



OFFICE OF INSPECTOR GENERAL
City of Albuquerque

Melissa Santistevan
Inspector General

P.O. Box 1293, Suite 5025
Albuquerque, New Mexico 87103
Telephone: (505) 768-3150
Fax: (505) 768-3158

Report of Investigation

FILE NO: 21-0081-C

DATE: 2/24/2022

SUBJECT: Allegation that the City's Military Veteran's Hiring Initiative is in name only

STATUS: Final

INVESTIGATOR: M. Santistevan

DocuSigned by:

Melissa R. Santistevan

363279FCC7574DA...

MELISSA SANTISTEVAN
INSPECTOR GENERAL
OFFICE OF INSPECTOR GENERAL

DocuSigned by:

Edmund E. Perea, Esq.

645A1FA5A6314C3

EDMUND E. PEREA, ESQ
ACCOUNTABILITY IN GOVERNMENT OVERSIGHT COMMITTEE CHAIRPERSON

DISTRIBUTION:

Honorable Mayor
President City Council
Chief Administrative Officer
City Councilors
Director Council Services
City Attorney
Director of Human Resources
Members, Accountability and Government Oversight Committee
File

TABLE OF CONTENTS

	Page
EXECUTIVE SUMMARY	1
ABBREVIATIONS	3
INTRODUCTION	3
SCOPE AND METHODOLOGY	3
INVESTIGATION	4
CONCLUSION	7
OBSERVATIONS AND RECOMMENDATIONS	7-10

EXECUTIVE SUMMARY

Pursuant to City Ordinance 2-17-2, the Inspector General's goals are to: (1) Conduct investigations in an efficient, impartial, equitable and objective manner; (2) Prevent and detect fraud, waste and abuse in city activities including all city contracts and partnerships; (3) Deter criminal activity through independence in fact and appearance, investigation and interdiction; and (4) Propose ways to increase the City's legal, fiscal and ethical accountability to insure that tax payers' dollars are spent in a manner consistent with the highest standards of local governments.

On November 12, 2021, the Office of Inspector General (OIG) received an email complaint stating 'I saw the article last night on the ABQ Employee with a fraudulent degree. It made me want to reach out to you with a similar issue. I have applied for numerous positions with the City of Albuquerque. I have a BS and an M.Ed, both from known institutions. I am also a retired Marine Corps Officer. Have I received any invitations to interviews or job offers? The answer is no. If this type of discrimination is of interest to you, I can be reached at 505-XXX-XXXX or this email address. Here are just a couple of pertinent documents. My complete application history with the City of Albuquerque should be of some interest to your office, especially in light of the resignation of the Albuquerque Aviation Director (Ms. Allen), who secured her now vacant position, without any formal or informal aviation background. As for the Veteran's Hiring Initiative, I invite your office to ask for the specific number of personnel hired by the city, who hold veteran's status. If they are any reflection of my luck, then the "Initiative" is nothing but lip service.' The OIG determined that the allegation contained potential fraud, waste, or abuse and that it was appropriate for the OIG to conduct a fact-finding investigation. The purpose of the investigation was to address the alleged abuse of power in the hiring process with regard to the applications of this specific complainant. Additionally, the OIG referred this matter to the Office of Internal Audit (OIA) as they were in the process of conducting an audit on the City of Albuquerque's Hiring processes. OIA decided to initiate a separate audit into the City's hiring process as it relates to the Military Veteran's Hiring Initiative as a whole.

The OIG investigated the allegations by obtaining and reviewing the complaint and all documents submitted by complainant, all applications and support on file with the Human Resource Department for this complainant, AI 7-57 Military Veteran's Hiring Initiative, each application submitted by the applicant to determine if supplemental questions were answered, and the job posting for each position applied for. OIG also contacted the Human Resource liaison for each department and position to obtain notes or the determination of whether the applicant met the minimum requirements or not and whether or not the applicant was contacted for an interview and the OIG interviewed Human Resource liaisons, Central HR staff and others identified throughout the fact-finding investigation.

Additionally, OIG made a referral to OIA to determine if there is a systemic issue in the hiring process with regard to the Military Veteran's Hiring Initiative.

The OIG's investigation, related to this specific complainant, reveals that there were inconsistencies in the way the Human Resource liaisons determined the minimum qualifications for selection of candidates to interview. These inconsistencies result in a perception that the City's AI 7-57 Military Veteran's Hiring Initiative is in name only.

The City's Human Resource liaisons were not consistent in their assessment of applications of minimum qualifications for determining whether AI 7-57 Military Veteran's Hiring Initiative should be applied. The City's practices are significantly lacking in internal controls which make the City susceptible to fraud, waste and abuse. As a result of our investigation, OIG has made two (2) recommendations for improvement related to observations. See the OBSERVATIONS AND RECOMMENDATIONS section on pages 7-10 of the report.

