



## FHP Promotional Process Audit Report 202021-02

June 21, 2021

### Executive Summary

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The Florida Highway Patrol (FHP), Law Enforcement Operations, Promotional Examination and Assessment section oversees the promotional and assessment process for sworn members. FHP promotion procedures must meet the requirements of Chapter 60L-33.00314, Florida Administrative Code (F.A.C.), *Promotion Appointments*, and Title 5 Code of Federal Regulations (CFR) § 335.103, *Agency Promotion Programs*. To ensure promotions are given to the best-suited candidates in an efficient and legally defensible manner, the FHP has developed a two-pronged evaluation process which leads to an annual FHP Promotional List that is used by management to promote sworn members to the ranks of corporal, sergeant, lieutenant, and captain.

The purpose of this audit was to review and evaluate the efficiency and effectiveness of the Department's promotional process for FHP sworn members and to determine compliance with applicable laws, Department policy, and procedure. Our review included the process for administering the written examination and assessment exercises, eligibility requirements, vacancy notification, and promotional selection. We also analyzed examination pass/fail rates in comparison to member demographics, reviewed a sample of promotions to determine whether promotional actions were compliant, and conducted a survey of other state's evaluation models.

Overall, our review determined FHP has adequate and efficient processes for administering and scoring the written examination and assessment exercises. We also determined the current processes for notifying, verifying, and mentoring interested candidates are adequate and efficient. FHP maintains a comprehensive database that details the stages of the promotional testing process, including capturing equal employment opportunity statistics, and incorporates controls to ensure scores are calculated accurately.

However, we noted FHP could strengthen the promotional process by implementing a quality assurance process to review and validate test questions and assessment exercises. During our review, we noted examination questions and assessment exercises are developed and vetted by an internal Subject Matter Expert (SME) committee, but there is not another level of review and approval or a quality assurance process to validate the test questions or the test development and exercise creation process. Because the written test questions and assessment exercises are developed by the SME committee with no outside input, this process could have the appearance of bias. Without validation from a secondary or professional outside source, management



does not have complete assurance regarding the integrity and validity of the testing instruments. We recommend FHP implement a quality assurance process to review and validate test questions and assessment center exercises developed by the SME committee. We also recommend FHP consider engaging a professional source to implement the previous recommendation.

Management concurred with the findings and recommendations and has begun implementing corrective actions.

## Background and Introduction

In accordance with Section 110.107, Florida Statutes (F.S.), a promotion is the increase of an employee's broadband level having a higher maximum salary, or the acquirement of greater responsibilities at the same broadband level.

Chapter 60L-33.00314, F.A.C., states a career service employee shall be given a promotion appointment when the appointment is to a position in a broadband level having a higher maximum salary or to a position in a broadband level having the same or lower maximum salary but a higher level of responsibility. Upon a promotion appointment, the employee shall be given probationary status.

Chapter 55A-7.010, F.A.C., states individuals who receive a qualifying examination score for a position are also eligible to receive an augmented rating. An augmented rating is designed to increase an eligible veteran's final score in the numerically based selection process.

In accordance with Title 5 Code of Federal Regulations (CFR) § 335.103, *Agency Promotion Programs*, each agency must establish procedures for promoting employees that are based on merit from among the most qualified candidates and must be available in writing. Actions under a promotion plan, whether identification, qualification, evaluation or selection of candidates, must be made without regard to race, color, religion, sex, national origin, age, disability, genetic information, marital status, political affiliation, sexual orientation, labor organization affiliation or non-affiliation, status of a parent, or any other non-merit based factor, unless specifically designated by statute as a factor that must be taken into consideration when awarding such benefit.

The promotional process is governed under the FHP Collective Bargaining Agreement, Article 9, for ranks that are included: trooper through sergeant only. The state and the Police Benevolent Association (PBA) agree that promotions should be based on the relative merit and fitness of applicants. Toward the goal of selecting the most qualified applicant for each promotional vacancy, the parties agree that the provisions of this



Article, along with all provisions of the rules of the state personnel system will be followed when making appointments.

