



# **Staffing Appeals Information Guide**



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## 1. Definitions

“Affirmative Action Policy” refers to the policy that supports the Government of Northwest Territories’ commitment to a competent public service that is representative of the population it serves.

“appeal” means an opportunity for unsuccessful candidates, with appeal rights, to challenge a staffing decision where an offer of employment was made to another candidate.

“appellant” means a person filing the appeal.

“appeal rights” means the entitlement of an unsuccessful candidate to appeal the results of a competition where an offer of employment was made.

“candidate” means a person applying on the competition.

“employee” means a person employed in the GNWT.

“hearing” means to lead a review and examination of competition documents and interviews with the appellant and Selection Committee members.

“human resources representative” means the recruitment officer assigned to the competition.

“offer of appointment” means a job offer made to the successful candidate.

“procedural error” means an error that may have occurred in the application of the *Public Service Act*, *Staffing Appeals Regulations*, or the applicable policies, directives or procedural guidelines during the hiring process.

“Selection Committee” means those employees designated to screen job applicants and usually includes, but is not necessarily restricted to, a human resource representative and the Supervisor of the position being filled.

“Staffing Review Officers” mean non-government individuals appointed by the Minister to review appeals.

“unsuccessful candidate” means a person who applied on a competition but was not given a job offer.



## 2. General Information

The Government of the Northwest Territories (GNWT) staffing appeals process gives unsuccessful candidates, with appeal rights, an opportunity to appeal a staffing decision if they feel that a procedural error was made during the hiring process.

Procedural error(s) may occur during the following recruitment phases:

- Application of the Affirmative Action Policy
- Advertisement
- Screening
- Assignment/Interview
- Reference check

It is the responsibility of the appellant to identify a procedural error made during the hiring process, which adversely affected their opportunity for appointment. Failure to provide sufficient details of the procedural error may result in a delay in processing the appeal and/or may deem the appeal application incomplete and result in a denied appeal.

## 3. Eligibility

### Can I appeal?

You can appeal if you are:

- a GNWT employee at the time you applied for the position; or
- eligible for staffing priority under the Affirmative Action Policy as:
  - an indigenous Aboriginal person;
  - an indigenous non-Aboriginal person;
  - a resident disabled person;
  - an NWT resident woman applying for a position classified as a management or non-traditional occupation;
- (or) eligible for staffing priority under the Staff Retention Policy.

The terms indigenous Aboriginal, resident disabled, indigenous non-Aboriginal and resident women are as defined under the GNWT's [Affirmative Action Policy](#).



## 4. Appeal Process

### How do I appeal?

You are eligible to appeal once the human resource representative notifies you through phone, email or letter that a job offer was made and that you have appeal rights.

To file an appeal, you must complete a [Staffing Appeal Application](#).

### When can I appeal?

For an appeal to be accepted, the appeal application must be received by 5:00 pm Mountain Time, within the following timelines:

- Four (4) working days from when notified in person or by phone.
- Five (5) working days from the day the message was sent by fax or email.
- Ten (10) working days from the day the letter was sent by mail.

### What happens if I miss the appeal deadline?

As the appeals process is legislated, an appeal application received after the deadline will not be accepted.

### What should be included in my appeal application?

Your appeal application will need the following information:

- Competition title and job opening number;
- Name, address, email and phone number;
- To be eligible to file an appeal, you must indicate whether you were a GNWT employee at the time you applied; or eligible for staffing priority under the Affirmative Action Policy or the Staff Retention Policy;
- Date and method of notification of appeal rights;
- Reasons for filing an appeal. You need to include a detailed explanation of the procedural error you believe occurred during the hiring process;
- Appellant's signature and date of the appeal application.



### **Who do I send my appeal application to?**

Submit your appeal application to the Deputy Minister of Finance at:

Deputy Minister  
c/o Staffing Appeals Administrator  
Department of Finance  
P.O. Box 1320  
Yellowknife, NT X1A 2L9  
Fax: 867.873.0414  
Email: [staffing\\_appeals@gov.nt.ca](mailto:staffing_appeals@gov.nt.ca)

### **Who reviews my appeal application?**

Staffing appeals are reviewed by Staffing Review Officers (SRO) who are non-government individuals appointed by the Minister Responsible for the *Public Service Act*.

