# 18 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

389 BUREAU OF HUMAN RESOURCES

Chapter 6 APPLICATIONS AND EXAMINATIONS

SUMMARY: This chapter provides information and procedure with respect to the character and content of examinations and related announcement/exam administration practices. It gives requirements for admission, outlines exam scoring and notice procedures, and presents the mechanism for appeal of examination results.

1. CHARACTER OF EXAMINATIONS

 A. Competitive Examinations: Original Appointment

 1. Job-Related Components

 All competitive examinations for positions in the classified service shall relate to those matters which will fairly test the capacity and fitness of the persons examined to discharge efficiently the duties of the office or employment sought by them. Any means or measures may be used which are reasonably well calculated to test the fitness of candidates to become employees in positions of the class for which the examination is held. Such means or measures may include:

 a. Any required statement or any investigation of education, experience, or record of accomplishment;

 b. Any test of knowledge, skill capacity, intelligence, or aptitude; and

 c. Any inquiry into the moral character, or any other quality or attribute which, in the judgment of the Director of Human Resources, seems desirable.

 2. Non-Discrimination Guidelines

 No test or question in any application or examination shall be constructed to call for or lead to disclosure of any information concerning any political, religious, fraternal, or racial affiliations, preferences, or opinions. Any disclosure thereof shall be discountenanced, and any such information which may nevertheless be revealed, shall be disregarded. The foregoing shall not, however, prevent inquiry as to whether the applicant, employee, or eligible advocates or is a member of an organization which advocates overthrow of or resistance to our form of government by force.

 B. Competitive Examinations: Promotional Opportunity

 The tests in any examination for promotion shall be of the like kind and character to the corresponding tests in any examination for original appointment to positions of the same class, and the same standards shall be applied to the rating thereof. In addition to other factors, promotional examinations shall take into consideration the quality and length of service.

 C. Open Continuous Examinations

 When necessary to meet continued requirements for filling positions and when there is not available a sufficient number of applicants for a class, the closing date for any examination may be indefinite and applicants may be examined continuously in such manner and at such times and places as the Director of Human Resources may provide. The closing date for any open continuous examination may be set at any time by the Director, but notice of this action shall be posted at least ten days prior to the effective date of the action.

 D. Non-Competitive Examinations

 1. For positions involving unskilled labor or domestic, attendant or custodial work, when the character or place of the work or other conditions of employment make it impracticable to supply the needs of service by adherence to the recruitment and examination provisions of this rule, the Director of Human Resources may adopt or authorize the use of such other procedures as determined to be appropriate in order to meet the needs of the service, while assuring the selection of such employees on the basis of merit and fitness.

 2. Such procedures may include the examination of applicants singly or in groups, at periodic intervals, at the place of employment or elsewhere, after such notice as the Director of Human Resources considers adequate; the registration of applicants who pass a non-competitive examination or submit satisfactory evidence of their qualifications; or any variation or combination of the foregoing, or other suitable method. Examinations so given shall conform with and utilize such methods, forms, and techniques as the Director may require.

 E. Alternative Examination Procedure

 The Director of Human Resources may waive the established examination process to enable persons with severe disabilities to participate in the State of Maine's Special Appointment and Supported Employment Programs. In place of the established examination process, participants in the Special Appointment and Supported Employment Programs will be appointed to positions on an acting capacity basis for a trial employment period in accordance with the provisions and requirements of' Chapter 8, Section 6 of the Civil Service Rules.

2. ANNOUNCEMENT OF EXAMINATIONS

 A. Content

 1. Announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the experience and training desirable as preparation for performance of the work of the class; the time, place, and manner of making application; the necessary special qualifications established for admission to the examination; and other pertinent information consistent with the Civil Service Law and these rules.

 2. The announcements of promotional examinations shall indicate, in addition to the above information, the organizational unit or units for which the examination is given.

 B. Examination Notice Procedure

 1. Public notice of examinations shall be given at least two weeks in advance of the last date for filing of applications by means of announcements posted on the official bulletin boards of the department. Announcements of all examinations shall be given such other publicity as the Director of Human Resources deems warranted in the interest of attracting adequate numbers of qualified applicants.

 2. In the case of promotional examinations, announcements shall be supplied to each appointing authority under whom there are employees eligible to compete therein, and it shall be the duty of such appointing authority to call such notices to the attention of all employees of his department eligible therefor.

 C. Postponement or Cancellation of Examinations

 In the event a sufficient number of qualified candidates has not made application for an examination, either open competitive or promotional, the Director of Human Resources may postpone the last filing date and the date of examination, or cancel the examination, and shall, in such cases, provide suitable notice thereof.

