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Report of Investigation

FILE NO: 19-0001S

DATE: February 27, 2020

SUBJECT: The OIG received a request from the Office of City Council requesting an inspection of the hiring processes with the City's Planning Department.

STATUS: FINAL

INVESTIGATOR: J. S.



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Executive Summary

The Office of the Inspector General (OIG) received a request from the Office of City Council requesting an inspection of the hiring processes at the City's Planning Department. During this review, the OIG sought to review the hiring processes for the City of Albuquerque (COA) as a whole and the Planning Department; ensure that that the processes identified were followed in all cases and to seek clarification of any inconsistencies or unfair hiring practices.

As a result of the below detailed strategic review, the OIG has concerns with a few specific files and notes reviewed, but moreover, believes that the department lacks consistency in their processes. Discussions with management in the COA central HR department, however, uncovered that current management is aware of these and has started the processes to rectify some of these matters. Continued support from executive management, buy in from all remote HR staff and continuous auditing and accountability reviews by central HR will be necessary for these new processes to progress.

Of concern for the OIG, however, were files whereas:

- An employment hiring file was noted that “Mayor’s Office advised to Hire {staff members name} – per director, PAF processed”.*
- No justification letters for the hiring of 17 of the 22 files reviewed.
- Very few interviews being held with large pools of candidates.
- The inability to locate certain files.

Overall, during the course of this documentation review, it was evident that some of the hiring practices used by the Planning Department in recent years may have exhibited favoritism or unfair practices. However, absent a solid policy, process, and consistent logging in and storing of information, the OIG cannot definitely state whether or not any COA policy violations were committed nor can the OIG make a definitive assertion that unfair practices are maliciously taking place.

It is the recommendation of the OIG that the HR Department Central Office develop a consistent process whether it be electronic or paper, to ensure all HR related documents are retained consistently and have an ease to be retrieved. This can help the COA with employee promotions, salary increases, discipline, investigations, IPRA requests, legal matters, audits, etc.

* Further investigation found that the referenced call may have come from a staff member in the CAO’s office.

Abbreviations

HR - Human Resources
OIG - Office of the Inspector General
COA - City of Albuquerque
COAPD – City of Albuquerque Planning Department
IPRA – Inspection of Public Records Act
PAF – Personnel Acquisition Form
UN – Unclassified
SOP – Standard Operating Procedure
COAPD – City of Albuquerque Planning Department
JD –Job Description
HRC – Human Resource Coordinator

Introduction and Scope

The OIG received a request from the Office of City Council requesting an inspection of the hiring processes with the City’s Planning Department.

The OIG’s inspection will focus on the request from the Office of City Council to review the hiring processes of the City Planning Department. The methodology will consist of:

- Review of pertinent documents to include HR files and NEOGOV documentation.
- Interviews of relevant staff members.
- Review of relevant City Ordinances, SOP’s and COA’s policies and procedures.
- Review of previous investigative reports relating to the staff in the allegation.

The OIG sought to inspect the hiring process with the City’s Planning Department for the period of January 1, 2019 thru December 1, 2019, that included an emphasis on:

1. Hiring of management level (E16 or higher) and Unclassified (UN) positions.
2. A determination of compliance with City Human Resource policies, when applicable:
3. A summary of the reorganization of duties between existing Department managers and new hires, and the affect, if any, on the classification and compensation levels of the positions, including:
 - a. Proper advertisement of position and description on the NEOGOV website.
 - b. Candidate selection process-management decision vs. interview committee.
 - c. Background checks.
 - d. Complete personnel file documentation.

