



ALBUQUERQUE POLICE DEPARTMENT  
ADMINISTRATIVE ORDERS

SOP 3-17

Effective: 01/21/2022

Review: 01/21/2023

Replaces: 12/11/2019

### 3-17 DUTY ASSIGNMENTS AND TRANSFERS

#### Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-1 Uniforms](#)

[3-21 Scheduled and Unscheduled Leave](#)

B. Form(s)

PD 2034 Transfer Request Form

Restricted Duty Status Form

Supervisor's Injury Investigation Report Form

C. Other Resource(s)

Affirmative Action Program

City of Albuquerque Personnel Rules and Regulations (2001)

City of Albuquerque and Albuquerque Police Officers' Association Collective Bargaining Agreement (CBA)

NMSA 1978, Chapter 52, Article 1 Workers' Compensation Act

ROA 1994, Article X Merit System

D. Rescinded Special Order(s)

SO 21-132 Amendment to SOP 3-17 Duty Assignments and Transfers

#### 3-17-1 Purpose

The purpose of this policy is to provide Department personnel with a structured process for duty assignments and transfers.

#### 3-17-2 Policy

It is the policy of the Albuquerque Police Department (Department) to adhere to the processes provided to assign or transfer Department personnel to the various areas within the Department.

#### N/A 3-17-3 Definitions

A. Essential Function

The basic job duties that an employee must be able to perform, with or without reasonable accommodation.

B. Maximum Medical Improvement (MMI)



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Further recovery from or lasting improvement to an injury that can no longer be reasonably anticipated based on reasonable medical probability, consistent with the Workers' Compensation Act.

C. Restricted Duty Assignment

A productive assignment during the period of time sworn personnel are classified as being on restricted duty, which does not exceed restrictions placed on the person by an authorized licensed physician. The assignment shall be determined by Operations Review Section personnel.

D. Restricted Duty Status

The work classification designating those sworn personnel who are on a restricted duty assignment due to a physical and/or mental health condition and/or limitation.

E. Restricted Personnel

1. Sworn personnel who:

- a. Sustained an injury while on-duty or off-duty to the extent that they are restricted from performing all the essential functions of the job;
- b. Have a physical or psychological health condition diagnosed by an Employee Health Center licensed physician, which restricts them from performing the essential functions of the job; or
- c. Are pregnant, therefore, are restricted from performing the essential functions of the job.

**7** 3-17-4 **General Rules and Responsibilities**

A. Chief of Police

1. The Chief of Police retains the right to assign Department personnel to a duty assignment within the Department as based on the needs of the Department.
2. The Chief of Police has assigned the responsibility of overseeing all duty assignments, including vacancies and transfers to the Human Resources Division Administrator.
3. When a vacancy for a sworn position has been announced and no one makes a request to fill the position, the Chief of Police shall be asked to fill the position from among those who meet the minimum qualifications for the position.

B. Affirmative Action Program



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The Human Resources Division Administrator shall maintain a system to monitor actions by Department personnel related to training, promotions, transfers, recruiting, and assignments in order to identify any inequities in the hiring process, consistent with the Affirmative Action Program.

**N/A** C. Union Contracts and Memorandums of Understanding (MOU)

1. Union contracts and/or applicable MOUs control the following:
  - a. Assignment(s) to patrol shifts;
  - b. Change of work hours/days;
  - c. Determination of days off; and
  - d. Seniority.

**7** 3-17-5 **Duty Assignment Vacancies**

A. Vacancies for all duty assignments shall be filled according to the City of Albuquerque's Merit Ordinance System, City Personnel Rules and Regulations, and the employee's current union contract.

