

**RULE 15**<sup>1</sup>

**EXAMINATIONS**

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<sup>1</sup> See also Rule 5, *Examination, Screening, and Other Requirements for Original Appointment* and Rule 6, *Promotional Examinations and Requirements*.

<sup>2</sup> As used in this rule, the word participant shall refer jointly to an “applicant for original appointment” and/or a “candidate for promotional appointment.”

<sup>3</sup> The words candidate and applicant, as used in this rule, distinguish between persons participating, respectively, in a promotional examination process and an original appointment examination process.

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### **Section 1. Examinations and Content Controlled by the Commission.**

- A. The Commission shall control all examinations, including the content thereof, as prescribed in the Commission Rules.
- B. This Rule 15 shall be supplemented by the provisions of Rule 5, regarding examinations for original appointment, and by the provisions of Rule 6, regarding promotional examinations.
- C. The Commission shall have the authority to determine the minimum qualifications, prerequisites, and requirements to be used to establish a person's eligibility to register for and participate in an examination for original or promotional appointment.

### **Section 2. Preparation of Examinations.**

- A. In preparing examinations, the Examiner and test developer(s) may consult with the head of a department, responsible subordinates, or departmental subject matter experts concerning the duties of a position to be filled, the qualifications to be required of those to be examined, data upon which questions may be based, and the development of test items. However, they shall not consult with any person eligible to participate in that particular examination.
- B. Prior to the administration of an examination, all questions intended for use shall be in the exclusive possession and control of the Examiner and test developer(s), and may be reviewed with subject matter experts, all of whom shall be held strictly responsible and accountable to the Commission for the secrecy thereof.

### **Section 3. Conducting Examinations.**

The Commission, or the Executive Director at its direction, shall establish regulations for conducting an examination, to include the administration of any test phase in the examination. The regulations for conducting an examination shall include the announcement of the examination, the instructions for the examination and any test phase(s), and shall include the following:

- A. All examination phases shall be administered in the presence of one or more duly authorized representatives of the Commission.
- B. Time limits for tests shall be fixed by the Examiner or designee who shall so advise the participants, at a minimum, at the time of assembling for the test.

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- C. Only those testing materials and supplies furnished by the Commission shall be used by the participants, unless all participants are notified of alternate requirements prior to the test. Unless otherwise specified in the announcement, the Commission will furnish pencils, paper, or other necessary test supplies.
- D. Books of reference, or written materials of any kind, shall not be used during any test, unless all participants are otherwise advised prior to the test.
- E. Calculators of any kind, personal digital assistants, or other such aids shall not be used during any test unless all participants are otherwise advised prior to the test.
- F. Individual explanations to a participant(s) during the administration of any test phase, regarding the content of the test phase, shall be prohibited, unless test procedures provide for such individual explanation to each participant.
- G. Communication between applicants for original appointment during any written or video-based testing session is prohibited. Applicants for original appointment are further prohibited from discussing or sharing non-public information regarding the content or nature of any examination/test or screening tool with anyone, unless the particular examination/test regulations specifically state otherwise.
- H. Communication between promotional candidates during any written testing session is prohibited. For examination/test components administered over several sessions/days, communication between promotional candidates regarding the nature or content of the examination/test shall be prohibited from the time the first candidate begins and shall continue until the last candidate has completed the examination/test. Promotional candidates may also be subject to extended confidentiality requirements deemed necessary to maintain the integrity of any examination components. Extended confidentiality may be necessary, for example, when an eligible candidate(s) is absent due to military leave.
- I. Participants shall not leave the examination/test room without permission from the duly authorized representative of the Commission.
- J. All test papers and related items shall be returned to the Examiner upon the expiration of the set test time limit.
- K. Should a participant withdraw during the course of the test, all test related materials received by the participant shall be returned to the Examiner.
- L. In the case of any irregularity in the administration of an examination/test, the Examiner shall make a written report thereof to the Commission and such report shall be filed with the working papers of the examination.
- M. Participants shall be provided their test scores.