FHP Policy 5.02, *Promotion*, documents the qualifications and procedures for promotion. Candidates must meet the qualifications prescribed in this policy and uniform procedures must be used to ensure equal opportunity for promotion to eligible candidates. Vacant positions shall be filled on a merit basis from among the most qualified, available members.

The FHP Law Enforcement Operations, Promotional Examination and Assessment section offers encouragement and opportunities for sworn members to be promoted. FHP has two primary goals when evaluating members for promotion; first, administer promotional testing and assessment processes in a fair and equitable manner and second, to coordinate with the SME committee to develop the annual promotional examination and assessment process for eligible candidates.

## **Promotional Examination Process**

FHP's process for promoting members to the ranks of corporal, sergeant, lieutenant, and captain consists of a written examination. Promotions to the ranks of sergeant and lieutenant also include an assessment (written and exercise-based), designed to use job-related exercises to identify candidates whose performance indicates the potential to handle future management challenges. Both exams are based on a 100 percent scale, each accounting for either 40 or 60 percent of a candidate's final score, depending on the promotion rank. Candidates who are interested in promoting must meet eligibility requirements, such as attaining a specified number of years of service or have held a certain rank for a specific period of time. Promotions to positions of captain and above are appointed upon recommendation by the FHP Colonel with approval from the Department Executive Director.

The following sections describe the promotional process and actions required from both the FHP Promotional Examination and Assessment section and candidates interested in promoting.

## **Subject Matter Experts Committee**

FHP has established a six-member SME committee responsible for developing the written examination and assessment exercises each year. The written examination questions are developed based on FHP policies, rules, and state statutes; considering the questions from the prior year examination and the rate at which they were correctly/incorrectly answered. The SME committee also brainstorms and discusses relevant, priority topics to be the basis of the questions for the assessment exercises.



Separate examinations are created for each rank. The questions are reviewed, analyzed, and verified by committee members in the months leading up to the examination.

SME committee members hold the rank of captain or above and are selected by the FHP Director. Current SME committee members have been serving on the committee for at least two years. There are no term limits for serving on the SME committee.

## **Written Examination**

Registration for the Promotional Examination (PE) opens each December. Sworn members interested in promoting to captain, lieutenant, sergeant, or corporal register to take the written examination on the FHP Promotional Exam and Assessment SharePoint site.

Typically, registration closes in the beginning of March, and the PE Administrator is responsible for screening each registrant to ensure they are eligible to take the appropriate rank-specific examination. In April, eligible registrants receive details on the time, date, and place of their written examination. Should an eligible candidate not be able to make the scheduled test date, the candidate can submit a formal request to take the exam on a different date.

During registration, candidates select the location where they wish to take their written examination. Each candidate has access to a rank-specific written examination bibliography and applicable laws and policies on the FHP Promotional Examination and Assessment SharePoint site to prepare for the exam.

The written examination consists of 100 multiple choice questions and is completed on scantron sheets. Written examinations are proctored by SME committee members and selected members from each troop location where the testing is being held. There are two proctors for each testing location. After the written examinations have been completed, the scantrons are collected by examination proctors and returned to the PE Administrator. The PE Administrator delivers the scantron sheets to Florida State University's (FSU) Testing Center. The FSU Testing Center grades all the examinations and provides a Test Question Analysis report. This report is used to develop the following year's written examination. Annually, written examination questions are reviewed, altered, added, or deleted.

Once graded, scantrons are retrieved from the FSU Testing Center by the PE Administrator. The final grades are manually entered in the PE Microsoft Access database (database) by the PE Administrator, with the help of a current or former SME committee member. Once final scores are verified by the PE Administrator and SME committee member, all candidates are notified via email of their final examination score.



