

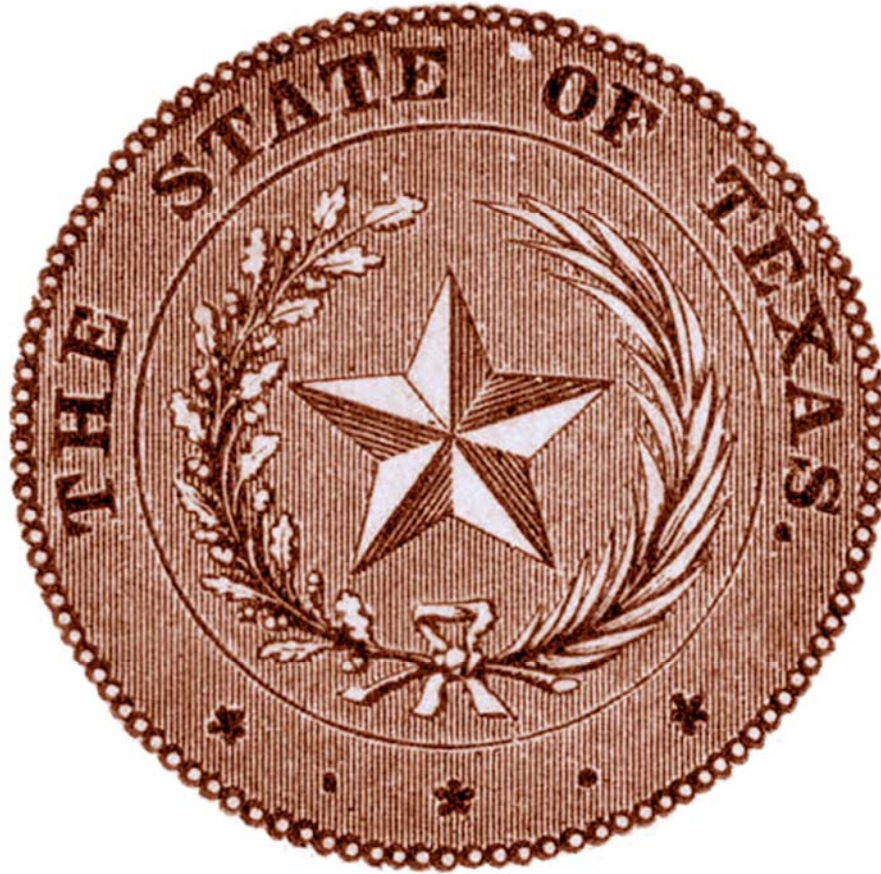
Texas Department of Public Safety

Promotional Process Review & Recommendation Report *for Commissioned Personnel*

DPS Promotional Process Review Committee
December 2008

Photograph by Randy Haaga

DPS Promotional Process Review Committee



Charge to Committee

Solicit Ideas Broadly

Solicit Ideas from Past Promotional Candidates

Consider Sunset Recommendations

Evaluate Monetary Incentives for Promotions

Review Written Exam Component of Current Process

Review Interview Board Component of Current Process

Develop Ideas Which Address Location Options for Promotional Candidates

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Allan B. Polunsky, Chairman Public Safety Commission
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Chairman Polunsky and Members:

Attached is the final report of the DPS Promotional Process Review Committee and subsequent recommendations to be considered for implementation in to our promotional policies. Our committee considered a broad range of ideas solicited from a comprehensive on-line survey, one-on-one personal interviews, the Sunset report, and a study of other state police agency promotional process models. Our goals were two-fold: to develop incentives that would attract the largest pool of qualified candidates to compete in our promotional process, while at the same time, assuring that the promotional process itself is fair, competitive, consistent, and provides our officers with the greatest options in regard to location assignments.

We believe our recommendations are consistent with our goals and the initial charge we were given at the beginning of our committee assignment. Some of our recommendations you will find are simple, easy to implement, and should be readily accepted by most employees. Other recommendations suggest a significant shift from past practices and will require many employees, especially supervisors, to embrace new attitudes and to relinquish control of certain aspects of the process. It is likely some will be resistant to these changes. Other recommendations dealing with promotional and relocation incentives will have a fiscal impact on the department. We recognize that the implementation of these incentives will be contingent on funds being available to support them.

The concept of having a diverse 20 member committee study and suggest change to our promotional process allowed expansive input and stimulated healthy discussion of topics. The diversity of our committee members, who represented a variety of ranks and services, assured issues were not viewed with a myopic lens. The further contributions of well over 1,000 commissioned officers through survey and interviews greatly benefited the committee and appeared to be a well-received mechanism for allowing employees to have their voice heard. This positive committee experience led us to a final and perhaps most important recommendation in our report which is to continue a promotional process review every three years. We believe the recommendations made in our report are sound and will have a positive impact on the department, but we also recognize that policies such as these should be fluid and that periodic review will ensure that any unforeseen problems are addressed and that policies as a whole do not become stagnant or outdated.

Respectfully submitted,

Major Carey Matthews, Texas Highway Patrol
Chairman

Captain Lisa Sheppard, Criminal Intelligence Service
Vice Chairman

Committee Members



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Key Recommendations

After an extensive review of Internet survey results, employee interviews, and promotional process models from numerous State police agencies, the DPS Promotional Process Review Committee is submitting the following seven key recommendations for your review. Justification and details for each review follows in the report.

Recommendation #1: *The Department should provide its employees with location options pursuant to promotions.*

Recommendation #2: *The Department should initiate new monetary incentives to entice more participation in the DPS promotional process and to provide more monetary benefits to those having to relocate due to a DPS promotion.*

Recommendation #3: *The Department should take steps to secure potential avenues of manipulation by interview board members in the promotional process.*

Recommendation #4: *The Department should improve the quality of the written exam questions and maintain closer oversight of question relevancy.*

Recommendation #5: *The Department should provide mentoring and improve communication and training in regard to the promotional system and promotional opportunities.*

Recommendation #6: *The Department should implement a common background promotional assessment process and procedure for all services.*

Recommendation #7: *The Department's promotional system should be reevaluated in three years.*

Recommendation Details

Recommendation #1: *The Department should provide its employees with location options pursuant to promotions.*

Details: Providing DPS officers with greater location options in the promotional process was an important charge the committee was asked to address. To that issue, the committee recommends the following:

- Location options should be afforded to commissioned employees by extending promotional eligibility lists from one year to two years.
- Employees on eligibility lists should not lose their rank status, nor should they be removed from an eligibility list for turning down a promotional offer.

