

Merit Performance Audit

2013/14

UPHOLDING FAIR HIRING IN THE BC PUBLIC SERVICE



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Executive Summary

Introduction

The Office of the Merit Commissioner conducted audits of 150 randomly-selected appointments which were made between September 1, 2013 and March 31, 2014 to determine whether the design and conduct of the hiring processes led to merit-based appointments. The overall approach used to recruit and select applicants was examined, as well as specific aspects of the process categorized as assessment, past work performance, years of continuous service, and notification. The audits also determined whether the individuals, when appointed, possessed the qualifications specified as required for the position. The audit results can be extrapolated as reasonably reflective of all appointments of a similar type made throughout the BC Public Service in fiscal 2013/14.

Overall Findings

Recruitment and Selection Process

In 52.7 per cent of the competition files audited, the appointments were found to be the result of a merit-based process. In an additional 38.0 per cent of the appointments, the processes were merit-based but issues were identified with the design or application of the process which did not have an identifiable negative impact on the outcome. The remaining 9.3 per cent of appointments were found to not be the result of a merit-based process. These findings represent a continued decline in the percentage of hiring processes which were free of issues or flaws, although the rate of this decline has lessened.

Appointees

All individuals whose appointments were selected for audit possessed the education and experience specified as required for the position and met the minimum criteria established for the other factors assessed during the process.

Reasons

The three leading reasons for issues or flaws identified in the hiring process were related to the design and conduct of the assessments undertaken, the lack of documentation to support decisions made, and the failure to notify all employee applicants of the competition results. Compared to the 2012 audit findings, the 2013/14 assessment and past work performance findings were notably worse; however, the notification and, in particular, the documentation findings showed improvement.

Recommendations

Recommendations were made to deputy ministers and organization heads to ensure areas of competition are reasonably established, hiring managers use standards appropriately, and the assessment of past work performance is properly designed and applied. A recommendation was made to the BC Public Service Agency to improve systems and procedures related to the provision of notification of competition results to unsuccessful applicants. A recommendation was made to both parties to ensure that sufficient rigour is applied during the conduct of the hiring process. The full list of recommendations can be found on page 24.

Overview

Section 8 of the *Public Service Act* (the *Act*) states that all appointments to and from within the public service must be based on the principle of merit. Section 5.1 requires the Merit Commissioner to monitor the application of merit by conducting random audits of these appointments. The overall results of these audits are reported to the Legislative Assembly and publicly reported through the Office of the Merit Commissioner (OMC or the Office) website.

The merit principle is commonly accepted to mean that appointments are made on the basis of an assessment of competence and ability to do the job, and are non-partisan.

Summary merit performance audit results and detailed audit findings are provided to the deputy ministers or other persons (organization heads) having overall responsibility for the ministries, boards, commissions, agencies or organizations where the appointments were made. They are expected to take the necessary action to improve hiring practices within their organizations and to share these findings with the hiring managers, who have been delegated the responsibility to decide how best to recruit, assess and select applicants for appointments. The audits provide a way of holding managers accountable for results, of recognizing performance and of identifying problems.

Audit results are also reported to the Deputy Minister of the BC Public Service Agency (Agency Head) who is responsible for staffing policy, support, and training in the BC Public Service as well as establishing the accountability framework for human resource management in conjunction with the Deputy Ministers' Council.

Audit Criteria and Process

Section 5.1(a) of the *Act* specifies that the Merit Commissioner is responsible for conducting random audits of appointments to assess:

- (a) whether the recruitment and selection processes were properly applied to result in appointments based on merit, and
- (b) whether the individuals when appointed possessed the required qualifications for the positions to which they were appointed.

Recruitment and Selection Process

In accordance with an established audit program, OMC auditors determine whether the design and conduct of a hiring process led to a merit-based appointment. As part of this determination, they consider the application of relevant legislation, policy and provisions of collective agreements, such as whether the factors of merit were appropriately assessed and the hiring decisions properly communicated to employee applicants. The overall approach (i.e., process) employed to recruit and

select applicants is examined, as well as specific aspects of the process categorized as assessment (e.g., short-listing, testing, interviewing), past work performance, years of continuous service, and notification. In addition, consideration is given to whether there was sufficient supporting documentation (i.e., evidence) of the actions taken and decisions made. The detailed audit program can be viewed at www.meritcomm.bc.ca.

Section 8(2) of the *Act* sets out the matters to be considered in determining merit, which must include the applicant's education, skills, knowledge, experience, past work performance and years of continuous service.

