

200. TESTING AND EXAMINATIONS

Written entrance examinations are used to determine whether an applicant or candidate can demonstrate the required knowledge or skills as a component of meeting the minimum qualifications for a position. A written examination and/or assessment process may be used to assess the fitness and qualifications of applicants or candidates for employment, transfer or promotion. This section will be the sole authority for administering tests and examinations.

201. TYPES OF EXAMINATIONS

The Human Resources Director, in coordination with the department directors, will decide which of the following types of examinations will be used in the selection process.

201.1 Written Examinations

Written examinations may be used to assess knowledge, ability, judgment, aptitude or alertness, insofar as such traits can be measured and are related to the duties of a position.

201.2 Oral Examination

Oral examinations may be used to evaluate training, experience and judgment as well as knowledge, skills and abilities.

201.3 Performance Tests

Performance tests may be used to evaluate the quality, speed, accuracy and other skills needed for typical tasks of a position.

201.4 Physical Agility Test

Tests may be used to measure agility, strength, coordination or general physical fitness.

202. ADMINISTRATION OF EXAMINATIONS

The Human Resources Department will schedule all tests and examinations and will give notice to all potential applicants. Examinations may be postponed, extended or canceled by notifying all persons directly affected and/or by posting notice in an official interoffice memorandum. For each examination, the Human Resources Director in coordination with the department director, as appropriate, will determine

the eligibility criteria and examination procedures.

202.1 Conduct of Examinations

Careful and reasonable measures will be taken to insure fair administration of all tests and examinations. Time limits will be explained. No applicants or candidates may obtain assistance from any other person or any unauthorized reference source during an examination unless such assistance is required as a reasonable accommodation in accordance with the Americans with Disabilities Act. Any applicant who interferes or attempts to interfere with the fair, equitable and orderly conduct of any part of the examination process, as determined by the examination administrator, will be disqualified and removed from the process.

202.2 Number of Tests Allowed

A. City Employees

Employees may take the clerical and typing tests three (3) times in a six (6) month period. After scoring at least 65% on the clerical test, City employees may then take the accounting test three (3) times in a six (6) month period.

B. Non-City Applicants

Outside applicants may take the clerical and typing tests three (3) times in a six (6) month period. After scoring at least 65% on the clerical test, outside applicants may then take the accounting test three (3) times in a six (6) month period.

202.3 Scoring

Prior to testing, the Human Resources Department will establish the scoring method, which may include a percentage score, a pass/fail score or other scoring method.

202.4 Examination/Test Results

Official test scores will be maintained by the Human Resources Department and will be available within ten (10) workdays following the completion of each part of the test procedures, unless other time limits for the reporting of scores has been specified.

202.5 Re-Testing Requirement

Employees who have occupied a position requiring a clerical, typing or accounting test who moved to a position that did not require these tests will be required to re-test in order to qualify for the position for which they are applying. Former employees who are re-hired into a position requiring a specific test must also re-test in order to provide current test scores.

203. POLICE PROMOTIONAL PROCEDURES *(March 28, 2005)*

The purpose of this Regulation is to establish the procedures for:

- A. Promoting to the ranks of sergeant and lieutenant those persons who are best qualified for advancement to such supervisory and management positions as determined by the selection process;
- B. Assuring 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; and
- C. Establishing the procedures and methods for determining placement on a promotional eligibility list.

This section will be the only source of authority for promotion of sworn personnel.

203.1 Preparation and Administration of Promotional Process

The Human Resources Department, with the advice of the Chief of Police, as well as any contracted consultant, if deemed necessary, will develop and administer the promotional process. This process will consist of one or more written examination(s), an assessment center, and a rating of experience/education.

The dates and location 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) days in advance of the administration of the written examination. Any rescheduling or relocation must be announced in a timely manner. Prior to the administration of the written examination, the Human Resources Department, with the advise of the Chief of Police, will announce the number of persons who will progress from the written examination to the assessment center and the final number of persons to be placed on the promotional list.

The number of persons 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 Chief of Police with the advise of Human Resources Department.

