



DEPARTMENT OF PUBLIC SAFETY POLICIES & PROCEDURES



Subject: Promotional Standards		Policy Number: PRS: 03
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1) PURPOSE

- a) To establish fair and consistent promotional standards for DPS commissioned personnel seeking promotion to sergeant, lieutenant, and captain ranks.

2) POLICY

- a) To prepare its employees for advancement within the criteria and requirements. This includes qualifications for consideration and other expectations required for promotion. The Chief of the State Police has the role of designating a bureau/division of their choosing to organize and administer all promotional testing for commissioned personnel. All promotions in the New Mexico State Police to the rank of sergeant shall be made after written exams. All promotions above the rank of sergeant shall be made by the Chief after concurrence and approval by the Secretary. The ranks of sergeant, lieutenant, and captain shall be permanent unless established as an exempt rank by the Chief with the concurrence of the Secretary, and those persons shall serve at the pleasure of the Chief with the concurrence of the Secretary per NMSA 29-2-10.

3) APPLICABILITY

- a) This policy applies to all commissioned State Police personnel of the New Mexico Department of Public Safety.

4) REFERENCES

- a) CHAPTER 29, ARTICLE 2, 1978 Annotated, State Police
- b) New Mexico Department of Public Safety Training Center Reference Guide, Fifth Edition
- c) NMAC 10.5.200.8 – Personnel



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5) DEFINITIONS

- a) **Assessment Center** – Exercises may include but are not limited to, tabletop, in-basket, role-play scenarios, written exercises, personnel issue exercises, other relevant exercises, and oral interviews. These exercises and discussion processes measure candidates' problem-solving, decision-making, general skills, knowledge, and abilities related to supervisory position responsibilities.
- b) **Cabinet Secretary** – Secretary of the Department of Public Safety.
- c) **DPS** – Department of Public Safety.
- d) **Eligibility** – A candidate for promotion to sergeant, lieutenant, captain, and above must meet the criteria associated with that level of promotion. This information is outlined in the policy section specific to that promotion level.
- e) **Evaluations** – The last two (2) annual evaluations prepared by the employee's immediate supervisor. The evaluations must cover the two (2) full years before their previous anniversary date. **Example: The last anniversary date is January 15, 2016; the submitted evaluations must cover January 2014 to January 2015 and January 2015 to January 2016.**
 - i) The last two (2) annual evaluations will be considered for the sergeant's Promotional Process. The written exam date will determine a cut-off date for the last two (2) evaluations. Evaluations must be submitted by the established deadlines.
 - ii) The last two (2) annual evaluations will be considered for the Lieutenant's Promotional Process. The commencement date of the assessment center will be used to determine a cut-off date for the last two (2) evaluations. Evaluations must be submitted by the established deadlines.
 - iii) For the Captain's Promotional Process, the last two (2) annual evaluations will be considered.
- f) **One-half** – Any fraction of a number greater than one-half (1/2) will be rounded up to the nearest whole number for advancement to the assessment center.
- g) **Method of Three** – Method by which the Chief can promote any of the running top three (3) candidates on the final sergeant's list.
- h) **Promotional Process Director** – The Chief's designee manages the creation and administration of each phase of the promotional process.
- i) **Supervisory Positions** – Rank of Sergeant, Lieutenant, and Captain.



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- j) **Test Administrator** – The Promotional Process Director’s designee or any outside vendor who manages the creation and administration of specific portions of the promotional process.
- k) **Competitive Process** – A process conducted by a specific bureau/section to select qualified personnel.

