



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-17

OPA DRAFT

**3-17 DUTY ASSIGNMENTS AND TRANSFERS**

Related SOP(s): None

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**3-17-1 Purpose**

It is the purpose of the Department to provide a structured process for duty assignments and transfers.

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**3-17-2 Policy**

~~Department policy is to provide a structured process for duty assignments and transfers.~~ It is the policy of the department to adhere to the processes provided to assign or transfer an employee to units within the Department.

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**3-17-3 Definitions**

A. Restricted Employee

1. Any sworn employee who is injured on or off-duty to the extent he/she is restricted from performing all the essential functions of the job.
2. Any sworn employee who has a physical or mental health condition diagnosed by an authorized, licensed physician, which restricts him/her from performing all the essential functions of the job.
3. Any sworn, pregnant employee who is restricted from performing all the essential functions of the job.

B. Essential Functions

1. The essential functions of the job for every sworn employee include the ability to participate in a forceful arrest.

C. Restricted Duty Assignment

1. A productive assignment during the period of time sworn employees are classified as being on restricted duty, which does not exceed restrictions placed on the person by an authorized licensed physician. The assignment will be determined by Operations Review Unit.



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D. Temporary Restrictions/Restricted Duty Status

1. The work classification designating those sworn employees who are on a restricted duty assignment due to a physical and/or mental health condition and/or limitation.

A-E. Maximum Medical Improvement (MMI)

The date after which further recovery from or lasting improvement to an injury can no longer be reasonably anticipated based upon reasonable medical probability. (Workmen's Compensation Act - Chapter 52, Article 1 NMSA 1978).

3-17-43

**Procedures**

A. Authority of the Chief of Police

1. The Chief of Police retains the right to assign personnel of this Department as the needs of the Department dictate.
2. The Chief of Police has given the ~~commander~~ manager of the Personnel Management Division the responsibility for the administration of all duty assignments and transfers.

B. Affirmative Action

The Personnel Management Division Manager is responsible for maintaining a system to monitor all personnel actions relating to training, promotions, transfers, recruiting, and assignments in order to identify any inequities regarding the Affirmative Action Program.

C. Vacancies

1. Departmental Personnel Circulars will be issued to announce the anticipated filling of vacant or newly created positions for sworn and non-sworn personnel by the Personnel and Payroll Section.
  - a. Division Commanders will ensure that the Personnel Management Division Manager is notified of all pending vacancies.
  - b. The Personnel Management Division will have the responsibility for composing and distributing the personnel circular. Qualifications will be based on the Basic Position Description Manual maintained by the Personnel and Payroll Section.



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Completed personnel circulars will be reviewed with the affected division commander before distribution.

2. Each circular will contain the opening date for submitting transfer requests (the closing date which is 10 calendar days from the opening date, or 5 calendar days after the APOA's approval), the minimum qualifications a person applying must have, the amount and type of additional training required following assignment to the position; if any, a short synopsis of the duties of the position, and the working conditions such as days off, odd shifts, shift hours, etc.
  - a. The Chief of Police retains the right to alter the ten calendar day advertisement. Notification to the APOA will be provided in accordance with the collective bargaining agreement.
3. Vacancies for all positions will be filled in accordance with the City Merit Ordinance, Personnel Rules and Regulations, and collective bargaining agreements.

D. Position Descriptions and Qualifications

1. The basic position descriptions of this Department will be used to develop circulars announcing vacancies.
2. All qualifications for positions must be standardized and must be based on the position descriptions. Each supervisor shall be responsible for updating position descriptions, and qualifications based on these descriptions, before the need arises to fill a position.
3. The master copy of the Position Description Manual identifying the qualifications and post assignment training required, if any, will be maintained in the Personnel and Payroll Section.

E. Transfers

1. Persons wishing to apply for an announced position shall submit a completed copy of the Transfer Request Form and/or any other requested documentation to the Personnel ~~and Payroll Section~~. The original request will be submitted to the officer's chain of command.
2. Each of the qualifications must be addressed when completing the Transfer Request Form. The applicant may submit any additional relevant information in the space provided.



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3. Information about the number or identification of applicants for a particular assignment is considered confidential and not for general publication. The affected commander, however, will be given access to this particular information.

~~4. If an officer is transferred to Field Services between bids, the officer leaving the specialized unit will transfer to the position vacated in FSB by the officer filling the opening in the specialized unit. Exceptions to this rule will only be considered based upon the needs of the Department. Seniority does not apply to the initial assignment.~~ Seniority back to FSB is based on the date of the transfer request memo.

4.

F. Personnel ~~and Payroll Section~~

1. This Section is responsible for the coordination and maintenance of all circulars and request forms as necessary for use by the Chief of Police and the Affirmative Action Coordinator.
2. After the Selection Committee has made a decision, the originals of the requests will be placed in a file to be retained for three years.