Staffing appeals under the Staff Retention Policy will be reviewed by a Lay-off Dispute Officer. These appeal types are processed outside of the regular staffing appeals process.

### **What happens to my appeal application once submitted?**

- Your appeal application is given to an SRO.
- The SRO reviews your application and decides if the position is appealable, if you are eligible to appeal, and if there are grounds for appeal.
- The SRO notifies you if the appeal is not eligible to proceed.
- If the appeal goes forward, a hearing will be conducted where you will be able to say what procedural error you believe was made and how it affected your opportunity to be the successful candidate.
- The SRO determines the appeal outcome.
- The SRO completes a report that includes the reasons for their decision. You get a copy of this report.
- The SRO does not have the power to appoint you to the position if they agree a procedural error was made, but can restart the entire competition or from where the error occurred.



## 5. Understanding the Staffing Review Officer Report (SRO)

### What is included in the SRO Report?

Please see Appendix A for the format and information included in the report. The final appeal report contains the following information:

- Competition background;
- Documents examined by the SRO;
- Interviews conducted by the SRO (where applicable);
- SRO's examination of the staffing competition details;
- SRO's determination if there was an error in the hiring process; and if so, this error had an adverse effect on the appellant for appointment.
- SRO's decision to deny or grant the appeal.
- If the SRO grants the appeal, the SRO has the ability to direct the human resource representative to restart the competition from the beginning OR from where the procedural error occurred.

### What if I disagree with the SRO's decision?

The Staffing Review Officer's decision is final. The only way to challenge the SRO's decision is through legal avenues.

## 6. Resources

### Who do I contact if I have staffing competition questions?

Contact the human resource representative assigned to the competition for any additional questions or feedback on your application.

### Who do I contact if I have questions about the staffing appeal process or my application?

If you have questions about the staffing appeals process, contact the Staffing Appeals Administrator at [staffing\\_appeals@gov.nt.ca](mailto:staffing_appeals@gov.nt.ca).

### Where can I find GNWT human resource policies, directives or procedural guidelines?

The following links provide valuable information with respect to GNWT staffing policies and procedures:



- [\*Public Service Act\*](#)
- [\*Staffing Appeals Regulations\*](#)
- [\*Affirmative Action Policy\*](#)
- [\*GNWT Human Resource Manual\*](#)
- [\*Access to Information and Protection of Privacy Act\*](#)
- [\*Staffing Appeals Website\*](#)
- [\*Staff Retention Policy\*](#)

**Appendix B shares examples of denied and granted appeal scenarios.**



## Appendix A

### Staffing Review Officer (SRO) Report Template

#### **Facts of the Appeal Application**

This section outlines factual details such as the name of the individual who submitted the appeal, the position being appealed, the competition number, the position number, the date the appeal application was received, and the date the appeal period closes.

#### **Procedural Review**

This section is where the SRO assesses whether or not the position is one that can be appealed, and whether or not the appellant who submitted the appeal application is eligible to appeal and if there are grounds for an appeal.

#### **Hearing (if required)**

This section would be completed if the SRO has deemed the appeal would be required to go to a hearing based on the appellant's reasons for the appeal.

This section is where the SRO summarizes the competition background, the individuals who were interviewed, documents that were compiled and examined, etc.

#### **Decision & Rationale**

This section is where the SRO outlines their review and rationale for the decision.

The SRO identifies any errors that may have occurred and any recommended actions that should be taken, including whether the appeal is upheld or denied. Supporting documentation such as references to human resources processes, procedures, legislation and/or policy are noted by the SRO to assist the reader in understanding how the SRO arrived at their decision.



## Appendix B Sample Scenarios

### **Scenario 1 – Appellant felt they are more qualified than others**

#### **Facts of the Appeal Application**

An appellant filed an appeal as they felt they were qualified for the position based on their years of service and having direct experience. However, the appellant did not indicate why they thought there was a procedural error other than they felt more qualified than others.

#### **Procedural Review**

The SRO confirmed the appellant’s eligibility to appeal as a GNWT employee at the time they applied for the position.

The SRO then reviewed the relevant appeal information to determine if any procedural errors were identified, and if the errors had an adverse impact on the appellant for appointment.

The SRO determined there were no grounds for the appeal based on the appellant’s reasons for the appeal as seniority and years of service do not meet the criteria for a procedural error.