6) GENERAL OPERATIONAL PROCEDURES

- a) All promotions and promotional processes are at the Chief’s discretion.
- b) The Chief, or the Promotional Process Director, has the authority and responsibility for administering the agency’s role in the promotional process for commissioned personnel.
- c) The Promotional Process Director will select a Test Administrator(s) or an outside vendor to organize and create the written exam and assessment center.
 - i) For written exams and test centers run by NMSP, the Test Administrator(s) will select exam proctors and assessors to participate in each portion of the process. Proctors and assessors must agree to and sign a confidentiality agreement.
 - (1) The agreement will state the importance of not disclosing any portion of the process, including written exam questions and answers, assessment center scenarios, scoring standards, the identity of competitors, the performance of competitors, and the results of the test.
 - ii) If an outside vendor creates and manages the process, the vendor will handle confidentiality.
- d) The sergeant's written exam will be administered annually unless otherwise authorized by the Chief.
- e) The date of the captain and lieutenant selection processes will be announced at the discretion of the Chief.
- f) The department will provide candidates with a written announcement of all forthcoming promotional processes. If an outside vendor creates and manages the promotional process, a directive will be sent out to all candidates with guidelines for that process. Such announcements will precede the actual promotional process and will include, at a minimum, the following information:
 - i) A schedule of dates, times, and locations of all process phases.
 - ii) A description of eligibility requirements.



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- iii) A description of the selection process.
- g) Candidates must meet the eligibility requirements for each rank. Before the testing process or promotion, the following criteria must be complied with:
 - i) Any candidate for promotion who has served a suspension of forty (40) hours or greater within one (1) year preceding the commencement date of the promotional process will not be eligible to participate in the promotional process unless the employee's discipline is pending appeal, in which case the facts and circumstances that formed the basis for the discipline will be considered. The weight to be given to these circumstances will be at the sole discretion of the Chief.
 - ii) Any candidate placed on the final promotional list and informed that they are the target of an administrative investigation may, at the discretion of the Chief, only be eligible for promotion once the final determination of that administrative investigation is complete. The following will apply in this circumstance:
 - (1) The candidate will remain on the list in the numerical order in which they were placed. The candidate will be placed in an "inactive status" until the Chief determines the administrative investigation.
 - (2) The Chief has the authority to promote candidates from the final list who rank below a candidate in an "inactive status" after considering the basis for which the employee was placed on an administrative investigation. The weight to be given to these circumstances will be at the sole discretion of the Chief.
 - (3) If the candidate receives a suspension of forty (40) hours or greater because of an administrative investigation, the candidate will be removed from the final list.
 - (4) If the administrative investigation results in no disciplinary action or disciplinary action, including a suspension of less than forty (40) work hours, the candidate will become "active" on the list and be eligible for promotion. If the candidate was passed over while on "inactive status," the candidate will be placed at the top of the list.



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- iii) Reinstated officers wishing to participate in a promotional process must meet the requirements described in Department Policy *PRS: 01 State Police Reinstatement* before participation.
- iv) All documentation used or created to conduct a promotional process will be stored by the Standards Bureau in a secure location.
- h) The Chief, or the Promotional Process Director, will ensure that promotional processes evaluate candidates utilizing job-related and non-discriminatory criteria.
- i) The promotional process uses various techniques to measure, at a minimum, the following job-related skill dimensions, which are necessary for supervisory positions:
 - i) **Oral Communication:** Effectiveness of expression in individual and group situations (including gestures and non-verbal communication.)
 - ii) **Written Communication:** Effectiveness of expression in writing.
 - iii) **Interpersonal Skills and Insight:** Perceiving and reacting to the needs of others. Objectivity in perceiving the impact of self on others.
 - iv) **Problem Solving/Analysis:** Skill in identifying problems, ascertaining relevant information, and identifying possible causes of problems.
 - v) **Judgment:** Ability to develop alternative solutions to problems, evaluate courses of action, and reach logical and practical decisions.
 - vi) **Decisiveness:** Readiness to make decisions, render judgment, act, or commit oneself.
 - vii) **Planning and Organization:** Ability to efficiently establish an appropriate course of action for self or others to accomplish a specific goal, make proper personnel assignments, and appropriately use resources.
 - viii) **Delegation:** Effective use of subordinates to accomplish assignments and tasks; establishing procedures for monitoring and regulating activities of subordinates.
- j) Assessment Centers in a Promotional Process
 - i) Assessment centers use techniques designed to elicit information to evaluate the dimensions, attributes, or qualities previously determined as the criteria.
 - ii) The assessment center may use multiple assessors in an assessment.
 - iii) The assessment center exercises will have been pre-tested before use to ensure that the techniques provide reliable, objective, and relevant information.



