



DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES



Subject: State Police Transfer Policy		Policy Number: PRS: 24
Revision Number: 7	Effective Date: 04/03/2024	Original Issue Date: 02/12/2007

1) PURPOSE

- a) This policy establishes guidelines for the voluntary, involuntary, and hardship transfers of commissioned employees within the Department of Public Safety.

2) POLICY

- a) It is the policy of the Department of Public Safety to offer a fair and systematic process for duty station transfers of commissioned employees.

3) APPLICABILITY

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

4) REFERENCES

- a) NONE

5) DEFINITIONS

- a) **Chief** – The Chief of the New Mexico State Police or their designee.
- b) **Desirable District/Duty Station** – A Uniform Bureau duty station to which more than one (1) officer is seeking a transfer.
- c) **Command Supervisors** – Refers to a commissioned employee holding the rank of lieutenant or captain within DPS, regardless of district/bureau, unless clearly stated otherwise.
- d) **Competitive Process** – A process conducted by a specific bureau/section to select qualified employees for vacant positions.
- e) **Eligible District/Duty Station** – A Uniform Bureau district that the Chief has determined is understaffed to such an extent that a transfer to the district is warranted.
- f) **Eligible Employee**
 - i) **Eligible Officer** – A commissioned employee seeking a transfer to a Uniform Bureau position who has a minimum of two years in their



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assigned position, or at the discretion of the Chief depending on department needs and is currently assigned to a duty station that the Chief has determined is sufficiently staffed such that a transfer of the employee will not negatively impact the operations of said duty station. This includes officers who went through a complete State Police Recruit School and those who went through a Lateral School.

- ii) Eligible Sergeant – A commissioned sergeant seeking a transfer to a Uniform Bureau position with a minimum of two years in their assigned position.
- iii) Eligible lieutenant – A lieutenant seeking a transfer to a position with a minimum of two years in their assigned position.
- iv) Specific eligibility criteria for officers and sergeants related to specialized unit positions involving competitive processes are detailed later in this policy.
- g) **Intra-district Transfer** – A transfer of an officer to another duty station within the officer's district. Typically, a “district” is commanded by a captain, though it may not precisely be termed a district.
- h) **Involuntary Transfer** – An involuntary transfer of an officer initiated by the Chief to address specific staffing, safety, supervision, or other similar issues.
- i) **NAS** – North American Standard
- j) **Officer** – Refers to a commissioned employee holding the rank of officer/agent within DPS unless clearly stated otherwise.
- k) **Self-Assessment** – A written self-assessment of a commissioned employee by themselves submitted in support of a transfer request based on predetermined criteria.
- l) **Specialized Unit/Position (Officer/Sergeant)** – Any unit or position requiring an eligible employee to participate in a competitive process to be transferred to that unit. These positions include, but are not limited to, the Investigations Bureau, Crime Suppression, Training and Recruiting Bureau, Media Relations Unit, Standards Bureau, Governor Security, Commercial Vehicle Enforcement, Special Operations, Homeland Security, and Special Projects.
- m) **Supervisor** – Refers to a commissioned employee holding the rank of sergeant within DPS unless clearly stated otherwise.
- n) **TDY (Temporary Duty)** – An assignment in which personnel work in a duty station other than where they are stationed.



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- o) **Transfer List** – A list maintained by the Office of the Chief containing all eligible employees currently seeking transfers, along with their respective service dates and transfer requests.
- p) **Transfer Request** – a request initiated in the activities database by an eligible employee through the chain of command to the Chief. The request will include an Officers Self-Assessment and Commander’s Rating within the database.
- q) **Voluntary Transfer** – A transfer of an eligible employee following their request.

6) OPERATIONAL PROCEDURES

- a) Overview
 - i) This policy addresses Voluntary and Involuntary Transfers of Eligible Commissioned Employees within the State Police, including transfers to positions requiring competitive processes. Transfers will be considered and made at the discretion of the Chief for legitimate purposes when in the best interest of the department.
 - ii) Commissioned employees on corrective action plans, who have had recent reprimands, suspensions, or discipline, or have documented instances of failure to meet performance standards could be denied consideration for transfer.
 - iii) The Chief shall retain the discretion to approve, deny, or direct transfers based on the needs and the best interests of the department and the public it serves.
- b) Temporary Duty (TDY)
 - i) The Chief, or designee, may temporarily assign employees to one or more locations away from their regular duty station.
 - ii) Any position in a specialized unit that requires specialized training or level of security clearance to perform the duties of that position shall be TDY until the requirements are met or clearance is obtained.
 - (1) If the employee fails to pass the specialized training in the time frame set by the district commander or fails to obtain the security clearance, that employee shall return to the employee’s original duty station.
 - (2) A competitive process may be used to fill these positions.