3. APPLICATION AND ADMISSION

 A. The Application Form

 Applications shall be made on forms prescribed by the Director of Human Resources. Such forms shall require information covering experience, training, and other pertinent information as may be called for in the examination announcement. Applications shall be signed by the applicant and the truth of all statements contained therein certified by such signature.

 B. Admission to Examinations

 1. Application Review

 a. Persons who submit applications on or before the last date for filing and whose applications clearly show that the applicants meet the requirements for admission to the examination as specified in the official announcement shall be admitted to compete in the examination for which they are applying.

 b. Where doubt exists as to whether an applicant meets the requirements for admission to an examination, the Director of Human Resources may authorize conditional admission to the examination, but such action shall not be construed as entitling the applicant to become eligible for certification or appointment until the circumstances leading to the conditional acceptance are clarified to the Director’s satisfaction.

 c. The Director of Human Resources may accept late applications provided that acceptance does not impede the progress of establishment of an eligible register.

 2. Applicant Notification

 Each applicant whose application has been accepted for any examination shall be notified by mail, of the date, time and place of the examination and such notice shall be authorization to take the examination. No person shall be permitted to take any examination without such an authorization or other satisfactory evidence of acceptance or conditional acceptance by the Director of Human Resources.

4. ELIGIBILITY TO COMPETE IN EXAMINATIONS

 A. Open Competitive Examinations

 1. Competitive examinations for original appointment to classified positions in the state service shall be open to all applicants who are citizens of the United States, who are residents of Maine immediately preceding date of employment and who meet reasonable standards of requirements fixed by the Director of Human Resources with regard to experience, character, age, education, physical condition, and such other factors as may be held to relate to the ability of the candidates to perform with reasonable efficiency the duties of the position.

 2. No application shall be rejected solely because the applicant lacks educational qualifications, except where such educational qualifications are reflected in necessary registrations such as to practice law, medicine, or engineering, or where such educational requirements are set as standards by federal agencies making grants-in-aid or otherwise contributing to state programs.

 3. In the case of classes of positions requiring professional, technical, or unusual qualifications, eligibility for competitive examinations may be extended by the Director of Human Resources to non-residents who are citizens of the United States and otherwise qualified.

 B. Promotional Examinations

 Promotional examinations shall be open to all permanent or probationary employees or persons on layoff registers who meet the requirements described in the foregoing rule, and who are serving in or on layoff from the agency or other organizational unit for which the examination is being held.

 C. Cause for Disqualification

 The Director of Human Resources may reject the application of any person for admission to an examination, or refuse to test any applicant, or refuse to certify the name of any eligible for employment who:

 a. Has been found to lack any of the established qualifications for the position for which he/she applies or for which he/she has been tested;

 b. Has made false statement of any material fact or has practiced or attempted to practice deception or fraud in his/her application or-examination;

 c. Is medically or physically unfit to perform effectively the essential duties of the position, and documentation exists to support this claim;

 d. Has unsatisfactory record of employment, public or private, which provides a reasonable doubt as to the person's ability to perform satisfactorily the duties of the position, and documentation exists to support this claim; or

 e. Is otherwise in violation of Civil Service Law or these rules.

 2. The Director of Human Resources may establish procedures concerning investigation of the character, reputation and experience/training of applicants, but shall take reasonable precaution as to the confidentiality of such investigation, and in addition shall seek and consider positively any evidence of rehabilitation of the person with respect to disqualifying evidence reported.

 3. Any determination of disqualification shall be reported in writing to the person, applicant, or eligible, together with a statement expressing a right to appeal such determination to the Director of Human Resources.

5. CONDUCT OF EXAMINATIONS

 A. Examinations shall be held at such times and places as, in the judgment of the Director of Human Resources, most nearly meet the convenience of applicants, practicability of administration and needs of the service. The examination shall be conducted either by the Director or by persons designated by the Director. No person whose application has been accepted for any examination shall be entitled to take such examination at any date, time, or place other than those stated in the announcement, except as the Director, for proper cause, may authorize. All reasonable precautions shall be taken to keep secret the identity of applicants.

 B. Persons under such physical disability as not to make them ineligible by reason thereof, shall be examined in such manner as will fairly test ability to perform the duties of the position, notwithstanding such physical disability.