By giving successful promotional candidates the ability to turn down a promotional offer without stigma or jeopardy as to their rank on an eligibility list, you are giving them:

1. An incentive to compete in the process (even when no foreseeable vacancies exist in locations where they would be willing to work),
2. An incentive to do well in the process (because the higher a candidate is on the list the more options he/she has over the 2 year period),
3. The greatest possible location options over that 2 year period.

Simple modifications to the promotional eligibility list appear to create the most comprehensive location options to candidates. By solidifying the eligibility list ranking for two years, a candidate is ensured of having every available vacancy offered to him/her for that period that is not first taken by someone ranked higher on the list. The committee believes that more candidates will compete, and compete vigorously, in an effort to achieve rank on the eligibility list.

Other models considered included regional testing sites and/or candidates “declaring” their location intent before competing. The committee found both of these potential solutions to location-option issues convoluted and logistically problematic. Regional testing sites would be taxing on Human Resources personnel because of the test redundancy. In addition, the process would be time-consuming and inefficient for those candidates willing to relocate anywhere, having to travel all over the state to compete in multiple processes. Requiring candidates to declare or “check off” their location choices at the beginning of the testing process was thought to be confining. Life changing situations that influence one’s ability to relocate cannot always be predicted and many promotional vacancies are unforeseen. Locking employees into a location commitment at the beginning of the process would require them to have a “crystal ball” so to speak, in order to make informed choices. It was also felt that some candidates would be uncomfortable revealing their relocation options and/or limitations at this point in the process. All models, including our recommendation, are unable to accommodate

employees who are tied to less populated locations and thus limited by the promotional opportunities of that particular duty station.

Committee Findings and Justification: Currently, as per current DPS policy (07.26.06), the results of a competitive promotional process are used to fill existing vacancies and to create an eligibility list to fill future promotional vacancies. The eligibility list is good for one year, but if an employee, to whom a promotion is offered, decides against it, his or her position on the list automatically reverts to the bottom of the list. If the employee chooses not to accept a second offer, their name is removed from the list permanently.

Based on the current policy and practice, the committee was informed of instances where promotional candidates were placed on an eligibility list after going through the entire promotional process, only to be removed from that same list less than two hours later because they were offered, and subsequently declined, the same promotional vacancy twice.

The committee also identified a pervasive belief in the field that a stigma is imposed upon employees who decline a promotional offer. The gist of the perceived stigma is that if a candidate declines a promotional offer and gets removed from an eligibility list, they are labeled as someone who “wasted everyone’s time,” or “took up a spot on an eligibility list that someone else wanted.” Later when that employee competes again; he/she is further stigmatized as “someone who has already had their bite at the apple.” It is undisputed that many individuals in DPS have chosen to endure great personal sacrifice to promote. They have uprooted their families for a very small pay increase, many times at the expense of their spouse’s career/income, and their children’s establishment in desirable schools. Others leave their families behind; maintain the expense of two residences, and commute home on days off, significantly compromising the quality of their personal lives. Because promotional vacancies span the entire state, from the largest metropolitan cities to some of the most remote and isolated communities, DPS is, and will always be, reliant on individuals to step up and make those sacrifices. However, those who have made great personal sacrifices to achieve rank in the Department, are perceived as having little sympathy for those who cannot or will not make the same sacrifice. The Department has excellent promotional potential in both groups.

Early on, the Promotional Process Review Committee sent out an on-line survey to solicit anonymous responses from commissioned personnel reference a variety of issues pertaining to the DPS promotion. The survey and the results will be maintained as (External Reference #2).

“My family comes before my career on my list of priorities and moving away would not be the best thing for my family at this time.”

“I feel that many qualified subjects do not participate in the promotional process due to the likelihood of moving away for extended periods. To me, it’s just not worth it.”

(On-line Survey)

In the survey results, large numbers of employees indicated family or financial issues that limit or completely curtail their ability to relocate in order to accept a promotion. Financial dependency on a spouse's career and income, as well as plethora of family and other financial concerns seemed to be the broad themes of those who responded to questions addressing relocation concerns. The number of employees with the flexibility or motivation to relocate appears to be decreasing which will ultimately impact the numbers in our competition pools.

By implementing changes detailed in Recommendation #1, the stigma now associated with declining a location will be eliminated because the process itself will be designed to give employees the opportunity to say no without repercussion. Those willing to "go anywhere" receive a deserved benefit in this process by gaining transfer priority over those on the list once they accept a promotion. The committee believes that current eligibility lists may need to be expanded to accommodate this model, but because of the advantage built into the process extended to those willing to relocate (once they accept an assignment they have transfer priority over the existing list); we believe the expansion should be minimal. In the event a vacancy is offered and no one on the list accepts a position, a new test and list would be established and the ranking of the new list would go under the current list. Again, our committee feels that situations such as this would be rare because of the incentive to accept a position in order to gain transfer priority.

In summary, this recommendation affords every location option be given to promotional candidates based on their eligibility list rank. One's rank on the eligibility list is permanent for a two year period as opposed to the current policy which lowers, then ultimately removes candidates who decline offers.* We believe these seemingly minor changes will tremendously enhance the current promotional process. It gives the employee more time, choices and control over important decisions that profoundly affect his/her personal life and career. Ultimately, this recommendation solicits promotional participation from many good candidates who typically don't compete because they are limited in their ability to relocate, while at the same time, it maintains a strategic advantage for those employees who are able to move.

**Currently, as per policy, the Director has the authority to remove someone from an eligibility list if the Director determines it would be in the best interest of the Department. The Director also has the discretion to place someone back on the list if they were removed in this manner. As a committee we feel it is important that the Director continue to maintain this discretionary authority considering the longer duration of the list that is being proposed.*

"In my situation, I was the remaining candidate on the list of 2. I was asked to go to A district of a duty station & I declined because it was 5 hours away. I was asked a second time but this time to go to the B district of a duty station. Now I am dropped off the list because I turned down basically the same duty station twice.

"I am a second generation department member that lived through an older sister that was moved her senior year due to father's promotion within the department. She still brings that up at family gatherings. It was nearly 30 years ago."

(On-line Survey)

Recommendation #2: The Department should initiate new monetary incentives to entice more participation in the DPS promotional process and to provide more monetary benefits to those having to relocate due to a DPS promotion.

