

**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. **These promotional rules are intended to prioritize effective, constitutional, and community-oriented policing as criteria for promotions and to account for experience, protection of civil rights, discipline history, and previous performance evaluations when considering individuals for promotion.**
7. **RESPONSIBILITY FOR ADMINISTRATION:** The Chief of Police 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 regulation 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. **Activation Date** means the date a Promotional Eligibility List becomes official.
  - C. **Assessor** means someone knowledgeable about the requirements of the position being tested and is qualified to rate the performance of candidates.
  - D. **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 City holidays and other days

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

- E. **Calendar day or “day”** means a 24-hour period, from midnight to midnight.
- F. **Calendar month** means a period of time beginning on the 1<sup>st</sup> 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.
- G. **Candidate** means an employee seeking promotion.
- H. **Chief Administrative Officer** means the Chief Administrative Officer for the City of Albuquerque or designee.
- I. **Chief of Police** means the administrative head of the Police Department or designee.
- J. **City** means the City of Albuquerque, a municipal corporation.
- K. **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.
- L. **Current continuous employment** means no break or interruption in an employee’s assignment in current rank; a “break” or “interruption” includes a demotion for any length of time and certain leaves of absences.
- M. **Department** means the Albuquerque Police Department, commonly abbreviated “APD”.
- N. **Dimensions** mean factors that represent a broad range of qualities, knowledge, skills, competencies, or behaviors a candidate should demonstrate to be successful in a position.
- O. **Director of Human Resources** means the administrative Head of the Human Resources Department or designee.
- P. **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.
- Q. **Eligibility to Participate List** means the list of candidates who have been deemed eligible to participate in a promotional process following the Management Review conducted by the Promotions Committee and approved by the Chief of Police.
- R. **Employment Testing Division** means the division of the Human Resources Department responsible for test development, validation, and administration.

- S. **Exhaustion**, in the context of promotional lists, means all candidates eligible for promotion have been promoted prior to expiration of the current promotional list.
- T. **Expiration**, in the context of promotional lists, means midnight of the last date on which the promotional list is valid as provided herein; position vacancies arising after expiration cannot be filled from an expired promotional list.
- U. **Job** means an official position within the City personnel system. For example, “the job duties of a Sergeant include...”.
- V. **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.
- W. **Just cause** for the sole purpose of Police Department Promotional Procedures policy, shall mean any of the following when they raise concerns regarding a candidate’s ability to perform supervisory and management duties consistently with effective, constitutional, and community-oriented policing: 1) sustained discipline; 2) patterns of complaints, other than unfounded or exonerated, dating back two (2) years from the date of the written examination 3) a pending lawsuit alleging specific acts of unconstitutional conduct by the promotional candidate or a judicial finding of unconstitutional conduct.
- X. **Key copy review** means a process whereby a candidate may protest questions on the written examination.
- Y. **Key** means a copy of the written examination with the correct answers provided.
- Z. **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.
- AA. **Lieutenant’s Promotional Packet** means a packet completed by a prospective Lieutenant candidate. This packet includes the prospective candidate’s department photo, last two years’ of approved Employee Work Plans (EWPs), professional resume, letter of recommendation from the candidate’s current Commander, and any other required documentation.
- BB. **Management Review** means a formal review by the Promotions Committee of a candidate’s submitted promotional packet.
- CC. **On the Job Training** means newly promoted Sergeants and Lieutenants will receive on the job training and will have to demonstrate proficiency in all aspects of the newly promoted position.
- DD. **Position** means an official job title accompanied by a specified set of duties as set forth in the City personnel system.
- EE. **Promotion** means the advancement of an employee into a higher graded position or rank within the department.
- FF. **Promotional Eligibility 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.

GG. **Promotions Committee** means a committee designated by the Chief of Police consisting of three (3) Department lieutenants, one (1) Commander, the APD Personnel/Payroll Coordinator, one (1) union representative, and one (1) Human Resources Employment Testing Division representative as a non-voting observer. The committee will prepare and make recommendations for the Police Chief's Directive.