Candidates can “challenge” their scores with the SME committee if they believe any test questions were unclear or misleading.

The members who scored at least 75 or above and who placed within the top 50 on the sergeant examination, and the members who placed within the top 30 on the lieutenant examination are invited to participate in the assessment portion of the examination process. This entails an exercise-based assessment (written and/or oral). Only candidates seeking promotion to sergeant and lieutenant positions participate in the assessment.

The FHP Director announces the top-ranking captain and corporal candidates to all FHP members by email. The top candidates are added to the FHP Promotional List, which is accessible on the FHP Promotional Examination and Assessment SharePoint site. The candidates for captain are listed in alphabetical order, while the candidates for corporal are listed in order of highest test score.

## **Assessment Center Examination**

The assessment portion of the examination for sergeant and lieutenant positions is usually a week-long process held in June, where candidates complete an interview and a series of exercises. The assessment usually consists of 3 exercises:

- Oral interviews- for both lieutenant and sergeant candidates – These are comprised of scenarios and behavioral-based questions. This allows candidates to demonstrate their skills used in a specific job-related incident or situation.
- Oral Board Presentations- lieutenant candidates are given a topic and supplies (pens, pencils, note cards, paper, highlighters) and are asked relevant questions to culminate in the candidate orally presenting a response to the scenario in front of the panelists. Candidates are graded based on general presentation and content; including problem solving, decisiveness, planning and organizing, delegation and control, judgment, and interpersonal insight.
- In-Basket exercises- lieutenant candidates have three hours to demonstrate their ability to evaluate job-simulated documents. The exercises may contain scenarios (i.e. interruptions by subordinate with an issue requiring immediate action), announcements, reports, and/or situations requiring action. There are two in-basket exercises, both of which are graded based on overall written communication skills and management dimensions.



For each rank, all candidates receive the same oral interview questions, in-basket exercises, and oral board presentation questions.

After the completion of all assessment exercises, rating sheets are provided to the PE Administrator to be entered into the database. The PE Administrator and one of the assessment proctors place the final assessment scores into the database. All final scores are then emailed to the candidates. The candidates are given an opportunity to review their final scores with the PE Administrator.

## **Expert Assessment Panel**

A three-member panel comprised of out-of-state experts within the area of State Law Enforcement and Highway Safety, and a representative from the PBA, score each candidate during the assessment. One member of the panel is selected by the Agency Head or designee, one is selected by the PBA, and the PBA and FHP agree together on the third member of the panel; provided that no member of the panel may be an employee covered by the agreement.

An invitation from the FHP Director is sent to multiple state law enforcement agencies, generally state police or highway patrols, requesting a member of their agency to participate as an expert panelist. The staff of the invited agency determines who will participate. The invited agency will send one rank above the candidate's assessment rank for the panel they will serve upon, for example: lieutenant and above for the sergeant board, and captain or above for the lieutenant board. The outside agency that sends personnel often rotate the officers; however, the same officer may participate for several years. This is generally done in-kind, and FHP may send assessors to assist another law enforcement agency with their promotional assessment.

The PE Administrator conducts a four-hour training for the expert assessment panel members and includes mock presentations to provide the assessors an opportunity to understand how scoring works and to ask questions. Training includes an overview of FHP's promotional process including, but not limited to, rank structure and responsibilities, exercise components, management dimensions, and rating benchmarks.

The panel members use rating sheets to score sergeant and lieutenant candidates when assessing oral interviews and the in-basket written questions. As scores are given, they are to be justified and should be no more than a 1-point difference from another assessor's score to ensure that the assessors review the performance of each candidate, both individually and collectively, and base their individual score on what the candidate said or did during the exercise. This requirement is set by the SME committee.



## **Veterans' Preference Points**

Eligible veteran candidates can receive 10 or 15 percent preference points, earning the higher of the two if they have a service-connected disability. A percentage of veterans' preference points are applied to the written and assessment portions of the examination, based on specific rank. Veterans' preference points are only applicable for career service positions, not selected service positions, such as captain.

