



STATE OF NEW JERSEY

In the Matter of Devin Bonifazi,
Sheriff's Officer Sergeant (PC2598T),
Mercer County

FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION

CSC Docket No. 2016-4389

Examination Appeal

ISSUED: **DEC 07 2016** (JH)

Devin Bonifazi appeals the promotional examination for Sheriff's Officer Sergeant (PC2598T), Mercer County.

The subject examination was administered on May 12, 2016 and consisted of 70 multiple choice questions.

An independent review of the issues presented under appeal has resulted in the following findings:

Question 12 indicates that after inspecting the county patrol vehicles, you discover that there is some mechanical maintenance that needs to be done on all vehicles. You approach your supervisor while he is reviewing reports and he dismisses your concern. The question asks for the best way to handle the situation. The keyed response is option a, "Set up a meeting with your supervisor at a more convenient time to discuss your concerns about the county patrol vehicles and the safety of the officers." Mr. Bonifazi¹ refers to Gerald W. Garner, *The Basic Handbook of Police Supervision* (2014), and argues that "safety issues regarding issued equipment and safety practices are constantly drilled into law enforcement officers as being priority number one when performing their duties." He argues that according to Garner, *supra*, "safety concerns involving an officer's equipment,

¹ It is noted that Mr. Bonifazi selected option c, "Ask your supervisor to put the reports aside for a moment so you can discuss the county patrol vehicles with him."

including his/her patrol vehicle, should be made a priority and addressed immediately by the officer, the officer's supervisor, and the supervisor's superior." Option c may be considered insubordinate as you are interrupting your supervisor and telling him or her to set aside the matter he or she is currently working on as you deem your matter more important. In this regard, option c presumes that your supervisor is not working on a matter that is of higher priority or emergent. As Garner states, "You are responsible to serve as a fearless advocate for our people and what they need in order to do their job safely and well." However, Garner further states, "[S]peaking up at the right time and place in order to seek redress for real safety problems is your ethical responsibility. Your knack for organizational survival and your understanding of organizational politics hopefully have taught you by now that you do not help your people by shouting, blustering and generally creating a scene." Option a does not indicate that you are ignoring the issue but rather, seeking a more opportune time to discuss your concerns. Thus, the question is correct as keyed.

For question 59, since Mr. Bonifazi selected the keyed response, his appeal of this item is moot.²

CONCLUSION

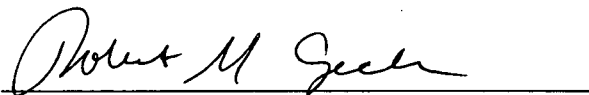
A thorough review of the appellant's submissions and the test materials reveals that the appellant's examination score is amply supported by the record, and the appellant has failed to meet his burden of proof in this matter.

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
THE 7TH DAY OF DECEMBER, 2016



Robert M. Czech
Chairperson
Civil Service Commission

² Mr. Bonifazi misremembered the keyed response as option a, official misconduct, rather than option b, bribery.

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