DISTRICT OF COLUMBIA
DEPARTMENT OF CORRECTIONS

PROGRAM STATEMENT

OPI:	**PROGRAMS**
Number:	**3110.3D**
Date:	**April 13, 2012**
Supersedes:	**3110.3C (3/23/11)**
Subject:	**Promotion Process for Lead Correctional Officer (Sergeants)**

1. **PURPOSE AND SCOPE**. To establish procedures for evaluating and selecting candidates for promotion to the rank of Sergeant.

2. **POLICY**. It is the policy of the District of Columbia Department of Corrections (DOC) to ensure that all qualified candidates for promotion are afforded an equal opportunity to demonstrate their job knowledge and ability to perform at the next higher grade level. This will be accomplished by a competitive examination process, which will consist of multiple job-related components designed to assess knowledge, skills, and abilities.

3. **APPLICABILITY**. Procedures shall apply to individuals involved in the promotion process and candidates for Sergeants Positions.

4. **NOTICE OF NON-DISCRIMINATION**.

   a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

5. **PROGRAM OBJECTIVES**. The expected results of this program are:

   a. Provide an effective and fair method of evaluating and selecting employees for promotion.

   b. Provide selecting officials with a choice from among the best qualified candidates.

6. **AUTHORITY**

a. District Personnel Manual, Chapter 3, “Residency”.

b. District Personnel Manual, Chapter 8, “Career Service”.

c. District Personnel Manual, Chapter 16, “General Discipline and Grievances”.

d. District Personnel Manual, Chapter 31, “Records Management and Privacy of Records”.

e. Collective Bargaining Agreement Between District of Columbia Department of Corrections and Fraternal Order of Police DOC Labor Committee (12/19/02-9/30/05).

f. DC § 24-211.02; Powers; Promulgation of Rules.

g. DC Comprehensive Merit Personnel Act.

h. DC Omnibus Personnel Revitalization Act of 1998.

i. DC Code 1-631.01, et seq., Records Management and Privacy of Records

7. **DIRECTIVES AFFECTED**

a. **Directives Rescinded**

PS 3110.3C	Promotion Process for Sergeants and Lieutenants (3/23/11)

b. **Directives Referenced**

1)	PS 2000.2	Retention and Disposal of Department Records
2)	PS 3040.6	Personnel Security and Suitability Investigations
3)	PS 6050.4	Mandatory Employee Drug and Alcohol Testing Program – MEDAT

8. **STANDARDS REFERENCED.** None

9. **GENERAL PROCEDURES**

a. The Director DOC or designee shall appoint appropriate staff to oversee development and implementation of the promotion process.

b. The staff will consist of senior managers in the DOC who have direct working knowledge of supervisory and management issues in correctional institutions.

c. Copies of the DCHR regulations describing the procedural aspects of the Merit Staffing/Promotion Plan shall be made available to all employees and a copy provided to the Collective Bargaining Unit.

10. **COMPETITIVE SELECTION.** Promotions of employees in the Career Service shall be:

a. By open competition, involving positive recruitment and examining procedures designed to achieve maximum objectivity, reliability, and validity.

b. Made on the basis of merit by selection from the highest qualified available eligibles based on specific job requirements with regard to applicable laws and the District Personnel Manual (DPM).

11. **PROHIBITED PERSONNEL ACTIONS**

a. No employee shall interfere in the competitive process by influencing another employee to withdraw from competition for any position for the purpose of either improving or injuring the prospects of any applicant for appointment or selection.

b. No DOC or DC Government official shall appoint, promote, advance or advocate for the promotion of his/her relative or any other employee to a position over which he or she has control.

c. No personnel authority shall appoint, promote, advance or advocate for the promotion of any individual advocated by a DOC or DC Government official who is serving in or exercising jurisdiction or control over the agency and is a relative of the individual.

12. **VACANCY ANNOUNCEMENT**

a. Each position vacancy that is to be filled through competitive procedures shall be advertised via a standard vacancy announcement.

b. The agency will announce job vacancies for at least ten (10) business days.

c. The Union shall be provided a copy of the vacancy announcements.

d. DOC shall be the area of consideration from which to fill vacancies in the collective bargaining unit to the extent that the procedure is not in violation of equal employment opportunity laws and regulations and DOC's affirmative action plan.

