

204. FIRE DEPARTMENT PROMOTIONAL PROCEDURES (July 1, 2007)

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

- A. Promoting to the ranks of Driver, Lieutenant, Captain, Fire Commander, Assistant Fire Chief and Deputy Fire Chief those persons who are best qualified for advancement, 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.
- 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.

204.1 Preparation and Administration of Promotional Process

At the request of the Fire Chief or other mayoral designee, the Human Resources Director or designee working with any contracted consultant, if deemed necessary, will authorize the development and administration of the promotional process. This process will consist of a written examination for the ranks of Driver, Lieutenant, and Captain. The promotional process for the rank of Fire Commander shall consist of both a written examination and an assessment center. All promotional lists shall consist of all candidates who have received a final score of 70% or greater.

The dates and location of the administration of the promotional proceedings and identification of the source documents to be used in the development of the written examination will be announced at least ninety (90) days in advance of the administration of the written examination. Any rescheduling or relocation shall be announced in a timely manner.

204.2 Eligibility to Participate in a Promotional Process

- A. The length of service in a rank for promotional examination eligibility must be reached by the date of the examination. In order to be eligible for promotional examination, a Fire

Fighter shall not have refused to upgrade to the next high rank for twelve (12) months prior to the official examination announcement and shall have successfully completed the appropriate core knowledge certification process for each rank.

In the event the examination is rescheduled, eligibility will be determined by the originally announced examination date.

1. Rank of Driver

To be eligible to test for suppression driver, s must have served at least twenty-four (24) continuous months in a non-probationary status and possess a current New Mexico Class E driver's

license and a current City of Albuquerque vehicle equipment operator's permit. Paramedic Fire Fighters must have served at least 5 consecutive years as a paramedic in the Albuquerque Fire Department to be eligible to test for the rank of Suppression Driver.

To be eligible to test for Rescue/Paramedic Driver, Paramedic Fire Fighters must have served at least twenty-four (24) consecutive months at the rank of in a non-probationary status and possess a current New Mexico Class E driver's license, a current City of Albuquerque vehicle equipment operator's permit, and must be currently licensed by the State of New Mexico as an EMT-Paramedic. Suppression Fire Fighters are not eligible to test for the rank of paramedic driver.

a. **Pilot Program:** Due to multiple vacancies at the rank of Rescue Driver, the Albuquerque Fire Department will amend the eligibility requirements for promotions to the rank of Rescue/Paramedic Driver. The pilot program will commence July 1, 2007 and will extend through December 31, 2009. Should the pilot program be successful, the City may agree to extend and / or permanently implement the pilot program.

Under the provisions of the pilot program, to be promoted to the rank of Rescue/Paramedic Driver, a

Fire Fighter must meet the following criteria:

1. The Fire Fighter must be a non-probationary Fire Fighter with the Albuquerque Fire Department who is currently licensed by the State of New Mexico as an EMT-Paramedic.
2. The Fire Fighter must not have received disciplinary action greater than a written reprimand within two years of the promotion. Exceptions to this provision may be granted should the Fire Chief and the Union mutually agree.
3. The Fire Fighter must have successfully completed the Albuquerque Fire Department certification process to drive rescue vehicles.
4. The Fire Fighter must not have refused to temporarily upgrade to the rank of Rescue Driver.
5. Paramedic Fire Fighters who meet the above criteria shall be promoted to the rank of Rescue/Paramedic Driver based on seniority, with the most senior Paramedic Fire Fighter being promoted first. The promotions will continue until all vacancies are filled. As future vacancies occur, Paramedic Fire Fighters will be promoted to the rank of Rescue Driver based on seniority.

2. Rank of Lieutenant

To be eligible to test for the rank of Suppression Lieutenant, Fire Fighters must have served at least twenty-four (24) consecutive months from the date of promotion to the rank of Driver or Rescue/Paramedic Driver. Rescue/Paramedic Drivers must have served at least 5 consecutive years a paramedic in the Albuquerque Fire Department to be eligible to test for the rank of

Suppression Lieutenant.