Details: The committee recommends the Department should initiate new monetary incentives to entice more participation in the DPS promotional process and provide more monetary benefit to those having to relocate by:

- Creating a greater pay differential between ranks
- Providing a one time lump sum relocation benefit to offset moving expenses
- Providing a broader range of stipends for hardship/hard to fill duty stations

“The biggest hindrance in my opinion to the Department’s promotional process is there is not enough of a pay increase between positions to go from a Sergeant to a Lieutenant for 567.00 more a month. It is a joke to have to relocate your family for a net pay increase of a little over 300.00. There is no incentive at all...”

“After I moved away from my family for a promotion I had housing and vehicle repairs that I had to facilitate by long distance. Not to mention I had problems with my child’s behavior and missed 6 months of her life. That is not worth a \$300 raise. That raise was long gone just on gas to go see my family.”

(On-line Survey)

Committee Findings and Justification:

Pay Differential: Current pay differential between ranks runs roughly \$550.00 per month which equates to an approximate \$370.00 net pay raise. When most other law enforcement officers in the State join an agency, they have unlimited means of promoting up their ranks without disrupting their households, spouses’ income or children’s education. For these officers, a promotion is truly a promotion in both rank and pay. In contrast, many DPS employees are finding the current pay differential a marginal incentive for the added responsibility that comes with a higher level job, and completely un-enticing when coupled with the prospect of a costly, disruptive, geographic move. If relocation is required, it often costs DPS officers money to accept a promotion.

In addition, promotion into many positions at Austin Headquarters comes without a take-home unit to respond to calls. The cost of gasoline to drive back and forth each day in order to have access to a “pool vehicle” all but eliminates any promotional pay raise (*See Other Issues-Headquarters Vehicles, page 23*). Those who face relocation and/or the loss of a state vehicle in the face of a promotion have little to no monetary incentive to do so. Based on our study, the committee recommends the Department pursue legislative avenues that would create a rank differential of no less than \$900.00 per month.

Current Promotional Pay Differential

Promotion	>4 years of service	>8 years of service	>12 years of service	>16 years of service
Trooper to Sergeant	\$559.00	\$559.00	\$546.00	\$546.00
Sergeant to Lieutenant	\$556.33	\$559.00	546.00	\$546.00
Lieutenant to Captain	\$561.92	\$559.00	\$546.00	\$546.00
Captain to Asst. Commander				\$364.00
Asst. Commander to Major/Commander				\$364.00

Lump Sum Relocation Benefit: When an employee is required to move pursuant to a promotion, current DPS policy allows for reimbursement of actual moving expenses and expenses traveling to and from the new location to obtain housing.* While this reimbursement is extremely helpful and needed, there are many other incidental costs associated with a move and setting up a new household. The committee recommends the Department consider providing a one time lump sum relocation benefit to offset moving expenses. Private businesses usually use an employee's one month salary amount as the figure they give as a relocation benefit. As a State agency, we believe that incidental moving costs would be consistent for those of all ranks and recommend an average one month salary figure be given across the board to those required to relocate. Based on promotional numbers during fiscal year 07-08, we have estimated a yearly cost for this proposal using \$6,000.00 as a possible lump sum figure. The chart below depicts numbers of promoted employees who were required to relocate during that period and the total cost to the State, had this lump sum benefit been granted.

Fiscal Year 07-08

Rank	Number Promoted	Lump Sum	Total Cost
Commander	1	\$6,000.00	\$6,000.00
Major	2	\$6,000.00	\$12,000.00
Assistant Commander	2	\$6,000.00	\$12,000.00
Captain	9	\$6,000.00	\$54,000.00
Lieutenant	42	\$6,000.00	\$252,000.00
Sergeant	148	\$6,000.00	\$888,000.00
Totals	204	\$6,000.00	\$1,224,000.00

**Reimbursement is made to only those who reside over 25 miles from the new duty station. Because the DPS residency policy is 20 miles, some employees have found themselves in that bubble of mileage (between 20 and 25 miles away), where they live too far away from the new*

duty station to comply with the residency policy, but they live too close to it be eligible for reimbursement of their required move. (See Other Issues-Residency Policy, page 23)

Hardship Duty Station Stipend: In the Appropriations Act for FY 2000 and 2001, the Legislature authorized the Department to pay an incentive to Texas Highway Patrol (THP) Officers assigned to hardship duty stations. The following criteria were considered in identifying hardship stations:

- Excessive, historical vacancy rate
- Population less than 5,000
- Authorized strength of less than four (4) troopers
- Geographically located more than thirty (30) miles from a city with a population over 25,000.

Currently, Troopers assigned to a hardship station receive an annual lump stipend of \$1,200.00 as an incentive for the assignment, contingent on the following conditions:

- The stipend only applies for the first two years of the assignment
*(*the incentive is eliminated after 2 years for a \$2,400.00 maximum stipend)*
- To be eligible for the stipend, the trooper must remain stationed in the hardship station through August 31 of each applicable year.

Although, the committee does not have a detailed plan to accompany this recommendation, it is believed that the current policy is too narrow, constrictive and should include CLE Officers. Our group recommends further study be given to expand not only the amount and duration of the hardship stipend, but also the scope of what constitutes a hardship duty station.

“There is very little difference in pay scale from Sergeant, Lieutenant, and Captain. I would only promote again when my children go to college.”

“I’ve promoted several times and each time I’ve lost a lot of money selling my house and my family has suffered in the whole relocation process.”

“When I promoted to Sergeant three years ago, my wife and I lived apart for more than a year. This was the most stressful time in my life, financially and personally.”

“In some areas there is not adequate housing available so you have to increase your house payment by as much as 500.00 per month when your take home is only 300.00 per month.”

“I had to move my wife to a job where the pay cut eclipsed my pay raise, had to live out of a travel trailer for 6 months with my newborn baby while we attempted unsuccessfully to sell our house.”

“My wife gave up her career during my first promotion relocation. It would be unfair to my wife and my kids to relocate again for the small raise I would receive.”

(On-line Survey)

Recommendation #3: *The Department should take steps to secure potential avenues of manipulation by interview board members in the promotional process.*

Details: The committee recommends several key changes to the promotional interview process to include:

- Eligible interview board members (aside from Chairman) should be selected to serve on an interview board via a random/lottery type system (while maintaining current diversity standards).
- The Department should require training for interview board members as a prerequisite to their serving in that capacity.
- Identification of interview board members should not be disseminated.
- DPS should not disclose the high and low scores of candidate pools to board members prior to the interview.