HH. **Police Chief's Directive** means the Department memorandum published by the Promotions Committee for the Sergeant and Lieutenant promotional processes. This directive establishes the study materials, resources, and other requirements for promotional processes.

II. **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.

JJ. **Scoring review** means a process whereby a candidate can compare his or her answer sheet against the template of correct answers for accuracy.

KK. **Sergeant's Promotional Packet** means a packet completed by a prospective Sergeant candidate. This packet includes the prospective candidate's department photo, last two years' of approved Employee Work Plans (EWPs), professional resume, letter of recommendation from the candidate's current Commander, and any other required documentation.

LL. **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.

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

NN. **Structured oral interview** means an interview to solicit answers to questions presented to assist in determining whether a candidate possesses knowledge, skills, and abilities as well as experience and judgment required for the position.

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

PP. **Testing Committee** means a committee designated by the Chief of Police consisting of Department Lieutenant and Commander subject-matter experts. This committee is responsible for working with the Human Resources Department in the development, validation, and administration of the promotional written exam, assessment center exercises and/or structured oral interviews.

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

RR. **Written examination** means a multiple-choice test that assists in determining whether a

candidate possesses the knowledge, skills, and abilities required for the position.

## **9. PREPARATION AND ADMINISTRATION OF PROMOTIONAL PROCESS**

- A. Upon request of the Chief of Police, 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 - GENERALLY**

- A. The Promotions Committee, selected by the Chief of Police, consisting of three (3) Department Lieutenants, one (1) Commander, the APD Personnel/Payroll Coordinator, one (1) union representative, and one (1) Human Resources Employment Testing Division representative as a non-voting observer, will determine if personnel who signed up for the written examination are qualified to compete for promotion. The union representative's role shall be limited to observing, reviewing, and validating the candidates' eligibility to participate in a promotional process.
- B. A Management Review will be conducted by the Promotions Committee to determine candidates' eligibility to participate in a promotional process.
  - (1) Candidates must be in compliance with Employee Work Plan requirements; have no disciplinary issues or patterns of complaints, other than unfounded or exonerated, dating back two (2) years from the date of the written examination, or which indicate a lack of constitutional policing, a lack of community policing, or violations of civil rights; and meet all rank specific requirements.
  - (2) A "does not meet standards" rating on either of the two most recent final annual performance evaluations in the personnel file will be an automatic disqualifier.
  - (3) If the Management Review determines a candidate is ineligible to participate in a promotional process due to disciplinary issues or patterns of complaints as described in section 10(B)(1), the Chief of Police will be notified in writing of the findings. The Chief of Police shall either concur or differ with the findings.
  - (4) After the Promotions Committee has formally reviewed all candidates' packets to determine eligibility to proceed in a promotional process, a list of candidates who are eligible to participate in the written exam will be issued. The Eligibility to Participate List must be approved by the Chief of Police.
  - (5) Nothing shall prevent the Chief of Police from removing a candidate's name from the Eligibility to Participate List for just cause as described in Section 11.
- C. Personnel who have been demoted (not permanently) and wish to participate in a

promotional process in order to obtain their original rank must submit a letter to the Chief of Police for consideration of eligibility to participate in the promotional process.

## **11. ELIGIBILITY TO PARTICIPATE IN A PROMOTIONAL PROCESS - SUSTAINED SUSPENSION OR A DISQUALIFYING EVENT**

A candidate who is considering participating in a promotional process 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 Chief of Police, disqualify the candidate.
- B. Any two (2) suspensions received within five (5) years of the written examination will also be considered and may, at the discretion of the Chief of Police, disqualify the candidate.
- C. Any sustained suspension of forty (40) or more hours, to include time held in abeyance, within five (5) years of the written examination will also be considered and may, at the discretion of the Chief of Police, disqualify the candidate.
- D. The date on which the disciplinary infraction occurred will be used to determine ineligibility.
- E. In addition to the suspensions described in this Section, the Chief of Police may exclude a candidate who is considering participating in a promotional process for just cause as defined in these Rules.