B. Department Personnel Circulars

1. Human Resources Division personnel shall:
  - a. Compose and distribute Department personnel circulars to announce the anticipated filling of vacant or newly created assignments for Department personnel. Each circular shall contain:
    - i. The opening date for submitting transfer requests;
    - ii. The closing date, which is ten (10) calendar days from the opening date, or five (5) calendar days after the Albuquerque Police Officers' Association's (APOA) approval;
      1. The Chief of Police retains the right to alter the ten (10) calendar day advertisement for a vacancy.
      2. The Human Resources Division Administrator shall notify the Albuquerque Police Officers' Association (APOA), consistent with the current CBA.
    - iii. Minimum qualifications;
      1. Human Resources Division personnel shall standardize qualifications and shall base qualifications on Department-approved job descriptions.
    - iv. The amount and type of any additional training required following assignment to the position;
    - v. A short synopsis of the essential functions of the position; and
    - vi. The working conditions such as days off, odd shifts, and shift hours, etc.

C. Job Descriptions and Qualifications



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1. Department supervisors shall review job descriptions and qualifications for all positions that are vacant and requesting to be filled. If updates are needed, the supervisor should notify the Operations Review Section Staffing Detective and Human Resources Division personnel of necessary changes.
2. Human Resources Division personnel shall maintain the master copy for each job description that identifies the qualifications and shall post the required assignment training, if any.

D. Selection Committee

1. Composition

- a. The Selection Committee shall be composed of personnel who hold a rank that is equal to or greater than that of the assignment being considered.
  - i. For any non-exempt sworn assignment below the rank of commander, the Selection Committee shall be composed of three (3) to five (5) members.

2. Responsibilities

- a. The Selection Committee shall:
  - i. Develop and administer a test to each qualified applicant;
  - ii. Rank the applicant's answers according to the highest test result; and
  - iii. At the completion of the test, submit the test results to the Human Resources Division.
- b. The Selection Committee may record interviews.
  - i. Human Resources Division personnel shall retain the recordings and the permanent file for three (3) years.
- c. If two (2) candidates are found to be equally qualified for the assignment, the Selection Committee shall select the candidate with seniority.

3. Selection and Ranking of Candidate

- a. A candidate with a passing score of seventy percent (70%) and above shall be listed in rank order according to the test results. This list shall be effective for ninety (90) calendar days from the date of publication with no exceptions.
- b. The Operations Review Section Staffing Detective shall complete the transfer of the selected candidate within the ninety (90) calendar days.
  - i. Command staff shall not prevent the selected candidate from being transferred within the ninety (90) calendar days.
- c. A candidate who does not maintain the original published qualifications shall be automatically removed from the list.
- d. In the event a candidate has qualified for multiple duty assignments, they shall be automatically removed from the remaining lists once transferred to a specialized unit.



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- e. When applicable, a candidate who decides not to accept a transfer shall be removed from the affected list. The transfer shall then be offered to the next qualified candidate.
- f. A member of the chain of command for the new duty assignment shall inform the candidate of their acceptance or rejection.
- g. Human Resources Division personnel shall issue a Department Personnel Order announcing who was accepted for the duty assignment.

**3-17-6 Duty Assignments**

N/A

A. Commander and Lieutenant duty assignments are exempt from time limitations. Their length of assignment shall be conditional and based on the needs of the Department.

B. Trial Period

- 1. All duty assignments for specialized units shall include a one (1) year trial period during which time the employee's performance in the new duty assignment is evaluated by the specialized unit supervisor on a continual basis.
  - a. In the event the employee's performance standards are not met, they shall be reassigned to the Field Services Bureau (FSB).
  - b. Reassignments are ineligible for grievance and may take place at any time during the one (1) year trial period.

C. Temporary Duty (TDY) Assignments

- 1. All sworn personnel are eligible for TDY assignments on an as needed basis.
- 2. The selection of a Department employee to fill a TDY assignment shall be based on the level of skill and knowledge necessary to accomplish the goals and objectives of the duty assignment.
- 3. The length of a TDY assignment shall not exceed the time limits outlined in the Department employee's current union contract. The immediate supervisor of the TDY assignment shall review the assignment on a weekly basis to determine whether it should be continued and/or be made into a permanent position.
- 4. An area commander/division head shall have the discretion to determine the manner in which personnel are selected to fill a TDY assignment.
- 5. All TDY assignments shall be approved through the chain of command on a Department Interoffice Memorandum.
  - a. The requestor's direct supervisor shall upload the approved Department Interoffice Memorandum in the TDY area of the Department's SharePoint site.

