



# Town of Lexington

## Police Department

<b>Subject:</b> Promotion of Sworn Officers	
Reference: 34.1.1; 34.1.2; 34.1.3; 34.1.5; 34.1.6; 34.1.7	
<b>Effective Date:</b>	<b>Review Date:</b>
<b>By Order of:</b> Mark J. Corr, Chief of Police	

### Policy & Procedure

# 34A

*The Municipal Police Institute, Inc. (MPI) is a private, nonprofit charitable affiliate of the Massachusetts Chief's of Police Association. MPI provides training and model policies and procedures for police agencies. This policy is an edited version of MPI Policy 4.XX, "Promotions."*

## GENERAL CONSIDERATIONS AND GUIDELINES

This policy applies to the promotion of sworn personnel only. The Lexington Police Department's commitment to developing employee skills, to accept increasing levels of authority, responsibility and leadership is embodied in the promotional process. Eligible candidates have an opportunity to apply and participate in the promotional process as positions become available as set forth in this policy.

Promotions are based upon an individual's merits and performance in the promotional process, and never on favoritism or seniority. A promotion is an investment in the future, not only for the department and the community, but also for the employees who will be supervised and guided by the promoted member.

1. It is the policy of the Lexington Police Department to promote employees based upon their training, experience and job performance.
2. No employee will be denied promotion based upon discriminatory criteria, including, but not limited to, their sex or sexual orientation, age, race, religion, nationality union membership or other trait

## PROCEDURES

### A. Definitions

1. **Appointing Authority:** The Town Manger is the appointing authority with the power to appoint or employ personnel in civil service positions for the Lexington Police Department.
2. **Bypass:** The selection of a person whose name, by reason of score, preference, court decree, decision on appeal from a court or administrative agency, or legislative mandate, appears lower on a certification list than another person who is not appointed and whose names appear higher on said certification.<sup>1</sup>
3. **Certification:** The designation made to an appointing authority by the Administrator of the Human Resources Division of The Commonwealth of Massachusetts, with sufficient names from an eligible list or register for consideration of the applicants' qualifications for appointment or promotion pursuant to Personnel Administration Rules Of Civil Service.
4. **Promotional Manager:** The Captain of Administration is the Chief's designee as the Promotional Manager.
5. **Time in Grade:** The number of years and months that an employee has held a specific rank or pay grade.

### B. Promotional Process

1. Generally
  - a. Promotions of sworn personnel to any Civil Service rank are processed pursuant to Massachusetts General Law Chapter 31.
  - b. The department will notify employees of the promotion process, provide employees with records necessary to make application for promotional exams, document training and experience, assist in coordinating performance evaluations, and take other actions pursuant to M.G.L. Chapter 31. [34.1.1]
  - c. For the rank of Sergeant and Lieutenant a Civil Service written exam will be used to identify potential candidates.
  - d. For the rank of Captain and Chief an Assessment Center shall be used in lieu of a written Civil Service Exam to identify potential candidates. Assessment Center examinations are subject to Civil Service/HRD approval.

- e. The results of such selection criteria shall be reported to the appointing authority.
  - f. The "Consent Decree" of 2009 granted communities much greater authority and should be referenced.
2. Promotion Process Manager: The Captain of Administration shall manage and coordinate promotions within this department and shall have the authority necessary to carry out the duties of the position. The duties shall include the following: [34.1.2]
- a. Be knowledgeable of the promotional process for all employees;
  - b. Provide and post all written announcements of scheduled promotional opportunities; [34.1.5]
  - c. Maintain information regarding eligibility requirements for all positions above entry level;
  - d. Maintain active promotional lists;
  - e. Coordinate with government agencies or entities involved in the promotional process; and
  - f. Protect the integrity of the promotional process by ensuring that promotional materials, documents, scores, and completed evaluations remain confidential and in a secured environment.
    - i. Interview forms and assessment center materials related to the conduct of an assessment or interview are controlled items and will not be copied, scanned, photographed or reproduced unless expressly directed by the Chief of Police.
    - ii. Testing and scoring materials shall not be left unattended. Materials not under the immediate and direct control of a person authorized to possess them shall be maintained in a secured area approved by the Promotion Process Manager. [34.1.3(h)]
    - iii. Such materials may only be reviewed by the Chief of Police or the Captain of Administration with specific authorization from the Chief of Police.
    - iv. Promotional materials shall be retained for at least 3 years. Once a promotional process has been completed, all appeals have been exhausted or appeal periods have expired, promotional materials shall be destroyed by

shredding unless necessary for on-going litigation These include:

- (a) Interview questions and score sheets;
- (b) Assessment Center questions, exercises, evaluations and other related materials; and
- (c) Any other materials of a confidential nature.

- g. The Appointing Authority with input from the Chief of Police shall coordinate with any companies or consultants contracted to participate in the promotion process.

3. Notice of the Promotional Process [34.1.5]

- a. The Town of Lexington is responsible for advising HRD and establishing a testing process, which may include an HRD exam, an Assessment Center or a combination thereof.
- b. When the appointing authority requests a promotional exam from the Commonwealth of Massachusetts Human Resource Department (HRD), the promotion process manager shall be notified and shall inform all affected employees of such request.
- c. Upon receipt of an exam notice from HRD/Civil Service, the Promotion Process Manager shall advise all affected personnel by:
  - i. Immediately posting the notice on the Chiefs Board located in the first floor hallway; and
  - ii. Forwarding the notice to supervisors to be read at roll call.
  - iii. Using any other reasonable means of communicating with eligible employees.
- d. The Promotional Process Manager shall send e-mail to all affected personnel advising them of the date and time of the exam, last date for applying, and location of the posted notice. Officers out sick or injured, on administrative or other leave, or on active military duty, or otherwise not likely to receive notice shall be mailed a copy of the examination notice.

4. Eligibility: To be eligible for promotion to each successive rank:<sup>ii</sup> [34.1.3]

- a. An officer must be a permanent Police Officer employed by this department for at least one year following certification by HRD/Civil Service for the position they currently hold. Lateral

transfer officers must be a permanent member employed by this department for at least one year. [43.1.3(g)]

- b. Time in Grade: An officer must hold a position in the next lower rank for at least one year prior to the date of the exam. [34.1.6(c)]
    - i. If there are less than four employees or eligible applicants in the preceding grade, the exam will be opened to the next proceeding grade until four eligible employees have applied, or the exam is open to all permanent officers.
    - ii. *Mandatory for cities and towns with a population over 50,000- for the rank of Sergeant, an officer must have at least three years at the grade of Patrolman.<sup>iii</sup> (Does not apply in Lexington.)*
  - c. Ineligible officers may not apply for promotional examinations. [34.1.3(f)]
5. Promotional Examination: The promotional examination and/or other testing components shall be developed and conducted by, or approved by the Massachusetts Department of Human Resources (Civil Service). [34.1.3(b)(c)]
6. Candidate Interviews [34.1.3(d)]
- a. Panels appointed by the Chief of Police will conduct candidate interviews.
  - b. Interviews will be conducted by panelists from a prepared list of questions and individually scored by each member of the committee.
  - c. The Chief of Police or designee will prepare questions; panelists may be asked to provide input into the preparations of questions.
  - d. A cumulative score will be reported to each candidate after all candidates have been interviewed, and at a time to be determined by the Chief of Police in consultation with the Appointing Authority.
  - e. The Promotion Process Manager shall secure all scoring materials from individual panelist to ensure confidentiality.
7. Promotional Components [34.1.3(a); 34.1.6(a)]
- a. Sergeant and Lieutenant
    - i. Performance Components