203.2 Eligibility to Participate in a Promotional Process

- A. To be eligible to participate in the sergeant's promotional process, non-probationary sworn personnel must have the equivalent of five (5) years of current continuous employment as a full time certified Albuquerque Police Department police officer as of the date of the written examination.
- B. To be eligible to participate in the lieutenant's promotional process, sworn personnel must have the equivalent of eight (8) years of current continuous employment as a full time certified Albuquerque Police Department police officer as of the date of the written examination; three (3) years of which must have been from the date of promotion to the permanent rank of sergeant with the Albuquerque Police Department.
- C. Sworn personnel must not have any sustained disciplinary actions resulting in suspension within the last twelve (12) months, excluding first accident suspension. Any sustained suspension received within two years of the written examination will also be considered and may be a disqualifier at the discretion of the Chief of Police. The date on which the disciplinary infraction occurred will be used in determining ineligibility.

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; if the discipline is upheld, the candidate will be removed from the process. 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 score of 70% or better on the written examination, 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 number of candidates currently involved in appeals. If the appeal is not determined at the time the promotional eligibility list is published, and the candidates combined

score from the written examination and the assessment center totals 70%, the number of candidates placed on the promotional eligibility list will increase according to the number of candidates currently involved in appeals. As appeals are resolved, candidate made ineligible by their disciplinary action being upheld will be removed from the list or demoted to the previously held rank in the promotion has already been processed. The Chief of Police may utilize the rule of three in cases where an appeal is pending.

- D. A committee selected by the Chief of Police consisting of four (4) 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.
- E. Approved leaves 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 resulted in further enhancing the employee's qualifications as determined by the Chief of Police. Such determination should be made prior to an individual embarking on a leave of absence. Sworn personnel are responsible for initiating a request for determination prior to the start of the leave of absence. If a leave of absence is not approved as continuous employment further enhancing the employee's qualifications, the leave period will be deducted from the period of continuous employment.
- F. 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.
- G. Leaves of absence to campaign for public office, 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.

203.3 Participation in the Promotional Process

All eligible sworn personnel who wish to participate in a promotional process must sign a request roster posted in the Police

Personnel Management Division within the time announced. Sworn personnel on approved leave at the time of the

announcement may submit their request by letter to the Chief of Police within the same time period. Persons wishing to participate in the promotional process who are out of town for any reason other than approved military leave when called to active duty in emergencies declared by the Governor or President must appear at the examination site at the designated time. Travel expenses will not be borne by the City. Failure to appear for any part of the scheduled promotional proceedings will result in termination of the candidate's continuation in that promotional process.

203.4 Promotional Process for Sergeant and Lieutenant

The final promotional score will consist of the written examination score, assessment center score, and experience/education rating score. Up to forty (40) points can be obtained for the written examination, up to fifty (50) points for the assessment center, and up to ten (10) points for the experience/education rating.

A. Written Examination

The written examination for each rank will be developed based on measurable knowledge areas identified in the job analysis. Candidates must achieve a minimum score of 70% on the written examination to proceed to the assessment center. The Human Resources Department will announce the number of candidates advancing to the assessment center based on a final score not less than 70% on the written exam as well as the criteria set forth in Section 203.1.

B. Assessment Center

Candidates eligible for the assessment center process will be given information about the assessment center at least ten (10) calendar days before the assessment center begins. The assessment center will consist of various situational exercises designed to measure specific job behaviors and dimensions that have been identified as being required upon entry into the position. Dimension definitions for the assessment center and the associated weights will be published prior to the administration of the written examination. Scoring benchmarks will be designed in such a way that a score of 70% or higher will reflect a level of proficiency sufficient to succeed in the position at entry level.

C. Experience and Education

A candidate's experience/education rating score will determine 10% of the final promotional score. This score will be calculated from an approved resume form submitted by each candidate. The Police Department will verify the information on the resume prior to the assessment center. 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.

The experience rating score for sergeant candidates is .25 points per year for service as a **sworn** Albuquerque Police Department police officer, calculated from the date of graduation from the Academy. Credit is limited to twenty (20) years, for a maximum of five (5) points. No credit will be given for Leave without Pay, exclusive of Family Medical Leave Act, or disciplinary suspensions unless the Chief of Police determines the infraction is not related to fitness for promotion.