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- iii) Upon approval of any TDY assignment, orders will be issued by the Office of the Chief. The orders will include the location, chain of command, and duration of the assignment.
 - iv) The orders may be modified or rescinded by the Office of the Chief at any time.
- c) Voluntary Transfers for Eligible Employees
- i) The process for an eligible employee to request a Voluntary Transfer, including a hardship transfer, is as follows:
 - ii) Anyone transferred or promoted into a position shall remain in that position for at least two years before being eligible for a transfer.
 - (1) A transfer before two years may be made at the discretion of the Chief, depending on the department's needs.
 - iii) If the eligible employee is seeking a voluntary transfer based on hardship (hardship transfer), the transfer request shall detail the nature of the circumstances surrounding the hardship. See Section 6e for guidelines when requesting a hardship transfer.
 - iv) Any eligible employee may initiate a transfer request through the Transfer Request tab in the Activities Database.
 - v) Transfer requests are limited to (1) district or sub-district office at a time.
 - vi) The eligible employee submitting transfer requests shall also complete a Self-Assessment. The Self-Assessment will summarize the eligible employee's accomplishments, work activity, ethical behavior, contributions to the District/Department, community involvement, and anything else the eligible employee believes relevant to their request. On the Self-Assessment, the officer will rate themselves according to the following:
 - (1) Self-Assessment Guide:
 - (a) "A" – Outstanding:
 - (i) The eligible employee consistently practices ethical behavior, consistently displays a strong work ethic, and has completed their probationary period in their current assigned district/bureau.
 - (b) "B" – Average:
 - (i) The eligible employee consistently practices ethical behavior and has a consistent work ethic in the manner expected by the Department.



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(c) "C" – Below Average:

- (i) The eligible employee has merely an adequate or below-average work ethic in the district and/or whose ethical conduct warrants improvement.

vii) Time on the Transfer List

- (1) Each eligible employee will receive one (1) point for each whole month the officer/agent has been on the Transfer List beyond the two (2) year mandatory period.
- (2) The eligible employee's time on the Transfer List will be calculated when the transfer request is submitted.
- (3) The eligible employee's transfer request will include the commander/supervisor's promotional date or officer's commission date with the department. Seniority will be calculated from this date.
- (4) Eligible employees who have been reinstated to the department will have their time calculated based on their total time of service, excluding the time they were away from the department.
- (5) Requests for voluntary transfers will be accepted if the eligible employee does not have the minimum two-year service requirement within their current duty station. However, no points will be awarded until the two-year commitment has been met.

viii) Supervisors in the chain of command may comment on the eligible employee's transfer request, but they shall not delay or fail to forward it to the Chief.

ix) Within five (5) days of the eligible employee's submission of the Transfer Request, the District Commander shall also rate the officer "A," "B," or "C," based on the above criteria and shall forward that rating to the zone commander. In rating the eligible employee, the District Commander shall consider the following:

- (1) The eligible employee's Self-Assessment.
- (2) The Deputy Chief/Zone Commander/District Commander's observations of the eligible employee's performance.
- (3) The views of other supervisors in the district.
- (4) The eligible employee performance evaluations

x) The Chief shall accept the final rating, assess the transfer request and rate it on a point system in two (2) areas as follows:

- (1) Seniority



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- (a) Each eligible employee will receive one (1) point for each completed year of service held in their current rank.
- (b) Each eligible employee will receive one (1) point for each completed year of service with the department.
- (2) District or Zone/Bureau Commander's Rating
 - (a) Each eligible employee rated an "A" (Outstanding) by the District or Zone/Bureau Commander will receive five (5) points.
 - (b) Each eligible employee will receive no points for a rating of "B" (Average Officer).
 - (c) Each eligible employee who is rated a "C" (Below Average) will have five (5) points deducted.
 - (d) Each commander shall provide supporting documentation for their ratings.
- xi) Every forty-five (45) days, the eligible employee will receive a system-generated email to re-validate the transfer request. If the officer fails to re-validate the request, it will be removed from the list, and all points will be lost. The eligible employee can resubmit the request but will not gain any of the previous points back after resubmission.
- xii) Except for hardship transfer requests or transfers initiated by the Office of the Chief, the eligible employee with the highest number of points will be awarded the transfer when the Chief determines that the position can be filled.
 - (1) If the employee awarded the transfer is currently assigned to a duty station that is so understaffed that an immediate transfer would negatively impact the operations of the current duty station, the eligible employee will be guaranteed the transfer in the future. The respective Bureau Deputy Chief will determine the exact date of the transfer.
- xiii) If the transferred employee submits a new transfer request, they will not begin accruing points for time on the Transfer List until the completion of two (2) years in their new duty location/assignment.
- xiv) If an eligible employee rejects an offer for a voluntary transfer, that request will be removed from the Transfer List.
 - (1) The eligible employee must restart the Voluntary Transfer Request process.