#### **Hearing (if required)**

Given the SRO determined that the appellant had not identified grounds to take the appeal to the next level, a hearing was not required.

#### **Decision & Rationale**

The SRO reviewed the appeal application and relevant background information and determined that the appellant did not provide sufficient information that a procedural error occurred in the application of the *Public Service Act*, regulations or applicable policies, directives or procedural guidelines. Therefore, the appeal was denied.



## **Scenario 2 – Appellant felt they were incorrectly screened out**

### **Facts of the Appeal Application**

An appellant filed an appeal identifying that they were incorrectly screened out of the interview process and should have been given an opportunity for an interview based on demonstrated supervisory experience and based on priority under the Affirmative Action Policy.

### **Procedural Review**

The SRO confirmed the appellant’s eligibility to appeal under the Affirmative Action Policy.

The SRO then reviewed the relevant appeal information to determine if any procedural errors were identified, and if the errors had an adverse impact on the appellant for appointment.

Based on this initial review, the SRO determined the appellant had grounds to take the appeal to the next level. Therefore a hearing would be required to determine further whether or not an error occurred.

### **Hearing (if required)**

The SRO conducted a hearing through reviewing and examining competition documents and telephone interviews with the appellant and Selection Committee Members.

### **Decision & Rationale**

The SRO reviewed the pertinent appeal application and information and determined that the appellant was not unreasonably screened out of the competition based on the information provided by the appellant on their cover letter and resume.

Since the appellant failed to prove that an error occurred in the application of the *Public Service Act*, the regulations of the applicable policies, directives or procedural guidelines, the appeal was denied.



### **Scenario 3 – Appellant believes that their Affirmative Action status was not considered**

#### **Facts of the Appeal Application**

An appellant filed an appeal that qualified for the position and their Affirmative Action status was not considered during the competition process and their status was clearly indicated on their resume and cover letter, which is required for candidates in order to receive priority consideration under the Affirmative Action Policy.

#### **Procedural Review**

The SRO confirmed the appellant’s eligibility to appeal under the Affirmative Action Policy.

The SRO then reviewed the relevant appeal information to determine if any procedural errors were identified, and if the errors had an adverse impact on the appellant for appointment.

Based on this initial review, the SRO determined the appellant had grounds to take the appeal to the next level. Therefore a hearing would be required.

#### **Hearing (if required)**

The SRO conducted a hearing through reviewing and examining competition documents and telephone interviews with the appellant and Selection Committee members.

#### **Decision & Rationale**

The SRO reviewed the pertinent appeal application and information and determined that the appellant’s priority status was indicated on their cover letter and resume, but the error was that the committee only screened Affirmative Action candidates’ applications and the appellants Affirmative Action status was not applied during the screening phase by the Selection Committee.

This procedural error adversely affected the appellant’s opportunity to take part in the assessment phase of the competition based on this error.

The SRO granted the appeal and directed that the competition be restarted from where the procedural error occurred, so that the appellant’s application could be screened appropriately.



## **Scenario 4 – Appellant believes their education and experience were not considered**

### **Facts of the Appeal Application**

An appellant filed an appeal identifying that the Selection Committee failed to consider their education and experience under the equivalency criteria.

### **Procedural Review**

The SRO confirmed the appellant’s eligibility to appeal under the Affirmative Action Policy.

The SRO then reviewed the relevant appeal information to determine if any procedural errors were identified, and if the errors had an adverse impact on the appellant for appointment.

Based on this initial review, the SRO determined the appellant had grounds to take the appeal to the next level. Therefore a hearing would be required to determine further whether or not an error occurred.

### **Hearing (if required)**

The SRO conducted a hearing through reviewing and examining competition documents and telephone interviews with the appellant and Selection Committee Members.

### **Decision & Rationale**

The SRO reviewed the pertinent appeal application and information and determined that the appellant was unreasonably screened out based on equivalencies. The appellant met the education and experience equivalencies, but the error was that they were not considered during the screening phase by the Selection Committee.

This procedural error adversely affected the appellant’s opportunity for appointment as they were denied an interview based on this error.

The SRO granted the appeal and directed that the competition be restarted from where the procedural error occurred, so that the appellant could be screened in and invited to an interview.