINAL ADMINISTRATIVE ACTION
Nikolaj Probola, Project Engineer,	:	OF THE
Transportation (PS6349T),	:	CIVIL SERVICE COMMISSION
Department of Transportation	:	
	:	
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	:	
CSC Docket Nos. 2022-1545 and	:	
2022-1674	:	Examination Appeal
	:	
	:	

ISSUED: APRIL 11, 2022

Ramesh Patel and Nikolaj Probola appeal the determinations of the Division of Agency Services (Agency Services) that they did not meet the requirements for the promotional examination for Project Engineer, Maintenance (PS6349T), Department of Transportation. Since these matters concerns similar issues, they have been consolidated herein.

The promotional examination was announced with specific requirements which had to be satisfied by the September 21, 2021 closing date. The pertinent requirements were graduation from an accredited college or university with a Bachelor’s degree in Civil or Mechanical Engineering, and four years of experience in construction, maintenance or mechanic engineering involving highway construction or maintenance, one year of which shall have been in a supervisory capacity. It was also noted that a Master’s degree in Civil or Mechanical Engineering could have been substituted for one year of non-supervisory experience. Of the 14 who applied for the subject examination, 11 were found eligible, the examination was conducted on March 26, 2022, but the eligible list has not yet promulgated.

On his application and resume, Patel indicated that he possesses a Bachelor’s degree in Metallurgical Engineering and a Master’s of Science degree in Transportation Engineering. Agency Services did not credit his education, as it was not in the fields of Civil or Mechanical Engineering. Patel also listed that he served as a provisional Project Engineer, Maintenance from June 2021 to the September 2021 closing date, as a Principal Engineer from August 2016 to May 2021, as a Senior Engineer from June 2008 to July 2016, as an Assistant Engineer from September 2005 to May 2008, and as an Engineering Technician 5 from January 2004 to August 2005. Agency Services credited Patel with five months of general

and supervisory experience for his provisional work in the subject title, and with four years and 10 months of applicable general and supervisory experience for his work as a Principal Engineer. As such, Agency Services credited Patel with having met the general and supervisory experience requirements, but determined that he lacked the educational requirement. Accordingly, Agency Services determined that the Patel was ineligible for the examination.

On his application and resume, Probola indicated that he possesses a Bachelor's of Science degree in Civil Engineering. Agency Services did not credit him for his education, as it could not confirm that his Bachelor's degree was ABET certified as required. Additionally, the appellant listed that he served as a Principal Engineer from March 2018 to the September 21, 2021 closing date, as a Contract Administrator 1 from February 2016 to March 2018, as an Engineering Technician 3 from April 2011 to August 2014, as an Engineering Technician 5 from April 2008 to April 2011, and as a Maintenance Worker 1/Truck Driver from July 2004 to April 2008. Agency Services credited the appellant with one year and six months of applicable general experience for her service as a Principal Engineer. As such, Agency Services determined that the appellant was ineligible for the examination, as he lacked two years and six months of applicable general experience, one year of supervisory experience, and the required education.

On appeal, Patel maintains that he has sufficient applicable experience to qualify for the subject examination. He provides his educational and experience credentials. Probola maintains that his education was deemed sufficient by the State Board of Professional Engineers to be sufficient to sit for the EIT examination and he contents that this agency should deem it sufficient to establish eligibility for the subject examination.

CONCLUSION

N.J.A.C. 4A:4-2.6(a) provides that applicants shall meet all requirements specified in the promotional announcement by the closing date.

Agency Services correctly determined that the appellants did not meet the required education. The *primary focus* of Patel's Bachelor's degree and Master's degree was not in the fields of Civil or Mechanical Engineering, and a prior decision found that Probola's Bachelor's degree was not from an Accreditation Board of Engineering Technology (ABET) approved school. It is noted that in *In the Matter of Nikolaj Probola, Principal Engineer Mechanical (PS0593T) and Principal Engineer Transportation (PS0636T), Department of Transportation (CSC, decided February 12, 2020)*, the Civil Service Commission determined that Probola's degree was not from an ABET approved program. It is of no moment that his education may have qualified him to take the examination for EIT, as *N.J.A.C.* 13:40-2.1(a) permits applicants with a degree from a college or university that is not accredited

by ABET to submit to the Board of Professional Engineer's and Land Surveyors (Board) a detailed evaluation of his or her degree from a credential evaluation service approved by the Board or chosen by the applicant which the Board has discretion to accept. The substitution clause for education specifically requires that applicants who possess a Bachelor of Science degree in Engineering Technology in a field related to civil engineering must have the curriculum for the degree approved by the ABET, or, possession of a Professional Engineer's license. The Board, in its expertise, has a process in place for reviewing the sufficiency of non-ABET programs, and, if all other requirements are met, may award a Professional Engineer's license. Thus, the job specification permits applicants for Civil Service examinations who do not have a degree from an ABET approved program to establish equivalency of their education if they possess a Professional Engineer's license. Since Probola did not indicate possession of a Professional Engineer's license or certificate of registration as an Engineer-in-Training on his application, it could not be determined if his education satisfied the education requirements for the subject examination. Moreover, while the Commission relaxed the education requirements and admitted Probola to the PS0636T promotional examination, it only did so as that eligible list was anticipated to be incomplete. In this case, the Commission is unable to relax the controlling regulatory provision because the examination situation is competitive, as 11 applicants were admitted to the subject examination

A thorough review of all material presented indicates that Agency Services' determination that the appellants did not meet the eligibility requirements by the closing date is amply supported by the record. Thus, the appellants have failed to support their burdens 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 ON
THE 6TH DAY OF APRIL 2022

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