The experience rating score for candidates for lieutenant will receive .125 points per year for service as a sworn Albuquerque Police Department police officer, calculated from the date of graduation from the Albuquerque Police Department Academy. Credit is limited to twenty (20) years, for a maximum of 2.5 points. In addition, candidates for lieutenant will receive .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 2.5 points. No credit will be given for Leave without Pay, exclusive of Family Medical Leave Act, or disciplinary suspensions unless the Chief of Police determines the infraction is not related to fitness for promotion.

The education rating score will be a maximum of five (5) points. Persons 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. Persons competing for the position of lieutenant who possess a bachelors degree or higher from an accredited college or university shall receive five (5) education rating points.

203.5 Subject Matter of Promotional Process

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

suggested by the Chief of Police or a designated representative(s). The subject area and, where possible, the source materials for each promotional process will be specified.

The Chief of Police shall designate Police Department personnel to work with the Human Resources Department in the preparation of written test items, assessment center exercises, and/or structured oral interview. The Chief of Police or a designated representative(s) 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.

203.6 Review Process

Key Copy Review

After the written examination, candidates may review a keyed copy of the exam by making one (1) appointment with the Testing and Training Division of the Human Resources Department. The key copy review period will be the challenge process whereby a candidate may protest question(s) on the examination. The review will be held for five (5) workdays beginning on the first workday immediately following the written examination. No questions or answers may be copied during the key copy review. Notes may be taken but not removed from the Human Resources Department unless the test monitor is satisfied that they do not contain the substance of any of the test questions or contain test answers.

All protests will be submitted in writing to the Human Resources Director, or designee, who will review and evaluate all information concerning the challenge. The Director of Human Resources will make the final decision for upholding or denying the protest and will notify the candidate in writing of the decision.

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.

Clerical Review

Candidates may review their answer sheets for accuracy in scoring during a clerical review period. Candidates must make one (1) appointment with the Testing and Training Division of Human Resources Department and review the scoring within five (5) workdays following the official announcement of scores. During the clerical 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 clerical review period.

Following the clerical review period, a list of those candidates eligible to compete in the assessment center process, if applicable, will be posted.

Post Assessment Review

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

203.7 Eligibility List for Promotion

For possible placement on the promotional eligibility list a candidate must achieve a final promotional score of 70% or greater. Candidates who participated in a promotional process but did not attain a final combined promotional score of 70% or greater must retest in a future promotional process to be considered for promotion. A final combined promotional score of 70% does not guarantee automatic placement on the promotional eligibility list.

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. Seniority, as defined in the APD collective bargaining agreement, will be used for list placement only in the event of a tie. 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 70% as well as the criteria set for the in Section 203.1. The promotional list will be a perpetual list from the date of its publication unless the list has been depleted. At that time, the Chief of Police may initiate a new promotional process through the Human Resources Department if deemed necessary.

The Chief of Police will select individuals for promotion to sergeant and lieutenant. In selecting persons for promotion, the

Chief of Police may apply the "rule of three" to the eligibility lists for promotion. 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.

Once the selection has been made, the next rank-ordered name on the promotional list will advance into the top three. The top three (3) candidates will be considered each time a promotion is made, regardless of their final score. Persons 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.

Serious disciplinary infractions, including but not limited to nonfeasance, will be sufficient cause for the Chief of Police to remove a person from a promotional list. In such instance, the removal shall be an element of the imposed discipline.

Sworn personnel on an approved leave of absence without pay will not be promoted until their return to regular duty.

The promotional eligibility list shall be a perpetual list. Promotions will be made from the list until the list of candidates qualified for promotion is exhausted. If a candidate is otherwise eligible, but is temporarily unable to perform the essential functions of the position the candidate may be bypassed until such time as the essential functions can be performed.

The Chief of Police may request a new promotional eligibility list be prepared up to six (6) months prior to the anticipated depletion of an active promotional list. The new list will not be used for promotions until the last qualified person on the active list is promoted. Those individuals remaining on the previous list that are temporarily unable to perform the essential functions will be placed at the top of the new list and considered for promotion as soon as the essential functions, can be performed and a vacancy becomes available.