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- iv) All exercises will be job-related and non-discriminatory.
- v) All judgments regarding a candidate's performance in the assessment center are based on observations made by assessors during the performance.
 - (1) These observations shall be gathered by assessors and documented on the provided forms.
- vi) The documented information will be collected to determine the final scores.
- vii) The Testing Administrator(s), upon request, will provide the candidate with information regarding the assessors' dimensions, ratings, and recommendations.
- k) For any promotional process that results in the creation of a posted promotional list, candidates will be provided with the results of each phase of the promotional process after each testing phase. Candidate reviews, appeals, objections, or questions regarding any portion of the promotional process shall be directed in writing to the Test Administrator(s) of that phase within forty-eight (48) hours of the issuance of scores for that portion.
- l) The Test Administrator(s) will respond to the candidate within seventy-two (72) hours of receipt of written questions or objections. When the designated bureau/division responds, candidates may appeal to the Promotional Process Director within twenty-four (24) hours of the Test Administrator's response. The Promotional Process Director will respond to the candidate within twenty-four (24) hours with a final decision.
- m) All candidates competing for promotion will do so with a clear understanding that promotions made from the final promotional list will be made to locations and assignments that suit the needs of the department.
- n) The Chief or designee will contact each candidate before promotion via telephone or in person to discuss the promotion with the applicant.
- o) In any promotional process, if no candidate accepts a particular position, filling that position will be at the Chief's discretion.
- p) All promotional materials shall be securely maintained to uphold the confidentiality of the process.
- q) The department does not allow candidates to reapply for participation in the current promotional process. The candidate will again become eligible for participation in the following process.



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- r) The DPS Cabinet Secretary ratifies all promotions above the rank of sergeant as submitted by the Chief.
- s) Any newly promoted sergeant, lieutenant, or captain shall be required to complete a probationary period of one (1) year from the date of the promotion. This probationary period may be extended at the discretion of the Chief.

7) PROMOTION TO SERGEANT

- a) Eligibility
 - i) To be considered for promotion to sergeant, a candidate must have at least five (5) years of satisfactory service as a certified and commissioned officer with DPS and have complied with Job Specification requirements.
 - ii) The eligibility cut-off date will be the written exam date.
 - iii) The Test Administrator(s) shall ensure that all candidates are eligible to participate in the testing process before the test date.
- b) Written Test Procedures
 - i) The written exam will weigh twenty (20) percent. The procedure for administering the written exam is as follows:
 - (1) The Test Administrator(s) creates and administers all written tests for the sergeant position.
 - (2) The written exam will be validated by officers currently holding the rank of sergeant, the EEO officer, and the Office of Legal Affairs.
 - (3) All written tests administered are job-related to the supervisory position and comprise content described in the testing announcement.
 - (4) All candidates testing for the same position will receive the same test simultaneously unless they receive an exception due to unforeseen circumstances as determined by the Chief or Promotional Process Director.
 - (5) A notice of written test date and location will be sent to all candidates.
 - (6) Candidates will take the written exam per the directions provided by the proctor.
 - (a) The proctor will provide each candidate with a copy of the written exam and score sheet.