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- (2) The date on which the eligible employee returns to the Transfer List will be the new date on which time on the transfer list will be calculated.

d) Competitive Processes

- i) A competitive process shall be used for transfers to all positions in specialized units, including sergeant positions.
 - (1) Eligible employees on the sergeant promotional list may compete with eligible sergeants for sergeant positions within specialized units.
 - (2) A competitive process to fill a vacant sergeant position in a specialized unit may commence at any time during the year at the discretion of the Chief.
- ii) When a vacancy occurs in a position that requires a competitive process, an email or posting will be sent to ensure that all eligible employees are aware and can apply if interested.
- iii) The competitive process may include, but is not limited to, the following:
 - (1) Review of the employee's rank, ability, experience, or effectiveness in their current assignment
 - (2) Application for consideration
 - (3) Oral interview panels
 - (4) Evaluations
 - (5) Seniority
 - (6) Tests to determine proficiency in specifically needed skills.
 - (7) An objective assessment of the applicant's suitability for the appointment by the oral interview panel. This assessment may include reviewing advanced and specialized training, education, and verifiable expertise.
- iv) The Office of the Chief has the discretion to order the commencement of a formal process to fill vacancies in the specialized units at any time and will approve the competitive process used by those specialized units.
- v) If there is only one applicant in the competitive process, the district commander of that specialized unit retains the ability to have the applicant go through the competitive process to determine if they are a suitable candidate for the position.

e) Competitive Processes for Command Supervisors



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- i) A competitive process shall be used for transfers to all NMSP lieutenant and captain positions.
 - (1) A competitive process to fill a vacant lieutenant position may commence at any time during the year at the discretion of the Chief.
 - (a) Applicants for a lieutenant position must meet one of the following criteria set below at their appointment time.
 - (i) Be a current lieutenant who has a minimum of two years in their assigned position.
 - (ii) Be an eligible candidate on the current lieutenant list.
 - (2) A competitive process to fill a vacant captain position may commence at any time during the year at the discretion of the Chief.
 - (a) Applicants for captain must meet the criteria set below at the appointment time.
 - (i) Be a current captain who has a minimum of two years in their assigned position.
 - (ii) Eligible lieutenants please refer to *PRS: 03 Promotional Standards*.
 - Example 1. A current captain in District X desires to transfer to District Y. This captain will need to compete in a competitive process.*
 - Example 2. A current IB captain requests a transfer to District Q. This captain will need to participate in a competitive process.*
 - (b) If there are no other transfer requests, the chief may still authorize a competitive process to assess suitability. In addition, nothing precludes the Chief from making personnel moves for the needs of the department.
 - ii) A selection process and eligibility requirements for transfers at the rank of major or deputy chief can be made at the Chief's discretion.
- f) Competitive Processes – Eligibility of Employees
 - i) Applicants for specialized units must meet the criteria set forth below at their time of appointment:
 - (1) Applicants who completed a State Police Recruit School must have completed their probationary period, have at least two (2) years of NMSP patrol experience, and have completed the department FTO program.



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- (2) Applicants who completed a State Police Lateral School must have at least two (2) years of patrol experience and have completed the department FTO program. Patrol experience may include patrol time with other agencies before becoming a commissioned State Police Officer.
 - (3) Reinstated applicants must have a minimum of (2) years of patrol experience and have completed the department FTO program. Patrol experience may include time spent in patrol before reinstatement.
 - (4) Applicants who meet the criteria in sections (1), (2), or (3) above are eligible for competitive processes even if they have not been in their current duty station for two years.
- ii) Applicants for a sergeant position in a specialized unit must meet the criteria set below at their time of appointment:
- (1) Be a current sergeant who has completed their one-year probationary period in their current duty station, even if they have not been there for two years.
 - (2) Be an eligible candidate on the current sergeant list.
 - (3) Any Specialized Unit, with a specific process detailed in their policy, will follow the rules outlined in their individual policies. (e.g., State Police Tactical Team, etc.)
- g) Voluntary agent/officer transfers within specialized units
- i) Transfer requests within specialized units will be handled as follows:
- (1) Commanders of individual units may handle intra-section transfers in the same manner as the Uniform Bureau handles intra-district transfers; however, these transfers will not be entered into the Activities Database. They will be approved by the appropriate Deputy Chief when the transfer addresses the needs of the unit and the officers within it.
 - (a) For those specialized teams with part-time members, commanders can fill any full-time member vacancy with a part-time team member. This will be done at the commander's discretion and in compliance with any unit-specific policies that are in place (e.g., State Police Tactical Team, etc.).
 - (2) Transfer requests between different specialized units or specialized teams (e.g., Criminal to Crime Suppression or Tactical Team to Bomb Team) will be handled by a competitive process.