203.8 Promotion to Police Captain

The Chief of Police will use an evaluation process to select officers from the rank of lieutenant for promotion to captain. 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 Human Resources Director prior to the initiation of the process.

203.9 Promotion to Police Deputy Chief

The Chief of Police will use an evaluation process to select officers from the rank of captain for promotion to deputy chief. 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 Human Resources Director prior to the initiation of the process. The Chief of Police will make selection with concurrence of the Chief Administrative Officer.

203.10 Evaluation of Newly Promoted Sworn Personnel

Promotions are contingent on satisfactory performance during a twelve (12) month **evaluation period**. All newly promoted sworn personnel will be formally evaluated quarterly by their supervisors for the first year. Failure to satisfactorily complete the evaluation period may result in a return to the previous rank within the twelve (12) month period as determined by the Chief of Police.

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

203.11 Assignment Status as Police Deputy Chief (November 21, 2006)

The position of Deputy Chief is not a permanent rank or position under the Merit System Ordinance. Deputy Chiefs are appointed by the Police Chief with the concurrence of the Chief Administrative Officer. A Deputy Chief shall act as second in command to the Police Chief in command of all Commanders, Captains, and subordinates. Any command personnel assigned to a Deputy Chief position will receive Deputy Chief pay.

A Deputy Chief shall be subject to continuous evaluation by the Police Chief during service as a Deputy Chief. If the Police Chief determines that the interests of the Police Department are better served by the removal of a Deputy Chief, the chief may remove the Deputy at any time. Upon removal, a Deputy Chief shall revert to the rank held and the pay received immediately prior to being appointed Deputy Chief. The decision to revert a Deputy Chief will be made by the Police Chief with the concurrence of the Chief Administrative Officer.

204. FIRE DEPARTMENT PROMOTIONAL PROCEDURES (July 1, 2007)

The purpose of this Regulation is to establish the procedures for:

- A. Promoting to the ranks of Driver, Lieutenant, Captain, Fire Commander, Assistant Fire Chief and Deputy Fire Chief those persons who are best qualified for advancement, as determined by the selection process.
- B. Assuring 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.
- C. Establishing the procedures and methods for determining placement on a promotional eligibility list.

This section will be the only source of authority for promotion of sworn personnel.

204.1 Preparation and Administration of Promotional Process

At the request of the Fire Chief or other mayoral designee, the Human Resources Director or designee working with any contracted consultant, if deemed necessary, will authorize the development and administration of the promotional process. This process will consist of a written examination for the ranks of Driver, Lieutenant, and Captain. The promotional process for the rank of Fire Commander shall consist of both a written examination and an assessment center. All promotional lists shall consist of all candidates who have received a final score of 70% or greater.

The dates and location of the administration of the promotional proceedings and identification of the source documents to be used in the development of the written examination will be announced at least ninety (90) days in advance of the administration of the written examination. Any rescheduling or relocation shall be announced in a timely manner.

204.2 Eligibility to Participate in a Promotional Process

- A. The length of service in a rank for promotional examination eligibility must be reached by the date of the examination. In order to be eligible for promotional examination, a Fire

Fighter shall not have refused to upgrade to the next high rank for twelve (12) months prior to the official examination announcement and shall have successfully completed the appropriate core knowledge certification process for each rank.

In the event the examination is rescheduled, eligibility will be determined by the originally announced examination date.

1. Rank of Driver

To be eligible to test for suppression driver, s must have served at least twenty-four (24) continuous months in a non-probationary status and possess a current New Mexico Class E driver's

license and a current City of Albuquerque vehicle equipment operator's permit. Paramedic Fire Fighters must have served at least 5 consecutive years as a paramedic in the Albuquerque Fire Department to be eligible to test for the rank of Suppression Driver.

To be eligible to test for Rescue/Paramedic Driver, Paramedic Fire Fighters must have served at least twenty-four (24) consecutive months at the rank of in a non-probationary status and possess a current New Mexico Class E driver's license, a current City of Albuquerque vehicle equipment operator's permit, and must be currently licensed by the State of New Mexico as an EMT-Paramedic. Suppression Fire Fighters are not eligible to test for the rank of paramedic driver.

a. **Pilot Program:** Due to multiple vacancies at the rank of Rescue Driver, the Albuquerque Fire Department will amend the eligibility requirements for promotions to the rank of Rescue/Paramedic Driver. The pilot program will commence July 1, 2007 and will extend through December 31, 2009. Should the pilot program be successful, the City may agree to extend and / or permanently implement the pilot program.

