

TITLE HUMAN RESOURCES DEPARTMENT
CHAPTER 2 Testing and Examinations
PART 3 Police Department Promotional Procedures

1. **ISSUING AGENCIES:** The Human Resources Department and the Albuquerque Police Department.
2. **SCOPE:** This section will be the only source of authority for promotion of sworn personnel.
3. **STATUTORY AUTHORITY:** Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 (2006); Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e (2006); Civil Rights Act of 1991; EEOC Uniform Guidelines on Employee Selection Procedures, 29 CFR pt. 1607, (1978); City of Albuquerque, NM. Code of Ordinances, Ch. 3 art. 1, Merit System; N.M. Stat. Ann. § 66-5-54; 49 U.S.C.A. §§ 31100-31161; Retention and Disposition Schedule for General Personnel Records, 1.15.6 NMAC; Uniformed Services Employment and Re-Employment Rights Act (USERRA), 38 U.S.C.A. § 4301 et seq.; Family and Medical Leave Act of 1993 (FMLA)
4. **DURATION:** Until revoked.
5. **EFFECTIVE DATE:** [TBD]
6. **OBJECTIVE:** The purpose of this Regulation is to establish the procedures for promoting to the ranks of Sergeant and Lieutenant those persons who are best qualified or suited for advancement, and the determination of placement on a promotional eligibility list based on the selection process. These procedures are to assure 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.
7. **RESPONSIBILITY FOR ADMINISTRATION:** The Police Chief and the Director of the Human Resources Department are jointly responsible for the administration of the Police Department Promotional Procedures.
8. **DEFINITIONS:** The definitions provided herein are specific to this rule and the promotional process.
 - A. **Assessment Center** means a group of situational exercises that simulate job related tasks and work activities designed to measure critical knowledge, skills, abilities, behaviors, qualities, dimensions, and competencies that have been identified through a job analysis as being required for successful performance in the position.
 - B. **Assessor** means someone knowledgeable about the requirements of the position being tested and is qualified to rate the performance of candidates.
 - C. **Business day** means a day in which the City's administrative offices are open, typically weekdays Monday-Friday, from 8:00 AM to 5:00 PM, except for City

holidays other days when the administrative offices are not open for business. See also “Calendar day” and “Day”.

D. **Calendar day or “day”** means a 24-hour period, from midnight to midnight.

E. **Calendar month** means a period of time beginning on the 1st day of a month on the calendar and ending on the last day of the month as designated on the calendar; by contrast, “month” means a period from a specified day in any one calendar month to the day numerically corresponding to that day in the following calendar month, less one, typically regarded as 30 consecutive days. By way of example: a calendar month is the month of June or the month of July; a “month” is typically 30 days, such as from June 20 to July 19.

F. **Candidate** means an employee seeking promotion.

G. **Chief Administrative Officer** means the Chief Administrative Officer for the City of Albuquerque or designee.

H. **City** means the City of Albuquerque, a municipal corporation.

I. **Consultant** means an independent contractor engaged by the City for a specific project, typically, but not necessarily, selected through a competitive process, to provide special expertise or independence not otherwise available through City staff.

J. **Current continuous employment** means no break or interruption in the employee’s assignment in current rank; a “break” or “interruption” includes a demotion for any length of time and certain leaves of absences.

K. **Department** means the Albuquerque Police Department, commonly abbreviated “APD”.

L. **Dimensions** mean factors that represent a broad range of qualities, knowledge, skills, competencies, or behavior a candidate should demonstrate to be successful in a position.

M. **Director of Human Resources** means the administrative head of the Human Resources Department or designee.

N. **Disciplinary action** means an action taken by the Chief Administrative Officer, Department Director or designated management representative in response to a proven act of employee misconduct or uncorrected poor work performance. Disciplinary actions include, but are not limited to, written reprimands, suspension, demotion and discharge.

O. **Employment Testing Division** means the division of the Human Resources Department responsible for test development, validation, and administration.

P. **Job** means an official position within the City personnel system. For example, “the job duties of a Sergeant include...”.

Q. **Job analysis** means a determination of the relative importance of the various aspects of the job based on a detailed inventory of job tasks, duties, and activities performed on the job, and the knowledge, skills, abilities, and other characteristics required to perform the job.

R. **Key copy review** means a process whereby a candidate may protest questions on the written examination.

S. **Key** means a copy of the written examination with the correct answers provided.

T. **Knowledge, skill, and ability**, in the promotional context, mean the body of learned information which is used in and is a necessary prerequisite for observable aspects of work behavior of the job.

U. **Police Chief** means the administrative Head of the Police Department or designee.

V. **Position** means an official job title accompanied by a specified set of duties as set forth in the City personnel system.

