

203. POLICE PROMOTIONAL PROCEDURES (March 28, 2005)

The purpose of this Regulation is to establish the procedures for:

- A. Promoting to the ranks of sergeant and lieutenant those persons who are best qualified for advancement to such supervisory and management positions as determined by the selection process;
- B. Assuring that selection procedures are objective and free of considerations, such as race, color, religion, national origin or ancestry, disability, age, gender, Vietnam Era or disabled veteran status, sexual orientation, or medical condition; and
- C. Establishing the procedures and methods for determining placement on a promotional eligibility list.

This section will be the only source of authority for promotion of sworn personnel.

203.1 Preparation and Administration of Promotional Process

The Human Resources Department, with the advice of the Chief of Police, as well as any contracted consultant, if deemed necessary, will develop and administer the promotional process. This process will consist of one or more written examination(s), an assessment center, and a rating of experience/education.

The dates and location of the administration of the promotional proceedings and the source documents to be used in the development of the written examination will be announced at least thirty (30) days in advance of the administration of the written examination. Any rescheduling or relocation must be announced in a timely manner. Prior to the administration of the written examination, the Human Resources Department, with the advise of the Chief of Police, will announce the number of persons who will progress from the written examination to the assessment center and the final number of persons to be placed on the promotional list.

The number of persons to be placed on the promotional list will be based on the existing and/or anticipated vacancies for the next two (2) years as determined by the Chief of Police with the advise of Human Resources Department.

203.2 Eligibility to Participate in a Promotional Process

- A. To be eligible to participate in the sergeant's promotional process, non-probationary sworn personnel must have the equivalent of five (5) years of current continuous employment as a full time certified Albuquerque Police Department police officer as of the date of the written examination.
- B. To be eligible to participate in the lieutenant's promotional process, sworn personnel must have the equivalent of eight (8) years of current continuous employment as a full time certified Albuquerque Police Department police officer as of the date of the written examination; three (3) years of which must have been from the date of promotion to the permanent rank of sergeant with the Albuquerque Police Department.
- C. Sworn personnel must not have any sustained disciplinary actions resulting in suspension within the last twelve (12) months, excluding first accident suspension. Any sustained suspension received within two years of the written examination will also be considered and may be a disqualifier at the discretion of the Chief of Police. The date on which the disciplinary infraction occurred will be used in determining ineligibility.

If a sustained disciplinary action resulting in suspension is being appealed, the candidate will be permitted to participate in the promotional process until such time as the appeal is decided; if the discipline is upheld, the candidate will be removed from the process. If the appeal is not determined at the time the list of candidates eligible to participate in the assessment center is published, and the candidate has received a score of 70% or better on the written examination, the candidate will be permitted to proceed to the assessment center. In that event, the number of candidates eligible to participate will increase according to number of candidates currently involved in appeals. If the appeal is not determined at the time the promotional eligibility list is published, and the candidates combined

score from the written examination and the assessment center totals 70%, the number of candidates placed on the promotional eligibility list will increase according to the number of candidates currently involved in appeals. As appeals are resolved, candidate made ineligible by their disciplinary action being upheld will be removed from the list or demoted to the previously held rank in the promotion has already been processed. The Chief of Police may utilize the rule of three in cases where an appeal is pending.

- D. A committee selected by the Chief of Police consisting of four (4) employees from management and one (1) union representative will determine if personnel who signed up for the written examination are qualified to compete for promotion.
- E. Approved leaves of absence of six (6) calendar weeks or more may be counted as current continuous employment in determining eligibility to participate in promotional proceedings, if the leave resulted in further enhancing the employee's qualifications as determined by the Chief of Police. Such determination should be made prior to an individual embarking on a leave of absence. Sworn personnel are responsible for initiating a request for determination prior to the start of the leave of absence. If a leave of absence is not approved as continuous employment further enhancing the employee's qualifications, the leave period will be deducted from the period of continuous employment.
- F. Leave with or without pay under the Family and Medical Leave Act of 1993 (FMLA) will be counted as continuous employment for the sole purpose of determining eligibility to participate in the promotional process.
- G. Leaves of absence to campaign for public office, to hold public office, or to pursue other gainful employment will not be counted as continuous employment in determining eligibility to participate in a promotional process. The period during which leave is taken will be deducted from the period of continuous employment.

### 203.3 Participation in the Promotional Process

All eligible sworn personnel who wish to participate in a promotional process must sign a request roster posted in the Police

Personnel Management Division within the time announced. Sworn personnel on approved leave at the time of the

announcement may submit their request by letter to the Chief of Police within the same time period. Persons wishing to participate in the promotional process who are out of town for any reason other than approved military leave when called to active duty in emergencies declared by the Governor or President must appear at the examination site at the designated time. Travel expenses will not be borne by the City. Failure to appear for any part of the scheduled promotional proceedings will result in termination of the candidate's continuation in that promotional process.

