



STATE OF NEW JERSEY

In the Matter of Mahesh Patel,	:	
Supervising Engineer, Structural	:	FINAL ADMINISTRATIVE ACTION
Evaluation (PS6746T) and	:	OF THE
Supervising Highway Engineer,	:	CIVIL SERVICE COMMISSION
Bridge Design Specification Review	:	
(PS7847T), Department of	:	Examination Appeals
Transportation	:	
	:	
CSC Docket Nos. 2022-3193 and	:	
2022-3194	:	

ISSUED: JULY 25, 2022 (SLK)

Mahesh Patel appeals the determination of the Division of Agency Services denying his requests for a make-up for the promotional examinations for Supervising Engineer, Structural Evaluation (PS6746T) and Supervising Highway Engineer, Bridge Design Specification Review (PS7847T), Department of Transportation. These appeals have been consolidated due to common issues presented.

By way of background, the Supervising Engineer, Structural Evaluation (PS6746T) examination announcement was issued on October 1, 2021, with an October 21, 2021, closing date. A total of 16 employees applied and 13 were admitted. Notices dated May 12, 2022, informed candidates that this test was to be administered on June 4, 2022. A total of 10 employees took the test and three were “no shows,” including the appellant. No certifications have been issued and the list has not yet promulgated.

The Supervising Highway Engineer, Bridge Design Specification Review (PS7847T) examination announcement was issued on January 1, 2021, with a January 21, 2021, closing date. A total of 12 employees applied and 10 were admitted. Notices dated May 12, 2022, informed candidates that this test was to be administered on June 4, 2022. A total of six employees took the test and four were “no shows,” including the appellant. No certifications have been issued and the list has not yet promulgated.

On appeal, the appellant presents that his daughter's wedding was planned a year in advance to be scheduled on June 5, 2022. Further, he indicates that under the Hindu religion, he was required to be present at a ceremony to bless his daughter on June 4, 2022, which was also the administration date for the subject tests. The appellant submits documentation to support his statement.

CONCLUSION

N.J.A.C. 4A:4.2.9(b) provides, in pertinent part, that for professional level engineering, 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 (Commission) or appointing authority.

N.J.A.C. 4A:1-1.2(c) provides that a Commission rule may be relaxed for good cause in a particular situation, on notice to affected parties, in order to effectuate the purposes of Title 11A, New Jersey Statutes.

In the present matter, the appellant indicates that his daughter's wedding took place on June 5, 2022, and was planned a year in advance. Further, under his religion, he was required to be present at a ceremony to bless his daughter on June 4, 2022. The appellant submits documentation to support his statements. The subject announcements were issued after his daughter's wedding was planned and the announcements did not indicate tentative test dates. By notices dated May 12, 2022, candidates were informed that the tests would be administered on June 4, 2022. As a result, the appellant was unable to cancel his daughter's wedding or the ceremony the prior day or otherwise arrange to take the test. It is noted that under *N.J.A.C.* 4A:4.2.9(b)3, a make-up examination may be authorized for professional level engineering where a candidate's wedding which cannot be reasonably changed as evidenced by relevant documentation. Although the information the appellant

presents does not technically meet the criteria for a make-up pursuant to *N.J.A.C.* 4A:4-2.9, good cause exists to relax the controlling regulation given the unique circumstances presented. Thus, the appellant should be provided with a make-up for the subject examinations.

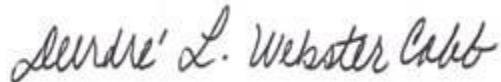
This determination is limited to the instant matter and does not provide precedent in any other matter.

ORDER

Therefore, it is ordered that these appeals be granted.¹

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 20TH DAY OF JULY 2022



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

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and
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c: Mahesh Patel
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¹ The appellant also indicates that he is scheduled for an out-of-the country trip from July 20, 2022 to July 31, 2022. As such, the make-up examinations should not be scheduled during those dates.