The committee recommends that each Division submit a list of potential interview board members whose names would be placed in a pool and selected randomly to fill slots on any upcoming interview board. Individuals submitted to be included in this pool should represent “the best of the best” of each Division and Service. Pools of names would then be sub-divided so that the current gender and ethnic composition requirements remain intact. Interview board members would be rotated in and out of the pool periodically to assure a broader range of employees have an opportunity to serve as an interview board member.

The Department should also require each board member receive specialized training prior to serving on an interview board to assure knowledge of legal and policy protocols.

The committee also recommends that teletypes and emails announcing the identities of interview board members no longer be disseminated prior to a board, and that the current practice of revealing the candidate pool’s high and low score be discontinued.

Committee Findings and Justification: The primary criticisms regarding the current interview board process generally hinged around a common perception that our process perpetuates the “the good ole’ boy system” through the Chairman’s power to select each board member for their particular interview board. Theoretically, if a Chairman lacks integrity, has an improper agenda, and is willing to violate DPS policy concerning the selection process, by hand-picking each board members, he/she could assure collusion among those selected and manipulate the process. By having interview board members selected randomly through a large, diverse pool of individuals, the potential of this type of collusion to take place is, for all practical purposes, eliminated. Although the committee doubts there is widespread misconduct on interview boards, we acknowledge that breeches of integrity most likely have occurred within our system, fueling the degree of cynicism and skepticism that seems to exists in many employees.

“We need to eliminate the ease of potentially rigging the process-that is why there is some lack of confidence in the system.”

(On-line Survey)

A related criticism surrounding our promotional board is that the same interview board members are selected repeatedly. The DPS has certain ethnic and gender requirements for board make-up and many of the same individuals are selected time and time again to meet the criteria. Although, the reason for this occurrence is most likely due to these employee's good reputations and willingness to serve, employees are critical that they have a disproportionate influence in the selection process. A random/lottery system making these selections would assure new and varied participation in the system. The committee believes that serving as an interview board member is a positive experience that should be open and extended to as many employees as possible. Selecting random interview board members and expanding the number of employees who are selected to serve on boards should go a very long way in eliminating skepticism regarding the interview board process.

Many employees, both those who have appeared before interview boards and those who have served as interview board members, believe that more training should be required of members prior to them serving in that capacity. Currently board members receive a briefing prior to the beginning of an interview board, but the committee believes this should be expanded to a more formalized training. Web-based training was discussed as a convenient, cost efficient way of implementing this training recommendation.

“If both the board members and the candidates remain unknown, it would help to ensure the “backdoor” calls/comments do not impact any evaluation/decision.” *(On-line Survey)*

Concern was expressed by employees that the interview board process is beset with behind-the-scenes phone calls to board members. Further concern is that during these conversations, non-work related criteria could be used to influence a board member's score. The committee proposes that the recommended training requirements for board members address the proper way for board members to handle a call from someone wanting to “put in a good word” for a candidate. We further recommend that specific interview board members not be identified in group emails and teletypes, as is currently the practice, in a further effort to curtail phone calls. Additionally, the committee suggests that high and low scores not be revealed due to the perception that this release of information is a means for interview board members to mathematically calculate how to assure the promotion of a favored candidate.

Overall, many employees believe an interview board is an important aspect of any hiring process. They believe that one's success in their current position is a significant indicator of their potential to be successful at a higher-level position and what they have accomplished as an employee should be figured into the process.

“I believe the most important factor to look at is the candidate's prior job history, have they taken care of business, and been a leader in their current position. How they are currently performing should be the most important factor, and not just while they are trying to promote.” *(On-line Survey)*

Most employees want a portion of the process to recognize exemplary work performance and to delve deeper in to their abilities than what a written test score alone reveals. The majority of criticism regarding the Department's current interview process was not the interview itself, but rather the mechanisms within that process that could be manipulated to circumvent policy. With the recommendations suggested, a diverse array of interview board members would be selected who have no tie or affinity to a Chairman. They will be specifically trained on legal and policy protocols, and their identities will not be broadly disseminated throughout the Department. All significant avenues of manipulation in the interview board process would be secured under this model.

“Don't release the high and low written scores. Dishonest board members would have a harder time manipulating oral board scores. Don't release the names of board members. This would stop all the calls they receive to “consider” certain candidates.”

“Get out of the good ole boy system.”

“Board members are hand picked by the Department. Change the selection of board members as it seems board members are always the same.”

“I feel that the interview board sometimes has predetermined opinions of employees prior to asking the first question, due to calls from others which makes the board a complete waste of time.”

“There is no reason for anyone to know what the high and low score is other than to select the candidate the board wants. Stop this practice.”

“I believe the staff on the interview boards should be changed, the same people should not continually show up on the same boards.”

(On-line Survey)

Recommendation #4: *The Department should improve the quality of the written exam questions and maintain closer oversight of question relevancy.*

Details: Regarding the written test component of the Department promotional system, the committee makes the following recommendations:

- DPS should compose a review panel to evaluate the written exam questions prior to their inclusion into a “question pool” for accuracy, spelling, grammar, relevance and bearing to specific study material.
- The review panel should be tasked with assisting the Promotional System Captain by gathering and submitting questions for random inclusion into the written examination question pool.
- The panel should consist of a member representing each service who holds a minimum rank of Captain.
- The panel would review their service’s “job specific” questions for submission to a voluminous “question pool.” The panel SHOULD NOT review or have access to specific examinations which would perpetuate speculation of impropriety.

“Improve the written testing so that the study material is relevant (we don't even use as an agency the management books we test people on).”

(On-line Survey)

Committee Findings and Justification: Because of the size of the Department and the frequency of promotional exams being offered, compiling and maintaining test material is an enormous undertaking. Currently one Human Resources (HR) Captain and one administrative assistant handle the entire process. Because laws are constantly changing, policies are constantly being revised, and Service roles and responsibilities fluctuate, questions must be continuously revised. A multitude of factors effect test questions and their appropriateness for a specific examination. One HR Captain cannot keep up with all the nuances of law, policy and service roles while maintaining existing duties. The current staffing limitations in HR make it all but impossible for individual questions to be routinely scrutinized. In order to help maintain fluidity, accuracy, and relevance to specific written exams, the committee recommends a formal review panel system be implemented where review panel members (at or above the rank of Captain) submit, review, evaluate, and update questions that are incorporated into a voluminous question pool. Each Service would have a review panel member to specifically review service related questions. Specific members could be named to address other test topics such as General Manual, and Management questions. Review panel members could also be of value in evaluating “challenged” test questions.

