



**STATE OF NEW JERSEY**

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

In the Matter of  
Daniel Krushinski III and  
Joseph Whalen, Assistant Supervisor  
Sanitation (PM0508V),  
North Brunswick

CSC Docket Nos. 2018-916  
2018-969

Examination Appeals

**ISSUED: NOVEMBER 20, 2017 (RE)**

Daniel Krushinski III and Joseph Whalen III appeal the determinations of the Division of Agency Services (Agency Services) which found that they did not meet the experience requirements for the promotional examination for Assistant Supervisor Sanitation (PM0508V), North Brunswick. These appeals have been consolidated due to common issues.

The subject examination announcement was issued with a closing date of June 21, 2017, and was open to employees in the competitive division with an aggregate of one year of permanent service in any competitive title, and who met the requirement of two years of experience in work involving the collection and disposal of refuse. A total of seven employees applied for the subject examination that resulted in a list of two eligibles with an expiration date of September 20, 2020. Certification PL171168 was issued on September 25, 2017 containing the names of the two eligibles and has not yet been disposed.

Mr. Krushinski listed three positions on his application and resume, Sanitation Driver (Truck Driver), Team Leader of Automated Trucks, and Laborer/Sanitation Worker. It is noted that the appellant was a Truck Driver from 1988 to the closing date, and the position of Team Leader of Automated Trucks from 2000 to March 2017 was descriptive in nature of the Truck Driver position. Agency Services determined that collection and disposal of refuse was not the primary focus of the duties and found that Mr. Krushinski lacked two years of required experience.

On appeal, Mr. Krushinski explains that, prior to the automated system, trash collection consisted of six trucks; each with three employees. One would operate the truck while the other two would man the back of the truck, manually lifting trash containers. They suffered heat exhaustion, slips off the running boards in bad weather, and other issues. These issues eliminated once the automated trash collection system was implemented. The town purchased four one-arm collection trucks and trash containers that allow the truck to pick up and empty a trash container into the vehicle without any manual operation. He states that he was one of the first employees selected to be trained on this new vehicle, and he has been driving them since then. He states that, as new vehicles arrived, he trained operators on the proper operation of the new automated vehicle. He states that when residential routes are completed, he drives to the landfill to dispose of the refuse. Prior to the purchase of the one-arm collection trucks, the appellant states that he was an employee on the back of the truck manually picking up containers. He also states that he operated a flatbed truck to collect white goods and heavy trash which would be offloaded to a recycler or disposed of at the DPW yard. He states that he operated a roll-off vehicle, taking 30-yard dumpsters from the garage to the landfill and returning them to the garage. He describes other duties as well, such as operating a snowplow and salt spreader vehicle, and performing other duties in the Road Department, such as filling potholes and cutting back brush along roadways and sidewalks. In the Water and Sewer Department, he operated the sewer jet truck to clean and open sewer lines. He states that he has 31 years of experience involving the collection and disposal of refuse.

Mr. Whalen indicated that he was a Truck Driver from 1987 to the closing date. Agency Services determined that collection and disposal of refuse was not the primary focus of the duties and found that Mr. Krushinski lacked two years of required experience.

On appeal, Mr. Whalen provided a sworn, notarized statement indicating that he worked as a Laborer on the back of a rear packer sanitation truck for many years, and once he was a Truck Driver, he drove a sanitation truck from 1994 to 1998. In 2000, he was trained on the new one-arm trucks which he drove until 2006. He also states that he operated a roll-off vehicle. He was then placed in the road department to be trained as an Equipment Operator, but he filled in for the sanitation drive when needed. The Director of Public Works indicates that Mr. Whalen has been a truck driver since 1994, and has worked in the sanitation division driving rear-loading, and driving and operating side-loading, garbage trucks for approximately 10 years. He states that he has also driven and operated roll-off container trucks.

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

Further, *N.J.A.C.* 4A:1-1.2(c) states that the Commission may relax a rule for good cause in order to effectuate the purposes of Title 11A, New Jersey Statutes.

### CONCLUSION


Initially, the appellants were correctly denied admittance to the subject examination since they did not indicate on their applications that they possessed the required experience as the primary focus of their positions. Nonetheless, both appellants have sent in clarifying information regarding the duties of their positions, which indicated that they were involved in the collection and disposal of refuse for at least two years. Further, the Director of Public Works confirmed the performance of the required duties and the eligible list is incomplete. As such, good cause exists to accept the appellants' clarification of experience and admit them to the subject examination for prospective appointment. However, this remedy is limited to the facts of this situation and may not be used as precedent in any other proceeding.

### ORDER

Therefore, it is ordered that these appeals be granted and the appellants be admitted to the examination for prospective appointment only.

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  
THE 15<sup>th</sup> DAY OF NOVEMBER, 2017



Robert M. Czedo, Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Daniel Krushinski III  
Joseph Whalen  
Kathryn Monzo  
Kelly Glenn  
Records Center