To be eligible to test for the rank of Rescue/Paramedic Lieutenant, Fire Fighters must have served at least twenty-four (24) consecutive months from the rank of Driver or Rescue/Paramedic Driver and must be currently licensed by the State of New Mexico as an EMT-Paramedic. Suppression drivers are not eligible to test for the rank of Rescue/Paramedic Lieutenant.

Rescue/Paramedic drivers promoted under the provisions of the pilot program must meet the above eligibility requirements; however, a Rescue/Paramedic driver will not be eligible to participate in the promotional process for Rescue/Paramedic Lieutenant prior to completing sixty-four (64) months of consecutive service with the Albuquerque Fire Department.

3. Rank of Captain

To be eligible to test for Captain, Fire Fighters must have served at least twenty-four (24) consecutive months from the date of promotion to the rank of Suppression Lieutenant or Rescue/Paramedic Lieutenant.

4. Rank of Fire Commander

To be eligible to test for Fire Commander, fire fighters must have served at least twenty-four (24) consecutive months from the date of promotion to the rank of Captain.

5. Rank of Assistant or Deputy Fire Chief

To be eligible for promotion to the rank of Assistant Chief or Deputy Fire Chief, fire fighters must have served at least twenty-four (24) consecutive from the date of promotion to the rank of captain or higher.

- B. A Fire Fighter may appear only on one promotional list for any rank, at any one time.

C. Promotional Examinations

1. Promotional examinations will be administered for all testable rank through the rank of Commander at a minimum of once every twenty-four (24) months beginning January 2004. The bi-annual examinations will be given on the same month for each rack, as indicated below unless business necessity dictates otherwise:

January: Level 3, Rescue/Paramedic and Suppression Driver Promotional Examinations

April: Level 4, Rescue/Paramedic and Suppression Lieutenant Promotional Examinations

July: Level 5, Captain Promotional Examination

October: Level 6, Commander Promotional Examination (Written Exam and Assessment Center)

In the event a promotional list is exhausted in less than twelve (120 months, the Chief, at his direction, may request an additional examination at the rank. This may delay the regularly scheduled bi-annual examination. If multiple promotional lists occur at the same rank and in the same division (i.e. Suppression/Paramedic) due to additional examinations, the second promotional list will not become active until the exhaustion/expiration of the first promotional list. The promotional list will expire twenty-four (24) months from the date of activation.

2. Examinations for the ranks of Driver and Lieutenant will be administered for both Suppression Division and Rescue/Paramedic Division simultaneously, on the same date and at the same time. Paramedics taking the Suppression Division examination for the ranks of Driver and Lieutenant, shall only be placed on the Suppression Division list at the appropriate rank, should they qualify, and will be promoted into the Suppression Division only. These Paramedics shall not be laterally mobbed into the Rescue Division prior to the exhaustion/expiration of the Rescue Division promotional list at that rank.

These members shall remain in the Suppression overtime pool and will not be eligible for Rescue Division overtime until they are laterally moved into the Paramedic Division.

- D. Sworn personnel must not have any sustained disciplinary actions resulting in suspension of four (4) shifts or more within the last twelve (12) months, excluding first accident suspension. Any sustained suspension of four (4) shifts or more received within two years of the written examination will also be considered and may be a disqualifier at the discretion of the Fire Chief. The date on which the disciplinary infraction occurred will be used in determining ineligibility.

If a sustained 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, the candidate will be permitted to proceed to the assessment center. As appeals are resolved, candidates made ineligible by their disciplinary action being upheld will be removed from the list or demoted to the previously held rank if the promotion has already been processed. The Fire Chief may utilize the Rule of Three in cases where an appeal is pending.

- E. Approved leaves of absence 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 Fire Chief. 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, 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.

204.3 Participation in the Promotional Process

Fire fighters must indicate whether or not they wish to take a promotional examination for which they are eligible by signing a roster prior to the examination date. 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 the promotional process.

204.4 Promotional Process for Drivers, Lieutenants, Captains and Fire Commanders

The written examination will be developed based on measurable knowledge areas identified in the job analysis. All candidates taking the written examination for fire commander will proceed to the assessment center.