D. Restricted Duty Assignment and Restricted Personnel



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1. The Department reserves the right to deny a restricted duty assignment for non-duty-related injuries, physical or mental health conditions diagnosed by an Employee Health Center licensed physician, which restricts sworn personnel from performing the essential functions of the assignment.
2. An officer's duty status may be restricted as determined by an authorized licensed medical professional. When such a determination has been made, the officer shall notify their direct supervisor, the Operations Review Section Staffing Detective, and the Department Human Resources Administrator as follows:
  - a. By the end of their shift, if the restriction is placed during their regular shift; and
  - b. Prior to the beginning of their next scheduled shift, if the restriction is placed outside of their regular shift.
3. Upon being notified of the restriction, the officer's direct supervisor shall notify the Operations Review Section Staffing Detective of their employee's restriction.
4. If the officer requires a follow-up appointment, the procedures outlined in this Standard Operating Procedure (SOP) shall be completed after each follow-up.
5. The Operations Review Section Staffing Detective, the Department Human Resources Administrator, and the Office of the Chief shall place the officer on a restricted duty temporary assignment for reasons that may include, but are not limited to:
  - a. A reasonable accommodation;
  - b. For a medical condition;
  - c. Pregnancy; or
  - d. Injured light duty (ILD).
6. Sworn personnel shall submit the physician's documentation of restrictions to their supervisor by the end of that day, if it is a regular business day, or by the end of the next regular business day to ensure accuracy.
7. The supervisor's Injury Investigation Report Form and any related documents shall be immediately forwarded through the chain of command up to the respective bureau head and to the Human Resources Division Administrator.
8. Sworn personnel placed on restricted duty status that requires them to miss or reschedule either a firearms qualification, or physical wellness assessment, or Maintenance of Effort (MOE) training shall forward a copy of the medical documentation to the Academy Division Commander.



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9. To ensure all sworn personnel are treated fairly and consistently with regard to confidentiality and the individual circumstances of each case, every restriction shall be reported to the Human Resources Division Administrator.
  - a. The restricted officer's supervisor shall be responsible for reporting the restriction to the Human Resources Division Administrator by the end of that day, if it is a regular business day, or by the end of the next regular business day.
10. The restricted officer's supervisor shall direct sworn personnel to report to Operations Review Section personnel who shall assign sworn personnel a job while being in a restricted duty status. Sworn personnel shall bring all pertinent paperwork with them.
  - a. Under no circumstances shall sworn personnel with medical restrictions be allowed to report to work for any assignment, unless such an assignment has been made or approved by Operations Review Section personnel prior to the work being performed.
  - b. Based on the restrictions, Operations Review Section personnel shall ensure that the particular facts and circumstances of each individual sworn personnel are evaluated to determine the appropriate assignment and the duration of such an assignment.
  - c. Sworn personnel work hours and assignments shall be determined by Operations Review Section personnel and shall be consistent with the work hours and days off of the division, section, or unit to which personnel are assigned.
11. After each Employee Health Center or licensed physician appointment, the Human Resources Division Administrator shall review the medical status of sworn personnel. The assignment can be extended with proper documentation from the officer's medical provider. Each case shall be reviewed and evaluated on a case-by-case basis.
  - a. The Department reserves the right to request when MMI shall be attained from the Employee Health Center.
12. Restricted duty assignments for sworn personnel who injured while on-duty shall take precedence over sworn personnel who are injured while off-duty.
13. Restricted Duty Status Limitations
  - a. Sworn personnel shall:
    - i. For an employee whose assignment qualifies for hazardous duty pay, receive such pay for no more than forty-five (45) days after being placed in a restricted duty assignment;



