

Reviews, Protests, and Appeals

An examination result, including a minimum qualification decision, may be protested on the basis of a design or content error, procedural error, scoring error, abuse of discretion, bias, or illegal discrimination. Unfortunately, disagreement with the result or belief that the score is not an accurate representation of one's qualifications is not, in itself, a basis for protest or appeal. Because the resolution of a protest or appeal affects every other candidate in a competitive examination process, the candidate must make a fact-based claim and carry the burden of persuasion that the procedure was flawed in a way that affected the validity of the outcome.

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

“Design or content error” is a lack of job-relevancy of the examination (in part or in total), or a flaw in the currency, accuracy, or structure of test material (e.g. a poor test item). To protest on the basis of design or content error, the error or issue must be identified in sufficient detail to be researched and resolved.

“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 protest on the basis of procedural error, one must identify a specific administrative issue and explain the reason that the issue affected the examination outcome.

“Scoring error” is a miscalculation of an examination part score or miscalculation of the final grade based upon the scoring plan and formula. Candidates are free to make appointments to review the accuracy of scoring. Because scoring has basic mathematical properties, scoring errors will be corrected if found. Certain types of written tests, however, have scoring keys that are research-based and cannot, for test security reasons, be shared.

“Abuse of discretion or bias” is the exercise of judgment made irrespective of the facts or an express or implicit favoritism or disfavor for specific individuals. To protest on the basis of abuse of discretion or bias, one must identify the divergence of judgment from facts and data, or the specific biasing relationship between raters and candidates.

“Illegal 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 antidiscrimination law. To protest on the basis of discrimination, specific evidence of discrimination should be shown (e.g., a comment or statement made by an interviewer).

Procedure for protest or appeal

Whenever one thinks that an examination part was flawed, the problem should be immediately reported to the analyst-in-charge before the examination is scored and notice of results is distributed. This is not a complaint or formal protest, 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 a protest that may follow.

The following are the four levels of review or protest:

Level 1: Within six (6) working days after the results notifications have been sent, candidates must contact the analyst-in-charge to review the scoring of the examination and to receive an explanation of how the score was determined. 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, candidates can escalate their review to the supervisor of the analyst-in-charge. (*Level 2 is bypassed if the analyst-in-charge is the team supervisor*).

Level 3: If the issue is not resolved with the analyst-in-charge's supervisor, a formal protest may be made to the Executive Director, Classified Human Resources. Protest of any part of an examination must be written and received by the Executive Director, Classified Human Resources no later than six (6) working days from the notification result date or within three (3) working days of reviewing with the analyst-in-charge's supervisor. Any protest made directly to the Executive Director without attempt to resolve it with the analyst-in-charge and supervisor of the analyst-in-charge (when applicable) will be referred back to the appropriate level, and may result in an untimely protest if one is sought.

The Executive Director will research the issue, typically by reviewing the documentation of the examination development, administration, and scoring. Where relevant, the Executive Director 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.

Level 4: The Executive Director's decision or resolution of a protest may be appealed to the Personnel Commission for public hearing. The appeal must be in writing to the Members of the Personnel Commission, in care of the Executive Director, and received within six (6) working days of the written protest response from the Executive Director.

Email correspondence is preferred to ensure timely delivery. Upon receipt, the appeal will be placed on the earliest possible monthly meeting of the Personnel Commission. The Personnel Commission decision will be final.

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