- (1) The Chief of Police may exclude a candidate for just cause for any incident dating back five (5) years from the date of the written examination.
- (2) Ordinarily, only incidents dating back five (5) years from the date of the written examination will be considered. However, the Chief of Police, at his or her discretion, may consider any disciplinary action throughout the candidate's career, if the underlying action is egregious or implicates a public safety concern. If the Chief of Police considers disciplinary action beyond five (5) years from the date of the written exam, he or she will notify the candidate, in writing, that he or she is contemplating suspending the candidate from eligibility to participate in a promotional process. Such notification shall contain a description of why the candidate is being excluded from participating in a promotional process, with sufficient detail to allow the candidate to respond. The candidate will be given the opportunity to rebut the decision in writing within ten (10) calendar days from the date of notification. The Chief of Police will provide a written response to the candidate with a final determination within seven (7) calendar days from the date the candidate submits a written rebuttal.

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

**12. 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 rank and currently be holding that rank as well as those specified for the rank to which promotion is sought.

**B. 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.

**C. 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 and currently hold the rank of Sergeant.

**13. 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 Chief of Police, 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 twelve months as determined by the Chief of Police in consultation with the Director of Human Resources.
- D. Promotional lists expire twelve (12) calendar months from the activation date of the promotional list and will be dated so the list ends on the first calendar day of a pay period. Individuals on a promotional list who are not promoted by the expiration date of the list must retest in a future promotional process to be considered for promotion.
- E. If a promotional list is exhausted in a year or less, the Chief of Police may request another promotional examination.

**14. ELIGIBILITY TO CONTINUE PARTICIPATING IN A PROMOTIONAL PROCESS PENDING THE OUTCOME OF AN ACTIVE INVESTIGATION**

- A. A candidate who is participating in a promotional process and becomes the subject of an active criminal investigation or civil rights investigation, in which the underlying facts implicate: 1) violations of department policies and/or the law; 2) disciplinary action; 3) patterns of complaints, other than unfounded or exonerated, dating back two (2) years from the date of the written examination; 4) patterns of sustained IA complaints; or, 5) the candidate has a pending lawsuit alleging specific acts of unconstitutional conduct by the promotional candidate or judicial finding of unconstitutional conduct, will be conditionally allowed to continue in the promotional process, pending the results or outcome of such investigation or lawsuit at the discretion of the Chief.
- B. A candidate who is participating in a promotional process and becomes the subject of an administrative investigation will be conditionally allowed to continue in the promotional process pending the results or outcome of such investigation, at the discretion of the Chief.
- C. The candidate shall be notified in writing that he/she is the subject of such an investigation and is being conditionally allowed to continue in the promotional process, pending the results or outcome of the relevant investigation or lawsuit...
- D. In the event that an active criminal or federal or state civil rights investigation, as defined in Section 14(A) above, results in a sustained finding, the candidate will be permanently removed from participation in the current promotional process. . In the event that an administrative investigation results in a sustained finding, the candidate will be permanently removed from participation in the current promotional process.. .

## 15. 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 Chief of Police 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 Chief of Police 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.

## 16. 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 Office 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 Chief of Police within the same time-frame period.
- C. The Uniformed Services Employment and Reemployment Rights Act (USERRA) will be followed 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.

## 17. SUBJECT MATTER OF PROMOTIONAL PROCESS

- 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 Chief of Police or designee. The subject area and, where possible, the source materials for each promotional process will be

specified, but will include constitutional policing, community oriented policing, and protection of civil rights.

- B. The Chief of Police shall designate Police Department subject-matter experts to the Testing Committee to work with the Human Resources Department in the preparation of written test items, assessment center exercises, and/or structured oral interviews. The Testing Committee shall also complete an After Action Report to be submitted to the Promotions Committee after a promotional process has concluded.
- C. The Promotions Committee will be responsible for making recommendations and reviewing all source materials for each promotional process. Source materials will be listed in the Chief of Police's Directive and are effective for two promotional testing processes for the same rank. If source materials are deemed in need of change, a new directive will be issued with a list of the updated materials.
- D. The most recent version of source materials that are continually being updated will be used for promotional processes whenever possible. These materials may include, but are not limited to, Departmental Procedures, Special Orders, and City of Albuquerque Rules and Regulations.
- E. The subject area(s) and, as applicable, the source materials for each promotional process will be specified in the announcement.
- F. The Chief of Police 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.