#### 203.4 Promotional Process for Sergeant and Lieutenant

The final promotional score will consist of the written examination score, assessment center score, and experience/education rating score. Up to forty (40) points can be obtained for the written examination, up to fifty (50) points for the assessment center, and up to ten (10) points for the experience/education rating.

##### A. Written Examination

The written examination for each rank will be developed based on measurable knowledge areas identified in the job analysis. Candidates must achieve a minimum score of 70% on the written examination to proceed to the assessment center. The Human Resources Department will announce the number of candidates advancing to the assessment center based on a final score not less than 70% on the written exam as well as the criteria set forth in Section 203.1.

##### B. Assessment Center

Candidates eligible for the assessment center process will be given information about the assessment center at least ten (10) calendar days before the assessment center begins. The assessment center will consist of various situational exercises designed to measure specific job behaviors and dimensions that have been identified as being required upon entry into the position. Dimension definitions for the assessment center and the associated weights will be published prior to the administration of the written examination. Scoring benchmarks will be designed in such a way that a score of 70% or higher will reflect a level of proficiency sufficient to succeed in the position at entry level.

C. Experience and Education

A candidate's experience/education rating score will determine 10% of the final promotional score. This score will be calculated from an approved resume form submitted by each candidate. The Police Department will verify the information on the resume prior to the assessment center. Ratings will be calculated by the same committee that determines eligibility to participate in the promotional process. The experience rating score will be calculated as of the last day of the assessment center for time in service.

The experience rating score for sergeant candidates is .25 points per year for service as a **sworn** Albuquerque Police Department police officer, calculated from the date of graduation from the Academy. Credit is limited to twenty (20) years, for a maximum of five (5) points. No credit will be given for Leave without Pay, exclusive of Family Medical Leave Act, or disciplinary suspensions unless the Chief of Police determines the infraction is not related to fitness for promotion.

The experience rating score for candidates for lieutenant will receive .125 points per year for service as a sworn Albuquerque Police Department police officer, calculated from the date of graduation from the Albuquerque Police Department Academy. Credit is limited to twenty (20) years, for a maximum of 2.5 points. In addition, candidates for lieutenant will receive .1665 points per year of service with APD at the rank of sergeant. This credit is limited to fifteen (15) years, for a maximum of 2.5 points. No credit will be given for Leave without Pay, exclusive of Family Medical Leave Act, or disciplinary suspensions unless the Chief of Police determines the infraction is not related to fitness for promotion.

The education rating score will be a maximum of five (5) points. Persons competing for the position of sergeant who have completed at least sixty (60) college credit hours from an accredited college or university shall receive five (5) education rating points. Persons competing for the position of lieutenant who possess a bachelors degree or higher from an accredited college or university shall receive five (5) education rating points.

### 203.5 Subject Matter of Promotional Process

Written test items for the promotional examinations for the ranks of sergeant and lieutenant will be prepared by or under the direction of the Human Resources Department from materials

suggested by the Chief of Police or a designated representative(s). The subject area and, where possible, the source materials for each promotional process will be specified.

The Chief of Police shall designate Police Department personnel to work with the Human Resources Department in the preparation of written test items, assessment center exercises, and/or structured oral interview. The Chief of Police or a designated representative(s) will review the job description for the rank being tested, the structure and weights of the promotional process subject areas, and the administration of the promotional process to ascertain conformance to City and Police Department rules and regulations, practices, procedures, equipment, and training.

### 203.6 Review Process

#### **Key Copy Review**

After the written examination, candidates may review a keyed copy of the exam by making one (1) appointment with the Testing and Training Division of the Human Resources Department. The key copy review period will be the challenge process whereby a candidate may protest question(s) on the examination. The review will be held for five (5) workdays beginning on the first workday immediately following the written examination. No questions or answers may be copied during the key copy review. Notes may be taken but not removed from the Human Resources Department unless the test monitor is satisfied that they do not contain the substance of any of the test questions or contain test answers.

All protests will be submitted in writing to the Human Resources Director, or designee, who will review and evaluate all information concerning the challenge. The Director of Human Resources will make the final decision for upholding or denying the protest and will notify the candidate in writing of the decision.

After all challenges for the written examination have been resolved, answer sheets will be scored, and candidates will be individually notified in writing of their results.

### **Clerical Review**

Candidates may review their answer sheets for accuracy in scoring during a clerical review period. Candidates must make one (1) appointment with the Testing and Training Division of Human Resources Department and review the scoring within five (5) workdays following the official announcement of scores. During the clerical review period, candidates may compare their answer sheet with a template of the correct answers. The keyed copy of the exam will not be available for review during the clerical review period.