## **FHP Promotional List**

After final scores have been entered into the database and confirmed, the top-ranking sergeant and lieutenant candidates are announced to all FHP members by email and the FHP Promotional List is posted on the FHP Promotional Examination and Assessment SharePoint site. All corporal, sergeant, and lieutenant candidates are listed by rank, starting with the highest score. The captain candidates are listed in alphabetical order.

## **Promotional Opportunity Notification**

The promotional selection process begins with a position vacancy being identified. FHP management decides how the position should be posted (i.e. as a promotion, transfer, and/or reassignment). Prior to the advertisement of a promotional opportunity for the ranks of corporal, sergeant, and lieutenant, transfer requests to vacant positions are considered and filled first and then the remaining vacancies are advertised. All FHP sworn members are notified via email, regardless of their presence on the current FHP Promotional List, of the promotional opportunity. The details of the promotional opportunity outline who is eligible for a promotion, based on the position rank and presence on the FHP Promotional List.

Candidates who are interested in a promotion position are instructed to formally notify the FHP Personnel Administrator directly by letter of interest and submission of their resume. Candidates who are interested in an appointed position must submit their letter of interest, resume, and qualifications.

The top candidates for the captain position are interviewed with assistance from a member panel (FHP members who have at least a lieutenant rank). Then, the panel will make a recommendation to the FHP Director to help aid in the final selection. This position must have final approval from the Executive Director.

## **Promotional Selection**

Once the promotional opportunity advertisement closes, the FHP Personnel Administrator cross-references the current Promotional List and FHP personnel records



to verify eligibility. The FHP Personnel Administrator also reviews eligible candidates' work history and any prior investigations. FHP Executive staff interviews and discusses top candidates for specific vacancies; however, the FHP Director makes the final decision. All vacant positions ranked captain, major, chief, and lieutenant colonel must have final approval from the Department's Executive Director.

## **Demographics Analysis – Gender and Race Promotional Comparisons**

Annually, FHP management reviews demographic information of individuals who have taken the promotional examination and compares it to the overall demographic of all relevant sworn members. The FHP's PE Administrator runs a database query with information about members' demographics as it relates to the promotional process. The query details the number of men and women, broken down by seven race choices, who made it to every stage within the testing process. The members' race is listed as reflected in their personnel file: Caucasian, African American, Hispanic, Asian, American Indian/Alaskan Native, Native Hawaiian/Other Pacific and Other.

## **Other States Evaluation Model Survey Results**

Part of our audit included a review and comparison of other states' promotional evaluation models to understand if the FHP utilizes standards used by other law enforcement agencies. To determine this, we surveyed eight different state highway and state patrols agencies about their promotional evaluation model for sworn members. Out of eight agencies contacted, five shared their promotional evaluation model including their examination development, assessment, associated costs, and ranking processes used to promote sworn members.

Based on the information gathered from other state highway/patrol agencies, the promotional evaluation models that are used have some similarities and differences by state. We noted that most states use outside organizations to conduct testing and grading and most use an eligibility promotional list/roster.

## **Findings and Recommendations**

Overall, our review determined FHP has adequate and efficient processes for administering and scoring the written examination and assessment exercises. We also determined the current processes for notifying, verifying, and mentoring interested candidates is adequate and efficient. FHP maintains a comprehensive database that details the stages of the promotional testing process, including capturing equal employment opportunity statistics, and incorporates controls to ensure scores are calculated accurately.





However, we noted the following area in which improvements could be made.

## ***Test Validation***

**Finding No. 1:** Implementing a process to validate testing instruments would strengthen the promotional process.

*The U.S. Department of Justice, Law Enforcement Best Practices – Lessons Learned from the Field*, suggests testing instruments should be validated including written examinations, sample job tasks, and oral interviews.