## **18. 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 thirty (30) points can be obtained on the written examination, up to sixty (60) 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) In accordance with the criteria set forth in Section 9 (Preparation and Administration of the Promotional Process), the Human Resources Department will prepare an official announcement listing the names of the candidates eligible to proceed from the written exam to the assessment center based on the highest attained written exam scores; provided, however, no candidate, with a score of less than seventy percent

(70%) of the total possible score, shall be permitted to proceed to the assessment center. The number of candidates permitted to advance to the assessment center shall be stated in the initial official announcement issued by the Human Resources Department.

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.
- (4) A file containing a candidate's resume and other documents will be one component of the Assessment Center.

D. Experience and Education

- (1) A rating for this score will be calculated from an approved resume form submitted by each candidate.
- (2) The Promotions 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 candidates for **Sergeant** 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 Chief of Police 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 Chief of Police 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. Candidates competing for the position of **Sergeant** or **Lieutenant** who have an Associate's degree from an accredited college or university shall receive two (2) education rating points. Candidates who have a Bachelor's degree, or higher, from an accredited college or university shall receive five (5) education rating points.

## 19. 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 sheets 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 promotional 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 Chief of Police 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.

**20. ISSUES NOT SUBJECT TO CITY APPEAL**

The following issues cannot be appealed by a candidate with the City:

- (1) the minimum requirements for the job classification;
- (2) the prerequisites for entering the promotional process;
- (3) final scores from any components of the promotional process;
- (4) final combined scored promotional examination scores;
- (5) post-assessment review feedback from assessors cannot be used to appeal assessment center scores or final combined promotional examination scores.

**21. ELIGIBILITY LISTS FOR PROMOTION**

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- 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 Chief of Police.
- (1) Seniority, as defined in the APD collective bargaining agreement, will be used for list placement only in the event of a tie.
  - (2) In accordance with the criteria set forth in Section 9 (Preparation and Administration of the Promotional Process), based on the number of anticipated vacancies and promotions for the rank being tested as stated in the initial official announcement, the Human Resources Department will prepare a promotional eligibility list consisting of the candidates in order of scoring, which list shall include the candidates with the highest combined final scores, provided that no candidates with a score of less than seventy percent (70%) will be placed on the promotional eligibility list.
  - (3) The Chief of Police will select candidates for promotion to Sergeant and Lieutenant.
    - a) In selecting candidates for promotion, the Chief of Police may apply the "rule of three" to the promotional eligibility list.
      - i. 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.
      - 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 Chief of Police to remove a candidate from a promotional eligibility list. For the purposes of this subsection, serious discipline means a sustained finding of a violation of any of the following: Insubordination; Arrests or investigations where the Candidate has a personal attachment; Associating with persons of ill repute; Unauthorized weapons and ammunition; Failure to keep police business confidential; Accessing any information system(s) which contains or may contain criminal history or personal information for reasons not related to official purposes and then disseminating the information to another party; Untruthfulness;

Fraternization; Arrest or citation for criminal conduct, either felony or misdemeanor (other than minor traffic violations); Use of position in civil cases where personally involved; Violation of the City's Substance Abuse Policy, defined in Section 1100 of City Personnel Rules and Regulations; Any act of violence by a Candidate against another employee in the City; Excessive use of force; Theft; Refusal to testify; Cheating on employment examinations; Giving assistance to suspect; or any act or omission of such an egregious nature that the Candidate is rendered ineffective in his or her position and/or the act or omission would tend to bring the Department into public discredit; In any 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.