ABBREVIATIONS

City: City of Albuquerque
OIA: Office of Internal Audit
OIG: Office of Inspector General
HR: Human Resources

INTRODUCTION

The mission of the Office of Inspector General (OIG) is to promote a culture of integrity, accountability, and transparency throughout the City of Albuquerque in order to safeguard and preserve the public trust.

The OIG received a request to conduct an investigation into the City's hiring practices in relation to the Military Veteran's Hiring Initiative Administrative Instruction (AI) 7-57 implemented on July 11, 2019.

SCOPE AND METHODOLOGY

The scope of the investigation involved the performance of certain procedures to assess the applicability of the Military Veteran's Hiring Initiative in the City's hiring process for this specific complainant. The methodology consisted of:

- Review the complaint and all documents submitted by complainant
- Obtain and review AI 7-57 Military Veteran's Hiring Initiative, noting date of implementation
- Contact Human Resources to obtain all applications and support on file for the complainant
- Review each application to determine if supplemental questions were answered
- Review minimum requirements for each position according to the job description
- Review application to see if minimum job requirements were met
- Contact the Human Resource liaison for each department and position to obtain notes or their determination of whether the applicant met the minimum requirements or not and whether or not the applicant was contacted for an interview
- Interview Human Resource liaisons, Central HR staff and others identified throughout the fact-finding investigation
- Refer to OIA to determine if allegations are more pervasive than just this complainant

This report was developed based on information from interviews, inspections, observations, and the OIG's review of selected documentation and records.

INVESTIGATION

AI 7-57 Military Veteran's Hiring Initiative Background

The City of Albuquerque acknowledges the people who served or serve in the United States Armed Forces or the National Guard or Reserve and their spouses, and follows specific consideration procedures within their application process for employment. The City of Albuquerque is committed to provide ongoing outreach services to maximize opportunities for people in this demographic by offering them and their spouses employment information and consultation, program referrals, and education on City resources available for their support. This Administrative Instruction provides general guidelines when selecting applicants for interviews for posted job vacancies.

Policy

The City of Albuquerque's Veteran and Military Hiring Initiative provides persons who served or applicants currently serving in active duty military service or the National Guard or Reserve, and their spouses the advantage of guaranteeing interview consideration for vacant advertised positions for which they apply and are qualified. In order to be eligible for the City of Albuquerque's Veteran and Military Hiring Initiative, the applicant must be qualified as per the minimum qualifications for the position of interest; the applicant must attach eligibility documentation as noted in the specified procedures below; and the applicant submit a completed application through the City's applicant tracking system. A qualified applicant under this hiring initiative will receive consideration as follows:

Procedures:

1. Interested applicants must apply by the closing date specified in the job posting.
2. For consideration under this hiring initiative, applicants must meet this hiring initiative's eligibility requirements as follows:
 - a. Complete and submit an Application for employment with previous employment experience in the Applicant's own words and with dates of employment;
 - b. Answer the required Supplemental Application Questions to demonstrate his/her relevant experience for the position and eligibility for the hiring initiative;
 - c. Applicants must be a:
 - i. Veteran; or
 - ii. Currently serving in active duty military service, or
 - iii. Currently in the National Guard or Reserve, or

- iv. Spouse of a 1) veteran; or 2) current active duty service member; or 3) National Guard or Reserve service member;
 - d. Must meet minimum qualifications for the position;
 - e. Must attach any of the applicable eligibility documents below to the application:
 - i DD-214; or
 - ii. Current orders of assignment; or
 - iii. For the spousal benefit: copy of 1) current marriage to a veteran, Active Service Member or National Guard or Reserve member and a copy of current orders of assignment or the veteran's DD-214;
 - f. Discharge from military service must be under honorable conditions; and
3. Upon meeting all applicable requirements above, the applicant shall be granted an interview.
4. All other hiring processes and procedures are in effect, and the City undertakes no obligation to guarantee the applicant will be selected for the position if he or she is not the most qualified.

This AI will assist and guide Departments to follow the above initiative and procedures while recognizing our residents serving our country and their spouses.

Observations

Complainant applied for sixteen (16) City positions from April 2017 to December 2021. These positions were in four (4) different departments. Fifteen (15) of the sixteen (16) applications were rejected prior to conducting the interview process.

Ten (10) of the positions applied for were submitted prior to the implementation of AI 7-57 Military Veteran's Hiring Initiative. These applications were excluded from the OIG investigation.

Six (6) of the positions applied for were submitted after the implementation of AI 7-57 Military Veteran's Hiring Initiative. These six (6) applications were the subject of this investigation.