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N/A

- ii. Comply with policies regarding range qualification and training, and the carrying of firearms;
  - iii. Only carry their firearm or badge in a concealed fashion, consistent with SOP Uniforms (refer to SOP Uniforms for sanction classifications and additional duties);
  - iv. Obtain the authorization to carry a firearm while in a restricted duty status from their Bureau Deputy Chief;
  - v. Receive shift differential pay for no more than forty-five (45) days when the restricted duty assignment necessitates a change from a swing/graveyard shift to dayshift;
  - vi. Immediately make arrangements with Operations Review Section personnel to turn in their marked police vehicle. Assignment of an unmarked vehicle shall be determined by Operations Review Section personnel and is dependent upon availability; and
  - vii. Sign a Restricted Duty Status form.
- b. Sworn personnel may be restricted from working any outside employment, as determined by the Chief of Police.
- c. Sworn personnel shall not:
- i. Be permitted to sign-up for or work Chief's Overtime (COT);
  - ii. Wear their duty uniform but shall dress in appropriate attire based on their assigned unit's Standard Operating Procedures (SOP);
  - iii. Be allowed to participate in the Department physical fitness assessment any other sanctioned activity which conflicts with the medical reason for which the employee is on restricted duty;
  - iv. Be assigned to hazardous duty positions; or
  - v. Display or present their badge or gun while on-duty or off-duty unless it is a deadly force situation that requires immediate action.

N/A

E. Return to Full-Duty Status from Restricted Duty Status

1. Sworn personnel who have been released by the Employee Health Center and the City of Albuquerque from their restricted duty status shall:
  - a. Notify Operations Review Section personnel and Human Resources Division personnel; and
  - b. Return to their original assignment.

F. Off-Duty Injury

N/A

1. Sworn personnel who are injured while off-duty shall comply with SOP Scheduled and Unscheduled Leave (refer to SOP Scheduled and Unscheduled Leave for sanction classifications and additional duties).
2. Sworn personnel who are placed on a restricted duty status due to an off-duty injury shall provide documentation from their medical provider indicating they are capable of returning to full-duty status and shall be required to obtain clearance for full-duty status through the Employee Health Center prior to returning to work.



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G. FSB Bid for Sworn Personnel on Non-full duty Status

1. In order to participate in the FSB bid, sworn personnel who are on non-full duty status shall be able to return to full-duty status on or before thirty (30) calendar days after the bid takes effect.
2. If sworn personnel were permitted to bid, but are then unable to return to full-duty status within thirty (30) calendar days after the bid takes effect, the affected personnel shall lose their right to the assignment they bid for and shall be subject to assignment by their Bureau Deputy Chief upon return to full-duty.
3. The FSB Deputy Chief shall have the discretion to place sworn personnel who cannot, or do not comply with the subsections in this SOP once they return to full-duty status.

**7** 3-17-7 **Transfers**

A. Human Resources Division personnel shall:

1. Be responsible for the coordination and maintenance of all circulars and Transfer Request Forms, as necessary, for use by the Chief of Police and the Affirmative Action Program Coordinator; and
  - a. Human Resources Division personnel shall place the originals in a file to be retained for three (3) years after the Selection Committee has made a decision.
2. Send completed transfer requests to the Recruiting Unit to determine a candidate's eligibility based on the circular requirements.
  - a. The finalized list shall be forwarded to the affected division lieutenant to assist with the testing process.

**6** B. Notification to the Human Resources Division

1. All transfers within area commands and divisions that affect duty assignments, days off, and/or specialty pay shall be consistent with the employee's current union contract. This does not relieve personnel of their responsibility to notify Human Resources Division personnel when they are receiving pay to which they are not entitled.
2. Department personnel who want to apply for an announced assignment shall submit a completed copy of the Transfer Request Form and/or any other requested documentation to the Human Resources Division. The original request shall be submitted through the applicant's chain of command.



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a. When completing the Transfer Request Form, the employee shall address each of the qualifications required and may submit any additional relevant information in the space provided.

3. Information about the number or identification of applicants for a particular assignment is considered confidential and not for general publication. The affected commander, however, shall be given access to this particular information.

a. Seniority does not apply to transfers back to FSB in between bids. Available openings are based on the needs of the Department at the time of the transfer.

**N/A** C. Seniority Bidding Transfers

The process outlined in this SOP shall not apply to transfers made by seniority bidding.

**N/A** D. Hardship Transfers

The process outlined in this SOP does not apply when severe hardship, injury, disability, or humanitarian reasons require consideration in specific cases.