## **22. SUSPENSION OR REMOVAL FROM PROMOTIONAL ELIGIBILITY LIST**

- A. A candidate who is currently on a Promotional Eligibility List and the subject of an active criminal investigation, federal or state civil rights investigation, as defined in Section 14(A) of this policy, or the subject of a formal administrative investigation will be temporarily suspended from the Promotional Eligibility List pending the results of such investigation.
- B. The candidate shall be notified in writing that he/she is the subject of such an investigation and of the temporary suspension from the Promotional Eligibility List. The candidate's eligibility shall only be temporarily suspended until disposition of the case under investigation. Depending on the disposition of the investigation, the candidate's eligibility may be permanently removed from the Promotional Eligibility List.
- C. Nothing shall prevent the Chief of Police from permanently removing a candidate's name from the current existing Promotional Eligibility List for just cause, as defined in this policy.
  - (1) The Chief of Police can permanently remove a candidate from the current Promotional Eligibility List for just cause for any incident dating back five (5) years from the date of the written examination.
  - (2) Ordinarily, only incidents dating back five (5) years from the date of the written exam for the corresponding promotional process will be considered. However, the Chief of Police, at his or her discretion, may consider any disciplinary action throughout the candidate's career, if the underlying action is egregious or implicates a public safety concern.
- D. If any disciplinary action for just cause is imposed by a superior officer other than the Chief of Police upon a candidate currently on a promotional list, the superior officer will notify the Chief of Police of said disciplinary action in writing. The Chief of Police shall review the disciplinary action to determine if the candidate's actions indicate just cause to be removed from the promotional eligibility list.
- E. If a candidate is permanently removed from a current eligibility list the candidate will

receive notification in writing. Such notification shall contain a description of why the candidate is being removed from the current list with sufficient detail to allow the candidate to respond. The candidate will be given the opportunity to rebut the decision in writing within ten (10) calendar days from the date of notification. The Chief of Police will provide a written response to the candidate with a final determination within seven (7) calendar days from the date the candidate submits a written rebuttal.

### **23. PROMOTIONAL PROCESS FOR POLICE COMMANDER**

- A. The Chief of Police 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 Chief of Police and in concurrence with the Director of Human Resources prior to the initiation of the process.
- C. Police Commanders are appointed by the Chief of Police with the concurrence of the City's Chief Administrative Officer.

### **24. PROMOTIONAL PROCESS FOR MAJOR**

- A. The Chief of Police will use an evaluation process to select officers from the rank of Police Commander for promotion to Major.
- B. 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 Director of Human Resources prior to the initiation of the process.
- C. Majors are appointed by the Chief of Police with the concurrence of the City's Chief Administrative Officer.

### **25. PROMOTIONAL PROCESS FOR DEPUTY CHIEF**

- A. The Chief of Police will use an evaluation process to select officers from the rank of Police Commander or Major 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 Chief of Police and in concurrence with the Director of Human Resources prior to the initiation of the process.
- C. Deputy Chiefs are appointed by the Chief of Police with the concurrence of the City's Chief Administrative Officer.

### **26. POST-PROMOTIONAL PROCESS REQUIREMENTS FOR SERGEANTS AND LIEUTENANTS**

Candidates who are placed on a promotional list must complete and pass all sections of the Post-Promotional Process Education Requirements.

- A. Candidates who are placed on a promotional list for **Sergeant** are required to satisfactorily complete a mandatory supervisors' course approved by the APD Training Academy.
- B. Candidates who are placed on a promotional list for **Lieutenant** will satisfactorily complete a department leadership course approved by the APD Training Academy, as such appropriate courses become available.
- C. Promoted Sergeants and Lieutenants will enter the FTO and Evaluation Program. These personnel will receive on-the-job training and must demonstrate proficiency in all aspects of the duty position.
- D. Candidates who complete the required courses but are not promoted by the expiration date of a promotional eligibility list do not have to complete the courses again in the future if they choose to retest for promotion.

## **27. EVALUATION OF NEWLY PROMOTED SERGEANTS AND LIEUTENANTS**

- A. Promotions are contingent on satisfactory performance during a twelve (12) month evaluation period.
- B. The twelve (12) month evaluation period is calculated from the date of promotion.
- C. All newly promoted sworn personnel must be formally evaluated quarterly by their supervisors during this evaluation period. Failure to perform satisfactorily during the evaluation period may result in a return to the previous rank, remedial training, or a continuation of the probationary period as determined by the Chief of Police.
- D. After the Chief of Police, or designee, releases the newly promoted Sergeant or Lieutenant from the twelve (12) month evaluation period, such promotions will be considered permanent and subject to performance and disciplinary requirements.