Under the provisions of the pilot program, to be promoted to the rank of Rescue/Paramedic Driver, a

Fire Fighter must meet the following criteria:

1. The Fire Fighter must be a non-probationary Fire Fighter with the Albuquerque Fire Department who is currently licensed by the State of New Mexico as an EMT-Paramedic.
2. The Fire Fighter must not have received disciplinary action greater than a written reprimand within two years of the promotion. Exceptions to this provision may be granted should the Fire Chief and the Union mutually agree.
3. The Fire Fighter must have successfully completed the Albuquerque Fire Department certification process to drive rescue vehicles.
4. The Fire Fighter must not have refused to temporarily upgrade to the rank of Rescue Driver.
5. Paramedic Fire Fighters who meet the above criteria shall be promoted to the rank of Rescue/Paramedic Driver based on seniority, with the most senior Paramedic Fire Fighter being promoted first. The promotions will continue until all vacancies are filled. As future vacancies occur, Paramedic Fire Fighters will be promoted to the rank of Rescue Driver based on seniority.

2. Rank of Lieutenant

To be eligible to test for the rank of Suppression Lieutenant, Fire Fighters must have served at least twenty-four (24) consecutive months from the date of promotion to the rank of Driver or Rescue/Paramedic Driver. Rescue/Paramedic Drivers must have served at least 5 consecutive years a paramedic in the Albuquerque Fire Department to be eligible to test for the rank of

Suppression Lieutenant.

To be eligible to test for the rank of Rescue/Paramedic Lieutenant, Fire Fighters must have served at least twenty-four (24) consecutive months from the rank of Driver or Rescue/Paramedic Driver and must be currently licensed by the State of New Mexico as an EMT-Paramedic. Suppression drivers are not eligible to test for the rank of Rescue/Paramedic Lieutenant.

Rescue/Paramedic drivers promoted under the provisions of the pilot program must meet the above eligibility requirements; however, a Rescue/Paramedic driver will not be eligible to participate in the promotional process for Rescue/Paramedic Lieutenant prior to completing sixty-four (64) months of consecutive service with the Albuquerque Fire Department.

3. Rank of Captain

To be eligible to test for Captain, Fire Fighters must have served at least twenty-four (24) consecutive months from the date of promotion to the rank of Suppression Lieutenant or Rescue/Paramedic Lieutenant.

4. Rank of Fire Commander

To be eligible to test for Fire Commander, fire fighters must have served at least twenty-four (24) consecutive months from the date of promotion to the rank of Captain.

5. Rank of Assistant or Deputy Fire Chief

To be eligible for promotion to the rank of Assistant Chief or Deputy Fire Chief, fire fighters must have served at least twenty-four (24) consecutive from the date of promotion to the rank of captain or higher.

- B. A Fire Fighter may appear only on one promotional list for any rank, at any one time.

C. Promotional Examinations

1. Promotional examinations will be administered for all testable rank through the rank of Commander at a minimum of once every twenty-four (24) months beginning January 2004. The bi-annual examinations will be given on the same month for each rank, as indicated below unless business necessity dictates otherwise:

January: Level 3, Rescue/Paramedic and Suppression Driver Promotional Examinations

April: Level 4, Rescue/Paramedic and Suppression Lieutenant Promotional Examinations

July: Level 5, Captain Promotional Examination

October: Level 6, Commander Promotional Examination (Written Exam and Assessment Center)

In the event a promotional list is exhausted in less than twelve (120 months, the Chief, at his direction, may request an additional examination at the rank. This may delay the regularly scheduled bi-annual examination. If multiple promotional lists occur at the same rank and in the same division (i.e. Suppression/Paramedic) due to additional examinations, the second promotional list will not become active until the exhaustion/expiration of the first promotional list. The promotional list will expire twenty-four (24) months from the date of activation.