We reviewed the methods for test question development, formatting, and grading to determine whether current processes were adequate and to determine whether there were any indicators of bias in the test development process. During our review, we noted examination questions are developed and vetted by the SME committee, but there is not another level of review and approval or a quality assurance process to validate the test questions or the test development process.

Additionally, we reviewed the assessment center process to determine the methods for development, assessment format, and grading, and to determine if there were any indicators of bias in the assessment development process. During our review, we noted the assessment exercises are developed and vetted by the SME committee, and there is not another level of review and approval or a quality assurance process to validate the assessment exercises or the exercise creation process.

Furthermore, FHP has not sought input from any professional source to review or validate the written test questions or the assessment exercise creation process.

Because the written test questions and assessment exercise processes are developed by the FHP SME committee with no outside input, this process could have the appearance of bias. Without validation from a secondary or professional outside source, management does not have complete assurance regarding the integrity and validity of the testing instruments.

## **Recommendations**

We recommend FHP implement a quality assurance process to review and validate test questions and question development for the written examination and assessment center exercises.

We also recommend FHP consider engaging a professional source to implement the above recommendation.



## Management Response

FHP explored alternative solutions for test validation through the use of external sources. These included Florida State University and private companies who have experience with quality assurance processes related to examination validation. While these third parties could provide resources for quality assurance, the FHP determined these options were financially unviable. At this point, the FHP has determined to accept risk associated with not hiring a third party to conduct quality assurance for the FHP Promotional Process. However, FHP will identify one or more members to attend a Florida Department of Law Enforcement course designed to provide foundational skills for writing examination items and implementing examination development strategies for the purpose of conducting internal quality assurance. Additionally, FHP will consult with partner state law enforcement agencies to promote interest in developing a team that will have the capacity to conduct annual quality assurance reviews for the promotional process for all partner agencies.

## Purpose, Scope, and Methodology

The purpose of this engagement was to review and evaluate the efficiency and effectiveness of the Department's promotional process for FHP sworn members, and compliance with applicable laws, Department policy, and procedure.

The scope of this audit included the oversight of FHP promotional activities and documentation from July 1, 2019 – July 30, 2020.

The methodology included:

- Reviewing applicable statutes, rules, policies, and procedures;
- Reviewing communication regarding the promotional assessment process and notification of vacancies;
- Determining whether scores were correctly calculated and veteran's preference points accurately applied;
- Reviewing the process of verifying the candidate's eligibility;
- Reviewing a sample of promotions and tracing them to the promotional list;
- Reviewing the process for administering the written examination and determining whether controls were in place to proctor members;
- Reviewing test question development, format, and grading;
- Reviewing assessment exercise development, format, and grading;
- Conducting an analysis of pass/fail rates in comparison to member demographics;



- Reviewing appeal requests;
- Reviewing the process for coaching/mentoring members prior to and after testing; and
- Comparing the FHP promotional evaluation model to other state law enforcement agency promotional evaluation models.

## **Acknowledgement**

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We would like to thank the FHP Promotional Examination and Assessment section personnel who assisted during the audit and express our appreciation for their cooperation during the course of our examination.



## Distribution, Statement of Accordance, and Project Team

### **Distribution**

Terry L. Rhodes, Executive Director  
Jennifer Langston, Chief of Staff  
Colonel Gene Spaulding, FHP Director  
Lieutenant Colonel Troy Thompson, FHP Deputy Director  
Chief Mark Brown, FHP Special Services Commander  
Major Cory Harrison, FHP Law Enforcement Operations

Melinda M. Miguel, Chief Inspector General  
Sherrill F. Norman, Auditor General

### **Statement of Accordance**

Section 20.055, Florida Statutes, requires the Florida Department of Highway Safety and Motor Vehicles' Inspector General to review, evaluate, and report on policies, plans, procedures, accounting, financial, and other operations of the Department and to recommend improvements. This audit engagement was conducted in accordance with applicable *International Standards for the Professional Practice of Internal Auditing* published by the Institute of Internal Auditors and *Principles and Standards for Offices of Inspector General* published by the Association of Inspectors General.

