



TO: HUMAN RESOURCES ADMINISTRATORS  
DT: June 20, 2013  
RE: General Letter 36: Application Rejection Appeals

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Donald J. DeFronzo  
Commissioner

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Public Act 13-247 includes revisions to Section 5-221a of the Connecticut General Statutes effective July 1, 2013. This section governs the rights of applicants to appeal their rejection from admittance into state examinations.

Effective July 1, 2013, Section 5-221a reads:

**Sec. 5-221a. Appeal from Rejection of application for admission to examination.** 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 twelve days after the mailing 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 resource professional who shall render a final decision on the applicant's or employee's appeal within fifteen 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 their rejection from admittance into state examinations.

### General

- An applicant who is 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 the reason for the rejection and his/her 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 his/her representative.
- Appeals are limited to issues regarding an applicant meeting the minimum qualifications for admittance into an examination.

- The following are reasons for rejection are exempt from appeal. Applicants will be sent an explanatory letter indicating the reason the application is not being accepted. There is no right to appeal in these instances.
  - An applicant has permanent status in the class being examined. (Applicants permanently employed in a class are not eligible to compete in examinations for the same class.)
  - An application is received after the closing date on the examination announcement (i.e., late applications).
  - An applicant files an application for a promotional examination and is not eligible to participate in the promotional examination in accordance with CGS 5-228 and regulation 5-228-1.
  - An application/examination package is incomplete and does not contain the required examination application form and/or the required examination materials as stated on the examination announcement. (Resumes and/or vitas do not substitute for the required application form or for the required examination materials.)
- The Commissioner of Administrative Services shall appoint an independent human resource 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 to the examination for meeting minimum requirements as stated in the examination announcement and may not add to, subtract from, alter or modify the standards, requirements or conditions established for admission to the examinations, 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.

### **The Appeal Process**

- Not later than twelve (12) calendar days of the mailing of an exam application rejection notice, an applicant may appeal, in writing, his/her rejection from an examination.
- An applicant can appeal a rejection that is based on a determination that s/he does not meet the minimum qualifications for admittance into an examination as detailed on the examination announcement. Minimum qualifications are detailed in the sections of the exam announcement labeled General Experience, Special Experience and Special Requirements.

- Written appeals must be received within twelve (12) calendar days of the mailing of the rejection notice. Appeals can be emailed to [Exam.appeals@ct.gov](mailto:Exam.appeals@ct.gov), faxed to 860-622-2863, or mailed to: DAS Statewide Human Resources Management, Exam Rejection Appeals, 165 Capitol Avenue, Room 404, Hartford, CT, 06106. (Emails or faxes are preferred.)
  - Appeals must include the following information: applicant's name, mailing address, e-mail address, daytime phone number, examination title, examination number, and supplementary information regarding the applicant's experience and education and how such experience and education meets the minimum qualifications required for admittance into the examination.
  - 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.
  - 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. Any documents received after the twelve (12) calendar day time period will not be accepted.
  - Applicants should include only documents directly related to the reason for rejection.
- The appeal package along with the applicant's original application form will be reviewed by the human resources professional who performed the original application review, or to his/her supervisor. If it is determined that the applicant meets the minimum qualifications for admittance into the examination, the applicant will be notified of such admittance.
- 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:
  - An applicant's original application form.
  - A copy of the applicant's rejection letter.
  - The applicant's appeal package. (Documents received by DAS after the twelve calendar day period will not be given to or reviewed by the independent human resources professional.)
  - Examination announcement and job specification.
  - 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 an examination 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 in writing. Such decision shall include a brief statement of the findings of fact and reasons supporting his/her decision. The decision should be addressed to the applicant with a copy to the commissioner of administrative services or his/her representative.
- The decision of the independent human resources professional shall be final and binding on all parties.

Questions regarding this policy can be directed to: Dr. Pamela L. Libby, Director of Statewide Human Resources Management at [Pamela.Libby@ct.gov](mailto:Pamela.Libby@ct.gov).

  
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