2. Examinations for the ranks of Driver and Lieutenant will be administered for both Suppression Division and Rescue/Paramedic Division simultaneously, on the same date and at the same time. Paramedics taking the Suppression Division examination for the ranks of Driver and Lieutenant, shall only be placed on the Suppression Division list at the appropriate rank, should they qualify, and will be promoted into the Suppression Division only. These Paramedics shall not be laterally mobbed into the Rescue Division prior to the exhaustion/expiration of the Rescue Division promotional list at that rank.

These members shall remain in the Suppression overtime pool and will not be eligible for Rescue Division overtime until they are laterally moved into the Paramedic Division.

- D. Sworn personnel must not have any sustained disciplinary actions resulting in suspension of four (4) shifts or more within the last twelve (12) months, excluding first accident suspension. Any sustained suspension of four (4) shifts or more received within two years of the written examination will also be considered and may be a disqualifier at the discretion of the Fire Chief. The date on which the disciplinary infraction occurred will be used in determining ineligibility.

If a sustained 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. If the discipline is upheld, the candidate will be removed from the process. If the appeal is not determined at the time the list of candidates eligible to participate in the assessment center is published, the candidate will be permitted to proceed to the assessment center. 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. The Fire Chief may utilize the Rule of Three in cases where an appeal is pending.

- E. Approved leaves of absence may be counted as current continuous employment in determining eligibility to participate in promotional proceedings, if the leave resulted in further enhancing the employee's qualifications as determined by the Fire Chief. Such determination should be made prior to an individual embarking on a leave of absence. Sworn personnel are responsible for initiating a request for determination prior to the start of the leave of absence. If a leave of absence is not approved as continuous employment, the leave period will be deducted from the period of continuous employment.
- F. 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.

204.3 Participation in the Promotional Process

Fire fighters must indicate whether or not they wish to take a promotional examination for which they are eligible by signing a roster prior to the examination date. Persons wishing to participate in the promotional process who are out of town for any reason other than approved military leave when called to active duty in emergencies declared by the Governor or President must appear at the examination site at the designated time. Travel expenses will not be borne by the City. Failure to appear for any part of the scheduled promotional proceedings will result in termination of the candidate's continuation in the promotional process.

204.4 Promotional Process for Drivers, Lieutenants, Captains and Fire Commanders

The written examination will be developed based on measurable knowledge areas identified in the job analysis. All candidates taking the written examination for fire commander will proceed to the assessment center.

Assessment center candidates will be given information about the assessment center at least ten (10) calendar days before the assessment center begins. The assessment center will consist of various situational exercises designed to measure specific job behaviors and dimensions that have been identified as being required upon entry into the position. The assessment center and the written examination will be weighted equally. The promotional eligibility list shall consist of all candidates who have received a final promotional score of 70% or greater. For the rank of fire commander, the promotional eligibility list shall consist of all candidates who have received a final combined promotional score of 70% or greater on the written examination and assessment center.

Candidates competing for promotions to the ranks of Captain, Lieutenant, and Driver will be required to take a written examination only. The Captain's written examination consists of 150 items. The Lieutenant's and Driver's written examination consist of 100 items, and Fire Commander's written consists of

100 items. Fire Commanders will be required to take a written exam and an assessment center.

204.5 Subject Matter of Promotional Process

At the request of the Fire Chief, written test items for the promotional examinations through the rank of fire commander will be prepared by, or under the direction of, the Human Resources Department form materials recommended by the Fire Chief and /or his or her designated representative(s) considering information provided by the subject-matter experts. The subject area (s) and, as applicable, the source materials for each promotional process will be specified.

The Fire Chief shall designate Fire Department subject-matter experts and/or consultants to work with the Human Resources Department in the preparation of written test items, assessment center exercises, and/or structured oral interview. The Fire Chief or his or her designated representative(s) 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 Fire Department rules and regulations, practices, procedures, equipment, and training.

204.6 Review Process

Key Copy Review

After the written examination, candidates may review a keyed copy of the exam by making one (1) appointment with the Testing and Training Division of the Human Resources Department. The key copy review period will be the challenge process whereby a candidate may protest question(s) on the examination. The review will be held for five (5) workdays beginning on the first workday immediately following the written examination. No questions or answers may be copied during the key copy review. Notes may be taken but not removed from the Human Resources Department unless the test monitor is satisfied that they do not contain the substance of any of the test questions or test answers.

