

## RULE X

### PERSONNEL SELECTION PROCESS APPEALS

#### SECTION 10.1 RIGHT OF APPEAL

An affected applicant or employee may appeal to the Commission any component of the selection process or any determination of the Director relating to the selection process and may be granted a hearing subject to the conditions contained within section 10.4. This could include, but is not limited to, the establishment of job qualifications, the examination procedures, the certification process, and the appointing authority's selection process. (Amended 1-15-88)

#### SECTION 10.2 REQUEST FOR HEARING

- A. After filing a complaint with the Director (Rule II and Rule III) about any part of the selection process and the Director having made a determination, an applicant or employee may file an appeal with the Civil Service Commission. This would not preclude an appeal to the Commission relating to the appointing authority's selection process.
- B. The applicant or employee must file a "Petition to Appeal Selection Process" form with the Commission within fifteen (15) days from the date of receipt of notification from the Director or the appointing authority of the action being appealed. (Amended 1-15-88)

#### SECTION 10.3 STAFF REVIEW

The Commission's Executive Officer may undertake a preliminary review of the appeal and prepare an appropriate stipulation of facts, statement of issue and recommendation for the consideration of the Commission or the Commission's hearing officer. (Amended 1-15-88)

#### SECTION 10.4 ACTION ON APPEAL FOR HEARING

The Commission may at its discretion grant a hearing or make its decision based on the merits of the information submitted by the parties concerned and the Commission staff.

The Commission shall deny both a request for a hearing and a review of the information submitted if the applicant or employee fails to fully complete the appeal form within the time-frame specified; or, if in the opinion of the Commission the specific facts and reasons stated, if true, would not entitle the applicant or employee to a reasonable remedy. Moreover, a hearing need not be granted if the Commission is of the opinion that the applicant's or employee's appeal is without merit. (Amended 1-15-88) (Amended 9-27-05)

#### SECTION 10.5 TIME FOR HEARING

Upon granting a request for a hearing, the Commission's executive officer shall contact the parties involved to establish the time, date, and place of the hearing. (Amended 1-15-88)

#### SECTION 10.6 CONDUCT OF HEARING

The Commission shall hear the matter and either affirm, modify or revoke the determination of the process being appealed. The Commission, at its discretion, may appoint one of its members or a hearing board or officer to hear the appeal and submit findings and proposed decision to the Commission. The Commission shall review the findings and the proposed decision before taking final action in the matter. The Commission may, pending conduct of hearing, order a certification and/or selection held in abeyance until a final decision is made.

The Commission or the designated hearing officer shall meet with the appellant and with the Director or the Director's designee to determine the specific facts relative to the process or determination under appeal. Where possible, the Commission or hearing officer shall encourage the joint submittal of a stipulation of facts and issues. Both the appellant and the Director shall be entitled to present such written evidence and/or oral testimony as is necessary to the Commission or hearing officer. Both the appellant and the Director shall be entitled to be present throughout the hearing.

The Commission may permit either party to examine any witnesses. The proceedings shall be tape recorded. Technical rules of evidence shall not apply to the proceedings and no informality in any of the proceedings or in the manner of taking testimony shall invalidate any order, decision, rule or regulation made, approved or governed by the Commission. If the employee refuses to appear or fails to appear, the Commission may order the hearing on the appeal be stayed until the employee appears or may dismiss the appeal. (Amended 1-15-88)

#### SECTION 10.7 FINDINGS AND DECISION

The findings and decision of the Commission shall be final and there will be no reconsideration. (Amended 1-15-88)

#### SECTION 10.8 RECORD FILED

A copy of the appeal together with a copy of the findings and decision of the Commission shall be filed as a public record in the office of the Commission. (Amended 1-15-88)