W. **Promotion** means the advancement of an employee into a higher graded position or rank within the department.

X. **Promotional list** means the Police Department’s official list of those candidates eligible to be promoted to a higher graded position or rank within the department.

Y. **Scoring benchmarks** means a set of specific behavioral examples illustrating different levels of performance, used to rate a candidate’s performance in an assessment center or oral interview.

Z. **Scoring review** means comparing candidate’s answer sheet against the template of correct answers for accuracy.

AA. **Situational exercise** means an exercise, within the Assessment Center, developed to assess a candidate’s ability to handle a hypothetical scenario presented, and to assist in determining whether the candidate possesses the knowledge, skills, and abilities required for the position.

AB. **Source documents** mean the required study materials listed in the official announcement for a promotional process.

AC. **Structured oral interview** means an interview to solicit answers to questions presented to assist in determining whether the candidate possesses

knowledge, skills, and abilities as well as experience and judgment required for the position.

AD. **Subject-matter expert (SME)** means an individual having a definitive source of knowledge, technique, or expertise in a specific subject area.

AE. **Validation**, in personnel psychology, means establishment of the relationship between a test instrument or other selection procedure and performance on the job.

AF. **Written examination** means a multiple-choice test that assists in determining whether the candidate possesses the knowledge, skills, and abilities required for the position.

9. PREPARATION AND ADMINISTRATION OF PROMOTIONAL PROCESS

- A. Upon request of the Police Chief, the Director of Human Resources will authorize the development, validation, and administration of the promotional process. The use of a consultant may be authorized by the Director of Human Resources.
- B. The dates, locations 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) calendar days in advance of the administration of the written examination. Any rescheduling or relocation must be announced in a timely manner.

10. ELIGIBILITY TO PARTICIPATE IN A PROMOTIONAL PROCESS

The Promotional Testing Committee, selected by the Police Chief, consisting of four (4) department 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.

- 11. **RANK-SPECIFIC REQUIREMENTS**, listed from lowest to highest, are those requirements that a candidate must meet to be eligible for promotion to a specific rank. In addition to the rank-specific requirements, a candidate must meet all the requirements of the lower ranks as well as those specified for the rank to which promotion is sought.

A. Sergeant

To be eligible to participate in the Sergeant's promotional process, sworn personnel must have, as of the date of the written examination, six (6) years of current continuous employment as a full-time certified APD Police Officer.

B. Lieutenant

To be eligible to participate in the Lieutenant's promotional process, sworn personnel must have, as of the date of the written examination, nine (9) years of current continuous employment as a full-time certified APD Police Officer; three (3) years of which must have been from the date of promotion to the permanent rank of Sergeant with the APD.

12. PROMOTIONAL EXAMINATIONS

A. Each Sergeant and Lieutenant promotional process will consist of a written examination, an assessment center, and a rating of experience/education.

B. Prior to the administration of the written examination and after consultation with the Police Chief, the Human Resources Department will announce the number of candidates expected to advance from the written examination to the assessment center and the final number of candidates to be placed on the promotional list.

C. The number of candidates 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 Police Chief in consultation with the Director of Human Resources.

13. SUSTAINED SUSPENSION A DISQUALIFYING EVENT

Sworn personnel must not have any sustained discipline resulting in suspension within the last twelve (12) months, excluding first accident suspension.

A. Any sustained suspension received within two (2) years of the written examination will also be considered and may, at the discretion of the Police Chief, disqualify the candidate.

B. The date on which the disciplinary infraction occurred will be used to determine ineligibility.

C. 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.

(1) If the discipline is upheld, the candidate will be removed from the process.

(2) 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 written exam score that would make the candidate eligible to participate in the assessment center, 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 the number of candidates currently involved in an appeal.

(3) If the appeal is not determined at the time the promotional eligibility list is published, and the candidate's combined score from the written examination and the assessment center totals at least seventy percent (70%), the number of candidates placed on the promotional eligibility list will increase according to the number of candidates currently involved an appeal.

(4) 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.

(5) The Police Chief may utilize the rule of three (3) in cases where an appeal is pending.

14. LEAVE OF ABSENCE AS A BREAK IN CURRENT CONTINUOUS EMPLOYMENT

- A. An approved leave 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 is determined by the Police Chief to have further advanced the candidate's qualifications. Such determination should be made prior to a candidate embarking on a leave of absence.
 - (1) Candidates are responsible for initiating a request for determination prior to the start of the leave of absence.
 - (2) If a leave of absence is not approved by the Police Chief as continuous employment further enhancing the candidate's qualifications, the leave period will be deducted from the period of continuous employment.
- B. 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.
- C. Leaves of absence to campaign for public office as allowed under the Merit System Ordinance of Personnel Rules and Regulations, 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.