6. RATING OF EXAMINATIONS

 A. Appropriate scientific techniques and procedures shall be used in rating the results of examinations and determining the relative ratings of the competitors. In all examinations the minimum ratings by which eligibility may be achieved shall be set by the Director of Human Resources. The final examination grade may be based on all factors of the examination, including educational requirements, experience and other qualifying elements as shown in the competitor's application or other verified information. The final earned rating of each competitor shall be determined by averaging the earned ratings on each part of the examination in accordance with the weights established for each part prior to the date of the examination. All competitors shall be required to obtain at least a minimum rating in each part of the examination in order to receive a final passing grade or to be rated on the remaining parts of the examination.

 B. The Director of Human Resources may announce, in advance of the establishment of an eligible list, the maximum number of competitors who shall have their names placed on the list, or who shall be permitted to compete in any of the separate parts of the examination. Under such procedure, those considered as having passed, or as being permitted to take the remainder of the examination, shall be the set number of candidates scoring highest in the examination or part thereof.

 C. The results of examinations of competitors who fail to qualify as eligibles for the class for which the examinations were taken, may, with the approval of the Director of Human Resources, be rated with reference to their eligibility for a lower class for which an examination is in process, in case the competitors have signified their willingness to accept appointments to positions of such eligible register for such lower class.

7. NOTIFICATION OF RESULTS

 All persons competing in any examination shall be notified in writing of their rating on the examination. The examination papers and records of ratings of competitors shall be held as official records of the Bureau of Human Resources. Reports of character and other investigations made by the Bureau of Human Resources, however, shall be kept confidential.

8. RE-EXAMINATION

 Applicants who fail to achieve a passing score may be re-scheduled as follows, provided that the position for which application has been made is open to application and examination:

 1. Written examinations - No sooner than three months following the original date of taking the examination.

 2. Performance examinations - Typing, stenography, data processing: immediate arrangements may be made for re-examination, no sooner than one month following failure to achieve a passing score.

 3. Physical aptitude examinations and oral boards - The next succeeding series of the examinations.

9. APPEALS FROM RATINGS

 A. Any competitor may appeal to the Director of Human Resources for reconsideration of his/her rating in any examination within thirty (30) calendar days after the date notice of rating is mailed, by written request to the Director for review of such rating. The Director shall grant such review in the event that satisfactory reasons are presented therefor, and may change the rating of the competitor if, upon such review, it is determined that an error was made in the original rating. If such review shall disclose errors affecting the ratings of other competitors, then the review may be extended to the ratings of such other competitors.

 B. No change made in the ratings of any competitor shall invalidate or in any way affect any appointment already made as a result of any original rating which may have been changed pursuant to this Chapter.

 C. During the period an announced examination is being held open for continuous recruitment an applicant who has taken the examination will not be permitted to inspect the test booklet. The applicant may, however, be given information by the Bureau of Human Resources as to areas of weakness indicated.

10. EXAMINATIONS FOR RETURNING SERVICEMEN

 A. Whenever a promotional examination for a class shall have been given during the absence on MILITARY LEAVE of a permanent employee eligible to take such examination, such employee shall have the right to take a promotional examination for such class, provided application therefor is made to the Director of Human Resources within 60 days from the date of the reinstatement of the employee. The employee shall be given the same examination as given at the original promotional examination or the equivalent thereof. If the employee attains a final rating above passing, his/her name shall be placed upon the original promotional register made from the original promotional examination in the same manner as if he/she had taken the original promotional examination, provided such register has not expired. If the employee attains a final rating which is equal to or higher than that of the lowest ranking person certified to an appointing authority from the original promotional register, the name of the employee shall be certified to the appointing authority who may appoint him/her to a position which has been already filled by a person appointed from the original promotional register or from the original promotional register modified as above provided. An employee so displaced shall have his/her name placed upon the appropriate reemployment register, and shall be restored to the position which he/she held when promoted.

 B. Whenever, during the absence in military service of a person who was a provisional employee at the time of entrance into military service, an examination was held for the class in which he/she was employed, such person, if qualified, shall have the right to take an examination for the same class of position, provided application therefor is made to the Director of Human Resources within 90 days from the date of his/her honorable discharge or other form of release by proper authority indicating that his/her military or naval service was satisfactory; and provided further that the eligible register established by an examination given during his/her absence is still in effect. The employee shall be given the same examination as given at the original examination or the equivalent thereof. If the employee attains a final rating above passing, his/her name shall be placed upon the original register made from the original examination in the same manner as if he/she had taken the original examination.

AUTHORITY: 5 MRSA c. 65, c. 372 §§ 7036, 7051, 7052, 7054, 7055, 7062, 7063 and 7064.

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