13. **APPLICATIONS**

a. All applications for vacant positions shall be submitted to the DC Department of Corrections.

b. The DOC shall have the primary responsibility for screening applications.

c. Established criteria shall be consistently and objectively applied to all applicants.

d. Applicants who DOC determines meet the minimum qualifications for the position shall be eligible for the promotion examination.

e. An applicant who is a bona fide resident of the District of Columbia may claim a residency preference at the time of application. Proof of bona fide residency shall be submitted upon selection for the position.

14. ELIGIBILITY FOR THE PROMOTION EXAMINATION

a. The minimum eligibility requirements for taking the promotion examination are:

1) **Time In Grade**. At least one (1) year continuous (specialized) experience must have been equivalent to at least the next lower grade in the normal line of progression for the occupation.

2) **Performance Evaluation**. Must have received a satisfactory or higher performance evaluation for the most current rating period.

3) **Background Investigation**. Must pass a background investigation in accordance with PS 3040.6 *Personal Security and Suitability Investigations.*

4) **Drug and Alcohol Testing.** Must pass a mandatory drug test in accordance with PS 6050.4, *Mandatory Employee Drug and Alcohol Testing Program (MEDAT).*

5) **No Disciplinary Actions**. Must not have disciplinary action within the previous twelve (12) months of the closing date of the vacancy announcement.

b. All employees who feel they meet this requirement may take the examination, subject to official determination of time-in-grade eligibility by DOC prior to or following the examination.

c. Time in grade requirements must be met by closing date of vacancy announcement.

d. DOC shall notify the employee in writing regarding his/her eligibility.

15. REQUEST TO WAIVE OFFICIAL REPRIMAND

a. Candidates who have received an official reprimand within the last one (1) year and satisfy the time in grade and performance evaluation requirements may submit a written request for waiver to the Deputy Director for consideration to take the promotion examination.

b. The written request shall include, but not be limited to, the following information:

1) The date, time and location of the incident;

2) A brief detailed account of the incident;

3) Original charges/Specific Cause;

4) Whether the official reprimand was the initial proposed action. If not, provide the original proposed disciplinary action;

5) Any appeals filed regarding the final decision;

6) Reason for waiver; and

7) Copies of documents relevant to the original charge(s)/specific causes.

c. The written request for waiver shall be submitted within ten (10) days of the announcement of the promotion examination.

16. **EXAMINATION ANNOUNCEMENT**

a. The promotion examination for Sergeants shall be announced through written notice at least sixty (60) days before the scheduled date of the examination.

b. The announcement shall be read at roll call for at least seven (7) consecutive days and shall be posted on all official bulletin boards for the duration of the announcement period.

c. Application procedures and eligibility requirements shall be covered in the announcement.

17**.** **CONFIDENTIALITY.** All DOC employees involved in the promotion process, including, but not limited to, testers, panel members and administrative staff, shall sign a Nondisclosure and Confidentiality Agreement (Attachment A) stating that promotion materials and information shall not be discussed or disclosed to persons who are not authorized to have access to the information.

18**.** **PROMOTION EXAMINATION**

a. **Type of Examination**. The promotion examination shall consist of written, oral, or performance examinations, or a combination thereof, or unassembled examining procedures which may include establishment of rating and ranking plans or selection panels, or both.

b. **Administering the Examination**

1) Only Human Resource Management Division (HRMD) employees may administer the examination.

2) DOC employees taking the examination shall not participate in administering the exam.

c. **Posting and Reviewing Scores**

1) HRMD shall ensure examination scores are posted or distributed in a confidential manner for applicants to review their status.

2) Applicants who wish to review their test results shall schedule an appointment with HRMD.

d. **Eligibility for Merit Promotion Panel Interview**. Applicants who score at least seventy (70) on the numerical rating are eligible for consideration for promotion and shall be interviewed by the Merit Promotion Panel.

19. MERIT PROMOTION PANEL

a. **Composition of the Merit Promotion Panel**

1) The Director or designee shall select members for the Merit Promotion Panel. The panel shall be composed of three members. Any employee may serve on the Merit Promotion Panel provided that all of the conditional qualifications for panel membership are met. The following conditions shall also apply:

a) At least one panel member must be from an organizational unit other than that where the vacancy is located.

b) Panel members must be at or above the grade level of the position to be filled and should be knowledgeable in the requirements of the position to be filled.

c) Panel members may not be related by blood or marriage to any applicant considered for the position to be filled. For the purposes of this section, a relative is defined as an individual who is related to the panel member as father, mother, son, daughter, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. A relative also includes a domestic partner or person with whom panel member maintains a committed relationship and his/her family members as listed above.

d) The panel shall reflect the diversity of the workforce.

