

Amendments to Civil Service Rules

Technical Qualification Appeals

(Approved December 8, 2010, effective immediately)

1 **Rule 3-3 Appointments and Job Changes**

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3 **3-3.10 Qualification**

4 An employee or appointing authority that does not agree with a staff qualification decision may
5 file a written request for reconsideration with the state personnel director as provided in the
6 regulations. The state personnel director or the director's designee shall reconsider the staff
7 qualification decision in writing. If an employee's appointment is revoked as provide in rule 3-7
8 due to a staff qualification decision, the employee or appointing authority may file a technical
9 appointment complaint as provided in the rules and regulations in lieu of requesting
10 reconsideration.

14 **Rule 8-3 Technical Complaints**

15 **8-3.1 Complaint Regarding Technical Decision Authorized**

16 An authorized individual, appointing authority, or organization may file a technical complaint
17 with civil service technical review staff, as provided in this rule and the regulations.

18 **(a) Technical classification complaint.** An employee directly affected by a technical
19 classification decision, or the employee's appointing authority, may file a technical
20 classification complaint.

21 **(b) Technical disbursement complaint.** An interested party authorized in rule 7-6.4 [Complaint
22 Regarding Technical Decision] may file a technical disbursement complaint.

1 **(c) Technical appointment complaint.**

2 **(1) After revocation of appointment.** If, as the result of a civil service audit, a person's
3 appointment is revoked, the person or the person's appointing authority may file a
4 technical appointment complaint.

5 **(2) After denial of appointment.** An unsuccessful candidate who alleges that the
6 selection, appointment, or certification process for the position violated a civil service
7 rule or regulation may file a technical appointment complaint.

8 **8-3.2 Time Limits**

9 **(a) Technical appointment complaint.** An unsuccessful candidate who alleges that the
10 selection, appointment, or certification process for a position violated a civil service rule or
11 regulation must file a technical appointment complaint with civil service technical review
12 staff within the following time limits:

13 **(1) Notice mailed.** If the appointing authority mailed or delivered notice to the candidate
14 that the candidate was removed from the selection process or that another person was
15 appointed to the position, the candidate must file the technical appointment complaint
16 no later than 14 calendar days after the later of (1) the effective date of the challenged
17 appointment or (2) the date of the notice.

18 **(2) No notice mailed.** If the appointing authority does not mail or deliver notice to the
19 candidate, the candidate must file the technical appointment complaint within 6 months
20 after the effective date of the challenged appointment.

21 **(b) Other technical complaints.** A technical classification complaint or technical
22 disbursement complaint must be filed within 14 calendar days after the date the civil service
23 staff issued the original technical decision.

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25 **8-3.5 Effective Date of Decision of Technical Review Officer**

26 **(a) Technical classification review.** A final technical review decision on a technical
27 classification complaint is effective immediately upon issuance, unless a different effective
28 date is specified in the decision.

29 **(b) Technical disbursement review.** A final technical review decision on a technical
30 disbursement complaint is effective as follows:

31 **(1) Request approved.**

32 **(A)** If an initial civil service staff decision approving a request became effective under
33 rule 7-6.3 [Effective Date of Staff Decision], a decision of a technical review officer also
34 approving the request is effective immediately and the appointing authority may

1 continue to make disbursements for the personal services until the civil service
2 commission or a court of competent jurisdiction rules otherwise.

3 **(B)** If civil service staff initially denied a request, a technical review decision
4 approving a request is effective 15 calendar days after the date the decision is
5 issued, unless a later date is specified in the decision. An interested party
6 intending to appeal the technical review decision to the civil service commission
7 may file a request that the state personnel director order the effective date of the
8 decision stayed pending appeal. The request for a stay must be filed within 14
9 calendar days after the date the technical review decision is issued. The director
10 may stay the effective date of the technical review decision pending appeal to the
11 commission if the director determines that (1) it is unlikely that the request meets
12 any of the standards for approval and (2) a stay is in the best interests of the
13 classified service.