Investigation and Interviews

Initial Document Request

An initial request was sent, via email, to the Director of the Human Resource (HR) Department, by the Office of the Inspector General (OIG) to gather some documentation. The request stated:

The Office of Inspector General (OIG) is requesting an inspection of the hiring process at the City's Planning Department for the period January 1, 2019 thru December 1, 2019, that includes emphasis on:

1. *Hiring of management level (E16 or higher) and Unclassified (UN) positions.*
2. *A determination of compliance with City Human Resource policies, when applicable:*
 - a. *Proper advertisement of position and description on NEOGOV website.*
 - b. *Candidate selection process-management decision vs. interview committee.*
 - c. *Background checks.*
 - d. *Complete personnel file documentation.*
3. *A summary of the reorganization of duties between existing Department managers and new hires, and the affect, if any, on the classification and compensation levels of the positions.*

A list of all the staff determined to be in the E16 category or higher is listed below. The positions in red were hired into positions that were not posted or advertised as unclassified positions are not required to be, so there was no HR documentation available on the requisitions/postings. HR Staff brought to the OIG, all documents in their possession of the HR files of the following positions, in black, determined to be in the E16 employment category or higher, to include:

Building Safety Supervisor, E16
Planning Development Coordinator, E16
Assistant Building Safety Manager, E17
Senior Code Enforcement Specialist, E16
Planning Manager, E18
Planning Development Coordinator, E16
City of Albuquerque Director Planning, E20
Plans Analyst UN
Senior Code Enforcement Specialist, E16
Principal Engineer, E18
Senior Planner, E16
Planning Department Coordinator, E16
Code Enforcement Supervisor, E17
Senior Planner, E16
Senior Planner, E16

UN Public Information Coordinator
Principal Engineer, E18
Public Information Coordinator
Director
Planning Administrator
Deputy Director, Planning Department, E17
Associate Director
Building Safety Supervisor, E16
Planning Development Coordinator, E16
Assistant Building Safety Manager, E17
Senior Code Enforcement Specialist, E16

In addition, HR staff advised the OIG that background checks are only completed on new hires, and not on internal staff who may promote or change jobs. Also, HR advised that there has not been a reorganization in the Planning Department that has been requested, reviewed or approved by the HR Department. However, unclassified positions were identified as being needed in Planning, to which three staff were selected/appointed.

HR staff from COA central HR advised the investigator to reach out the HR staff at the Planning department, as they would be the ones to have the actual interview notes as well as the documentation on the application review and selection for interview process and reasoning.

The Investigator reached out to the Personnel Officer, hereinafter referred to as PO-1, for the City of Albuquerque Planning Department (COAPD) and asked for all documents in possession of the COAPD in regards to the posting of the aforementioned positions, the interviewee selections, the interviews, and the selections of the employees chosen. Once completed, the investigator went to pick up the files on Friday December 20, 2019 and met with PO-1 to discuss the contents. PO-1 stated that it took her and an additional staff member 14.5 hours to search for all of these documents. Many files were in various offices, locations, and in storage rooms in the department. In addition, three of files could not be located and are believed to be in the various hiring manager's offices.

A summary of all documentation provided is detailed in the below chart:

Position Name	Position Number/ Requisition Number	Date Posted	Date Closed	Number of applications received	Number of People who were referred to department	Number of People interviewed	Final Selection Name	Outside Hire or Internal	
Building Safety Supervisor, E16	1900658	11/28/2018	01/14/2019	12	1 "qualified"	1		Internal	
Planning Development Coordinator, E16	1900495	10/02/2018	01/18/2019	67	43	7		Internal	
Assistant Building Safety Manager, E17	1900496	09/27/2018	12/10/2018	10	10 (posted twice)	4		Internal	
Senior Code Enforcement Specialist, E16	1700297	04/30/2017	05/01/2017	31	27	4		Internal	
Planning Manager, E18	1800577	10/26/2017	11/09/2017	15	8	3		Internal	
Planning Development Coordinator, E16	1800746	05/15/2018	05/22/2018	45	33	3		Internal	
City of Albuquerque Director Planning, E20	2001558	07/01/2019	Continuous (made acting on 07/06/19 and offered 08/27/19). Position was not posted or advertised but there is a document with ten (10) people showing to have applied (Mr. Williams was not on list). Note in file says Mayor's office appointed Mr. Williams, no interview notes or documents exist.					Internal	
Plans Analyst UN	2001551	07/09/2019	07/23/2019	5	5	3		Outside	
Senior Code Enforcement Specialist, E16	1901441	06/18/2019	07/02/2019	22	18	5 (was 7, 2 declined)		Internal	
Principal Engineer, E18	2001619	09/16/2019	09/30/2019	6	5	4 (was 5, one did not answer)		Internal	
Senior Planner, E16	1900331	07/20/2018	08/03/2018	10	5	3		Internal	
Planning Department Coordinator, E16	1600914	05/09/2016	05/23/2016	31	23	8		Outside	
Code Enforcement Supervisor, E17	1500006	02/18/2015	03/04/2015	93	67	4		Internal	
Senior Planner, E16	1901392	05/24/2019	06/10/2019	10	8	2		Internal	
Senior Planner, E16	1901251	04/09/2019	05/14/2019	7	6	4		Internal	
UN Public Information Coordinator		Position was not posted or advertised							Outside
Principal Engineer, E18	1500786	07/29/2015	08/12/2015	8	8	4		Internal	
Public Information Coordinator	10002091	Position was not posted or advertised							Outside

Director		Position was not posted or advertised		Internal
Planning Administrator		Position was not posted or advertised		Outside
Deputy Director, Planning Department, E17	10008718	Position was not posted or advertised		Internal
Associate Director		Position was not posted or advertised		Internal

Highlight indicates that file does have a justification for hire

Note in file states "Mayor's Office advised to Hire {staff members name} – per director, PAF processed".*

Email in file states "Be sure to "document" why only one person was interviewed" from the HR Employment Manager, however no such document exists.

In a three of the files reviewed, a *HR New Hire Checklist* was included. This included prompts for the HR staff to complete that lists: the selected individuals name; the justification memo; the score sheet; references; additional documents; and background release forms and release of liability and felony identification. This form is then signed by the reviewer (the HR staff). This form appears to be a great tool, guiding staff to self-audit and ensure that all required documentation is included, however, it is not used consistently.

Policy and Procedure Review

A review of the City of Albuquerque's (COA) hiring process, policy and procedure was conducted by the investigator. The COA has a central HR department located in City Hall. Policy 100-1, Application Procedures, outlines in the application procedures for initial employment to include the applications requirement, requirements for employment, conditional hires, ineligibility for employment, and applicant qualification; applications for transfer or promotion to include classified positions, applying for an advertised vacancy, qualifications for promotion, employees given placement preference, classified employees who accept unclassified positions and other placements and transfers; application for reinstatement or rehire to include after active military service, reinstatement after layoff, and reinstatement of former employees; and application for reemployment to include the reemployment of sworn police personnel and reemployment of sworn firefighters.

AI No: 7-52 is titled *Hiring procedures for fiscal, information technology, risk management/safety, and human resources positions*. This AI only pertains the above listed departments and does not detail the processes required. This was the only AI that could be located that pertains to hiring practices/processes.

PO-1 detailed during an interview as well as created and forwarded to the investigator an outline of her process of hiring a staff member in the Planning Department:

* Further investigation found that the referenced call may have come from a staff member in the CAO's office.

Hiring Process / Planning Department

The hiring process for the Planning Department consists of the following:

1. Once a position becomes vacant, the Personnel Officer works for the Division Hiring Manager to discuss and determine the needs of their Division and position. The Division Manager reviews the job description, makes changes if necessary, and Personnel Officer creates the requisition in NEOGOV.
2. Any changes to the JD will go to Class & Comp for review and approval, before the requisition is created.
3. Upon approval of the Requisition, the assigned HR Analyst from Central HR, (assigned to the Planning Department) posts the position for 2 weeks, and notifies the department.
4. The Personnel Officer sends the link to the Hiring Manager and the Department's PIO, to post on various social media links.
5. When the position closes in 2 weeks, central HR sends over the referred list of applicants. If only a small number of applicants are received, the posting will remain posted for a longer period of time, as to allow more time for more applicants to apply.
6. Personnel Officer prints all referred apps, and attachments; reviews each application to ensure the applicant meets the minimum requirements of education and experience, as listed on the Job Posting.
7. All paper applications are handed over to the hiring manager, with notations as to those who do/don't meet the minimum qualifications of the position, and provided to the hiring manager for their review.
8. Hiring manager reviews the applications and schedules interviews. Hiring manager provides list of names, dates, times of all being set for an interview, to personnel officer, and recorded in NEOGOV.
9. Hiring manager formulates the interview questions and/or written exercises for the applicants.
10. Interviews are conducted with committee and applicants are scored. Once a decision is made on an applicant by the committee, the hiring manager calls references, reviews COA personnel file at central HR (if applicant's internal); and compiles a hiring packet consisting of the all documents from the interview process, reference checks, acknowledged COA forms signed by applicant, and submits a memo to the Director on their applicant selection.

11. The Personnel Officer submits the background request (external applicants) and upon clearance, Personnel Officer works with Fiscal Manager on FIA. Personnel Officer drafts the justification memo to the wage committee for the Director's review and approval. The full hiring packet is compiled and submitted to via NEOGOV. The request to hire (PAF) for the applicant goes thru the NEOGOV hiring approvers:
 - Department Director
 - Employment Analyst Central HR
 - Budget Analyst
 - Class & Comp
 - HR Director
 - CAO
12. Upon approval in NEOGOV, central HR and Personnel Officer work on hiring details (start date, reporting supervisor, location); central HR creates the offer letter, and emails to the Personnel Officer.
13. Department Personnel Officer discusses the details of the position with the applicant, to include discussing start date, review details of the position, grade, title, step, wage, probation period, parking fees, orientation requirements etc...
14. Personnel Officer files all appropriate documents from the committee and entire hiring process, and sends appropriate notification letters to all applicants via NEOGOV.
15. Central HR archives the posting.

Deputy Director, Human Resources
Meeting held on December 27, 2019

A meeting and documentation review was held with the Deputy Director of the COAHR Department and the OIG. Hereinafter, they will be known as DD.

On March 28 and 29, 2019, HR Coordinator training was conducted in which the HR staff went over the following topics:

- Changes to the current hiring process;
- Workflow and turnaround times for hiring;
- Hiring committee requirements;
- Making changes to job descriptions
- Starting a requisition;
- The job description review process;
- Supplemental questions;
- Changes to department;
- Roles of the HRC and employment analyst;
- New resources available to assist in hiring to include matrix and scoring templates;

- Exit interviews
- Reporting; and
- Compliance.

DD also provided the investigator with the Human Resources Employment Division NEOGOV HR Coordinator Training. The thirty-two page manual, outlines the process of requisition and hire, logging in to NEOGOV, creating a requisition, reviewing the status of requisitions, processing applicants, initiating the hire process, and summer/seasonal hires. The manual included screen shots of these processes in NEOGOV and how-tos. There was no information about the number of candidates to interview, pool size, justification letters, or compensation determination guidelines. This manual is provided to HR Coordinators in each department and included the processes they will perform on behalf of the hiring manager for their respective departments.

In addition, a NEOGOV Recruitment and Selection WorkFlow attachment was provided. Again, this was provided and reviewed at the training. This workflow included all processes required, beginning April 1, 2019, for the hiring process, timelines for how long these should take to occur and who is responsible for each step (attached to this report as exhibit 1).

DD was shown the process that was provided by PO-1 to the OIG. DD reviewed this list and the portion that she noted as being incorrect and out of line of the workflow that was provided by the HRC training were numbers nine (9) and ten (10). DD stated that the hiring manger typically would not formulate the questions for the interviews, nor would they call and complete the reference checks. The reason that this was not best practice is because the hiring manager is not a trained, HR personnel member and the COA needs the HR's expertise to ensure that questions are fair, in align with the job range and that the references are asked the appropriate questions and completed in line with HR policy, law and best practices.