2) **Collective Bargaining Representative.** The Union will have ex-officio membership as an observer on merit staffing panels for non-supervisory positions within the bargaining unit. The Union representative must be the same grade or higher than the position being filled. Executive Board Members of the Union are excluded from this restriction. The Union

representative shall not participate in management's deliberations or the selection of candidates.

3) **Human Resource Management Representative.** In all cases, an HRMD representative shall serve as the monitor and shall instruct the panel in the proper evaluation procedures.

b. **Interviews**

1) A standard set of interview questions developed by the Director or designee shall be submitted to HRMD prior to the interviews. HRMD shall review the questions to ensure compliance with EEO guidelines.

2) Non-job related and/or questions of a discriminatory nature are prohibited.

3) An applicant may be asked follow up questions in response to answers, applicant statements and questions, or to clarify information on the application.

20. SERGEANTS EXAMINATION AND SCORING

a. All components of the promotion examination shall be scored numerically with a maximum value of one hundred (100) points per Component.

b. The entire examination shall be divided into two (2) Components.

1) Component I –Shall consist of either multiple choice, true or false, situational or essay type questions, with a maximum possible score of one hundred (100) points.

2) Only those candidates whose score on Component I is a minimum score of seventy (70) shall be eligible to proceed to the Component II, the oral examination before the Merit Promotion Panel.

3) Component II shall consist of an oral interview before a Merit Promotion Panel. The candidate may receive a maximum score of up to one hundred (100) points

4) The score from Component I and II shall be added. This score will be divided by two (2), which shall result in the candidate's Composite Score which will determine the candidate's promotion ranking order. The Composite Score must total a minimum of seventy (70) points in order to be ranked, promoted or placed on a promotion register.

21. COMPOSITE SCORE

a. Each candidate who successfully completes all components of the examination process shall receive a composite score.

b. The composite score shall be a categorical rating. Each candidate shall be ranked:

1) Highly Qualified: These are candidates whose qualifications and ranking scores indicate the capability for outstanding work performance in a given position (90 points and above);

2) Well Qualified: These are candidates who qualifications and ranking scores indicate the capability for more than acceptable work performance in a given position (80-89 points);

3) Qualified: These are candidates whose qualifications and ranking scores indicate the capability for acceptable work performance in a given position (70-79 points); or

4) Ineligible: These are candidates whose qualifications and examination scores do not indicate the capability for acceptable work performance in a given position because they failed to meet the following:

a) Minimum qualification requirements.

b) A composite score of at least seventy (70).

22. PROMOTION PROCESS

a. Promotion Register Order

1) A Promotion Register shall be prepared listing the composite scores of each candidate who successfully completes all components of the competitive process.

2) Candidates determined to be eligible for the position shall be placed on the Promotion Register in descending rank order beginning with the candidate who attains the highest score, including any points mandated by law or regulation.

3) In the event two (2) or more candidates obtain the same score, the following factors shall be weighed in descending order:

a) **Residency Preference** - The candidate with residency preference shall be listed ahead of the non-residency preference candidate.

b) **Veteran's Preference** - shall be the deciding factor if there is still a tie.

c) **Total Government Service** - shall be the final deciding factor to determine Promotion Register order.

b. **Life of the Promotion Register**

1) A register shall remain in existence until exhausted, except when an earlier termination date is authorized by the DOC.

2) DOC reserves the right to cease promotions at any time during the life of the Promotion Register due to lack of funds, operational needs or any other reason determined by the Director.

3) If a register is closed prior to selection of all candidates, the remaining eligible employees may be transferred to a successive register established for the same job category provided the same selection procedures have been used or as otherwise authorized by DOC.

4) The entire register of eligible candidates may be certified when there are more vacancies than candidates or when DOC determines that other circumstances warrant such certification.

23. ELIGIBILITY FOR PROMOTION

a. Qualifications. Candidates whose names appear on the Promotion Register are eligible for selection to fill a vacancy at the level for which they qualify provided:

1) There are no sustained or pending disciplinary actions or charges, pending complaints or probable cause determinations involving sexual harassment against staff or sexual misconduct against inmates within one (1) year or criminal arrests, indictments, and/or convictions since the candidate's last suitability investigation.

2) A within grade increase has not been withheld for failure to meet an acceptable level of competence during the waiting period for promotion;

3) Time-in-grade eligibility has been fulfilled;

4) No derogatory information is disclosed during the background investigation; and

5) The candidates pass a mandatory drug test.

b. **Deferred Promotion**

1) When an employee's name is on the Promotion Register and that employee has a proposed corrective or adverse action pending at the time his/her name is reached for rank order promotion, the employee's name **shall not** be removed from the Promotion Register. Rather, that employee shall be temporarily bypassed pending final resolution of the action.