Following the clerical review period, a list of those candidates eligible to compete in the assessment center process, if applicable, will be posted.

### **Post Assessment Review**

Candidates may schedule one (1) post-assessment review by making an appointment with the Testing of the Human Resources Department.

### **203.7 Eligibility List for Promotion**

For possible placement on the promotional eligibility list a candidate must achieve a final promotional score of 70% or greater. Candidates who participated in a promotional process but did not attain a final combined promotional score of 70% or greater must retest in a future promotional process to be considered for promotion. A final combined promotional score of 70% does not guarantee automatic placement on the promotional eligibility list.

A promotional eligibility list in order of highest-attained scores will be compiled by the Human Resources Department and provided to the Chief of Police. Seniority, as defined in the APD collective bargaining agreement, will be used for list placement only in the event of a tie. The Human Resources Department will announce the number of individuals to be placed on the promotional eligibility list based on a final combined promotion score not less than 70% as well as the criteria set for the in Section 203.1. The promotional list will be a perpetual list from the date of its publication unless the list has been depleted. At that time, the Chief of Police may initiate a new promotional process through the Human Resources Department if deemed necessary.

The Chief of Police will select individuals for promotion to sergeant and lieutenant. In selecting persons for promotion, the

Chief of Police may apply the "rule of three" to the eligibility lists for promotion. The Chief of Police may promote any candidate to the position of sergeant or lieutenant who scores in the top three (3) slots of the respective promotional eligibility list.

Once the selection has been made, the next rank-ordered name on the promotional list will advance into the top three. The top three (3) candidates will be considered each time a promotion is made, regardless of their final score. Persons on the list who may have been passed over by the application of the "rule of three" will

retain their relative positions on the list until promoted or removed as a condition of a disciplinary action.

Serious disciplinary infractions, including but not limited to nonfeasance, will be sufficient cause for the Chief of Police to remove a person from a promotional list. In such instance, the removal shall be an element of the imposed discipline.

Sworn personnel on an approved leave of absence without pay will not be promoted until their return to regular duty.

The promotional eligibility list shall be a perpetual list. Promotions will be made from the list until the list of candidates qualified for promotion is exhausted. If a candidate is otherwise eligible, but is temporarily unable to perform the essential functions of the position the candidate may be bypassed until such time as the essential functions can be performed.

The Chief of Police may request a new promotional eligibility list be prepared up to six (6) months prior to the anticipated depletion of an active promotional list. The new list will not be used for promotions until the last qualified person on the active list is promoted. Those individuals remaining on the previous list that are temporarily unable to perform the essential functions will be placed at the top of the new list and considered for promotion as soon as the essential functions, can be performed and a vacancy becomes available.

#### 203.8 Promotion to Police Captain

The Chief of Police will use an evaluation process to select officers from the rank of lieutenant for promotion to captain. The process may include a structured oral interview, a written examination, an



assessment center or other process as determined by the Chief of Police and in concurrence with the Human Resources Director prior to the initiation of the process.

203.9 Promotion to Police Deputy Chief

The Chief of Police will use an evaluation process to select officers from the rank of captain for promotion to deputy chief. The process may include a structured oral interview, a written examination, an assessment center or other process as determined by the Chief of Police and in concurrence with the Human Resources Director prior to the initiation of the process. The Chief of Police will make selection with concurrence of the Chief Administrative Officer.

203.10 Evaluation of Newly Promoted Sworn Personnel

Promotions are contingent on satisfactory performance during a twelve (12) month **evaluation period**. All newly promoted sworn personnel will be formally evaluated quarterly by their supervisors for the first year. Failure to satisfactorily complete the evaluation period may result in a return to the previous rank within the twelve (12) month period as determined by the Chief of Police.

After satisfactorily completing the twelve (12) month evaluation period such promotions will be considered permanent and subject to usual performance and disciplinary requirements.

203.11 Assignment Status as Police Deputy Chief (November 21, 2006)

The position of Deputy Chief is not a permanent rank or position under the Merit System Ordinance. Deputy Chiefs are appointed by the Police Chief with the concurrence of the Chief Administrative Officer. A Deputy Chief shall act as second in command to the Police Chief in command of all Commanders, Captains, and subordinates. Any command personnel assigned to a Deputy Chief position will receive Deputy Chief pay.

A Deputy Chief shall be subject to continuous evaluation by the Police Chief during service as a Deputy Chief. If the Police Chief determines that the interests of the Police Department are better served by the removal of a Deputy Chief, the chief may remove the Deputy at any time. Upon removal, a Deputy Chief shall revert to the rank held and the pay received immediately prior to being appointed Deputy Chief. The decision to revert a Deputy Chief will be made by the Police Chief with the concurrence of the Chief Administrative Officer.