



STATE OF NEW JERSEY

In the Matter of Hemaben Mehta,
Project Manager, Transportation
(PS7114T), Department of
Transportation

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

CSC Docket No. 2022-3128

Examination Appeal

ISSUED: October 12, 2022 (SLK)

Hemaben Mehta appeals the determination of the Division of Agency Services (Agency Services) that she did not meet the experience requirements for the promotional examination for Project Manager, Transportation (PS7114T), Department of Transportation.

The subject examination’s closing date was November 22, 2021. The education requirement was a Bachelor’s degree. The experience requirements were five years of experience in a government or private organization involving analysis, development, coordination and implementation of projects, two years of which shall have been in a supervisory, or transportation or highway project management capacity. A total of 19 employees applied and eight were admitted. The test has not been scheduled.

On the appellant’s application, she indicated that she possessed a Master’s degree. She also indicated that she was a Project Management Specialist 3 from August 2021 to the closing date, a Project Engineer from August 2017 to August 2021, a Principal Engineer, Transportation from July 2013 to August 2017, a Senior Engineer, Transportation from December 2009 to July 2013, and an Assistant Engineer, Transportation from December 2003 to December 2009. Personnel records indicate that she was provisionally serving as a Project Management Specialist 3 from August 2021 to the closing date, a Project Engineer, Surface Design from August 2017 to August 2021, a Principal Engineer, Transportation from July 2013 to August 2017, a Senior Engineer, Transportation from December 2009 to July 2013, an

Assistant Engineer, Transportation from November 2005 to December 2009, a Senior Engineer, Transportation from July 2004 to November 2005, an Assistant Engineer, Transportation from December 2003 to July 2004, and a Civil Engineer Trainee from December 2002 to December 2003. Agency Services credited her with having met the education and supervisory experience requirement and having four years and four months of general experience based on her Project Management Specialist 3 and Project Engineer, Surface Design experience, but determined that she lacked eight months of general experience as of the closing date.

On appeal, the appellant explained in detail how she performed the required duties as a Project Management Specialist 3, Project Engineer, Surface Design and Assistant Engineer, Transportation. She also indicated that she performed some of the required duties as a Principal Engineer, Transportation and Senior Engineer, Transportation.

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. *N.J.A.C.* 4A:4-2.6(c) provides that, except when permitted for good cause, applicants for promotional examinations with open-competitive requirements may not use experience gained as a result of out-of-title work to satisfy the requirements for admittance to the examination or for credit in the examination process. *N.J.A.C.* 4A:4-6.3(b) provides that the appellant has the burden of proof in examination appeals.

In this matter, a review of the appellant's application and appeal indicates that Agency Services correctly determined that the appellant was not eligible for the subject examination. Specifically, the appellant's application indicates that she met the education requirement. Further, she has two years of supervisory experience and four years and four months of general experience in the titles of Project Management Specialist 3 and Project Engineer, Surface Design. However, the appellant indicates that she only performed some of the required duties as a Principal Engineer, Transportation and Senior Engineer, Transportation. In order for experience to be considered applicable, it must have as its primary focus full-time responsibilities in the areas required in the announcement. *See In the Matter of Bashkim Vlashi* (MSB, decided June 9, 2004). Additionally, if the appellant was performing the required duties as an Assistant Engineer, Transportation, this would be considered out-of-title work, which is generally not acceptable for admittance to promotional examinations with open competitive requirements. Moreover, based on the number of applicants

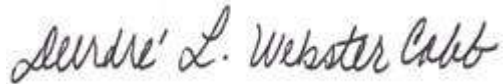
admitted to the examination, it is anticipated that the list will be complete.¹ Therefore, there is no basis to accept any out-of-title work.²

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



Deirdre L. Webster Cobb
Chairperson
Civil Service Commission

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and
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c: Hemaben Mehta
Division of Agency Services
Records Center

¹ There are eight applicants admitted to the subject examination and there are currently three employees provisionally serving in the subject title.

² It is also noted that even to be considered, out-of-title work needs to be verified by the appointing authority.