Senior Employment Analyst, Human Resources
Interview Conducted December 31, 2019

An in person interview was held with the Senior Employment Analyst (who will be referred to as SEA in the remainder of this report) in the OIG to review the policies and practices of the hiring process as well as seek clarification on some documentation that was received. This interview was digitally recorded.

During this interview, SEA stated:

- SEA agrees that an audit process needed to occur by COA central HR and states that they have been working on plans to start this.
- SEA stated that the HR staff in each department should be trusted to select the best candidates and eliminate those who do not meet the criteria
- SEA stated that there is not an exact process or number for selecting candidates or selecting those who will be interviewed.

- SEA agreed that possibly a process should exist to scan or collect documents to ensure they are archived properly, possibly a check sheet at the end of the selection process to ensure that all documents are together and stored properly. Documents related to hiring should not stay with the hiring manager and should be returned to the HR staff at that department.
- SEA stated that she is unaware who wrote ‘Mayor’s Office advised to Hire {staff members name} – per director, PAF processed’ on the one file. She stated that they do often get calls to maybe watch for a particular applicant or to ensure the paperwork is entered correctly. SEA stated that the hiring manager should still complete a justification for hire which would support if that candidate was chosen or if they object to that person they could note that as well.
- SEA was shown that of the 22 files reviewed, only five had justification letters. She stated that they should but it may depend on who is completing the packet.
- SEA agrees that the COA needs consistency and transparency to best serve the citizens of Albuquerque.

PO-1, Planning Department
Email response

On December 31, 2019, PO-1 responded via email that she wrote the note ‘Mayor’s Office advised to Hire {Staff members name}– per director, PAF processed’ and that this request came from office of the CAO.

Conclusion

During the course of this documentation review, it was evident that some of the hiring practices used by the Planning Department in recent years may exhibit favoritism or unfair practices. However, absent a solid policy, non-compliance with central HR’s guidance for recruitment and for hiring; process, and consistent logging in and storing of information, the OIG cannot definitively state whether or not any COA policy violations were committed nor can the OIG make a definitive assertion that unfair practices are maliciously taking place.

It is the recommendation of the OIG that the HR Department Central Office develop a consistent process whether it be electronic or paper, to ensure all HR related documents are retained consistently and have an ease of retrieval. This can help the COA with employee promotions, salary increases, discipline, investigations, IPRA requests, legal matters, audits, etc.

In addition, it is recommended that a policy be developed to outline the process for hiring, to include:

1. NEOGOV job posting requirements for when a position is required to be posted and the length of time one must be posted.

2. The selection of candidates to be interviewed, included minimum numbers based on the numbers of applications received.
3. The justification for selection process and summary.
4. Filing of justification and all documents with central HR.
5. Compensation determination.
6. The development of a pool of questions for job selections based on position classification and job/department specific questions requiring HR approval.
7. The inclusion of staff members or HR representatives from other departments on interview panels. The outside person should be selected by Central HR so different individuals are always assisting and complacency is reduced.
8. Central HR shall lead the hiring process and guide the department HR personnel in the hiring process.
9. Central HR to hold the employment functions for the COA to ensure there is appropriate compliance of policies and laws by department HR staff and hiring managers to prevent internal conflicts of interest or perceptions of favoritism.

The OIG was advised that a policy revision was in the process of being developed since November 2019.

Again, this process will assist the COA to ensure that the best candidates are being given the opportunity to interview and be selected, that all hiring decisions are fair and consistent, that pre-selections and favoritism is reduced or eliminated and lastly, to create transparency. The availability of documentation, namely documentation that is thorough and consistent, will aid the COA in staffing decisions, litigation, and employee morale.

Lastly, the inclusion of an HR staff member or equal pay band or higher staff member, from another department, on all hiring panels would help to reduce favoritism in selections and ensure equal opportunities.