G. Application Review

1. Completed transfer requests shall be sent from Personnel to the Recruiting Unit to determine candidates' eligibility based on the circular requirements.
2. The finalized list will be forwarded to the affected division lieutenant for testing process.

H. The Selection Committee

1. The Selection Committee for any nonexempt sworn position below the rank of commander shall be composed of 3-5 members. The committee shall be composed of members of equal or greater rank than the position being considered.
2. The committee shall develop and administer a test to each qualified applicant. The applicant's answers will be ranked according to the highest test result.



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3. The interviews may be recorded. The Personnel ~~and Payroll~~ Section shall retain the recordings and the permanent file for three (3) years.
4. At the completion of the test, the results will be submitted to Personnel ~~and Payroll~~.
5. If two candidates are deemed equally qualified for the position, the candidate with seniority shall be selected for the assignment.
6. All candidates, with passing scores of 70% and above, will be listed in rank order according to the results. This list will be effective for 90 calendar days from the date of publication. There will be no exceptions.
  - a. Candidates who do not maintain the original published qualifications will be automatically removed from the list.
  - b. In the event a candidate has qualified for multiple assignments, he/she will be automatically removed from the remaining lists once transferred to a specialized unit.
  - c. Candidates who, for whatever reason, decide not to accept a transfer will be removed from the affected list. The transfer will then be offered to the next qualified candidate.
7. Candidates shall not be informed of their acceptance or rejection by this committee. Unsuccessful candidates shall be notified by the chain of command for the position for which they are testing. A Department Personnel Order will be issued by the Personnel Management Division indicating who was accepted.

I. Filling of Vacancies by the Chief of Police

When a vacancy for a sworn position has been announced and no one makes a request to fill the position, the Chief of Police will be asked to fill the position from among those minimally qualified for the position.

J. Seniority Bidding Transfers

The process outlined herein shall not apply to transfers made by seniority bidding. It also does not apply when severe hardship, injury, disability, or humanitarian reasons require consideration in specific cases.

K. Notification of ~~Personnel and~~ Payroll Section



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All transfers within areas and divisions which affect duty assignments, days off, and/or special pays shall be in accordance with the current labor contracts. This does not relieve the personnel of his/her responsibility to notify the ~~Personnel and~~ Payroll Section when the personnel is receiving pay to which he/she is not entitled to.

L. Trial Period

1. All assignments to specialized units will include a one-year trial period during which time the employee's performance in the new assignment will be evaluated on a continual basis.
2. In the event unit performance standards are not met, the employee will be reassigned to Field Services.
3. Reassignments are not grievable and may take place at any time during the one-year trial period.

M. Commander and Lieutenant Positions

Commander and Lieutenant assignments are exempt from time limitations. Their length of assignment will be conditional, based on the needs of the Department.

N. Contracts and MOU

Union Contracts and/or applicable MOUs control the following:

1. Assignment to patrol shifts
2. Change of work hours/days
3. Determination of days off
4. Seniority

3-17-54

Temporary Duty Assignment/Activity

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A. Eligible Positions

Employees in all units/teams/details are eligible for temporary assignment positions on an as needed basis.



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B. Duration of Temporary Assignment

The length of a temporary assignment shall not exceed the time limits outlined in the current sworn/civilian collective bargaining agreements. The immediate supervisor of the temporary assignment will review the assignment on a weekly basis to determine if it should be continued, and/or made a permanent position.

C. Criteria for Selection of Employees for Temporary Assignments

Selection of employees to fill a temporary assignment will be based on the level of skill, and knowledge necessary to accomplish the goals and objectives of the assignment.

D. Selections

1. The manner in which employees are selected to fill a temporary assignment will be at the discretion of the Division Commander.

E. Documentation

1. All TDYs will be approved through the chain of command on a department memo.

2. The approved memo will be uploaded into the TDY Sharepoint by the requestor's direct supervisor.

**3-17-65** Restricted Duty Temporary Assignments

A. Restricted Employee

1. The Department reserves the right to deny a restricted duty assignment for non-duty related injuries or physical or mental health conditions diagnosed by an authorized, licensed physician, which restricts a sworn employee from performing all the essential functions of the job.

