

UNSUCCESSFUL EMPLOYEE APPLICANTS

STEP ONE – PROVIDING FEEDBACK

- The individual responsible for the appointment decision notifies unsuccessful employee applicants of the results of the staffing action.
- Unsuccessful employee applicants have 5 calendar days after receiving notification of an appointment decision to request feedback from the individual responsible for the appointment decision as to why they were not successful for the position.
**Definition of "5 calendar days": To determine the fifth calendar day in this process, if the fifth calendar day falls on a weekend or a statutory holiday, the fifth day moves to the next business day. Day one is the day after notification about the appointment decision is sent out. For example if the notification is sent out on a Friday, counting starts on the Saturday and the fifth day is the Wednesday following.

REVIEW OF STAFFING DECISION ENDS WHEN:

Unsuccessful employee applicant is satisfied with feedback, OR does not pursue further, OR does not request feedback within prescribed time lines.

REVIEW OF STAFFING DECISION PROCEEDS TO STEP TWO WHEN:

Unsuccessful employee applicant is NOT satisfied with the feedback received.

STEP TWO – INTERNAL INQUIRY BY DEPUTY MINISTER (DM)

- Unsuccessful employee applicants have the right to request an internal inquiry of the appointment by the DM responsible for the position on grounds that the merit principle was not applied in the appointment, and that the appointment was not the result of a process designed to appraise the skills, knowledge and abilities of eligible applicants.
- Unsuccessful employee applicants may request an internal inquiry by the DM provided they have first requested and received feedback as required in step one.
- Request for an internal inquiry must be in writing and must be received by the DM within 5 calendar days from when the unsuccessful employee applicant received the feedback (step one), or within 5 calendar days of receiving notification of an appointment decision if feedback was received earlier in the staffing process i.e. after shortlisting.
- DM must conduct the internal inquiry as soon as practicable after receiving the request for inquiry.
- Following the internal inquiry, the DM will prepare a written decision which will either support the staffing decision or direct that the appointment be reconsidered.

REVIEW OF STAFFING DECISION ENDS WHEN:

Unsuccessful employee applicant is satisfied with inquiry OR does not pursue further OR not requested within prescribed time lines OR the appointment is to an excluded position.

REVIEW OF STAFFING DECISION PROCEEDS TO STEP THREE WHEN:

Unsuccessful employee applicant to a bargaining unit position is NOT satisfied with the DM decision.

STEP THREE – STAFFING REVIEW BY MERIT COMMISSIONER (MC)

- Following an internal inquiry, an unsuccessful employee applicant to a bargaining unit position may make a request in writing for a formal review of the staffing decision by the MC on the same grounds as put forward in the request for an internal inquiry by the Deputy Minister.
- An unsuccessful employee applicant cannot request a review if they did not first request feedback from the individual responsible for the staffing decision (step one) and, subsequently, an internal inquiry (step two) within the prescribed time limits.
- The request for review must be received at the Office of the Merit Commissioner within 5 calendar days of the employee receiving the Deputy Minister's response (step two).
- If the MC determines that the request for review meets the grounds for review, the MC will conduct a review.
- Following the review, the MC will prepare a written decision which will either support the ministry's decision or direct that the appointment be reconsidered.