Position 200676- Applicant did answer the supplemental questions related to military service, education and supervisory experience. Applicant did attach forms DD214 and DV, and education transcripts. According to HR, the applicant was rejected based on not meeting the minimum qualifications for supervisory experience. There are no notes in the system or on the application to indicate the reason for rejection.

In response to inquiries by the OIG as to why the application was rejected, the HR liaison assessed the application and determined that the applicant met the qualifications, thus creating confusion about why the applicant was rejected. OIG was then referred to the department HR liaison that made the original determination for rejection. Inquiries of the department HR liaison revealed that the determination excluded the applicants twenty (20) years of military experience due to the fact that the applicant did not specify dates of supervisory roles resulting in the determination of supervisory experience for this period impossible. Both HR liaisons stated that there is no formalized process for assessing the applications and the lack of controls can lead to different outcomes for the applicant.

For this application, the applicant was originally noted as rejected in the NeoGov system by the department HR liaison. Subsequent to the department's assessment of the applicants, Central Human Resources contacted the department and indicated that the hiring for this specific position would be handled through Central Human Resources. With the NeoGov system indicating the applicant as rejected, Central Human Resources did not consider the applicant when assessing the applications and applicants. This situation resulted in the applicant being erroneously eliminated from consideration for an interview.

Position 2002010 and 2101089- Applicant did not answer the supplemental question related to military service but the applicant did refer to military service throughout the application and the applicant did attach forms DD214 and DV, and education transcripts. The department HR liaison stated that the applicant did not meet the minimum requirements based on education. Subsequent discussions revealed the position required a degree in Fine arts and the applicant has a degree in Liberal Arts.

Position 2001926- Applicant did not answer the supplemental question related to military service but the applicant did refer to military service throughout the application and the applicant did attach forms DD214 and DV, and education transcripts. The department HR liaison stated that the applicant did not meet the minimum requirements and did not attach the DD214 form. When asked to submit the information to the OIG, it was noted that the application did have forms DD214 and DV attached.

Position 2001999- Applicant did not answer the supplemental question related to military service but the applicant did refer to military service throughout the application. The applicant did not attach forms DD214 or DV to the application. The department HR liaison stated that the applicant did not meet the minimum requirements and did not attach the DD214 form.

Position 2101342- Application was referred to the department HR liaison for review, although the applicants have not been reviewed or vetted. A discussion with the HR liaison revealed that hiring

for this position has been put on hold. The hold was initiated to avoid the Acting Director hiring for the position.

CONCLUSION

The OIG's investigation, related to this specific complainant, reveals that there were inconsistencies in the way the Human Resource liaisons determined the minimum qualifications for selection of candidates to interview. The City's Human Resource liaisons were not consistent in their assessment of applications of minimum qualifications for determining whether AI 7-57 Military Veteran's Hiring Initiative should be applied. The City's Human Resource procedures are lacking internal controls which make the City susceptible to fraud, waste and abuse. These inconsistencies result in a perception that the City's AI 7-57 Military Veteran's Hiring Initiative is in name only.

As a result of our investigation, OIG has made two (2) recommendations for improvement related to observations.

OBSERVATIONS AND RECOMMENDATIONS

Responses to the observations are solely the opinion of the entity responding and have not been verified or audited by the OIG.

Observation 1: Over reliance on responses to supplemental questions to meet minimum requirements

Condition: During an inspection of the applications submitted by the complainant, the OIG noted that four (4) of six (6) applications did not include a response to the supplemental question regarding Military service. There is no procedure to review the application as a whole to determine if there was a mistake in the application. Although the complainant did not adequately respond to the supplemental question, the application was laden with references to Military service. In four (4) of the six (6) applications, the forms DD214 and DV were attached as evidence of military service.

Cause: In an attempt to simplify the application review process, the Human Resource Department eliminated the review of the entire application unless the minimum requirements are determined to be met as indicated by the supplemental questions.

Criteria: City of Albuquerque Personnel Rules and Regulations

101. APPLICATION PROCEDURES FOR INITIAL EMPLOYMENT

101.4 Applicant Qualifications

Qualifications are the primary consideration in filling any position. Experience, education, training, skills and other abilities, as well as specific position requirements and the prior employment history of the applicant will be considered in appraising individual qualifications.

101.6 Ineligibility for Employment

Applicants are ineligible for City employment for reasons including, but not limited to, the following:

- A. Any fraudulent or false statement on an application or failure to provide information;
- or
- B. Any fraudulent conduct in connection with an examination; or
- C. Failure to pass a medical examination, alcohol/drug screening, psychological examination and/or health history review as determined by the Human Resources Department; or
- D. Failure to comply with the requirement to be fingerprinted and/or photographed, as required by the Human Resources Department; or
- E. Failure to appear for processing or for work after receiving a notice of appointment from the Human Resources Department; or
- F. Failure to provide all documentation required for processing including direct deposit enrollment, as required by the Human Resources Department; or
- G. Prior conviction of a felony involving moral turpitude if the criminal conviction relates to the position applied for by the applicant. Misdemeanor convictions will be considered on a case-by-case basis, based on job-relatedness; or
- H. Prior employment with the City resulted in termination for cause.