2) When an employee's name is on the Promotion Register and that employee has received a final decision on a corrective or adverse action

and has an active, appeal pending at the time his/her name is reached for rank order promotion, the employee's name **shall not** be removed from the Promotion Register. Rather, that employee shall be temporarily bypassed pending final resolution of the appeal.

3) The Department shall immediately notify each employee who has been temporarily excluded from promotion consideration for the reasons described above.

4) An employee who has been temporarily excluded from promotion consideration shall receive the final disposition regarding his/her promotion in accordance with the following:

a) **Resolution in Favor of the Employee**. Upon final resolution of the disciplinary process which is in favor of the employee, the employee shall be **retroactively promoted** into the next available promotional vacancy (regardless of the expiration of the Promotion Register wherein the employee's name appears) and otherwise made whole effective not later than two (2) pay periods from the date he/she was excluded from consideration; and

b) **Resolution in Favor of the Employer**. Upon final resolution of a disciplinary action, which is in favor of the Employer (i.e., sustaining a whole or in part the corrective/adverse action), the employee shall be removed from the Promotion Register.

c. **Removal From Promotion Register**. Candidates for promotion shall only be removed from the Promotion Register for cause. Cause is defined as follows:

1) A final decision is rendered in favor of the employer in a disciplinary action and the employee has not appealed such decision within the time limits prescribed or has exhausted the appropriate avenue of appeal (arbitration or Office of Employee Appeals, whichever is applicable).

a) A corrective or adverse action is disqualifying for a period of three (3) years from its effective date.

b) The official personnel action document effecting the corrective or adverse action is a permanent record and shall remain in the employee's Official Personnel File unless ordered by the official issuing the corrective or adverse action, that official's superiors or successor, the Office of Employee Appeals, a court of competent jurisdiction, an arbitrator of competent jurisdiction, the appropriate personnel authority, or the Office of Human Rights.

2) A within-grade increase has been denied and the employee has not requested administrative reconsideration within the time limits prescribed, or requests for administrative reconsideration have been denied and all other avenues of appeal have been exhausted.

3) A failure to meet time-in-grade eligibility requirements as specified in this directive.

24. **PROMOTION SELECTION.** Candidates shall be selected from the register in the order of their relative standing on the register unless required by an affirmative action plan established in accordance with applicable legal requirements or by law or court order.

25. **FILE REVIEW.** Employees may review information in their individual files In accordance with DPM Chapter 31A as follows:

a. The applicant's answers in a written test may be reviewed by the applicant only in the presence of an employee of the HRMD in an appropriate office. The test booklet shall not be made available in connection with such review.

b. Information concerning the results of examinations shall be released only to those parties explicitly designated by the individual.

c. The names of applicants for positions or eligibles on registers, certificates, employment lists, or other lists of eligibles, or their ratings or relative standing shall not be information available to the public.

26. **EMPLOYEE COMPLAINTS AND GRIEVANCES**

a. An employee may file a grievance when he or she believes that an action on his/her application or an employment practice that was applied to him/her is a violation of law or DPM regulations.

b. An employee may file a grievance regarding his/her test score based on a questionable test item within ten (10) business days from the date the test was administered.

c. No employee who is certified on the selection certificate can file a grievance for non-selection unless there has been a violation of the DPM.

d. No employee can file a grievance for an action resulting from a court or legal decision as applied to groups of positions or to a specific action.

e. A grievance shall be resolved under appropriate procedures, pursuant to the current Collective Bargaining Agreement for employees in the bargaining unit or District Personnel Manual Chapter 16 for all other employees.

f. If it is determined that a procedural violation occurred and a candidate was erroneously promoted, DOC shall initiate remedial action within 45 days after the date DOC officials knew or should have known of the violation.

27. **RECORDS RETENTION**

a. Pre-promotion records shall be retained for a minimum period of five (5) years in accordance with PS 2000.2, Retention and Disposal of Department Records.

b. In addition, any promotion record relating to a grievance or appeal submitted by an applicant shall be retained for three (3) years.

c. If the grievance or appeal is not adjudicated within that period, the records shall be maintained until it is resolved.

d. DOC shall maintain all original test materials in accordance with the agency's retention policy.

Thomas Faust
Director

Attachment - Nondisclosure and Confidentiality Agreement