

TABLE OF CONTENTS

Application Rejection Appeal Process

General.	5-221a-1
The appeal process	5-221a-2
Order of procedure	5-221a-3
Panel action	5-221a-4

Application Rejection Appeal Process

Sec. 5-221a-1. General

(a) An applicant who is being rejected for admission to an examination or to any part of an examination will be given written notice of such rejection. Said notice will inform the applicant of his or her right to appeal such rejection, within seven (7) days of receipt of said notice, to the commissioner of administrative services through the director of personnel and labor relations.

(b) Applicants permanently employed in a class are not eligible to compete in examinations for the same class. Applications may be returned to applicants in the following instances: applications received beyond the closing date; and applications for promotional examinations where the individual does not have current permanent status in accordance with regulation 5-228-1. Applications returned shall be accompanied by an explanatory letter indicating the reason the application is not being accepted.

(c) The director of personnel and labor relations shall appoint an appeal panel consisting of personnel officers from each of three agencies with a minimum of 100 employees, one of whom shall be designated as chairperson.

(d) The panel shall consist of three members and a majority vote will be sufficient for a decision. Said panel shall hear, decide and report on the appeal within sixty (60) working days from the date the appeal was received at the office of the director of personnel and labor relations.

(e) Continuances or changes in scheduled hearings shall be granted by the panel chairperson only for good cause but must be rescheduled within thirty (30) calendar days from the date of the originally scheduled hearing. If the hearing of appeals for a particular classification has been commenced, the same panel, if possible, will hear any continuances or rescheduled hearings, relating to such classification. The applicant may withdraw the appeal at any time prior to the hearing by contacting either the personnel division or the panel chairperson.

(f) The applicant may have representative of his or her choice at the hearing, providing such representative shall have a professional interest in the hearing, such as a union representative, steward or attorney. In no case shall an incumbent in the direct line of supervision or any other individual that may have a conflict of interest serve as a direct representative of the applicant. The panel chairperson must be notified of the name and title of any representative prior to the day of the hearing.

(g) Each hearing will be closed to the public, unless the appellant requests that the hearing be open. Witnesses may be sequestered at the discretion of the panel. The panel chairperson may exclude any person who engages in improper conduct, including individuals directly involved with the hearing.

(h) All hearings will be tape recorded. Tapes of the hearings will be retained by the director of personnel and labor relations for a period of sixty (60) calendar days following the hearing. The director of personnel and labor relations will release transcripts of the tapes, at cost to the requester, subject to the provisions of section 1-19 of the General Statutes.

(i) The panel may not grant any remedy other than admission to the examination for meeting minimum requirements as stated in the announcement and may not add to, subtract from, alter or modify the standards, requirements of conditions established for admission to the examinations, including meeting the appeal process conditions. The burden of proof shall be on the appellant to show that the rejection was arbitrary, unreasonable, or contrary to law.

(Effective August 6, 1981)

Sec. 5-221a-2. The appeal process

(a) The appeal process is designed to allow for resolution of the matter prior to a hearing if possible. The applicant may within ten days of being notified that his or her appeal has been received by the personnel division, submit any further information supplemental to his or her application. Any information to be presented before the appeal panel should be submitted to the personnel division for review within the stated ten day period.

(b) The supplementary information should consist of past, relevant experience not indicated on the application or a clarification of duties performed in past or present experience, or any material pertinent to the grounds for rejection.

(c) An applicant may be given credit for work outside the range of normal class assignments provided there is written verification, signed by the appointing authority and agency personnel officer, explaining the exact nature and duration of the duties and the reason for their occurrence. This information should be included as part of the supplemental information described in (a) and (b) above.

(Effective August 6, 1981)

Sec. 5-221a-3. Order of procedure

(a) Reading or noting issue and presentation of facts and written documents submitted.

(b) Identification and recording of names, titles and agency affiliation of appellant, authorized representative, personnel division designee(s), and panel members.

(c) Statements, or evidence of appellant or representative and personnel division designees. Such statements and presentation of evidence shall not exceed a reasonable time period as determined by the panel chairperson. Only such statements or evidence which have a direct bearing on the rejection issue raised and which, in the discretion of the panel, corroborates previously submitted evidence shall be admitted.

(d) Claims of working out of class are not to be considered unless the requirements established in regulation 5-221a-2(c) above have been met.

(e) Conditional admission to the examination and results thereof are not to be considered.

(f) Evidence that an individual has been admitted to an examination for the same class previously is not, of itself, sufficient evidence for meeting current admission requirements.

(g) Rebuttal and surrebuttal evidence shall be presented at the discretion of the panel in accordance with (c) above. All witnesses shall be subject to cross examination.

(h) Arguments or closing statements summarizing any or all parts of the case may be presented by both sides at the discretion of the panel.

(Effective August 6, 1981)

Sec. 5-221a-4. Panel action

The decision of the panel shall be in writing and shall be signed by the panel chairperson. Such decision shall include a brief statement of the findings of fact and reasons supporting the decision of the panel. The original shall be filed with the director of personnel and labor relations. Copies shall be forwarded to the appellant or union representative and any other party deemed by the panel to be entitled to such copy. The decision of the panel shall be binding on all parties.

(Effective August 6, 1981)