



**OFFICE OF INSPECTOR GENERAL**  
*City of Albuquerque*


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Inspector General

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**DATE:** January 7, 2022

**SUBJECT:** AFR Hiring Requirements Waiver

**FILE NO:** 21-0105-C 

**INVESTIGATOR:** M. Santistevan

**STATUS:** Closed

**Informative Case Synopsis**

Pursuant to City Ordinance 2-17-2, the Inspector General's goals are to: (1) Conduct investigations in an efficient, impartial, equitable and objective manner; (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the city's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

On December 27, 2021, the Office of Inspector General "OIG" received five (5) separate complaints alleging "the Fire Administration, by direction of City Administration, has reopened the process for Deputy Fire Chief. We are being told that the requirements set forth in section 200 of the rules and regulations for the City of Albuquerque will not be followed in order to apply for the position of Deputy Fire Chief. There is a process in place for the City to change the rules, however, the City has chosen not to follow appropriate procedures." Upon receiving this complaint, the OIG determined that the allegations did rise to the level of potential fraud, waste or abuse, initiated a case and began a fact-finding investigation.

On December 27, 2021, OIG sought legal counsel opinion on whether or not this matter was within the purview of the OIG. Legal counsel needed some time to look at the Ordinance and on December 30, 2021, Legal counsel advised OIG to request a determination from the Human Resources Director on whether the waiver of requirements for the position of Deputy Fire Chief were appropriate and proper.

On December 28, 2021, the OIG began researching policies to obtain an understanding of the Albuquerque Fire Rescue Hiring/Promotion policies. On December 29, 2021, the OIG initiated a fact-finding interview with the D-1 to obtain background information as to why and how the policy change was being made and what factors were considered when making the change to the policy.

The policy requirements for the Deputy Fire Chief are to have the rank of Captain or Battalion Chief, a bachelor's degree, served at least twenty-four (24) continuous months as a fire commander and be certification as a Battalion Chief to ensure Albuquerque Fire Rescue's (AFR) ability to progress with industry standards. These qualifications were implemented in early 2018 with effective dates as late as January 2020.

During the interview with D-1, OIG inquired about what the qualifications were for a Deputy Fire Chief prior to the temporary change. D-1 stated that the Deputy Fire Chief position is only open to a Battalion Chief or a Captain with AFR, the applicant must have a bachelor's degree as of Jan 2020 and have completed the Commander or Battalion Chief certification course. These qualifications are deemed vital to the role of Deputy Fire Chief to ensure qualified candidates have the knowledge, skills and abilities to operate as a command level officer on a fire ground and at the executive level tasks such as communicating with the media.

At the time of interview, according to D-1, AFR has five (5) Deputy Fire Chief positions available. The Informational memo number 325 issued on December 21, 2021 stated that there were three (3) Deputy Fire Chief positions available. Given the bachelor's degree requirement was implemented in January 2020 and the fact that there has not been sufficient time for AFR employees to obtain a degree due to the pandemic, City administration as well as D-1 determined that a temporary waiver of the education requirements was warranted to obtain a larger applicant pool to fill the five (5) vacated positions. D-1 stated that AFR had received twelve (12) applications but that only ten (10) of those applicants were eligible. D-1 and the City Administration wanted a larger applicant pool so they needed to drop the qualifications to get a larger pool to make sure they were able to capture anybody who wanted to apply due to the last couple of years with the pandemic happening and give them a chance to show their value.

D-1 indicated that the temporary waiver was considered for this hiring selection due to the extenuating circumstances and that future waivers would not be necessary as we get closer to the estimated time period for individuals to have obtained a four-year bachelor's degree and the fact that these positions typically come available during administration changes.

D-1 stated that City Administration has the authority to override any qualification for a non-classified position.

D-1 stated that expanding the time frame for accepting applications was not practical given that these positions needed to be filled and the fact that other positions depended on these positions being filled first. Delays in hiring for the Deputy Fire Chief position would cause further delays throughout the department.

D-1 stated that consideration was not given to allow experience to substitute for education on a more permanent basis in the policy due to the Union stating that there is no way to quantify experience and that it is too subjective.

D-1 stated that all applicants meeting the criteria before the temporary policy changes would be preferred. D-1 stated that he indicated in the letters of interest that degrees and battalion chief certifications are preferred.

D-1 stated that consideration was given to a potential situation if the City selects one applicant over another who meets the criteria under the original policy. D-1 stated that it was considered and that the City will select the applicants for the right reasons. He stated that this was an appointed position and that it was not a union position.

D-1 stated that consideration was not given to changing the policy to allow the selected applicant to obtain the degree by a specified date.

D-1 is confident that in the future all candidates will meet the educational requirements that AFR has been striving for.

Under the waiver, the only qualification is that they have a Captain or Battalion Chief with AFR. D-1 stated that a Captain has a minimum of 9-10 years of experience.

On January 7, 2022, the OIG received a written determination from the Human Resources Director stating that the waiver was appropriate and proper given the facts and circumstances.

Given the determination by the Human Resources Director that the waiver was appropriate, the OIG is closing the complaint.