Assessment center candidates 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. The assessment center and the written examination will be weighted equally. The promotional eligibility list shall consist of all candidates who have received a final promotional score of 70% or greater. For the rank for fire commander, the promotional eligibility list shall consist of all candidates who have received a final combined promotional score of 70% or greater on the written examination and assessment center.

Candidates competing for promotions to the ranks of Captain, Lieutenant, and Driver will be required to take a written examination only. The Captain's written examination consists of 150 items. The Lieutenant's and Driver's written examination consist of 100 items, and Fire Commander's written consists of

100 items. Fire Commanders will be required to take a written exam and an assessment center.

#### 204.5 Subject Matter of Promotional Process

At the request of the Fire Chief, written test items for the promotional examinations through the rank of fire commander will be prepared by, or under the direction of, the Human Resources Department from materials recommended by the Fire Chief and /or his or her designated representative(s) considering information provided by the subject-matter experts. The subject area (s) and, as applicable, the source materials for each promotional process will be specified.

The Fire Chief shall designate Fire Department subject-matter experts and/or consultants to work with the Human Resources Department in the preparation of written test items, assessment center exercises, and/or structured oral interview. The Fire Chief or his or her 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 Fire Department rules and regulations, practices, procedures, equipment, and training.

#### 204.6 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 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, with the input of the subject-matter experts, 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**

If the candidates wish to review their answer sheets for accuracy in scoring during a clerical review period, they must make one (1) appointment with the Testing Division of the 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 a post-assessment review following the assessment center by making one (1) appointment with the Testing and Training Division of the Human Resources Department.

#### **204.7 Eligibility List for Promotion to Driver, Lieutenant, Captain and Fire Commander**

For placement on the promotional eligibility list, a candidate for lieutenant, captain or fire commander must achieve a final promotional score of 70% or greater.

A promotional eligibility list in order of highest-attained scores will be compiled by the Human Resources Department for the rank of driver, lieutenant, captain, and fire commander and will be provided to the Fire Chief. The promotional eligibility list shall be active for a period of two years. Promotions will be made from the list until the list of candidates qualified for promotion is exhausted or the two-year period has expired, whichever comes first.

The Fire Chief may request the development of a new promotional process no less than three 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 or the list has expired.

Serious disciplinary infractions, including but not limited to nonfeasance, will be sufficient cause for the Fire Chief 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.

Ties for placement on all lists will be determined using the following sequence:

1. Length of uninterrupted service with the Fire Department;
2. Service with the City of Albuquerque;
3. Lowest A.F.D. employee number.

#### 204.8 Promotional Process for Deputy Fire Chief

The Fire Chief, with the concurrence of the Human Resources Director, will use an evaluation process to select officers for promotion to the ranks of Assistant Chief and Deputy Fire Chief. The Fire Chief will send a memo to the Human Resources Director requesting that the process begin and recommending the specific evaluation process to be used which may include a structured oral interview, a written examination, and/or assessment center. The Fire Chief will represent a recommendation for selection of an Assistant Chief or Deputy Fire Chief to the Chief Administrative Officer.

#### 204.9 Evaluation of Newly Promoted Drivers, Lieutenants, Captains and Fire Commanders

Promotion to the rank of driver, lieutenant, captain, and fire commander is contingent upon satisfactory performance during a six (6) month **evaluation period**. All newly promoted drivers, lieutenants, captains, and fire commanders will be formally evaluated quarterly by their immediate supervisors for the first six (6) months. Failure to satisfactorily complete the evaluation period may result in a return to the previous rank.

After satisfactorily completing the six (6) month evaluation period, such promotions will be considered permanent and subject to the usual performance and disciplinary requirements.

#### 204.10 Assignment Status as Deputy Fire 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 Fire Chief with the concurrence of the Chief Administrative

Officer. A Deputy Chief shall act as second in command to the Fire 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 Fire Chief during service as a Deputy Chief. If the Fire Chief determines that the interests of the Fire 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 Fire Chief with the concurrence of the Chief Administrative Officer.