2. Any sworn employee who is put on any restriction for an on-duty or off-duty injury by an authorized licensed physician or psychologist must immediately report the restriction to his/her chain of command up to and including the duty chief and the APD Human Resources Manager and will adhere to the following:



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- a. If the restriction is placed on the sworn employee during his/her regular shift, the notification to the chain of command and APD Human Resources Manager must occur by the end of the shift.
  - b. If the restriction is placed on the sworn employee outside the sworn employee's normal working hours, the notification must be made to the chain of command up to and including the duty chief prior to the beginning of the next scheduled shift.
  - c. Sworn employees will submit the physician's documentation of restrictions to their supervisor by the end of that day, if it is a regular business day, or by the end of the next regular business day to ensure accuracy.
  - d. The supervisor's Injury Investigation Report Form and any related documents will be immediately forwarded through the chain of command up to the respective bureau head and to the APD Human Resources Manager.
  - e. Sworn employees placed on Restricted Duty Status that requires the sworn employee to miss or reschedule either a Firearms Qualification, or Physical Wellness Assessment or Maintenance of Effort (MOE) Training will forward a copy of the medical documentation to the Director of Training.
- 4.3. To ensure that every sworn employee is treated fairly and consistently with regard to confidentiality and the individual circumstances of each case, every restriction must be reported to the APD Human Resources Manager.
- a. The supervisor is responsible for reporting the restriction to the Human Resources Manager by the end of that day, if it is a regular business day, or by the end of the next regular business day.
4. The supervisor will direct the sworn employee to report to Operations Review who will assign the sworn employee a job for the duration of the restricted duty. The sworn employee will bring all pertinent paperwork with them.
- a. Under no circumstances will a sworn employee with restrictions be allowed to report to work for any assignment, unless such an assignment has been made or approved by Operations Review prior to the work being performed.
5. Based on the restrictions, Operations Review will ensure that the particular facts and circumstances of each individual sworn employee are evaluated to determine the appropriate assignment and the duration of such an assignment.
- a. The sworn employee's work hours and assignment will be determined by Operations Review and may be consistent with the work hours and days off of the unit to which the employee is assigned.



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6. After each employee health or physician appointment the APD Human Resources Manager will review the medical status of the sworn employee. The assignment can be extended with proper documentation from the sworn employees' medical provider. Each case will be reviewed and evaluated on a case by case need. The department reserves the right to request when MMI will be attained.

B. Return to Full-Duty Status from Restricted Duty Status

1. Sworn employees returning to full duty status from restricted duty status will follow the procedures for returning to work found in the Scheduled and Unscheduled Leave SOP.

2. Sworn employees who are fully approved by the Employee Health Center and City Risk Management for all duties of their normal position will return to their assignment.

3. Restricted Duty Limitations

While on restricted duty, sworn employees

- a. May be restricted from working any outside employment, as determined by the Chief of Police.
- b. Shall not be permitted to sign up for or work Chief's Time.
- c. Shall not wear their uniform, but shall dress in appropriate attire based on their assigned unit Standard Operating Procedures.
- d. Shall not be allowed to participate in the Department physical assessment program or any other sanctioned activity which conflicts with the medical reason for which the employee is on restricted duty.
- e. Shall comply with policies regarding range qualification and training, and the carrying of firearms.
- f. Shall not be assigned to hazardous duty positions.
- g. Whose assignment qualifies for hazardous duty pay will receive hazardous duty pay for no more than 45 days after being placed in a restricted duty assignment.
- h. Will receive shift differential pay for no more than 45 days when the restricted duty assignment necessitates a change from a swing/graveyard shift to dayshift.
- i. Shall not display or present badge or gun on or off duty unless it is a deadly force situation which requires immediate action.
- j. Shall only carry their firearm or badge in a concealed fashion in accordance with the Department's plainclothes policy.



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- k. The authorization for employees to carry a firearm while in a restricted duty status rests with the affected employee's bureau head.
- l. Shall immediately make arrangements with the Operations Review Unit to turn in their marked vehicle. Assignment of an unmarked vehicle will be determined by the Operations Review Unit and dependent upon availability.
- m. Shall sign a "Restricted Duty Status" form.

C. Off-Duty Injury

- 1. Sworn employees who are injured off duty will comply with the Scheduled and Unscheduled Leave SOP.
- 2. In addition, sworn personnel who are placed on a restricted duty status for an off-duty injury will be required to provide documentation from their medical provider indicating they are capable of returning to full-duty and will be required to obtain clearance for full-duty through employee health prior to returning to work.

D. Precedence for Duty Assignments

- 1. Restricted duty assignments for sworn employees injured on duty will take precedence over sworn employees injured off duty.

E. Field Services Bid for Personnel on Limited Duty Status

- 1. In order to participate in the Field Services patrol assignment bid, personnel who are on limited-duty status must be able to return to full-duty status on or before 30 calendar days after the bid takes effect.
- 2. Concerned personnel in the Field Services patrol assignment bid, personnel who are on limited-duty status must be able to return to full-duty status on or before 30 calendar days after the bid takes effect.
- 3. If personnel were permitted to bid, but then were unable to return to full-duty status within the 45 calendar days after the bid takes effect, the employee will lose their right to the bidded position and be subject to assignment by their deputy chief upon return to full duty.
- ~~2.4.~~ The Field Services Deputy Chief shall have the discretion to place an officer who cannot or does not comply with subsections A and/or B above once he/she returns to full-duty status.