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- (b) Once completed, the candidate will return the written exam and score sheet to the proctor before being dismissed from the testing facility.
 - (c) Other materials may only be removed from the testing facility if authorized by the exam proctor.
 - (7) The Test Administrator(s) shall compile and grade all score sheets from the written test.
 - (8) The Chief will be notified of the written exam scores.
 - (9) All candidates who participated in the exam will be notified of their scores. The candidates with a written exam score of 70% or greater will proceed to the assessment center.
 - (10) The Test Administrator(s) shall compile a list of eligible candidates to participate in the assessment center phase of the process. This list will be provided to the candidates.
 - (11) Any questions on the written exam that are reviewed at the request of a candidate and found invalid by the Test Administrator(s) will be removed from the exam. The exams will be re-scored based on the remaining exam questions, and the new results for each candidate will be provided. Points will only be awarded for correct answers to the remaining questions. Candidates will not receive credit for any of the removed questions that may have been correctly answered.
- c) Evaluations
- i) The two annual evaluations will be given a weight of 10% each for evaluations that provide a rating of “acceptable” or “meets standards,” equaling 20%. Percentage points will not be given for an evaluation that is “Substandard” or “Needs Improvement.”
- d) Seniority
- i) Seniority (the number of years of satisfactory service) will carry a weight of twenty (20) percent. Seniority is calculated by providing each candidate fifteen (15) percentage points for the first five (5) years of satisfactory service plus one-half ($\frac{1}{2}$) percentage points for each year after that, for a maximum of twenty (20) percentage points for fifteen (15) years of service. The date of the written exam will be the date of seniority cut-off. Only years completed by the date on which the first phase of the promotional process is scheduled to be



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administered will count toward seniority. (Months will not be included.)

- e) The Assessment Center
 - i) The assessment center will weigh forty (40) percent.
 - ii) The Chief, or the Promotional Process Director, organizes and administers the promotional process/assessment center.
 - iii) Chosen assessors will meet and develop the assessment techniques for the promotional process. Assessors will ensure the use of multiple assessment techniques, which demonstrate job-relatedness by pre-testing to ensure objective, non-discriminatory, relevant information for the position.
 - iv) Current supervisors shall be used during the final developmental phase of the assessment to validate the job-relatedness.
 - v) The assessors will document all observations and scores.
 - vi) All final judgments will be based on calculated results from assessors.
 - vii) The Chief will be notified of the assessment center scores.
 - viii) All candidates participating in the assessment center will be notified of their scores.
- f) Bonus Points for Degrees
 - i) Candidates will receive one (1) bonus point for an Associate's Degree, or two (2) points for a Bachelor's Degree, or three (3) points for a Master's Degree from an accredited organization recognized by the Council for Higher Education. After completing the assessment center, these bonus points will be added to a candidate's final score. All school transcripts or a copy of the degree must be provided **before or no later than the day** of their assessment center.
 - ii) Candidates participating in any promotional process are **strictly prohibited** from bringing cell phones or any other recording device. If a candidate is found to have one of these prohibited devices in their possession during the promotional process, the candidate may receive sanctions such as disqualification from the process.
- g) Summary for Sergeant Promotion:
 - i) The criteria and weights for the Sergeant Promotional Process are Written Exam - twenty (20) percent, Evaluation – twenty (20) percent, Seniority – twenty (20) percent, and Assessment Center – forty (40) percent.



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- ii) Eligible candidates will take a written exam at a time and location designated by the Chief or the Chief's designee. The candidate is also responsible for obtaining and submitting their last two annual evaluations by the established deadlines.
 - iii) The State Police Chief or the Chief's designee will assign monitors for each testing location. These monitors will score the test in their assigned areas, post the scores, and forward the scores to the Test Administrator(s).
 - iv) A list of written exam scores will be established by the Test Administrator(s). The top 30 candidates with a 70% or greater score will move on to the assessment center phase. All candidates at the cut-off percentage that have a tie score will move on to the assessment center. Example: If the 30th ranked candidate has a score of 72%, all candidates tied at 72% will move on to the assessment center.
 - v) Evaluation and seniority scores will be tabulated by the Test Administrator(s).
 - vi) Promotional Process Director or designee will assign personnel to evaluate the candidate's performance in the assessment center.
 - vii) The Test Administrator(s) will combine all scores and establish a ranked list of the top 20 candidates that make the Sergeant Promotional List (Sergeant List) and forward it to the Chief.
- h) Promotions
- i) The Sergeant List will be effective until the date of the next Sergeant's written exam.
 - ii) The Chief will promote candidates from the Sergeant List to Uniform Bureau positions, applying the Method of Three (3) at their discretion. However, a candidate will not be passed over more than twice unless said candidate has received disciplinary action resulting in a suspension of forty (40) hours or greater while on the Final Promotion List.
 - iii) If a candidate makes the Sergeant List, the candidate will be eligible to compete for sergeant positions in specialized units through a competitive process. Refer to *PRS: 24 State Police Transfer Policy* for more information on specialized units and the competitive process.