### **Project Team**

Engagement conducted by:  
Kim Butler, Auditor  
Destiny Thomas, Auditor

Under the supervision of:  
Erin Mook, Audit Director

Approved by:

  
\_\_\_\_\_  
Mike Stacy, Inspector General

## ATTACHMENT - Management Response



**Terry L. Rhodes**  
Executive Director

2900 Apalachee Parkway  
Tallahassee, Florida 32399-0500  
[www.flhsmv.gov](http://www.flhsmv.gov)

### MEMORANDUM

DATE: June 18, 2021  
TO: Erin Mook, Audit Director  
FROM: Major Joseph C. Harrison *JCH*  
SUBJECT: FHP Promotional Process Audit (202021-02)

The following is our response to the findings and recommendations presented in the report.

**Finding No.1:** Implementing a process to validate testing instruments would strengthen the promotional process.

#### Recommendations

We recommend FHP implement a quality assurance process to review and validate test questions and question development for the written examination and assessment center exercises.

We also recommend FHP consider engaging a professional source to implement the above recommendation.

#### Management Response

As noted in the OIG Audit Findings, the FHP has established an efficient and effective process for administering and scoring written examinations and assessment center exercises for the FHP Promotional Process. While the FHP is focused on meeting requirements provided in statutes, administrative rules, policies and collective bargaining, the FHP remains equally focused on a process of continuous improvement, professionalism, communication, inclusion, fairness and equity. FHP leadership has dedicated considerable resources to the FHP Promotional Process to support these tenets which include: establishing a Promotional Examination Administrator; establishing a diverse Subject Matter Expert Committee responsible for quality validation, examination materials development, communications and mentorship; coordinating a diverse External Assessment Panel for each assessment; and procuring a third party provider to ensure examination result validity. Annually, FHP conducts analysis to ensure equity and to develop process improvements to ensure the success for all FHP members. The FHP appreciates the OIG's audit review of this important process.

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According to this audit finding, the written examination questions and assessment center exercises which are developed by the FHP's Subject Matter Expert (SME) committee, with no external development input, should be subjected to a quality assurance process, preferably through the engagement of a professional and external source. While it important to note that there have been no known allegations of inequity through current FHP Promotional Process during the past five-year period, FHP diligently reviewed options for identifying a third party to conduct quality assurance to ensure a fair and transparent process.

Following the release of the OIG Audit Finding, the FHP Promotional Examination Administrator explored alternative solutions through the use of external sources. These included Florida State University and private companies who have experience with quality assurance processes related to examination validation. While these third parties could provide resources for quality assurance, the FHP determined these options were financially unviable with PDRI proposing a rate of \$28,000.00 and Industrial Organization Solution proposing a rate of \$30,295.00 per promotional cycle. Additionally, FSU declined to provide a proposal to perform a quality assurance assessment for the FHP promotional process. The FHP consulted with the FLHSMV Learning Development Office (LDO) as an additional option, but determined that LDO would be limited in capacity considering other assignments and lacked relevant law enforcement expertise. Similarly, other FLHSMV internal options considered were believed to present similar challenges. At this point, the FHP has determined to accept risk associated with not hiring a third party to conduct quality assurance for the FHP Promotional Process. However, FHP will identify one or more members to attend a Florida Department of Law Enforcement course designed to provide foundational skills for writing examination items and implementing examination development strategies for the purpose of conducting internal quality assurance. Additionally, FHP will consult with partner state law enforcement agencies to promote interest in developing a team that will have the capacity to conduct annual quality assurance reviews for the promotional process for all partner agencies.

Cc: Mike Stacy, Inspector General  
Chief Mark Brown  
Lieutenant Colonel Troy Thompson  
Colonel Gene Spaulding