15. PARTICIPATION IN THE PROMOTIONAL PROCESS

- A. Sworn eligible personnel who wish to participate in a promotional process must sign a request roster posted in the APD Personnel/Payroll Section within the time-frame announced.
 - (1) Eligible personnel must appear at the examination site at the designated time.
 - (2) Failure to appear for any part of the scheduled promotion proceedings will result in termination of the candidate's continuation in the promotional process.
- B. Sworn eligible personnel on approved leave at the time of the announcement may submit a written request to the Police Chief within the same time-frame period.
- C. The Uniformed Services Employment and Reemployment Rights Act (USERRA) will be adhered for candidates unable to participate due to approved military leave when called to active duty in emergencies declared by the Governor or President.
- D. Travel expenses will not be paid by the City.

16. SUBJECT MATTER OF PROMOTIONAL PROCESS

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- A. 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 approved by the Police Chief or designee. The subject area and, where possible, the source materials for each promotional process will be specified.
- B. The Police Chief shall designate Police Department subject-matter experts to work with the Human Resources Department in the preparation of written test items, assessment center exercises, and/or structured oral interview.
- C. The Police Chief or designee 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.

17. PROMOTIONAL PROCESS FOR SERGEANT AND LIEUTENANT

- A. The final promotional score will consist of the written examination score, assessment center score, and the experience/education rating score. Up to forty (40) points can be obtained on the written examination, up to fifty (50) points on the assessment center, and up to ten (10) points on the experience/education rating.
- B. Written Examination
 - (1) The written examination for each rank will be developed based on the knowledge, skills, and abilities identified in the job analysis.
 - (2) To be eligible to participate in the assessment center, candidates must achieve a minimum score of seventy percent (70%). However, a written score of seventy (70%) does not guarantee eligibility to proceed to the assessment center.
 - (3) The Human Resources Department will announce the number of candidates who will advance from the written examination to the assessment center based on a final score not less than seventy percent (70%) on the written exam as well as the criteria set forth in Section 9 (Preparation and Administration of Promotional Process).
- C. Assessment Center
 - (1) Candidates eligible for the assessment center process will be provided information about the assessment center at least five (5) business days before the assessment center begins.
 - (2) Dimension definitions, if applicable, and an explanation of the assessment center scoring process will be provided to candidates at the Assessment Center Candidate Orientation prior to the administration of the assessment center.
 - (3) Scoring benchmarks will be designed in such a way that a score of seventy percent (70%) or higher will reflect a level of proficiency sufficient to succeed in the position at entry level.

D. Experience and Education

(1) A rating for this score will be calculated from an approved resume form submitted by each candidate.

(2) The Promotional Testing Committee will verify the information on the resume prior to the assessment center.

(3) 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.

(4) The experience rating score for **Sergeant** candidates is one-quarter (0.25) of a point per year for service as a sworn APD police officer, calculated from the date of graduation from the Albuquerque Police Academy, or date of hire for lateral police officers.

a) Credit is limited to twenty (20) years, for a maximum of five (5) points.

b) No credit will be given for periods of Leave without Pay, exclusive of FMLA, or disciplinary suspensions unless the Police Chief determines in writing that the infraction is not related to fitness for promotion.

(5) The experience rating score for candidates for **Lieutenant** is one-eighth (0.125) of a point per year for service as a sworn APD police officer, calculated from the date of graduation from the Albuquerque Police Academy, or date of hire for lateral police officers.

a) Credit is limited to twenty (20) years, for a maximum of two and one-half (2.5) points.

b) In addition, candidates for Lieutenant will receive 0.1665 points per year of service with APD at the rank of Sergeant. This credit is limited to fifteen (15) years, for a maximum of two and one-half (2.5) points.

c) No credit will be given for periods of Leave without Pay, exclusive of FMLA, or disciplinary suspensions unless the Police Chief determines in writing that the infraction is not related to fitness for promotion.

(6) The education rating score will be a maximum of five (5) points.

a) Candidates 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.

b) Candidates competing for the position of **Lieutenant** who possess a Bachelor's degree or higher from an accredited college or university shall receive five (5) education rating points.

18. REVIEW PROCESS

A Key Copy Review

- (1) After the written examination, candidates may review a keyed copy of the exam by making one (1) appointment for a maximum of two (2) hours with the Employment Testing Division of the Human Resources Department.
 - a) This two (2) hour key copy review period represents the challenge process whereby a candidate may protest questions on the examination.
 - b) Key copy reviews will only be held for five (5) business days beginning on the first business day immediately following the written examination.
- (2) Candidates participating in the key copy review process will be given a total of two (2) hours to review the keyed copy of the exam and to prepare written protests on-site.
- (3) If a candidate wishes to protest any of the test questions, he or she must submit the protest of the test question in writing during the two (2) hour review.
- (4) Taking notes is permitted during this period; however, no testing materials, including notes, may be removed from the room.
- (5) All protests will be submitted in writing to the Director of Human Resources, or designee, who must review and evaluate all information concerning the challenge.
- (6) The Director of Human Resources, or designee, 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.
- (7) 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.

