

STATE OF MAINE
UNION ACCESS TO INFORMATION IN NON-SELECTION CASES

I. Policy Statement

This policy is established to clarify and make uniform the State's policy on the production of documents in non-selection cases and should be followed in all such cases. The documents listed under each section should be released to the Union in non-selection grievances when the specific documents or "all relevant documents" are requested after a grievance has been filed.

II. Noncompetitive Selections

1. Job descriptions, class specifications, established performance standards, task statements, job posting, career opportunity bulletin or other advertisement of the position;
2. An employee roster of applicants denoting name, date of initial hire, sex, job title and seniority;
3. Application materials of the grievant and selected applicant only, including applications and resumes;
4. Any departmental administrative bulletin detailing the mechanics of the hiring process, any instructions to applicants or interviewers, or any evaluation mechanisms if in documented form;
5. Names of selection panel members with their respective job titles and business phone numbers;
6. All documents containing questions asked applicants by agency interviewers;
7. Any notes taken by interviewers at interviews for grievant(s) and selected applicant only;
8. Rating score sheets for grievant(s) and selected applicant only;
9. Final scores or ranking for all applicants;
10. Performance appraisals (only if relied on in making hiring decision) for grievant(s) and selected applicant only; and
11. Any other nonconfidential records relied upon in decision process such as:

- a. Motor vehicle records
- b. Equipment operations records
- c. Safety records
- d. Criminal records check
- e. Seniority list

III. Competitive Selections

1. Job descriptions, class specifications, established performance standards, task statements, job posting, career opportunity bulletin, or other advertisement of the position;
2. Certification of eligible for the position;
3. Applicants (without T&E) and resume of grievant(s) and selected applicant;
4. Any departmental administrative bulletin detailing the mechanisms of the hiring process, any instructions to applicants/interviewers, or any evaluation mechanisms, if in documented form;
5. Names of selection panel members with their respective job titles and business telephone numbers;
6. All documents containing questions asked applicants by agency interviewers;
7. Any notes taken by interviewers at interviews for grievant and selected applicant only;
8. Rating score sheets for grievant(s) and selected applicant only;
9. Final scores or ranking for all applicants;
10. Performance appraisals (only if relied on in making hiring decision) for grievant(s) and selected applicant only;
11. Any other nonconfidential records relied on in decision process, such as:
 - a. Motor vehicle records
 - b. Equipment operations records

- c. Safety records
- d. Criminal records check
- e. Seniority list

IV. Applicants other than the Grievant

For both competitive and noncompetitive positions, applications, resumes, interview notes, scores, and performance appraisals of non-selected applicants other than the grievant may be supplied to the union only if the union provides a written release signed by the applicant whose application or other materials are requested. References given in confidence may not be released without the written consent of the applicant referred and the person who provided the reference. If you are in doubt as to the relevance or confidentiality of any of these documents, please contact the Office of Employee Relations.

V. Training and Experience Evaluations

Exams of any kind given by the Bureau of Human Resources, including Training and Experience evaluations, are confidential and should not be released under any circumstances. The reason for this is to protect the integrity of exam process.

Bear in mind that the Unions are entitled to request copies of all relevant records, documents, and other materials unless they are confidential. Note that this right does not extend to requests to the agency for written answers to questions propounded by the Union -- but, if there is a pre-existing document which would answer these questions, please furnish the Union with a copy.

VI. Step-2 Appeals

If the grievance is appealed to the Office of Employee Relations, a copy of the documents should also be provided to the hearing officer at the hearing.