14 **(2) Request denied.** If civil service staff initially approved a request, a technical review
15 decision disapproving the request is final and binding on the parties 29 calendar days
16 after the date the decision is issued, unless either (1) the decision provides for a later
17 effective date or (2) an interested party files a timely application for leave to appeal to
18 the civil service commission within 28 calendar days after the date the decision was
19 issued. If an interested party files a timely application for leave to appeal, the effective
20 date of the technical review decision is automatically stayed and the appointing
21 authority may continue to make disbursements for the personal services until the civil
22 service commission or a court of competent jurisdiction rules otherwise.

23 **(c) Technical appointment complaint.** A technical review decision on a technical
24 appointment complaint is final and binding on the parties 29 calendar days after the date the
25 decision was issued unless either (1) the decision provides for a later effective date or (2) an
26 interested party files a further appeal to the civil service commission within 28 calendar
27 days after the date of the decision. If a party files a timely application for leave to appeal,
28 the effective date of the decision is automatically stayed pending further order of the
29 employment relations board or civil service commission.

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34 **Rule 9-1 Definitions**

35 Unless the context clearly provides otherwise, the following terms in the civil service rules and
36 regulations are defined as follows:

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1 Party

2 **Party** means any of the following persons or organizations:

3 (a) **Party**, in a grievance appeal, means any of the following:

- 4 (1) The employee who filed the grievance.
- 5 (2) The appointing authority that issued the final grievance decision being appealed.

6 (b) **Party**, in a technical classification review, means any of the following:

- 7 (1) An employee whose classification is directly affected by a technical classification
8 decision.
- 9 (2) The appointing authority of an employee in subdivision (b)(1).
- 10 (3) Any other interested person with a demonstrable special interest in the technical
11 classification decision that is granted permission to participate in the review.

12 (c) **Party**, in a review of a technical disbursement decision, means any of the following:

- 13 (1) The appointing authority that files a request under rule 7-6 [Prior Written Approval by Civil
14 Service Staff] or rule 7-7 [Preauthorized Approval] regarding disbursements for personal
15 services.
- 16 (2) An exclusive representative of a classified employee with a direct interest in the
17 technical disbursement decision.
- 18 (3) A nonexclusively represented classified employee with a direct interest in the technical
19 disbursement decision.
- 20 (4) A limited recognition organization appearing on behalf of a classified employee with a
21 direct interest in the technical disbursement decision.
- 22 (5) The office of the state employer.
- 23 (6) Any other person or organization with a demonstrable special interest in the technical
24 disbursement decision who (1) petitions to participate in the civil service staff review
25 and (2) is authorized by civil service staff to participate in the review.

26 (d) **Party**, in a review of a technical appointment decision, means any of the following:

- 27 (1) An unsuccessful candidate who files a technical appointment complaint.
- 28 (2) An employee whose appointment is revoked by civil service staff in an audit review.
- 29 (3) An employee whose appointment is challenged in a technical appointment complaint.
- 30 (4) The appointing authority of an employee whose appointment is revoked in an audit
31 review or challenged in a technical appointment complaint.

1 (e) **Party**, in an inquiry about a complaint filed with the state personnel director under rule 7-9
2 [Complaints and Investigations], means any of the following:

3 (1) The person filing the complaint.

4 (2) The appointing authority that made or authorized the questioned disbursements.

5 (3) The office of the state employer.

6 (4) Any other person or organization with a demonstrable special interest in the complaint
7 who (1) petitions the state personnel director to participate in the inquiry and (2) is
8 authorized by the director to participate in the inquiry.

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12 Technical Decision

13 **Technical decision** includes each of the following individual decisions:

14 (a) **Technical classification decision** means a civil service staff decision (1) classifying a
15 position in the classified service or (2) making a working-out-of-class determination.

16 (b) **Technical disbursement decision** means a civil service staff decision authorized under rule
17 7-6 [Prior Written Approval by Civil Service Staff] or rule 7-7 [Preauthorized Approval] regarding
18 disbursements for personal services.

19 (c) **Technical appointment decision** means (1) a decision of an appointing authority appointing
20 a candidate to a position in the classified service or (2) a decision of civil service staff
21 certifying or revoking an appointment to a position in the classified service.
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