

**LOS ANGELES COMMUNITY COLLEGE DISTRICT
PERSONNEL COMMISSION**

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LAW AND RULES

September 25, 2019

624 REVIEWS AND APPEALS OF EXAMINATIONS

Education Code Section

88093. Examination records, including any recordings and the rating sheet of each member of the oral board for each candidate, shall be retained by the body authorized to administer examinations 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, within reasonable time limits, be made available to a candidate or his or her representative.

Government Code Section

6254. Except as provided in Sections 6254.7 and 6254.13, this chapter does not require the disclosure of any of the following records:

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code.

- A. Notification of examination results shall be sent promptly to all candidates after each part of an examination.
- B. Successful or unsuccessful candidates may request to review their examination scores and evaluations. The notification of examination results shall specify two possible dates on which candidates may make an appointment to review their examination results. Only one review opportunity will be provided to candidates.
 - 1. A qualified representative of the Personnel Commission staff shall explain examination scores and evaluations to the candidate during the examination review session.
 - 2. Scores or evaluations for a candidate shall not be identified with a specific member of an examination board.

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3. Candidates may designate a person to represent them in the review of their examination scores and evaluations. The designation must be in writing. The time limits and other conditions of this rule apply to the representative as well as the candidate.
 4. Test items, test questions, or scoring keys shall not be subject to review by candidates or their representatives due to test confidentiality and security considerations. However, candidates may indicate on the test booklet cover, while taking a written examination, the questions they wish to have reviewed. The Personnel Commission staff will make any necessary corrections or adjustments to the candidates' scores if a test question is found to be flawed. If corrections are required, they shall be applied uniformly to all candidates.
- C. Candidates who wish to appeal any part of an examination shall be provided information about the examination appeal process at the time of the examination review. Appeals must be submitted in writing to the Examiner of Record.
1. An appeal must be received within five working days after the candidate's review of examination results.
 2. An appeal must be based on procedural error, unlawful discrimination, abuse of discretion or bias, or violation of law or Personnel Commission rules and give the specific bases for the complaint, cite wherein errors have occurred, and state the remedy the candidate is seeking.
 3. The Examiner of Record shall review and answer appeals. If corrections are required, they shall be applied uniformly to all candidates. The response shall be sent via certified letter, return receipt requested, and mailed to the candidate's last known address.
- D. If a candidate has evidence which refutes the reply to their initial appeal, he/she may appeal to the Personnel Director within five working days of delivery of the initial appeal response. Delivery shall be considered either the date the United States Postal Service provided notice of attempt to deliver or the date a candidate accepted delivery, whichever is earlier.
- The appeal must be in writing, must be specific as to those points in the reply to their protest which they refute, and must furnish proof for each point.
- E. After a decision by the Personnel Director the candidates may make further written appeal to the Personnel Commission within five working days after the reply to their appeal was mailed to them. The appeal must provide evidence of error in procedure or violation of law or Personnel Commission rules.

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- The Personnel Commission shall review the appeal and may sustain or deny the appeal or provide an appropriate remedy to the appellant. Written notification of the Personnel Commission's decision shall be sent to the candidate via certified letter, return receipt requested, and mailed to the candidate's last known address.
- F. Regular appointments may be made from eligibility lists any time on or after the promulgation date of the eligibility lists provided that:
1. the authorized field of competition for the examination was open only, or
 2. the examination is administered on a continuing basis as authorized by the Personnel Commission, or
 3. the authorized field of competition for the examination was promotional and all applicants are successful.
- G. No regular appointment from an eligibility list shall be effective until ten working days after the establishment of the eligibility list, except as provided in Paragraph F. above.
- H. Upon receipt of a valid appeal, the Personnel Director shall assess the possible effects of the appeal, if any, on the candidacy of the appellant, the examination process as a whole, and/or appointments from the eligibility list(s). Based on such assessment the Personnel Director may:
1. allow the protesting candidate to participate conditionally in the examination process; or
 2. temporarily suspend examination activities, or
 3. withhold certification from all or part of the eligibility list(s).
- The Personnel Director may, at any time, rescind or modify an order to withhold certification upon review of the specifics of an examination appeal.
- I. Errors in the ranking of candidates on an eligibility list shall be corrected when discovered, regardless of lapse of time after the establishment of an eligibility list.
- When such error has resulted in an appointment that could not have been made otherwise it may serve as a basis to invalidate any appointment made during the life of the eligibility list.

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- Any proposal to invalidate an appointment under the provisions of this paragraph shall be presented to the Personnel Commission for a decision.
- J. Changes in eligibility lists resulting from reevaluations shall not serve to invalidate any appointment made in accordance with other provisions of Personnel Commission Law and Rules.
- K. Changes in eligibility lists under the provisions of Paragraph I. and J. above, shall not be construed to extend the eligibility of a candidate beyond the life of the eligibility list.