All protests will be submitted in writing to the Human Resources Director, or designee, who will review and evaluate all information concerning the challenge. The Director of Human Resources, 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.

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.

Clerical Review

If the candidates wish to review their answer sheets for accuracy in scoring during a clerical review period, they must make one (1) appointment with the Testing Division of the Human Resources Department and review the scoring within five (5) workdays following the official announcement of scores. During the clerical 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 clerical review period. Following the clerical review period, a list of those candidates eligible to compete in the assessment center process, if applicable, will be posted.

Post Assessment Review

Candidates may schedule a post-assessment review following the assessment center by making one (1) appointment with the Testing and Training Division of the Human Resources Department.

204.7 Eligibility List for Promotion to Driver, Lieutenant, Captain and Fire Commander

For placement on the promotional eligibility list, a candidate for lieutenant, captain or fire commander must achieve a final promotional score of 70% or greater.

A promotional eligibility list in order of highest-attained scores will be compiled by the Human Resources Department for the rank of driver, lieutenant, captain, and fire commander and will be provided to the Fire Chief. The promotional eligibility list shall be active for a period of two years. Promotions will be made from the list until the list of candidates qualified for promotion is exhausted or the two-year period has expired, whichever comes first.

The Fire Chief may request the development of a new promotional process no less than three months prior to the anticipated depletion of an active promotional list. The new list will not be used for promotions until the last qualified person on the active list is promoted or the list has expired.

Serious disciplinary infractions, including but not limited to nonfeasance, will be sufficient cause for the Fire Chief to remove a person from a promotional list. In such instance, the removal shall

be an element of the imposed discipline.

Sworn personnel on an approved leave of absence without pay will not be promoted until their return to regular duty.

Ties for placement on all lists will be determined using the following sequence:

1. Length of uninterrupted service with the Fire Department;
2. Service with the City of Albuquerque;
3. Lowest A.F.D. employee number.

204.8 Promotional Process for Deputy Fire Chief

The Fire Chief, with the concurrence of the Human Resources Director, will use an evaluation process to select officers for promotion to the ranks of Assistant Chief and Deputy Fire Chief. The Fire Chief will send a memo to the Human Resources Director requesting that the process begin and recommending the specific evaluation process to be used which may include a structured oral interview, a written examination, and/or assessment center. The Fire Chief will represent a recommendation for selection of an Assistant Chief or Deputy Fire Chief to the Chief Administrative Officer.

204.9 Evaluation of Newly Promoted Drivers, Lieutenants, Captains and Fire Commanders

Promotion to the rank of driver, lieutenant, captain, and fire commander is contingent upon satisfactory performance during a six (6) month **evaluation period**. All newly promoted drivers, lieutenants, captains, and fire commanders will be formally evaluated quarterly by their immediate supervisors for the first six (6) months. Failure to satisfactorily complete the evaluation period may result in a return to the previous rank.

After satisfactorily completing the six (6) month evaluation period, such promotions will be considered permanent and subject to the usual performance and disciplinary requirements.

204.10 Assignment Status as Deputy Fire Chief (November 21, 2006)

The position of Deputy Chief is not a permanent rank or position under the Merit System Ordinance. Deputy Chiefs are appointed by the Fire Chief with the concurrence of the Chief Administrative

Officer. A Deputy Chief shall act as second in command to the Fire Chief in command of all Commanders, Captains, and subordinates. Any command personnel assigned to a Deputy Chief position will receive Deputy Chief pay.

A Deputy Chief shall be subject to continuous evaluation by the Fire Chief during service as a Deputy Chief. If the Fire Chief determines that the interests of the Fire Department are better served by the removal of a Deputy Chief, the chief may remove the Deputy at any time. Upon removal, a Deputy Chief shall revert to the rank held and the pay received immediately prior to being appointed Deputy Chief. The decision to revert a Deputy Chief will be made by the Fire Chief with the concurrence of the Chief Administrative Officer.