

Reviews and Appeals

An examination result may be protested on the basis of a procedural error, fraud, unlawful discrimination, or abuse of discretion or bias. Unfortunately, statements that only express disagreement with the result or belief that the score is not an accurate representation of one's qualifications are not considered appeals and will be treated as complaints. Because the resolution of an appeal affects every other candidate in a competitive examination process, the candidate must make a fact-based claim. Allegations not supported by fact will not be considered.

To protest an examination result, one or more of the following conditions must be cited:

Procedural error - Procedural error is a lapse, omission, or breach in the consistency of the administration of the process that may cause some individuals to be unfairly advantaged or disadvantaged in the assessment. To appeal on the basis of procedural error, appellant must identify the specific error and explain the reason that the issue affected their examination outcome.

Fraud - Fraud is a false representation of a matter of fact – whether by words, conduct, false or misleading allegations, or concealment of what should have been disclosed – that deceives and is intended to deceive an individual so that the individual will act upon it to his or her disadvantage. To appeal on the basis of fraud, appellant must identify the specific false representation of facts and explain how the false representation affected their examination outcome.

Unlawful discrimination - Unlawful discrimination is anything written, stated, or otherwise communicated that indicates discrimination on the basis of race, color, religion, national origin, age, gender, gender identity, sexual preference, or any other category of people protected under anti-discrimination law. To appeal on the basis of discrimination, appellant must identify specific evidence of discrimination (e.g., a comment, statement, or act) and explain how the comment, statement, or act affected their examination outcome.

Abuse of discretion or bias - Abuse of discretion is the exercise of judgment made irrespective of the facts. Bias is an express or implicit favoritism or disfavor for specific individuals. To appeal on the basis of abuse of discretion or bias, appellant must identify the divergence of judgment from facts and data or the specific biasing relationship or factor and explain the reason that the conduct affected their examination outcome.

Statements that only express general disagreement with test results or with the judgment of raters are not bases for an appeal.

Procedure for review and appeal

Whenever one thinks that an examination part was flawed, the problem should be immediately reported to the analyst-in-charge before the exam is scored and notice of results is distributed. This is not a complaint or formal appeal, rather, it is feedback that can help us correct problems before they become potentially serious issues. Problems are best resolved in this way. Any problem identified early lends additional credence to an appeal that may follow.

Following the notification of results, there are two levels of review and appeal.

Level 1: Within five business days after results notifications have been sent, candidates can make an appointment with the analyst-in-charge to go over the scoring of the examination to receive an explanation of how the score was determined and to verify the accuracy of the score calculation. The date an applicant is notified of the results counts as a business day. Appeals are accepted via email, mail, and in-person. Because this is a competitive examination process, and examination materials are re-used in subsequent procedures, not all scoring information may be shared for examination security purposes. Scoring and calculation errors may be resolved at this stage.

Level 2: If the issue is not resolved with the analyst-in-charge, a formal appeal may be made to the Director of Employment Services/Personnel Commission within the same five business day review period. Appeal of any part of an examination must be written and received in the office of the Director no later than five (5) working days from the date of the notification results. We cannot be responsible for lost or misdirected mail, or email (e.g. spam folder). Any appeal made directly to the Director without attempt to resolve it with the analyst-in-charge will be referred back to the analyst, and will probably result in an untimely appeal to the Director if one is sought.

The Director or designee will research the issue, typically by reviewing the documentation of the examination development, administration, and scoring. Where relevant, the Director or designee will interview involved parties and listen to any parts of the examination that were electronically recorded. Candidates can expect a written response within 20 working days; however, complex issues may take longer. Any determination of flaw will be remedied as appropriate.

Appeal Process and Outcomes

Examination appeals will be reviewed by the Director of Employment Services/Personnel Commission or their designee. All appeals will be thoroughly reviewed and determined to be either valid or denied. Appellants will be notified of the determination in writing. If valid, the Director of Employment Services/Personnel Commission will assess the possible effects of the appeal, if any, on the candidacy of the appellant, the examination process as a whole, and/or appointments from the eligibility list(s). Based on such assessment the Director may:

1. Allow the appellant to participate in the examination process; or
2. Change the rating of one or more applicants; or
3. Temporarily suspend examination activities; or
4. Dispose of the examination results and order for another administration of all or part of the examination to be conducted; or
5. Withhold certification from all or part of the eligibility list(s).

The Director may, at any time, rescind or modify a decision to withhold certification upon review of the specifics of an examination appeal.