

Probationary Rejection Appeals  
Criteria Utilized to Make Routing Decision to Civil Service Commission

February 24, 2010

1. Timeliness

Per Rule 4.06(b).1., the appeal must be filed within **10 days** following service of a final written order or notice of action.

- If the appeal is untimely: Do not route.
- If the appeal is timely: Evaluate further.

2. Basis for Appeal

Discrimination (as provided for in Rule 16.02) is cited as the reason for the appeal. Discrimination categories include those cited in Rule 16.02:

- Political or Religious Opinions or Affiliations
- Age
- Race
- Sex
- Race
- Color
- National Origin
- Marital Status
- Disability
- Sexual Orientation
- Other non-merit factor – Interpretation as follows:

These general words follow specific words defining discrimination. Discrimination is commonly (dictionary.com) defined as “*treatment or consideration of, or making distinction in favor of or against, a person based on the **group, class, or category** to which that person belongs rather on individual merit.*” In addition, utilizing the maxim that “particular expressions qualify those which are general,” a non-merit factor in this case, will be any other specific group, class or category that was not identified in the previous specific list. Such factors could include: medical condition, genetic information, gender identity, pregnancy, military or veteran status.

- If the appeal form does not cite discrimination as the reason for the appeal OR the word discrimination is used but one of the categories cited above is not: Do not route.
- If the appeal form cites discrimination as the reason for the appeal AND the discrimination complaint includes one of the categories described above: Evaluate further.

### 3. Support of Allegation

The description of the discriminatory act upon which the appeal is based is accompanied by a description of behaviors that support the claim. For example, a comparison to other people not belonging to the same group, class, or category as the appellant who did not experience the same outcome as the appellant would be routed. Those appeal forms lacking any reasonable supportive data will not be routed.

- If the allegations are not supported by a reasonable description of the act or behavior: Do not route.
- If the appeal is supported by a reasonable description of the act or behavior: Route to Commission.

### 4. Appeal of Routing Decision

- In the event the routing decision remains unclear based upon these criteria, the appeal will be routed.
- The decision of the Human Resources Director is not subject to appeal.