



## DEPARTMENT OF ADMINISTRATIVE SERVICES

450 Columbus Boulevard, Suite 1501, Hartford, CT 06103

DATE: February 3, 2023

RE: General Letter No. 36 – Application Rejection Appeal

### **PURPOSE**

Public Act 18-130 includes revisions to Section 5-221a of the Connecticut General Statutes effective October 1, 2018. This section governs the rights of applicants to appeal their rejection of such applicant's or employee's application.

Effective October 1, 2018, Section 5-221a reads:

Sec. 2. Section 5-221a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2018*):

An applicant for employment or an employee in the classified service may appeal the rejection of such applicant's or employee's application, in writing, to the Commissioner of Administrative Services not later than six (6) business days after the transmittal of such rejection notice by providing supplementary information on qualifications as may be necessary. Such applicant or employee may request a review of such rejection by an independent human resources professional who shall render a final decision on the applicant's or employee's appeal within fifteen (15) days thereafter.

The changes in the legislation regarding application rejection appeals have rendered the corresponding regulations and policies obsolete. The following will serve as the official policy governing the rights of applicants to appeal the rejection of their application to job openings.

This General Letter supersedes the General Letter on this same topic dated October 1, 2018.

### **POLICY**

- An applicant for employment or an employee in classified service whose application has been rejected or deemed not qualified may appeal the rejection in writing to the Commissioner of Administrative Services no later than six (6) business days after transmittal of such rejection notice. Said notice will inform the applicant of the reason for the rejection and their right to appeal such rejection, if applicable. The notice will specify the timeline and procedure for filing appeals to the Commissioner of Administrative Services or their representative.
- The applicant for employment or employee in the classified service must provide supplementary information on qualifications as may be necessary within six (6) business days after transmittal of rejection notice.

- Appeals are limited to issues regarding an applicant failing to meet the minimum qualifications for the job opening.
- The following reasons for rejection are exempt from appeal. Applicants will be sent an explanatory notice indicating the application is not being accepted. There is no right to appeal in these instances.
  - o The applicant failed to submit their application before the closing date on the job opening (i.e., late applications).
  - o The job opening as announced is open to state employees only and the applicant is not a state employee.
  - o The job opening as announced is open only to employees of the agency on the job opening and the applicant is not an employee of the agency.
  - o An applicant files an application for a promotional opportunity and is not eligible to participate in the promotional opportunity in accordance with CGS 5-228 and regulation 5-228-1.
  - o An application is incomplete and does not contain the required information or documentation listed on the job opening. (Resumes and/or vitas do not substitute for the required application.)
- The Commissioner of Administrative Services shall appoint an independent human resources professional, who was not directly involved in the rejection decision, to review the appeal. The independent human resources professional shall render a final decision on an applicant's appeal within fifteen (15) calendar days of the receipt of such appeal.
- The decision of the independent human resources professional shall be final and binding on all parties.
- The independent human resources professional may not grant any remedy other than admission of the application as meeting minimum requirements as stated in the job opening and may not add to, subtract from, alter or modify the standards, requirements or conditions established for admission of the application, including meeting the appeal process conditions. The burden of proof shall be on the applicant to show that the rejection was arbitrary, unreasonable, or contrary to law.

### **REQUIREMENTS**

- Not later than six (6) business days after the transmittal of the application rejection notice, an applicant may appeal, by providing supplementary information to their rejected application via email to [ExamAppeals@ct.gov](mailto:ExamAppeals@ct.gov).
- An applicant can appeal a rejection that is based on a determination that they do not meet the minimum qualifications for the job opening as detailed on the job opening. Minimum qualifications are detailed in the sections of the job opening labeled General Experience, Special Experience and Special Requirements.

Appeals must be received via email within six (6) business days of the transmittal of the rejection notice. Appeals must be emailed to [ExamAppeals@ct.gov](mailto:ExamAppeals@ct.gov).

- o Appeals must include the following information: applicant's name, recruitment number, applicant's e-mail address, job opening title, and supplementary information regarding the applicant's experience and education and how such experience and education meets the minimum qualifications required by the job opening.
- o 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, details concerning dates of employment and number of hours worked, or any material pertinent to the grounds for rejection.

- o A state employee may be given credit for work outside the range of normal class assignments provided there is written verification, signed by the appointing authority or agency human resources administrator, explaining the exact nature and duration of the duties and the reason for their occurrence (i.e., a working-out-of-class statement). This information must be submitted as part of the appeal package.
- o Applicants should include only documents directly related to the reason for rejection. Any documents received after the six (6) business day time period will not be accepted.
- The appeal package along with the applicant's original application will be reviewed by the human resources professional who performed the original application review, or their supervisor. If it is determined that the applicant meets the minimum qualifications of the position, the applicant will be notified of such determination via email.
- If the determination is unchanged, the appeal will be forwarded to an independent human resources professional to review the applicant's original application and appeal package and to render a written decision on the appeal within fifteen (15) calendar days from the date the appeal was received.
- The independent human resources professional shall review the following documents:
  - o An applicant's original application form.
  - o A copy of the applicant's rejection notice.
  - o The applicant's appeal package. (Documents received by the Department of Administrative Services (DAS) after the six (6) business day period will not be given to or reviewed by the independent human resources professional.)
  - o Job opening and class specification.
  - o Summary of the reason for the rejection.
- Claims of working-out-of-class shall not be considered unless the requirements established above are met.
- Evidence that an applicant has been admitted to a job opening for the same class previously is not, of itself, sufficient evidence for meeting current admission requirements.
- The independent human resources professional shall render a final decision on the applicant's appeal within fifteen (15) calendar days of the receipt of the appeal.
- The decision shall be communicated via an email. Such decision shall include a brief statement of the findings of fact and reasons supporting their decision.
- The decision of the independent human resources professional shall be final and binding on all parties.

Questions regarding this policy can be directed to: [ExamAppeals@ct.gov](mailto:ExamAppeals@ct.gov).

#### **POST AUDIT**

All transactions under this General Letter are subject to post-audit by DAS HR Policy and Information Systems Unit.

#### **OTHER**

Please contact the assigned DAS HR Professional or DAS HR Policy and Information Systems Unit for questions regarding this policy.