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### **Section 4. Security of Examination Papers.**

- A. Examination papers shall be in the custody of the Executive Director of the Civil Service Commission or designee at all times, and no such papers shall be taken from the office except as authorized by the Executive Director. At no time shall examination papers be left unsecured.
- B. The examination papers of all participants in any examination shall be preserved for a period of three (3) years from the date of the participant's completion of their last test phase, or from the date of the approval of the eligible register for the subject examination, whichever is later.

### **Section 5. Corrections and Re-examinations.**

The Commission shall have the power, whenever in its judgment the interest of the public service requires it, to order a re-examination of participants and shall have the power to correct any error and amend or revoke any schedule, list, or other paper or record where it appears that an error or injustice has been done. After an eligible register for original appointment or promotion has been so corrected, amended, or revoked, notice shall be given to all persons whose standing upon such list may be affected by the alterations. The reasons for every such action shall be recorded fully in the Commission minutes.

### **Section 6. Review of Examination Results by Participants.**

- A. Who may review results. Consistent with the provisions of this section, the examination review process shall be available to every participant in an examination. A participant's examination results and related documents that are subject to review may only be reviewed by, or copied for, the participant in question or his/her legal representative. A fee may be charged for copies of documents in accordance with Commission policy.
- B. Time Limit. A request by a participant to review his/her examination results and/or related documents must be filed with the Commission, in writing, within twenty (20) days after notice of the participant's results (including notice of any disqualification) is provided in writing or is mailed. Inspection may occur during normal working hours following the filing and approval of the participant's request to review.
- C. Examination results and related documents open to inspection. Review, inspection, and/or copying of the participant's examination results and related documents shall be limited to the following information and/or documents on file, as applicable, except as may otherwise be provided by law or regulation, or as may otherwise be provided by the Commission.

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1. Applicants for Original Appointment: Examination test scores, including physical ability test results; polygraph evaluation report; suitability assessment report; psychological evaluation report and test scoring printouts; medical examination results and report, including drug screen results; Background Information Questionnaire or similar form requesting information on employment, education, military, and criminal history, etc.; fingerprint card; birth certificate; high school diploma or GED; motor vehicle report or report of driving record; driver's license; credit report; EEO 4 Form; Immigration and Naturalization Forms; DD-214; application form; and administrative correspondence of a non-confidential nature.
2. Promotional Candidates: Examination test scores; examination registration and data verification forms; and administrative correspondence of a non-confidential nature.
3. Promotional Candidates – Special Provisions: The following documents/items will generally be made available to each candidate in a promotional examination, as feasible, and as provided by Commission written policies or procedures, and as provided in the regulations for the particular examination.
  - a. A copy of the candidate's answer sheet for a written test and the scoring key.
  - b. An individual summary "feedback report" regarding the candidate's performance in an assessment center, or written comments generated for the candidate from an examination component; and
  - c. Any video recording of the candidate's performance in an examination component.

However, due consideration shall be given to the preservation of the integrity of the examination in question, and of future examinations. The absence of an eligible candidate(s) due to military leave, for example, may necessitate withholding such documents/items.

- D. Notes of examiners not available: Notes made by examiners (including assessors, oral assessment or practical test panel members, or raters, etc.) in any component of an examination shall not be available for review or copying.
- E. Authorized review of an original examination document shall occur only in the presence of a Commissioner or a staff member of the Commission, except for any document or videotape generated for use by the participant for personal development.
- F. The Manager of Safety, as the appointing authority, or the Manager's designee, shall be accorded access to personnel records of promotional candidates in the custody of the Commission, and to application, examination, and suitability-related records of applicants for original appointment, as may be appropriate for review in any selection process.

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- G. Confidential Materials: All examination/test and suitability screening data or lists, including test questions and screening questions, scoring keys, and other examination/test or suitability screening data or lists pertaining to the administration of any examination/test or screening tool, except for the final Eligible Register established from the examination, shall be considered confidential unless otherwise provided in these rules or unless otherwise determined by the Commission.

