

LOS ANGELES UNIFIED SCHOOL DISTRICT  
PERSONNEL COMMISSION

624

LAW AND RULES

March 27, 2002

624 REVIEWS AND APPEALS OF EXAMINATIONS

Education Code 45274

Examination records, including any recordings and the rating sheet of each member of the oral board for each candidate, shall be retained by the personnel commission for a period of not less than 90 days after promulgation of an eligibility list. The commission shall prescribe procedures whereby candidates may review and protest any part of an examination. In promotional examinations for classes for which continuous examination procedures have not been authorized, the review and protest period shall be held prior to regular appointment from the eligibility list. Examination records shall not be available to the public or to any person for any purpose not directly connected with the examination and shall be considered confidential but shall, with reasonable time limits, be made available to a candidate or his or her representative.

- A. Notification of test results shall be sent to all candidates before establishment of an eligibility list. Candidates shall be notified of test review days when examination records may be inspected. For centrally administered examinations, there shall be two specified test review days for each examination held no more than seven calendar days after the effective date of the eligibility list. For examinations administered in the field offices, candidates shall be invited to review by appointment. A qualified representative of the Personnel Commission staff shall be available to explain scores and ratings.
- B. An examination appeal may be made on the basis of procedural error, fraud, unlawful discrimination, abuse of discretion, and disqualification for failure to meet entrance qualifications.
  - 1. A claim of procedural error must include citation of the procedure that was not followed and name or describe the parties involved, if any.
  - 2. A claim of fraud, unlawful discrimination, or abuse of discretion must include a description of the incident and basis for the claim, and name or describe the parties involved, if any.
- C. For centrally administered examinations, a successful or unsuccessful candidate who wishes to protest any part of an examination must submit the protest in writing to the Examination Appeals Unit not later than seven calendar days after the second opportunity candidates are offered to review the examination results. The protest must be received (time stamped) at any designated Personnel Commission office or be postmarked during the seven-day period. For examinations administered by a field office, the appeal deadline shall be seven calendar days after the date of the initial review appointment. Candidates whose applications were disqualified for failure to meet the examination entrance requirements shall be notified immediately upon such action and informed of appeal rights. The seven calendar day protest period shall begin the day after such notifications are mailed to the candidates. Appeals must be submitted on an approved form and must fully state the reason for the appeal and provide all supporting information. Appeals that provide insufficient information or forms that are incomplete may be rejected by staff.

CHANGE:

Paragraph C amended to emphasize the responsibility of an appellant to provide all relevant documentation and supporting information at the time of the appeal request.

Remove: April 10, 2002, page 1 of 3. Add: March 27, 2002, page 1 of 3.

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1. Protests involving procedural or staff error shall be reviewed immediately upon receipt, and any necessary corrections shall be made by the Classified Personnel Selection Branch staff. Such corrections shall be applied uniformly to all candidates. All other protests and protest involving procedural or clerical error in which a candidate remains dissatisfied shall be investigated by the staff of the Examination Appeals Unit who will recommend disposition of the protest to the Personnel Commission.
  2. The Personnel Commission may grant an extension of the time limits on protest or appeal periods upon a showing that extenuating circumstances prevented the candidate from complying with protest or appeal periods set forth herein.
  3. As part of the appeal the appellant may request to review personal interview rating documents and the tape recording of the interview. Such request by the appellant or the appellants' representative shall be granted as soon as practicable.
- D. Any person may challenge whether a candidate in an examination met the entrance qualifications at the time the eligibility list promulgated. However, any such challenge must be presented in writing to the Examination Appeals Unit and be supported by credible evidence at the time of the challenge. The person whose qualifications are challenged will be given an opportunity to rebut the challenge. Failure to present credible refutation of the challenge may be deemed prima facie evidence that the challenged party did not meet the entrance qualifications.
- E. Errors shall be corrected when discovered, regardless to lapse of time after the establishment of eligibility list. Changes in eligibility lists resulting from corrections of errors shall be reported in the same manner as the original lists.
- F. If it is determined than an appointment would not have been made, but for the existence of error, misrepresentation, or fraud, the Personnel Commission may pursuant to Education Code 45310, order that no salary warrant shall be drawn to an employee for services rendered for that appointment. Such action shall be taken within one year after the effective date of an erroneous appointment, but may be without limitation of time in the event of misrepresentation or fraud.

CHANGE:

Paragraph C. 1. amended to change reference from "clerical" error to "staff" error. Paragraph C. 4. eliminated because all examinations are continuous. Paragraph D amended to specify that credible evidence must be presented at the time of a challenge to a candidate's qualification.

Remove: (Reissue) January 11, 1995, page 2 of 3. Add: March 27, 2002, page 2 of 3.

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- G. Upon completion of an examination, all examination records shall be retained at the appropriate Personnel Commission office location, for a period of 90 calendar days after the establishment of the eligibility list or until any appeal of the examination has been resolved, whichever is later. Members of the Personnel Commission staff shall take necessary precautions to preserve the confidentiality, as well as appropriate availability, of examination records.
- H. A classified employee shall not serve as a rater in any part of an examination if that employee has authority to make decisions or substantive recommendations concerning protests of that examination.

CHANGE:

Paragraph G amended to eliminate obsolete reference to control of examination records by a member of the Commission staff.

Remove: September 28, 1997, page 3 of 3. Add: March 27, 2002, page 3 of 3.

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