

**SANTA CRUZ COUNTY
PERSONNEL ADMINISTRATIVE MANUAL**

Topic: EXAMINATION APPEALS	Date Issued: April 18, 1991
Section: RECRUITMENT AND EXAMINATION	Date Revised: May 5, 2010 December 5, 2019
Number: IV.9.	

PURPOSE:

To allow applicants to communicate concerns regarding the content, processes or decisions of the examination process.

LEGAL BASIS:

Civil Service Rules V.E. Examinations, Application Review

Civil Service Rules I.D. Civil Service Commission, Appeals to the Civil Service Commission

County Code Section 2.38.130, Meetings

POLICY:

I. The Civil Service Rules set forth the elements, steps and timing of an appeal.

II. Appeal of Application Review

A. Civil Service Rule

V.E.1. Application Review - "An applicant who is not admitted to an examination because of failure to meet the basic employment standards or additional screening criteria which may include a competitive screening of qualifications, used in determining finalists shall be notified by either U.S. mail, telephone or electronic mail. Following the notice of application review, additional information may be provided by the applicant to the Personnel Director to demonstrate that the applicant meets the minimum qualifications for the position. This information must be provided before the date of the examination is established. The Personnel Director shall review any additional information, take appropriate action, and notify the applicant of the appropriate action."

B. Resolution of the Appeal

The Personnel Director will review the additional information and make a final determination. There is no further appeal of this decision.

C. Notification of Determination

The applicant will be notified of the decision of the Personnel Director.

III. Appeal of Examination Questions

A. Civil Service Rule

V.E.Appeals.1 Appeal of examination questions - “Appeals of individual examination questions must be filed with the Personnel Director immediately following the administration of the examination component containing the appealed question. Appeals of an examination question will not be accepted once a grade has been assigned. Appealed question will be reviewed by subject matter experts and testing specialists who will make a final determination on the retention or deletion of the question.”

B. Notification Methods

1. Written Examinations:

Appeal procedures (PER 69) will be included in the instructions given to applicants in the test booklet. Applicants must give their objections to test questions in writing on the Written Examination Appeal Form (PER 60) provided by the proctor before leaving the test site.

2. Oral or Performance Examinations:

The Oral Board Appeal Procedure will be provided to applicants before the oral or performance examination is administered to the applicant. Applicants must give their objections to test questions in writing on the Oral Board Appeal Form (PER 48) provided by the Personnel staff by the end of the day on which the test was administered.

C. Resolution of the Appeal

Appealed questions will be reviewed by subject matter experts and testing specialists who will make a final determination on the retention or deletion of the question. There is no further appeal of this determination.

D. Notification of Determination

The results of the review of the question will be sent to the individuals appealing the examination question in writing or via telephone.

IV. Other Examination Appeals

A. Civil Service Rule

V.E. Appeals.2 Other examination appeals. - "Any appeal of an examination practice not covered in Application Review or Appeal of Examination Questions above must be filed in writing with the Personnel Director immediately following the administration of the examination practice. Appeals of an examination practice will not be accepted once a grade has been assigned. The Personnel Director shall respond to all appeals filed in a timely manner. Appeals of the Personnel Director's decision may be filed with the Civil Service Commission within 7 days of notice of the response of the Personnel Director. The Civil Service Commission shall review the appeal and the response of the Personnel Director and shall make a determination. The Civil Service Commission may use its discretion as to whether the appellant shall appear in person. The decision of the Civil Service Commission on any appeal shall be final."

B. Noticing Methods

1. Applicants must file their appeal in writing on the Written Examination or Oral Board Appeal Form (PER 60 or 48) immediately following the administration of the examination.

C. Notification of Determination

Individuals filing appeals will be notified by the Personnel Director in writing of the determination of the appeal and any further appeal actions they may exercise.

D. Continuance of Examination Process

The examination process will continue unless the applicant appeals the determination of the Personnel Director under the provision of Other Examination Appeals. At that time, the process will be suspended until the appeal can be resolved at a special or regularly scheduled meeting of the Civil Service Commission.

V. Appeals to the Civil Service Commission on Other Examination Appeals

A. Civil Service Rule

I.D. Appeals to the Civil Service Commission:

1. Scope of Appeal: Unless otherwise governed by specified procedures, any affected applicant or employee may appeal an action or decision of the Personnel Director to the Commission on the grounds of their failure to observe or properly apply those Sections of the Ordinance Code which comprise the Limited Civil Service System or these Civil Service Rules.

2. **Avenue and Time Limit of Appeal:** Unless otherwise governed by specified time limits, actions appealable to the Civil Service Commission must be filed on a Civil Service Commission Appeal Form which can be obtained from the Secretary to the Commission. The Appeal Form shall be filed with the Secretary to the Commission within seven (7) calendar days of the action or decision which is being appealed. The Secretary to the Commission shall forward the completed Appeal Form and the action appealed to the Civil Service Commission forthwith for scheduling a hearing. Hearings for appeals shall be scheduled in accordance with County Code Section 2.38.130.
3. **Required Content of Appeal Form:** The Appeal Form shall include the following information:
 - a. the appellant's name;
 - b. position and County Department of appellant, if applicable;
 - c. the name, address, and phone number of the appellant's representative, if any;
 - d. the specific action being appealed;
 - e. the corrective action desired;
 - f. the Ordinance Code Section or Civil Service Rule alleged to have been violated, improperly interpreted, applied, or misapplied; and
 - g. signature of appellant or appellant's representative.
4. **Calculation of Timeline:** If the final date of a time period within which an action must be taken under these appeal procedures falls on a non-working day, the timeline is extended to the close of business on the next working day.