### **Section 7. Corruption and Penalty.**

- A. Any attempt on the part of any person to influence or induce the Commission, or any member or any examiner or employee thereof, to give said person an undue advantage or to accord a special rating on an examination shall be sufficient cause for the disqualification of such person from the examination.
- B. If the person is a member of the Classified Service, the matter shall be referred to the respective department for possible disciplinary action.

### **Section 8. Determining the Minimum Passing Score.**

- A. The Commission may postpone determining the minimum passing score for an examination/test until after all participant examinations/tests have been scored, provided that the announcement of the examination contains this provision and further provided that when determining the minimum passing score, the Commission shall give appropriate consideration to all of the following:
1. The minimum passing score recommended by the test developer;
  2. The minimum level of competence necessary for successful performance of the duties of the position; and
  3. The Uniform Guidelines on Employee Selection Procedures, as updated and amended.
- B. In any examination/test, if the participants' scores are matched to their identities, and are disclosed to the Commissioners before the Commission has determined the minimum passing score, then the Commission shall establish the passing score at either the sixty-fifth (65th) percentile, including all ties, or at 70 percent of the total possible score for that examination/test, whichever will result in the fewest number of participants passing the examination/test.

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### **Section 9. Disqualification of Candidates or Applicants.**

- A. Candidates or applicants may be disqualified from an examination or related process for any of the following reasons:
  - 1. Any false, incomplete, misleading, or misrepresentative statement, or any omission of fact relevant to a determination of qualification and/or suitability, on any documents or in any interviews associated with the application, registration, and/or examination process.
  - 2. Violation of any Commission Rule, examination regulation, or examination instruction.
  - 3. Information becomes available of such a nature which, had it been known prior to the examination, would have resulted in the exclusion of a participant from the examination.
  - 4. Failure of any part of the examination process.
  - 5. Inability of the Postal Service to deliver mail because of an incorrect mailing address on file and/or an unknown forwarding address.
- B. Upon any disqualification, the Commission shall notify the person of such fact.
- C. As appropriate, if a disqualified person is a member of the Classified Service, the matter shall be referred to the respective department for possible disciplinary action.

### **Section 10. Taking New Examinations.**

- A. A person whose name is on an eligible register is not precluded from retaking the examination for that same position or from taking the examination for any other position to be filled by either original or promotional appointment, for which the person is eligible.
- B. As provided by Commission Rule or by examination regulation, time limits may be imposed on when or how often any person may retake an examination for original appointment.
- C. A member of the Classified Service may not take an examination for a position in the Classified Service that the member currently holds.

**Section 11. Investigation of Examinations.**

- A. An applicant for original appointment participating in an examination (or denied participation), or the applicant's legal representative, may file a request for an investigation with the Commission in matters relating to the examination, or examination process, only as such matters pertain to an alleged violation of Charter, Commission Rule, or examination regulation.
- B. A candidate for promotional appointment participating in an examination (or denied participation), or the candidate's legal representative, may file a written request for investigation with the Commission, in matters relating to the examination and/or the examination process (or denial of participation).
- C. Except as may be otherwise provided in the regulations for a particular examination/test, any request for investigation shall be filed within twenty (20) days after notice of the examination/test result(s) is either presented to the participant or is mailed, as applicable; or within twenty (20) days after the occurrence.
- D. Such request shall contain the name, address, and phone number of the participant (or person denied participation); a description of the action, omission, or situation complained of; a brief summary of the participant's (or person's) objection(s) to such circumstance; and the relief sought, if any. The request should also identify the Charter provision, Commission Rule, or examination regulation that the participant (or person) believes has been violated, if any.
- E. The Commission, at its sole discretion, may accept or reject any request for investigation. The person submitting the request shall be notified in writing of the acceptance or rejection of the request for investigation.
- F. Where an investigation is undertaken, the person requesting the investigation shall be notified in writing of the Commission's decision, following completion of its investigation.

***END***