

HOW TO REQUEST A REVIEW OF A STAFFING DECISION

PURPOSE

This document provides information to employees who are unsuccessful applicants to an appointment in the public service and wish to seek a review of the staffing decision.

ELIGIBILITY

“Employee” means a person appointed under the *Public Service Act*, other than a person appointed through Order-in-Council. You must be a current employee or an employee on layoff, provided your seniority has not been lost, at the time you are requesting feedback (refer to Step One, below).

A staffing inquiry or review can be requested for permanent appointments and temporary appointments greater than seven months. The process cannot be requested for:

- a lateral transfer or demotion;
- a temporary appointment of less than seven months;
- an appointment of an auxiliary employee; or,
- a direct appointment by the Head of the Public Service Agency.

RECRUITMENT, SELECTION AND APPOINTMENT PROCESS

BC public service appointments are subject to the principle of merit. This means that appointments must be non-partisan and made on the basis of an assessment of competence and ability to do the job.

If you are an employee appointed under the *Public Service Act* and are unsuccessful for an appointment to a position in the public service, you can request a review of the staffing decision on the basis that you have grounds to believe the merit principle was not applied and the appointment was not the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants.

The staffing review will examine the application of the merit principle and confirm whether there was a clear, open and articulated appointment process consistent with merit and the established principles and policy requirements. **IMPORTANT: It is not a review of the decisions made about the duties of the position, the skills, abilities and competencies required for the position, or the specific methods and tools used to assess eligible applicants.**

STAFFING REVIEW PROCESS - STEP BY STEP INSTRUCTIONS:

THE STAFFING REVIEW PROCESS HAS THREE STEPS:

STEP ONE – REQUESTING FEEDBACK

When an appointment or proposed future appointment decision is made, a regret notification about the decision is sent to unsuccessful employee applicants.



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If you have concerns about the application of the merit principle and whether the appointment was the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants, you must request and receive verbal feedback from the individual responsible for the appointment in order to initiate the staffing review process. You must currently be an employee or an employee on layoff, provided your seniority has not been lost, at the time you are requesting feedback.

You have **five calendar days*** after receiving notification about the appointment decision, or proposed future appointment decision, (i.e. eligibility to be appointed to future vacancies for a set period of time) to request feedback from the individual responsible for the appointment.

IMPORTANT:

- *If you received feedback earlier in the staffing process but you still believe that the merit principle was not applied and that the appointment was not the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants, **you need to submit your request for an inquiry to the Deputy Minister within five calendar days of receiving your final notification. There is no requirement to seek further feedback***
- *If you do not request feedback within five calendar days of receiving notification about the appointment decision, you may still receive feedback from the individual responsible for the appointment, but you will not be able to subsequently request a formal internal inquiry by the Deputy Minister*

HOW TO MAKE YOUR REQUEST FOR FEEDBACK

Contact the individual responsible for the hiring decision to arrange a feedback appointment. Your request may be made in person, by telephone, or email. Choose the method most appropriate to your situation to ensure that your request is received within the required timeline. Feedback appointments typically occur over the telephone or via an online meeting.

STEP TWO – REQUESTING AN INTERNAL INQUIRY BY THE DEPUTY MINISTER

If you still have concerns about the appointment decision after receiving feedback from the person who made the appointment decision, you may request an inquiry into the appointment by the Deputy Minister responsible for the position. You are not eligible to request an internal inquiry unless you have requested and received an explanation from the individual responsible for the appointment decision within the required timelines (see Step One above).

YOUR REQUEST FOR AN INTERNAL INQUIRY MUST BE RECEIVED BY THE DEPUTY MINISTER WITHIN **FIVE CALENDAR DAYS*** OF THE DATE YOU RECEIVED FEEDBACK FROM THE INDIVIDUAL RESPONSIBLE FOR THE APPOINTMENT. *IF YOU DO NOT REQUEST AN INQUIRY WITHIN FIVE*



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CALENDAR DAYS OF RECEIVING FEEDBACK YOU ARE NOT ENTITLED TO AN INTERNAL INQUIRY BY THE DEPUTY MINISTER.

HOW TO MAKE YOUR REQUEST FOR AN INQUIRY?

Your request for an inquiry must be in writing and must include a detailed statement specifying the grounds on which the request is made. This statement should clearly and comprehensively outline the reasons why you believe that the appointment in question was not based on the principle of merit or was not the result of a process designed to appraise the knowledge, skills and abilities of eligible applicants.

The request should include your name, employee ID, address, phone number and email address to be used to correspond with you as well as the particulars on the appointment in question, including the competition or requisition number, position title, position classification, location of the position, name of the individual responsible for the appointment, date you received final notification, date you requested feedback and the date you received feedback.

A written request for an internal inquiry may be made by personal delivery, courier, facsimile or email, to the office of the Deputy Minister responsible for the position. Choose the method of delivery most appropriate to your situation to ensure that your request is received within the required timeline.

The Deputy Minister or designate will review the appointment process and respond back to you. While conducting the inquiry the Deputy Minister or designate will gather pertinent information and/or documentation regarding the competition and appointment process. The Deputy Minister will either support the appointment decision or direct that the appointment be reconsidered.

WITHDRAWING YOUR REQUEST FOR INTERNAL INQUIRY

At any time you may withdraw your request for review by providing the Deputy Minister with written notice that you wish to withdraw your request for an internal inquiry. If you withdraw your request, the Deputy Minister will terminate the inquiry.

STEP THREE – REQUESTING A REVIEW BY THE MERIT COMMISSIONER

If you are an unsuccessful employee applicant for an appointment to a bargaining unit position, you may request a review by the Merit Commissioner. If, within the required time limits, you have requested and received feedback under step one and requested and received the results of an inquiry by the Deputy Minister under step two, you may then request a review of the appointment by the Merit Commissioner. The Merit Commissioner's independent review may only be based on the grounds submitted to the Deputy Minister in step two.

The request for review must be received at the Office of the Merit Commissioner within **five calendar days*** of you receiving the Deputy Minister's response.



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To learn more about the third step in the staffing review process please visit the Office of the Merit Commissioner.

Note: If you are an applicant who is unsuccessful to an appointment to an *excluded* position, you are **not** eligible to have the appointment reviewed by the Merit Commissioner.

IMPORTANT

Each step outlined above must be followed consecutively within the timelines for the review of a staffing appointment. You may not request a review by the Merit Commissioner unless you have first requested and received feedback from the individual responsible for the staffing action and have requested and received the results of the internal inquiry by the Deputy Minister within the prescribed timelines. Only unsuccessful employee applicants to appointments to bargaining unit positions may request a review by the Merit Commissioner.

*DEFINITION OF FIVE 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.

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Business Owner: Hiring Strategies Branch