- (a) A written Civil Service promotional exam; and
      - (b) Oral interview;
    - ii. Other Components
      - (a) Seniority of service (length of service at this department after initial appointment as certified by Civil Service).
      - (b) Training, experience and performance, including all relevant work experience both inside and outside of the department and all relevant education.
    - iii. Additional Scoring Considerations
      - (a) Veterans who pass a promotional exam shall receive two points added to their general score.<sup>iv</sup>
      - (b) Employees with 25 years of service who pass a promotional exam shall have preference in promotion equal to that of veterans under civil service rules.<sup>v</sup>
  - b. Captain and Chief
    - i. Performance Components
      - (a) Assessment Center
      - (b) Oral Interview
    - ii. Additional Components can be implemented by the Appointing Authority with input from the Chief of Police, if deemed necessary including but not limited to training, experience and performance.
- 8. Candidate Appeal and Review [34.1.3(e)]
  - a. Candidates may request review of the promotional exam, training and experience, and of meeting eligibility requirements for the exam pursuant to M.G.L. c. 31, §22.
  - b. Upon completion of such review by the Human Resources Division (Civil Service), the appellant shall be informed of the results of the review in writing. In the event an appeal is sustained, the scores and ranking of candidates shall be adjusted accordingly.
- 9. Establishment of Eligibility List

- a. A list of eligible candidates shall be established and ranked by the Human Resources Division (HRD) pursuant to M.G.L. Chapter 31. [34.1.6(b)]
- b. Such list shall be in effect, for a two-year period, pursuant to M.G.L. Chapter 31. [34.1.6(d)]

**Consent Decree**

The appointing Authority is responsible for guidelines pertaining to all HRD protocols at the local level. E.g. notifying, interviewing, selecting and thoroughly documenting who is chosen or bypassed for promotion.

- 10. Candidate Selection [34.1.6(e)]
  - a. The Chief of Police shall recommend candidates from the list of eligible candidates to the appointing authority, in order of preference.
  - b. In creating a recommendation, the Chief of Police will consider, but not be limited to:
    - i. Experience, including special duties, academic and training history;
    - ii. The results of the candidates Interview;
    - iii. The candidates understanding of the Supervisory Role;
    - iv. The candidate's sense of self-awareness;
    - v. Past performance of the candidate including among other things performance evaluations, disciplinary actions, sick leave and other attendance issues.
    - vi. The candidates understanding of the police departments responsibilities to the community.
- 11. Bypass of Candidates: Duty of Appointing Authority
  - a. In the event that a candidate is bypassed in favor of a candidate with a lower score or ranking in the selection process the Appointing Authority or designee is responsible for documenting and informing the candidate.
  - b. The bypassed candidate or candidates may appeal the decision to the Civil Service Commission pursuant to M.G.L. Chapter 31, §2, subsection (b).
  - c. The appointing authority must advise the Department of Personnel Administration (DPA), in writing, of the reason(s) for bypass if the bypassed candidate appeals to Civil Service.

12. Final Selection: the appointing authority shall determine a final selection of candidates for promotion.
13. Probationary Period: There is no probationary period for Civil Service promotions. [34.1.7]
14. Assessment Center [34.1.3(c)]
  - a. A contractor authorized by the Appointing Authority with input from the Chief of Police shall conduct the assessment center portion of the promotional process.
  - b. Assessment Center procedures, topics to be tested, scoring, time, date and location of the exam shall be approved by the Appointing Authority with input from the Chief of Police.
  - c. Every reasonable effort shall be made to ensure that candidates being evaluated have the opportunity for time off from the shift just prior to the assessment center.
  - d. The contractor, and or the HRD representative present for the assessment shall secure completed assessment materials.
  - e. A cumulative score will be reported to each candidate after all candidates have been interviewed, at a time determined by the contractor after certification by HRD.

Note: A reasonable effort shall be made to assist candidates taking an exam or engaging in an interview or assessment center to have an opportunity not to work the midnight shift before the exam. This will typically include approval of requests for swaps or the use of leave.

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<sup>i</sup> Department of Personnel Administration Rules, Par. 02.

<sup>ii</sup> M.G.L. c. 31, §59, 2<sup>nd</sup> paragraph.

<sup>iii</sup> M.G.L. c. 31, §59, 2<sup>nd</sup> paragraph.

<sup>iv</sup> Department of Personnel Administration Rules, Par. 14(2).

<sup>v</sup> M.G.L. c. 31, §59, last paragraph.