Effect: The Human Resource department may be inaccurately excluding qualified applicants from the interview process resulting in violations of the City’s Administrative Instruction 7-57 Military Veteran’s Hiring Initiative.

Recommendation: The Human Resource Department should consider the implications of such processes with regard to all of the hiring initiatives the City has initiated through Administrative Instructions to ensure that the process is not limiting or excluding qualified candidates from consideration. A two-person review process for applications is recommended. Additionally, the Human Resource Department should consider revising the policy to clarify what “failure to provide information” means. If the intent was to include not responding to a supplemental question, this should be explicitly stated.

City Department Response: The Human Resources Department (HRD) appreciates this recommendation. The HRD team will review AI 7-57, Military Veteran’s Hiring Initiative, and amend the instruction to provide clear direction to applicants regarding this hiring preference initiative (below). Currently, the city’s job opportunities page provides applicants with a link to the AI. The procedures outlined in the AI do not specifically indicate that an applicant is required to answer the Supplemental Question regarding Veteran status. Although the applicant referenced in this observation indicated military experience and attached documents such as a DD214, the

applicant failed to answer the supplemental question that would have made the applicant eligible for the hiring preference, ultimately leading to an interview. The attestation of the question regarding Veteran status is important because that ensures objectivity in the preference and qualification process. It may seem odd that this is required, however, there would be no way for an HR Coordinator to determine whether or not an applicant was the spouse of a Veteran and would also qualify for this hiring preference. This would be similar to an applicant not indicating whether or not they supervised employees. In an attempt to avoid assumptions during the qualification process, there are some questions on an application that must be answered by the applicant in order to receive credit or preference.

The current policy statement in the AI will be revised to read:

The City of Albuquerque’s Veteran and Military Hiring Initiative provides persons who served or applicants currently serving in active duty military service or the National Guard or Reserve, and their spouses the advantage of guaranteeing interview consideration for vacant advertised positions for which they apply and are qualified. In order to be eligible for the City of Albuquerque’s Veteran and Military Hiring Initiative, the applicant must be qualified as per the minimum qualifications for the position of interest; the applicant must attach eligibility documentation as noted in the specified procedures below; and the applicant submit a completed application through the City’s applicant tracking system. **{INSERT THE FOLLOWING TEXT: Applicants must attest to the Supplemental Question on the Application by answering either “YES” or “NO” to the question regarding veteran hiring preference. An applicant will not be eligible for the hiring preference if this question is not answered.}**

Observation 2: Lack of controls over hiring process

Condition: During an inspection of the applications submitted by the complainant, the OIG noted that each Human Resource liaison’s assessment of the application appears subjective. With each of these applications, the Human Resource liaison did not take notes to demonstrate their thought process with regard to their determination of applicant’s qualifications.

Cause: The Human Resource Department does not have a formalized process for assessing or documenting the qualifications of an applicant.

Criteria: City of Albuquerque Personnel Rules and Regulations

101. APPLICATION PROCEDURES FOR INITIAL EMPLOYMENT

101.4 Applicant Qualifications

Qualifications are the primary consideration in filling any position. Experience, education, training, skills and other abilities, as well as specific position requirements and the prior employment history of the applicant will be considered in appraising individual qualifications.

Effect: The department does not have adequate controls over the Human Resource Hiring process with regard to applying the Military Veteran's Hiring Initiative, resulting in subjective determinations of qualifications and possibly creating a scenario where the City does not interview or hire the best qualified applicant for the position.

Recommendation: The department should consider conducting a risk assessment and internal control assessment to determine the vulnerabilities and the associated risk. Once the vulnerabilities have been identified and the associated risk assessed, the department should consider implementing internal controls to mitigate the vulnerabilities and risks. Additionally, Human Resources should consider providing specific training to those with initiatives on how to complete the application with regard to separating their military service to maximize the opportunity for consideration.

City Department Response: The Human Resources Department (HRD) appreciates this recommendation. As a result of previous investigations conducted by your office, the HRD is currently drafting an Administrative Instruction that will address the city's hiring process. In addition to the AI, the HRD Classification/Compensation & Employment team, as well as HR Department Coordinators, will receive training regarding the new policy. This AI will encompass several components of the hiring process from advertising a position to on-boarding an applicant into their new role. This hiring preference will be part of this AI and training initiative.