Despite criticisms concerning test question construction and relevancy, the committee found that a great deal of integrity is associated with the current handling and security of DPS promotional exams. Few if any concerns were heard within commissioned ranks that tests were being covertly disseminated or “leaked out.” This is a great testament to our HR staff, and the confidence they have instilled in DPS personnel through their diligent, safe-keeping of sensitive test information. The committee does not want to compromise this confidence

through the introduction of review panels, therefore, strict guidelines would have to be in place and enforced by HR. These guidelines could include:

- Review panel members only being able to review/submit/or evaluate a limited number of questions from a voluminous pool of potential test questions.
- Review panel members never reviewing an actual examination or reviewing questions from multiple question pools (example: General Manual questions and Management questions).
- Review panel members should be rotated out each year.

Safe-guards such as these could assure new test questions are continuously being added to question pools and existing questions are periodically evaluated, without compromising the confidence that currently exists surrounding the security and confidentiality of test material.

“Questions should be based more directly to service and job specifications. Study material should not include outside departmental materials that have a great cost to the individual desiring to promote.”

(On-line Survey)

Criticism exists in the field about the study material used by HR to compile questions pertaining to topics such as police management. The study material is not made available by the Department and employees complain about the cost of acquiring the books, then having to re-purchase material when newer editions come out. In addition, the management philosophies contained in these books are neither taught, formally practiced, or necessarily even endorsed by the DPS aside from its inclusion as study material for promotional exams. The committee believes DPS should consider developing proprietary study material or pursue avenues for promotional candidates to have access to study material through free on-line sources such as university libraries. In the interim, DPS should assure that all referenced study material currently on tests and job announcements is prefaced with thorough data to include, source, volume, and edition.

“I would recommend the written test be more position specific. I believe another party/parties should be responsible for reviewing each question for correctness.”

“The testing portion is important but could be “tweaked” to reflect more job performance measures and knowledge instead of statistical questions or the history of the Department.”

“Provide adequate resources from which everyone taking a test is provided the same material from which to prepare.”

“Relevant written tests. Each test has a lot of “filler”.

(On-line Survey)

Recommendation #5: *The Department should provide mentoring and improve communication and training in regard to the promotional system and promotional opportunities.*

Details: The following recommendations are made to better communicate and prepare promotional candidates:

- DPS should develop training material, to include: booklets, CDs, inter-active web pages, etc. to improve communication and education about the promotional system and potential changes.
- DPS should create and maintain a web-based “living document” published in Public Folders-*Law Enforcement Promotional System* and/or the DPS website, to list all commissioned promotional vacancies in every Service of the Department, to be updated on a weekly basis.
- The Department should require training for interview board members as a prerequisite to their serving in that capacity (also listed in Recommendation #3).
- DPS should implement an intern/mentoring program to educate and assist employees desiring to promote.

“Training and mentorship is the key to helping individuals fulfill their potential.”

(On-line Survey)

Committee Findings and Justification: From interviews and review of on-line survey results, committee members determined that numerous employees had flawed understandings of current policies and procedures pertaining to the promotional process. In response, the committee recommends DPS develop training material, to include: booklets, CDs, inter-active web pages, etc., to improve communication and education about the promotional system and also potential changes. Better use of web-based educational tools, in addition to policy manuals, may prevent continued misconceptions to spread. These tools could also be used to implement training for interview board members as was suggested in Recommendation #3. It will be especially important as the Department transitions into a new system that employees are thoroughly familiarized with different concepts and guidelines and that both the promotional candidate and the DPS management team is indoctrinated and committed to its success.

In regard to communication, employees expressed discontent at missed opportunities within DPS because they did not have timely access to current vacancy lists. The technology exists within DPS to provide simple ways for officers to view job vacancies in all services of the Department. The committee recommends that DPS create and maintain a central, web-based, “living document” published in Public Folders, and/or maintained on the DPS website that lists all commissioned promotional vacancies in one, central location. In order to instill confidence in the accuracy of the information of the site, it is further recommended that the information be updated weekly.

Through review of other state agency promotional models, it was noted that several agencies had formal mentoring programs established to develop leadership, assist promotional candidates, and help employees make informed decisions in regard to their promotional aspirations. The committee recommends that further study be given in this area and that a formal mentoring program be established in DPS for its interested employees.

“I would like to see DPS implement a policy that would allow a commissioned member to know the location of a job before he/she tests for it.”

“The Department should allow employees on a temporary basis to participate in the position desired by the employee.”

“Mentoring program where current troopers get to spend some real time with their HP Sgt. or members of other services to see exactly what they want to do before they begin the promotional process.”

(On-line Survey)

Recommendation #6: *The Department should implement a common promotional assessment process and procedure for all services.*

Details: The committee recommends the following:

- All DPS services adopt a common promotional assessment process to augment the promotional process, effective to the rank of Lieutenant.
- The promotional assessment would be structured and applied uniformly throughout the Department.
- The promotional assessment should be available to the promotional candidate to review and to add any rebuttal to findings.

“Despite what many other people believe, I think more importance should be placed on an individual's background and past performance rather than a written exam or oral interview score.”

(On-line Survey)

Committee Findings and Justification: The Criminal Law Enforcement Division currently conducts a background investigation on individuals testing for the position of Sergeant. Although controversy exists concerning this process to include its sole use by CLE, the requirement of a completed Personal History Statement, etc., the committee determined that a standardized, consistent modification of this process would be beneficial to an interview board and should be conducted on all promotional candidates up to the rank of Lieutenant. The proposed “promotional assessment” would be standardized, less subjective, and made available to the promotional candidate as a mechanism for promotional development, constructive feedback and rebuttal. Further study into this recommendation will need to be made to establish further details.

“When a position becomes available a posting should be made to all personnel. Qualified applicants should be screened, tested and interviewed for that position.”

“A background for each position should be completed-and it should not be an employment background. I’m already employed here. It should be focused primarily on past work in the job I’ve been doing.”

“Establish a policy for comprehensive background investigations for all promotions. Do not rely on the evaluation alone for key information, our evaluation system is very subjective and a personality conflict with a supervisor could ruin an employee’s ability to promote under the current system.”