B. Scoring Review

- (1) Candidates may review their answer sheets for scoring accuracy.
 - (2) Candidates must make one (1) appointment with the Employment Testing Division of the Human Resources Department and review the scoring within five (5) business days following the official announcement of scores.
 - (3) During the scoring 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 scoring review period.

- (4) Following the scoring review period, a list of those candidates eligible to compete in the assessment center process, if applicable, will be posted.

C. Post Assessment Review

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

D. Appeal of Scoring

(1) A candidate may appeal any alleged math or scoring errors in the computation of the final promotion examination score. Appeals alleging math or scoring errors shall be submitted in writing to the Employment Testing Division of the Human Resources Department no later than five (5) business days after the date the candidates were notified of their individual scores.

(2) The Employment Testing Division of the Human Resources Department shall investigate the alleged math or scoring error identified in the appeal. In the event that a math or scoring error is determined to have occurred, a correction will be applied equally to all candidates impacted by the error. If any such corrected score would result in a change to the rank order of the promotional eligibility list, the Police Chief will be notified and the Employment Testing Division of the Human Resources Department will create a revised list based on the corrected scores.

(3) The promotional eligibility list will not be considered final until the five (5) business days appeal period is completed and any confirmed errors are corrected.

19. ELIGIBILITY LISTS FOR PROMOTION

- A. For placement on the promotional eligibility list a candidate must achieve a final combined promotional score of seventy percent (70%) or greater.
 - (1) Candidates who participated in a promotional process but did not attain a final combined promotional score of seventy percent (70%) or greater must retest in a future promotional process to be considered for promotion.
 - (2) A final combined promotional score of seventy percent (70%) does not guarantee automatic placement on the promotional eligibility list.
- B. A promotional eligibility list in order of highest-attained scores will be compiled by the Human Resources Department and provided to the Police Chief.
 - (1) Seniority, as defined in the APD collective bargaining agreement, will be used for list placement only in the event of a tie.

- (2) 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 seventy percent (70%) as well as the criteria set forth in Section 9 (Preparation and Administration of the Promotional Process).
- (3) The promotional eligibility list will be a perpetual list from the date of its publication unless the list has been depleted. At that time, the Police Chief may initiate a new promotional process through the Human Resources Department if deemed necessary.
- (4) The Police Chief will select individuals for promotion to Sergeant and Lieutenant.
 - a) In selecting persons for promotion, the Police Chief may apply the "rule of three" to the promotional eligibility list.
 - i. The Police Chief 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.
 - ii. Once the selection has been made, the next rank-ordered name on the promotional eligibility list will advance into the top three.
 - iii. The top three (3) candidates will be considered each time a promotion is made, regardless of their final scores.
 - iv. Candidates 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.
 - b) Serious disciplinary infractions will be sufficient cause for the Police Chief to remove a candidate from a promotional eligibility list. In such instance, the removal shall be an element of the imposed discipline.
 - c) Sworn personnel on an approved leave of absence without pay will not be promoted until their return to regular duty.
- (5) The Police Chief may request a new promotional eligibility list be prepared up to six (6) months prior to the anticipated depletion of an active promotional eligibility list. The new list will not be used for promotions until the last qualified person on the active list is promoted.

20. PROMOTIONAL PROCESS FOR POLICE COMMANDER

- A. The Police Chief will use an evaluation process to select officers from the rank of Lieutenant for promotion to Police Commander.
- B. The process may include a structured oral interview, a written

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

C. Police Commanders are appointed by the Police Chief with the concurrence of the City's Chief Administrative Officer.

21. PROMOTIONAL PROCESS FOR DEPUTY CHIEF

A. The Police Chief will use an evaluation process to select officers from the rank of Police Commander for promotion to Deputy Chief.

B. The process may include a structured oral interview, a written examination, an assessment center or other process as determined by the Police Chief and in concurrence with the Director of Human Resources prior to the initiation of the process.

C. Deputy Chiefs are appointed by the Police Chief with the concurrence of the City's Chief Administrative Officer.

22. EVALUATION OF NEWLY PROMOTED SERGEANTS AND LIEUTENANTS

A. Promotions are contingent on satisfactory performance during a twelve (12) month evaluation period.

B. All newly promoted sworn personnel must be formally evaluated quarterly by their supervisors during the first year. Failure to satisfactorily perform the evaluation period may result in a return to the previous rank within the twelve (12) month period as determined by the Police Chief.

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