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- iv) If an officer declines a promotion to the rank of sergeant twice, the Chief may use their discretion whether to offer any further sergeant positions to the officer for the duration of the promotional list.
- v) The remaining candidates who made the assessment center but did not make the final sergeant list may be placed on a Supplemental Sergeant List at the discretion of the Chief, which will only be published for the needs of the department.
- vi) The Chief has the discretion to appoint someone from the Supplemental Sergeant List if everyone on the Sergeant List declines that position.
- i) Reasonable Accommodations
 - i) If conflicts arise with an out-of-state assignment, the department will reasonably try to accommodate the prospective candidate for promotional testing.
 - ii) Reasonable accommodations shall maintain the testing process' integrity, remaining fair to all candidates.
 - iii) Officers on leave during assessments are not guaranteed any accommodation.
 - iv) When using an outside vendor, accommodation will only be granted if the vendor can support the accommodations.

8) PROMOTION TO LIEUTENANT

- a) General
 - i) The Chief has the discretion to appoint someone to the rank of lieutenant, commence a promotional process with only interviews, or commence a promotional testing process.
 - ii) A testing process may consist of, but is not limited to, a written exam and assessment center.
 - iii) An interview or testing process may be conducted internally or by a private vendor.
 - iv) If there is a conflict with an interview or testing process due to unforeseen circumstances, such as out-of-state assignments, the department will reasonably try to accommodate the prospective candidate for promotional testing.
 - v) When there is a testing process, reasonable accommodations shall maintain the testing process' integrity, remaining fair to all candidates.



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- vi) When there is a testing process, candidates on leave during the written exam and assessment center are not guaranteed accommodation.
 - vii) When using an outside vendor for interviews or a testing process, accommodation will only be granted if the vendor can support the accommodation.
 - viii) At the conclusion of a testing process, scores will be combined to create the Lieutenant Promotional List (Lieutenant List).
- b) Eligibility:
- i) To be considered for promotion to lieutenant, candidates must have the First-Line Supervisor certification from the New Mexico Law Enforcement Academy. To get the certificate, a candidate must have completed two (2) years of satisfactory service at the rank of sergeant and five hundred (500) cumulative hours of advanced training, including forty (40) hours of a New Mexico Law Enforcement Academy (LEA) accredited First-Line Supervisor (FLS) course.
 - ii) To participate, the candidate must prove that they have attended an LEA-accredited FLS course. FLS certification criteria and guidelines are on the New Mexico Law Enforcement Academy website.
- c) All lieutenant positions are competitive, unless deemed otherwise by the Chief.
- i) Any candidate on the Lieutenant List may participate in the competitive process for a specific lieutenant position. Refer to *PRS: 24 State Police Transfer Policy* for more information on the competitive process.
- d) If an outside vendor is used to manage the testing process, the vendor may use its grading criteria and create the Lieutenant List.
- e) NMSP Promotional Testing Process
- i) When NMSP conducts a written test and an assessment center instead of using an outside vendor, it will be conducted using the same general procedures as the sergeant's promotional process.
 - ii) Grading criteria for the NMSP testing process with a written exam and assessment center.
 - (1) The assessment center process will weigh sixty (60) percent.
 - (2) The written exam process will weigh twenty (20) percent.
 - (3) Seniority will carry a weight of up to twenty (20) percent.