“Promotional assessments should be conducted at all levels for all positions within the Department. The assessment should concentrate on the work performed and the applicant’s skill set to do the job for which they are testing.”

“I am in CLE and believe our process of completing background investigations on promotional candidates results in the interview board having a complete picture of the candidate.”

(On-line Survey)

Recommendation #7: *The Department's promotional system should be reevaluated in three years.*

- The Department's promotional system should be reevaluated in three years.

As a diverse committee, representing a variety of ranks and services, a great deal of healthy, forthright discussion, on a wide range of topics, was generated as we contemplated the DPS promotional process and other promotional models. The further contribution of well over 1,000 commissioned officers through survey and interviews greatly benefited the study and appeared to be a well-received mechanism for allowing employees to have their voice heard. The varied insights from our committee members, coupled with the scope of the feedback we received from employees, assured issues were considered from many vantage points. This committee has submitted its best effort and believes the proposals herein are reasonable and sound; however, as a safeguard, we recommend the Department reinstate a new promotional review workgroup in three years to evaluate our recommendations and the impact they have had on our employees and agency. A re-examination will ensure that any unforeseen problems are identified and addressed. It will also allow new eyes to scrutinize the effectiveness of the changes and provide an avenue for further recommendations or modifications to be proposed.

“The survey touched on most of the problems.”

“The problems are complex and I don't know all the answers.”

“Thank you for taking on these problems and good luck.”

“I am very pleased that the Department has taken the opportunity to advance our promotional services.”
(On-line Survey)

Project Approach

Subcommittee Project Approach: The DPS Promotional Process Review Committee first met on August 07, 2008. Each member had been selected by Lt. Colonel McEathron. The committee was made up of members who represented a multiplicity of ranks and services, further coupled by gender and ethnic diversity. The committee members were divided into sub-committees based on geography. Each sub-committee was assigned specific tasks or areas of review commensurate with the charge made to us by Lieutenant Colonel McEathron.

- Subcommittee-Group 1 Post-Promotional Survey (one-on-one interviews)
- Subcommittee-Group 2 Sunset Recommendations/Promotional Incentives
- Subcommittee-Group 3 Broad Employee Survey-Web based (anonymous)
- Subcommittee-Group 4 Interview Board Process Review
- Subcommittee-Group 5 Written Test Process Review

The committee was provided the written results of a previous committee study, headed by Chief Baker, that reviewed promotional process models utilized by other State law enforcement agencies-(External Reference #1- Department Study, "A Survey and Evaluation of the Hiring and Promotional Processes of State Police Agencies)."

Each committee began working independently on their specific tasks. The on-line survey was disseminated to all commissioned employees on 08-26-2008, and was available for them to participate in until 09-06-2008. The committee met again as a group in Corpus Christi and spent two days discussing the results of the survey, a variety of alternative promotional models, and the work that had been developed by the sub-committees. At the conclusion of this meeting, the sub-committees were further tasked to continue studying the survey results in regard to issues surrounding their specific area of review. A November meeting of subcommittee leaders in Midland solidified the seven recommendations submitted in this report. A PowerPoint presentation was also created as a means of communicating a draft of our general ideas, pending the development of a final written report.

A more detailed account of the subcommittee work and finding is detailed below:

Subcommittee Findings Group #1: Post-Promotional Survey

Members: Captain Kennis Miles, Sergeant Robert Wilson, Sergeant Jeff Maeker, and Sergeant Laura Simmons

This workgroup was tasked with gathering one-on-one feedback from both successful and unsuccessful promotional candidates regarding the DPS promotional process and their experience with it. Captain Terry Preston provided the list of successful and unsuccessful candidates for the workgroup. It was noted early on by the subcommittee members that many employees did not feel comfortable with this one-on-one approach and elected to use the on-line survey in order to respond anonymously. The total number of candidates ultimately polled

by the group was one hundred (100). Overall, the workgroup found, as might be expected, the more successful candidates were more satisfied with the current promotional process.

The following results have been compiled by the workgroup in regards to the promotional process:

- 77% of candidates polled would consider participating in the Department's promotional process in the future. The top two (2) motivators were found to be (1) desire to lead/manage and (2) better pay.
- 93% of candidates polled would consider living away from their family for a temporary duration for a promotion. The largest hardship encountered by those who have lived away from their family was found to be financial difficulties and marital problems, but most felt the sacrifice was worth it in the long run.
- In regards to promotional incentives, candidates polled overwhelmingly agreed that significant pay increase, the Department buying your house from you, relocation lump sum benefit, and hardship duty station pay were all very strong incentives. It was also overwhelmingly clear that the current pay differential between ranks was NOT sufficient to attract the best candidates. Responses indicated a pay raise of at least \$900/month would be needed to motivate candidates to promote.
- Based on responses to questions regarding the written exam, the majority of candidates strongly agreed the tests were not well written, not easily understood, or relevant to the position being sought. Numerous comments were received that posted study material should be cited by edition and available to all candidates. Candidates overwhelmingly felt the current testing procedures up to the rank of Captain were sufficient. The majority of candidates felt the tests should be reviewed by the appropriate division or service to ensure test material is relevant and accurate. Numerous responses were received that stated a minimum written score should be required to attend an interview board.
- Responses from candidates in reference to the interview board overwhelmingly indicated the current process of choosing interview board members, conducting the interview board, and the interview process is fair. Numerous comments were received that interview board members should remain anonymous prior to the board. Several responses indicated the entire interview board should be comprised of members from that service or division. Overwhelming response from candidates who had served on interview boards stated they had NOT received any training.

- The overwhelming majority of respondents indicated that law enforcement experience, education, and military service should all carry the same amount of weight. (Example: 1 yr law enforcement = 1 yr college = 1 yr military). Prior law enforcement experience is currently given no weight. Other comments received indicated military should be broken down to time served or active duty in war instead of one lump score.
- Responses regarding the predictors of qualifications for future success in the promotional process were all deemed important except for mock job related scenarios, mock organization exercises, and passed physical assessment.
- The majority of respondents agreed that providing location options when competing for promotional positions should be offered. The majority would support hiring on a Regional basis but overwhelmingly agreed this would NOT ensure that the best candidates were hired.
- The majority of respondents indicated not enough information was known about assessment centers to make an educated decision. Candidates polled believed that if used; judges should come from within.
- In reference to responses regarding the Eligibility List, an overwhelming majority indicated there is a stigma associated with turning down a promotional offer. The majority believe the eligibility list should be extended past the current year.