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- (3) The competitive process may include, but is not limited to, the following:
- (a) Application for consideration
 - (b) The eligible employee self-assessment
 - (c) Oral interview panel
 - (d) Evaluations
 - (e) Seniority
 - (f) Any skills or qualification testing requirements established in policy for those teams.
 - (g) An objective assessment of the applicant's suitability for the appointment by the oral interview panel. This assessment may include reviewing advanced and specialized training, education, and verifiable expertise/resume.
- h) Hardship Transfers
- i) The Chief reserves the right to grant transfer requests based on hardships. Because such transfers circumvent the voluntary transfer process described above, such transfers shall be carefully screened. Without limiting the types of circumstances that might constitute hardships, hardship transfers will be generally limited to those situations involving the following:
 - (1) A need for a change of duty station to address the serious medical needs of the eligible employee or their immediate family.
 - (2) To address the need of an eligible employee to provide caretaking or similar assistance to an immediate family member that another source cannot reasonably offer.
 - (3) Hardship transfers are only granted to a uniform position in that district or to a location that allows an employee to remain within the employee's current specialized unit (when applicable).
 - (a) An employee may not circumvent a competitive process by receiving a hardship transfer into a different specialized unit.
 - ii) Other hardship transfer requests will generally not be granted. These reasons may include but are not limited to, limited employment opportunities for spouses and circumstances related to finances, educational opportunities, or lifestyle. While the department recognizes such circumstances are legitimate reasons for requesting a transfer through the normal voluntary transfer process, such circumstances will



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generally not be considered hardships, absent other extenuating factors. Furthermore, self-created so-called "hardships" (e.g., a commissioned employee accepts a promotion or transfer to a duty station, then requests a transfer back to their last duty station based on the "hardship" of being away from family) will not absent other extenuating circumstances, qualify for a hardship transfer.

iii) If a commissioned employee's request for a hardship transfer is denied, the employee will be notified in writing, and the Transfer Request will automatically be processed by the process outlined above for Voluntary Transfers not involving hardships.

i) Involuntary Transfers

Involuntary transfers will be made at the Chief's discretion based on the needs and best interests of the department and the public we serve. For example, involuntary transfers might be caused due to staffing, safety, supervision, or other similar needs.

j) Intra-District Transfers

i) Requests for an intra-district transfer shall be entered into the Activities Database if more than one employee requests a transfer to the district or sub-district. The District Commander will determine this after reviewing the transfer list in the activities database.

ii) The intra-district transfer may be approved by the District Commander with the concurrence of the Deputy Chief when the transfer addresses the needs of the district and the officers therein.

iii) An employee is not eligible for an intra-district transfer if any other eligible employee has a transfer request to that same district/sub-district office.

(1) If another eligible employee already has a transfer request to a district or sub-district office, officers within that district must follow the voluntary district transfer request procedures unless they meet the requirements for a hardship transfer.

k) MISCELLANEOUS

Relocation expenses will be handled according to *ADM:27 Personnel Relocation Expenses*. If an Eligible Employee is awarded a transfer and funds are unavailable at the time of the award to pay for the move, nothing would



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preclude the officer from paying for the move to expedite the transfer. The employee may submit all invoices per *ADM:27 Personnel Relocation Expenses* for reimbursement. Employees will not receive additional points or "move up" on the Transfer List by offering to pay for their move.

- I) Storage and Retention of Information/Records for Competitive Processes
 - i) 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.
 - ii) Documents that may be provided or completed by the employee include, but are not limited to:
 - (1) Reason for Transfer (e.g., Request, Mandatory, Hardship, and Demotion)
 - (2) Resumes
 - (3) Employee evaluations
 - (4) College Transcripts/Degrees
 - (5) Training Certificates
 - (6) Commander/supervisor recommendations
 - iii) Documents that may be created include, but are not limited to:
 - (1) Employee Evaluations
 - (2) Personnel File
 - (3) Written Exams
 - (4) Assessment Center Scenarios
 - (5) Oral Interview Questions
 - (6) Scoring Sheets
 - (7) Candidate Evaluation forms
 - (8) Final Ranking lists
 - (9) Assessor notes
 - iv) The documentation will be stored in a secure file that will only be accessible to the Standards Bureau Commander, Deputy Chief, and the Chief.

7) ATTACHMENTS **NONE**

8) APPROVAL



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APPROVED BY: *[Signature]*

DATE: *7.3.24*

DPS Cabinet Secretary

