

Proposed revisions to PSCSC Rules 9.23 and 9.24
(tracked changes)

9.23 KEYED COPY INSPECTION AND EXAMINATION PROTEST AND REVIEW:

- a. Keyed Copy Inspection. Examinees ~~shall be able to~~ may review a keyed copy of examinations within three (3) business days ~~immediately~~ following the administration of ~~such that exam~~ part, or within the time ~~period limit specified stated~~ on the examination instruction sheet, whichever ~~period~~ is longer. Keyed copies ~~will~~ are not be provided ~~for inspection~~ for standardized tests or for ~~tests that are~~ continuously or periodically ~~examinations administered~~.

- b. Exam Protest and Review Processes. Examinees may file an “exam protest” ~~against any part of an examination in writing~~ with the public safety examiner within the exam review period described in subpart (a) of this rule, ~~before scoring occurs~~. ~~Examinees cannot protest their score at any point.~~

The written exam protest shall explain: ~~i)1)~~ how the administration of the exam failed to measure their knowledge, skills, and/or abilities required to perform the work of the promotional rank, and ~~ii)2)~~ the remedy requested. The Development Committee will ~~rely on~~ use its subject matter expertise in evaluating and advising on protest decisions. PSCSC public safety examiners shall notify the examinee(s) of their protest decisions after considering the protest in consultation with the Development Committee.

1. ~~Seeking +~~Review of ~~an~~ exam protest decisions: Any examinee ~~who is~~ dissatisfied with ~~the outcome of~~ an exam protest decision by the public safety examiner may seek further review by ~~filing a request for review with~~ the Commission, ~~in accordance with~~ by following the instructions provided with the protest decision notice.
2. Standard of review: The Commission shall uphold decisions on exam protests unless they are “clearly erroneous.” Under this standard of review, the Commission shall only reverse the decision on protest if, after considering all the evidence, it is left with the definite and firm conviction that a mistake has been made, even if there is some evidence to uphold the decision.
3. Confidentiality of exam materials: The Commission recognizes that ensuring the security and confidentiality of exam materials upholds the integrity and credibility of exam processes. Exam materials for protest reviews shall be provided to Commissioners and examinees in a manner that ~~aims to ensure~~ their security and confidentiality.

- ~~3.4.~~ Updates to exam key: decisions on protests or reviews shall result in updates to the exam key for all candidates.

Commented [SB1]: Most proposed changes in this section are to use plainer language and to clarify the exam protest/review process

Commented [SB2]: This section has been broken into paragraphs for readability

Commented [SB3]: To clarify sequencing of events

Commented [SB4]: Examinees may only protest questions in the exam that they believed poorly assessed their ability to do the work of the rank. Examinees have never been able to protest their individual score (although they may identify a computational or clerical error for correction).

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Commented [SB5]: This concept was previously captured in 9.24 (e)

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- b. ~~When a qualifying grade is required on any part of an examination, those who fail to receive the qualifying grade shall be notified and any protest must be filed in writing within three business days after the notices of results have been mailed or electronically delivered.~~
- e. ~~Any protest against scoring or any allegation of clerical error in the final results of an examination must be filed in writing within three business days after the notices of results have been mailed or electronically delivered.~~
- d. ~~Corrections apply to an entire exam. All protests filed in accordance with this rule shall be considered and any proper corrections made. Corrections applied as a result of an exam protest shall also be applied to relevant examinations of all examinees.~~

9.24 CORRECTION OF CLERICAL ERRORS AND VERIFICATION OF EXAM SCORE CALCULATION:-

- a. Correction of clerical errors. Any clerical error may be corrected by the Executive Director upon discovery of such an error at any time during the life of the eligible register, but no such correction shall affect an appointment that has already occurred. ~~made from a certification made prior to the correction.~~ Correction of clerical errors are not subject to protest, review, or appeal.
- b. Verification of exam scores. Examinees may request a verification of their exam score calculation within three (3) business days after the notices of results have been electronically delivered.

Commented [SB6]: This is redundant and unclear. There is not a separate process to protest failing to receive a qualifying grade.

Commented [SB7]: The concepts in these subsections are captured elsewhere

Commented [SB8]: These references read as 9.23 (c), (d), and (e) in current PSCSC Rules.

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Commented [SB9]: Moved (d) and (e) down from 9.23. Revised first sentence to clarify who is doing what.