Subcommittee Findings Group #2: Sunset Recommendations Review/Promotional Incentives
Members: Lieutenant Gerald Brown, Lieutenant Orlando Alanis, Sergeant Brian Hawthorne, Sergeant Rebecca Salazar, and Corporal Erik Burse

Sunset Recommendations:

Allow the Department to take into account specific duty stations when filling vacancies (location specific testing) ***The committee's recommendations concerning eligibility lists are found in Recommendation #1.***

DPS Promotional Process should be completely revamped. ***This committee is recommending substantial changes in the current system.***

DPS should consider the following suggestions from recent court judgment to increase the fairness of the Department's promotional process.

DPS should assign all promotional board members from a "lottery" system similar to the system used by the disciplinary review boards. Different board chairperson is to be randomly selected during each interview process. Once the board chair is selected, other board members should be randomly selected by

computer from all department bureaus or divisions. ***The committee responds to modifications of the interview board selection process in Recommendation #3.***

Of the six board members, DPS should not allow more than two of the members to be of higher rank of the position sought and the remaining four should be of the same rank. ***The committee does not support this recommendation.***

DPS should reduce the total possible points to be awarded in the oral interview board to one-half the number of points to be awarded in the oral interview board. ***The committee does not support this recommendation. As a group, we believe the interview board is an important component of the process that takes into consideration, not only the interview answers, but also the current success of the candidate in the job they are presently doing. If a candidate's success in their current job is not a consideration in the promotional process, the incentive to strive for high job performance is invalidated.***

A maximum value should be placed on each question asked by board members, with a minimum number of questions asked. ***The committee does not support this recommendation.***

Each board member should be required to document how each candidate responds and treat this document as a government record. ***The committee does not support this recommendation.***

Require each board member to review the last three evaluation reports. ***This issue is addressed in Recommendation #6 through the incorporation of a common, consistent, promotional assessment. Additionally, this would be discussed as part of the interview training of interview board members.***

Allow each candidate to address recommendation issues by the supervisor during the interview. ***This issue is addressed in Recommendation #6 though the recommendation is that issues be address prior to the interview board and documented objectively in the background.***

DPS should provide annual testing and create an eligibility list comprising 10-25 candidates and DPS should only administer an additional exam when the list is exhausted. ***The committee's recommendations concerning eligibility lists are found in Recommendation #1.***

DPS should record the promotional-interview process. ***The committee does not support this recommendation.***

DPS should not disclose the high and low scores to board members prior to the interview. ***The committee agrees and this is addressed in Recommendation #3.***

DPS should conduct a study to improve the promotional opportunities for females in the CLE Division. ***The committee believes the proposals we are recommending will facilitate fair promotional opportunities for all employees.***

Subcommittee Findings Group #3: Broad Employee Survey-Web based (anonymous)

Members: Major Carey Matthews, Captain Lisa Sheppard, Corporal Bonnie Kuhns

Group 3 constructed a broad on-line survey that employees could take with anonymity and input free-text responses. The survey consisted of up to 71 questions. One thousand, five hundred, ninety-six (1,596) employees started the survey. One thousand, two hundred, ninety-eight (1,298) employees completed the survey. The committee received 1,407 text responses to questions and 832 text recommendations.

The on-line survey questions and results will be maintained as External Reference #2 of this report.

Subcommittee Findings Group #4: Interview Board Process Review

Members: Sergeant Damas Lopez, Sergeant Scott Stevenson, Trooper James Bishop, Trooper Roger Martin

Group 4 was tasked with gathering and evaluating information pertaining to the current DPS interview board through interviews and surveys. Group #4 met with Department members of all services and ranks. Interviews were conducted on both successful and unsuccessful promotional candidates who had appeared and or declined to appear before an Interview Board. One-on-one feedback was obtained. The findings and recommendations were similar to the findings of Groups # 2 & 3. The majority of Department members interviewed expressed concerns over integrity issues they believe exist within the current interview board process. In particular there is a perception the interview board is an extension of the “good ‘ole boy” system. Many employees believe promotional lists are pre-determined by the interview board and the ability of the Chairman to be able to “hand-pick” board members is the means used to assure collusion. There was also criticism the current performance evaluation is outdated and not administered uniformly, giving some candidates an edge. Employees also expressed concern that behind-the-scenes phone calls and non-work related criteria is used in the selection process.

Subcommittee Findings Group #5: Written Test Process Review

Members: Lieutenant Sonia Garcia, Sergeant Matt Lindeman, Sergeant Rebecca Salazar, Trooper Cynthia Sparks, Trooper Rosario Lopez

Group 5 was tasked with reviewing and evaluating the written test aspect of the promotional process. Complaints existed that questions were sometimes hard to understand or not relevant to the position being tested for. Others were not happy with the fact most study material is expensive, not accessible through departmental means, may cover material not taught and/or

adopted by the Department (such as management philosophies), and when new editions were adopted, study material had to be repurchased. Group 4 determined that HR personnel, though doing an admirable job, is understaffed to handle current and proposed tasks. The subcommittee reviewed numerous tests to try to identify problems. Although the group had a difficult time determining “relevancy” of questions on tests outside their areas of expertise, few grammatical errors were noted. The study material issue was found to be problematic which instigated the committee’s recommendation to pursue proprietary or web-based study material.

Below is a breakdown of the group’s activities:

Total tests reviewed: 10 (1/3 of all the tests administered as of August 15, 2008). They were all administered on June 12, 2008.

The tests reviewed came from the following positions:

Captain – Narcotics Service, Captain – Highway Patrol (THP), Lieutenant – Criminal Intelligence Service (CIS), Lieutenant – Narcotics Service, Lieutenant – Highway Patrol (HP), Lieutenant – Commercial Vehicle Enforcement (CVE), Lieutenant – Regulatory Licensing Service (RLS), Sergeant – Driver License Division (DLD), Sergeant – Ranger Division, Sergeant – Motor Vehicle Theft Service (MVTs)

Each exam had 200 questions each, for a total of 2,000 questions. Of the 2,000 questions, 57.9% were true or false (TF) and 42.1% were multiple choice (MC). Most tests were approximately half TF and half MC; however, there were three tests that had considerably more TF questions than MC questions.

