



Office of the
Merit Commissioner

Audit of Direct Appointments

UPHOLDING FAIR HIRING IN THE
BC PUBLIC SERVICE



Overview

Direct appointments—appointing a specific person directly to a position, without any opportunity for others to compete—are permitted under section 10 of the *Public Service Act* when three criteria are met: the appointment must be based on the principle of merit; there should be unusual or exceptional circumstances; and the appointment must have the approval of the Deputy Minister of the BC Public Service (Agency Head). The following matters must be considered in determining whether any individual to be directly appointed is qualified: education, skills, knowledge, experience, past work performance, and years of continuous service in the BC Public Service. Typically, following any ministry-specific process, a request is made to the Agency Head requesting approval for a direct appointment. The type and content of the submission for the approval is at the discretion of the Agency Head.

The Office of the Merit Commissioner (the Office) is responsible for monitoring the application of the merit principle to direct appointments as per section 8(1)(a) of the *Act* which requires appointments to and from within the public service to be based on merit. For this reason, in the past, the Office included direct appointments within the scope of its annual merit performance audit. However, this practice ceased as of April 1, 2015, as the process requirements for this type of hire differ significantly from those in place for other appointment types subject to audit. Instead it was decided that a separate audit focused on direct appointments would be conducted.

The Agency Head's exclusive approval authority acts as a check on potential political or bureaucratic patronage and provides an additional measure of accountability for this type of appointment. The purpose of this audit, therefore, was to ensure that direct appointments that occurred from April 1, 2015, to March 31, 2018, had the required Agency Head approval.

In June 2018, the Merit Commissioner notified the Agency Head of this audit and requested the list of direct appointments which had been approved during the audit period. This list was received in July 2018. The Office compared and reconciled this list with direct appointments listed in the Corporate Human Resource Information and Payroll System (CHIPS) for the same period.



Reconciling and Analysis

Between April 1, 2015, and March 31, 2018, the Office of the Merit Commissioner observed that 40 direct appointments were made. As can be seen in Table 1, the numbers have been and continue to be exceptionally small, relative to the number of appointments made under section 8 of the *Act* throughout the BC Public Service.

Table 1: Number of direct appointments observed by the Merit Commissioner	
Year	Number of direct appointments from CHIPS database
2017/18	18
2016/17	15
2015/16	7
2014/15	20
2013/14	11
2012	12

The list obtained from the Agency included 45 approved direct appointments. In addition to the difference of five appointments, there were an additional 14 discrepancies between the two lists, detailed in Table 2.

Table 2: Overview of discrepancies	
Number	Reason for discrepancy
10	Included on the Office's list as permanent appointments
7	Included as direct appointments on the Office's list but not the Agency Head's list
2	Not included as any type of appointment on the Office's list

The Office conducted an in-depth review of these discrepancies within the CHIPS database. Consistent with the Agency Head's list of approved direct appointments, 10 appointments initially coded as permanent appointments were in fact direct appointments, and seven appointments initially coded as direct appointments, were found to have been other types of appointments. The two appointments not included in the Office's list of appointments identified from the database were found to have been added to the database after the data for audit was obtained.



Results

The Office determined there were a total of 45 direct appointments between April 1, 2015, and March 31, 2018, and confirmed that for each of these appointments, appropriate approval was obtained from the Agency Head.

The majority of the direct appointments were made within ministries and courts of BC, with a few additional appointments made within central agencies. All but one of the approved direct appointments were for excluded positions, of which seven were for legal counsel positions. Table 3 provides an overview of the classifications of the 45 direct appointments.

Table 3: Classification of direct appointments

Number	Classification
21	Senior Executive Band A
15	Management Bands 2-6 or equivalent
7	Legal Counsel levels 1-4
2	Assistant Deputy Minister non-OIC

Conclusion

A list of direct appointments for this period provided to the Office of the Merit Commissioner was reconciled with BC Public Service Agency records. A total of 45 individuals were approved for direct appointments during the audit period. Although a number of discrepancies were initially found, all were resolved and attributed to coding issues within the CHIPS database. Overall, it was determined that for the audit period, direct appointments posed no risk to merit-based hiring given the very small number of this type of appointment, and that all direct appointments had received the appropriate approval by the Agency Head.

**Office of the Merit Commissioner
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