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- iii) Seniority - For promotion to the rank of lieutenant, seniority points for time as a sergeant will commence the day of promotion to Sergeant.
 - (1) Seniority for a time as a sergeant will receive fifteen (15) percentage points for the first two (2) years of satisfactory service plus one-half ($\frac{1}{2}$) percentage points for each year after that, for a maximum of twenty (20) percentage points.
- iv) Candidates will receive one (1) bonus point for an Associate's Degree, or two (2) points for a Bachelor's Degree, or three (3) points for a Master's Degree from an accredited organization recognized by the Council on Higher Education. After completing the written test and assessment center, these bonus points will be added to a candidate's final score.
- v) The Lieutenant's Promotional List (Lieutenant List) will be created from the written exam and/or assessment center.
 - (1) This list will be alphabetical.
 - (2) The Lieutenant List will be effective until the date of the following testing process.
- f) Those promoted to the rank of lieutenant or above will no longer be eligible to remain a member or become a member of any department specialty team.

9) PROMOTION TO CAPTAIN

- a) General
 - i) All promotions made to the rank of captain from eligible employees are at the discretion of the Chief after the concurrence and approval of the DPS Cabinet Secretary.
 - ii) The Chief has the discretion to appoint someone to the rank of captain, commence a promotional process with only interviews, or commence a promotional testing process.
 - iii) A testing process may consist of, but is not limited to, a written exam and assessment center.
 - iv) An interview or testing process may be conducted internally or by a private vendor.
 - v) If there is a conflict with an interview or testing process due to exceptional circumstances, such as out-of-state assignments, the department will reasonably try to accommodate the prospective candidate for promotional testing.



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- vi) When there is a testing process, reasonable accommodations shall maintain the testing process' integrity, remaining fair to all candidates.
 - vii) When there is a testing process, candidates on leave during the written exam and assessment center are not guaranteed accommodation.
 - viii) When using an outside vendor for interviews or a testing process, accommodation will only be granted if the vendor can support the accommodation.
- b) Eligibility:
- i) Candidates are expected to continue their education to improve their abilities. Upon the Chief's request, candidates must show proof of the required advanced training requirements.
 - ii) To be considered for promotion to captain, candidates must have sixty (60) college credit hours from an accredited organization recognized by the Council on Higher Education.
 - iii) Candidates will also be required to meet the following criteria: two (2) years of satisfactory service at the rank of lieutenant; compliance with Job Specification requirements; seven hundred (700) cumulative hours of advanced training, including one hundred (100) hours of supervisory management training and formal education; and Command certification from the LEA. Advanced certification criteria and guidelines can be located on the LEA website. The department will pay the certification fee if candidates are in good standing.
- c) NMSP Promotional Testing Process
- i) When NMSP conducts a written test and an assessment center instead of using an outside vendor, it will be conducted using the same general procedures as the lieutenant's promotional process.

10) PROMOTION TO MAJOR OR ABOVE

- a) Promotions to major or above, excluding the rank of Chief, are exempt promotions made at the Chief's discretion after concurrence and approval by the Secretary.
- b) To be considered for promotion to the rank of major or above, candidates must have sixty (60) college credit hours from an accredited organization recognized by the Council on Higher Education.

11) STORAGE AND RETENTION OF INFORMATION/RECORDS



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- a) The following information and documentation gathered and generated during the processes will be submitted to the Standards Bureau, stored in digital format, and maintained for four (4) years.
 - i) If an outside vendor manages and administers the promotional process, the vendor will maintain the storage and retention of the information/records and are subject to their policies, procedures, rules, and regulations.
- b) Documents that may be provided or completed by the employee include, but are not limited to:
 - i) Resumes
 - ii) Employee Evaluations
 - iii) College Transcripts/Degrees
 - iv) Training Certificates
 - v) Questionnaires/Surveys
 - vi) Commander/Supervisor Recommendations
- c) Documents that may be created by the personnel conducting the process include, but are not limited to:
 - i) Written Exams
 - ii) Assessment Center Scenarios
 - iii) Oral Interview Questions
 - iv) Scoring Sheets
 - v) Candidate Evaluation forms
 - vi) Final Ranking lists
 - vii) Assessor notes
- d) The documentation will be stored in a secure file that will only be accessible to the Standards Bureau Commander, Deputy Chief, and the Chief.

12) ATTACHMENTS

- a) NONE

13) APPROVAL

APPROVED BY:  DATE: 4.3.24
DPS Cabinet Secretary