The exams were reviewed for grammatical and spelling errors. Thirty-eight (38) questions contained spelling or grammatical errors (1.9%). The questions were reviewed for relevancy to the position the exam was being administered for. Sixteen (16) of the questions were not relevant to the position (0.8%). **The group had a difficult time determining “relevancy” of questions on tests outside their areas of expertise.*

The questions were reviewed for duplicate questions. Duplicate questions were found 17 times constituting 0.85% of the questions.

Of the 2,000 questions, 518 questions, or 25.9%, were taken from study material the employee had to purchase on their own. One exam had only one question that came from an outside source.

Of the 2,000 questions, 154 questions, or 7.7%, did not reference what study material the question came from:

Of the 2,000 questions, four questions were “officially” challenged. Two challenges were valid and the questions were thrown out and two were deemed invalid.

Other Issues

Performance Evaluations

The DPS General Manual, Chapter 7, 62.01 states: “Performance evaluation is one of the most important duties assigned to a DPS supervisor; perhaps the most important when one views efficient, accurate performance evaluation as the key to current successes and to future progress.” DPS employees expressed a strong sentiment that the current DPS performance evaluation is outdated and not administered uniformly giving some candidates a promotional advantage. Others indicate traits such as leadership, though used routinely by non-supervisory officers, are not formally evaluated at their level. Evaluation of leadership traits in non-supervisory employees would give board member insight into their future potential. Further consideration may be given to updating the current DPS performance evaluation.

“The evaluations are utilized but not standardized. Some captains feel that no one can exceed standards and little things are cause for “needs improvement”...the person working for a biased supervisor is behind the curve, even if he/she is a good employee.” (On-line Survey)

Physical Readiness Assessment as it Relates to the Promotional Process

Current policy and statute require a current passed Physical Readiness Test (PRT) on file before an employee can promote and receive an increase in salary. Currently, an employee cannot even take a test for practice without a current PRT. The policy and statute do not take into consideration that employees, even the most physically accomplished employees, can have temporary conditions such as injuries, surgeries, and pregnancies that may temporarily preclude them from having a current PRT.* Their elimination from the promotional process due to these circumstances is a detriment to both the employee and the agency. The elimination of promotional candidates can be especially problematic when it occurs in smaller testing pools such as those that are common in the higher ranks of DPS. The committee understands the PRT is currently being reviewed for possible modifications. Regardless of what the standards of the PRT ultimately become, an employee who is temporarily incapacitated would not be medically able to participate. For these reasons, the Department may wish to consider taking measures to remove the PRT as a prerequisite to participate in the promotional process.

**It was noted in survey responses and interviews that several employees indicated they received the injury that kept them from having a current PRT, during the PRT.*

“I had a bi-lateral hernia; I passed everything but the sit-ups.....I did go and take the alternate test and passed, but the test was already given before this could happen.” (On-line Survey)

Residence Policy

When an employee is required to move pursuant to a promotion, current DPS policy (General Manual 10.20.27.05) allows for reimbursement of actual moving expenses; however, reimbursement is made to only those who reside over 25 miles from the new duty station. Because the DPS residency policy is 20 miles, some employees have found themselves in that bubble of mileage (between 20 and 25 miles away), where they live too far away from the new duty station to comply with the residency policy, but they live too close to it to be eligible for reimbursement of their required move. The Department may wish to consider modifications to this policy to eliminate this discrepancy.

Headquarter Vehicles

Promotion into many positions at Austin Headquarters (HQ) comes without an assigned take-home unit to respond to calls. The cost of gasoline to commute back and forth each day in order to have access to a “pool vehicle” is an expense officers in the field do not incur. This all but eliminates any promotional pay raise and is a serious deterrent to those considering a HQ promotion. Furthermore, the additional personal vehicles exacerbates the already severe parking dilemmas at the headquarter complex. The limit on headquarters vehicles is based on legislation. According to Rider 5 (78th Legislative Session), there can only be 15 vehicles assigned as take-home units for commissioned HQ personnel. These vehicles are assigned to those individuals who may be “called-out,” such as to respond to an officer shooting or other emergency. The following 15 HQ positions are assigned take-home units:

Director	Asst. Director	THP Chief
CLE Chief	Ranger Chief	CIS Commander
MVTS Commander	Narcotics Commander	THP Asst. Chief
CLE Asst. Chief	Ranger Asst. Chief	CIS Asst. Commander
MVTS Asst. Commander	Narcotics Asst. Commander	

This vehicle issue is a significant detraction for many Troopers, Sergeants, Lieutenants, and Captains to take an assignment at HQ. It also creates a monetary incentive to transfer “out” of Headquarters and back to the field, which many do as soon as they are able. One incentive to attract and retain quality candidates to HQ positions would be to allow all or more commissioned officers at headquarters to maintain an assigned unit.

**Additional vehicles have also been allocated to HQ positions with a specific function or responsibility that warrants a take-home unit, such as SWAT, GDEM, and Recruiting.*

Assessment Centers

In general, DPS employees were not receptive to the possible incorporation of assessment centers as a means to select promotional candidates. The committee also determined that these systems are extremely expensive, time-consuming, and would be cumbersome to implement in DPS due to our agency’s large number of commissioned officers.

Conclusion

The DPS Promotional Process Review Committee was tasked to develop promotional incentives for employees and to recommend changes/alternatives to the current promotional process. It was immediately evident to our group that DPS has unique challenges associated with its promotional process that do not come with easy or inexpensive solutions. Some of the recommendations submitted are simple and can be implemented with little difficulty. Further development and refinement will be needed to solidify and refine more complex recommendations. Appropriated funds will be required to implement fiscal promotional incentives. We expect some recommendations will be readily accepted by most employees, while others will no doubt meet with resistance due to their significant shift from past practices. All, if accepted, should be applied and implemented uniformly across all Divisions and Services within the Department. Admittedly, the committee did not find the existence of a “perfect system,” or “perfect incentives,” nor can we boast that there was “perfect consensus” among members on every issue, but we *did* address the difficult and controversial elements of our current process, we *did* listen to the input of our fellow employees, and, we *did* formulate solutions that fit and are compatible with the unique needs of our Department. We believe our recommendations are sound and will equate to significant change and benefits for both the employee and the agency.

External References

The following External References were utilized by this Committee:

External Reference #1-Department Study-“A Survey and Evaluation of the Hiring and Promotional Process of State Police Agencies”

External Reference #2-Department On-line Survey Results



DPS Promotional Process Review Committee
December, 2008