Each recruitment and selection process is assessed to determine whether the basic principles of fairness, transparency, relevancy and reasonableness which are integral to a merit-based process have been met. In addition, the audit is based on the underlying premise that the hiring manager understands the needs of the organization and is, therefore, best positioned to make decisions regarding the qualifications and competencies required for a position, and to determine the most suitable tools and methods to assess them. Provided that an appropriate merit-based process has been developed and implemented, the OMC audit is not designed to replace a hiring manager's judgement.

With respect to a recruitment and selection process, one of the following findings is determined through the audit:

- ➤ Merit The appointment was the result of a process designed to assess the factors of merit based on the duties to be performed, the process was applied in an objective and transparent manner, and assessment decisions were fair and reasonable.
- Merit With Exception (MWE) Overall, the appointment was the result of a merit-based process; however, an issue was identified with the design or application of the process which did not have an identifiable negative impact on the outcome.
- Merit Not Applied (MNA) The appointment was not the result of a merit-based process as a critical flaw or error was found in the design or application of the process which resulted in an identifiable negative impact on the outcome.
- ➤ Did Not Demonstrate (DND¹) There was insufficient evidence provided to demonstrate that the design or application of the process was based on merit.

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¹ Previous merit performance audits referred to this finding as Unable to Determine (UTD). As the onus is on the hiring manager to provide evidence to demonstrate merit in the process, this title has been modified to more clearly reflect this accountability.

Individual Appointed

Auditors also determine, in accordance with an established audit program and based on the evidence provided, whether the individual appointed possessed the education and experience specified as required for the position, and met the minimum criteria established for the other factors assessed during the process.

With respect to the individual whose appointment is being audited, one of the following findings is determined through the audit:

- Qualified The individual, when appointed, possessed the qualifications specified as required for the position.
- Not Qualified The individual, when appointed, did not possess the qualifications specified as required for the position.
- Did Not Demonstrate (DND) There was insufficient evidence provided to demonstrate that the individual, when appointed, possessed the qualifications specified as required for the position.

Each audit results in two determinations: whether the recruitment and selection process was based on merit and whether the individual appointed was qualified.

Scope

Any organization to which section 8 of the *Public Service Act* applies may be audited by the Office of the Merit Commissioner. A list of organizations subject to this oversight is included in Appendix A.

Appointment Types

The merit performance audit focuses on those appointments that form the regular, long-term workforce of the BC Public Service. Specifically, these appointments are permanent appointments and temporary appointments that exceed seven months and which are required by section 8(1)(b) of the *Act* to be the result of a process that assesses eligible applicants' knowledge, skills and abilities. Auditing these types of appointments, where a candidate's merit is assessed and ranked relative to that of other candidates (i.e., through a competition), reveals the most information about how the principle of merit is being applied.

Direct appointments under section 10(b) of the *Act* are also included in the audit, to ensure that they are based on merit and that organizations are appropriately seeking and receiving the required approval of the Agency Head.

Time Frame

Previous annual merit performance audits have covered appointments made during a calendar year. Commencing with the 2013/14 Merit Performance Audit, the Office moved to a fiscal year audit cycle in

order to standardize the OMC reporting cycle and align it with the fiscal reporting period used throughout the BC Public Service. A partial year (seven months) audit was conducted in 2013/14 to facilitate the shift to a fiscal year reporting period, to allow for a review of the audit program, and based on the available resources.

Appointment and Sample Details

In total, a population of 2,163 permanent appointments, temporary appointments exceeding seven months, and direct appointments were reported for the period of time subject to the 2013/14 Merit Performance Audit. The appointment population was derived from data drawn from the Corporate Human Resource Information and Payroll System (CHIPS) by the BC Public Service Agency. From this population, BC Stats drew random samples of appointments on three occasions:

- in November 2013 for the September 1 to October 31, 2013 appointment population;
- in January 2014 for the November 1 to December 31, 2013 appointment population; and
- in April 2014 for the January 1 to March 31, 2014 appointment population.

In addition, the Liquor Distribution Branch's records of appointments, which are maintained in a database separate from the overall BC Public Service records, were obtained and sampled on two separate occasions: January 2014 for the period from September to December 2013, and April 2014 for the period from January to March 2014.

Prior to establishing the 2013/14 Merit Performance Audit sampling plan, BC Stats was requested to conduct an analysis to determine whether the three previously used strata have significant differences in merit findings, with a view to eliminating any stratifications that were not statistically significant, while still ensuring the audit results could be extrapolated to the overall appointment population. Based on a detailed analysis of previous audit findings by BC Stats, two recommended changes to the stratification plan were made for the 2013/14 Merit Performance Audit: the ministry/organization size stratification was reduced from four strata to two, and the stratification by bargaining unit status (i.e., included or excluded) was discontinued.

For the 2013/14 Merit Performance Audit, samples pulled from the appointment population were stratified into the following categories:

- > organization size (up to 1,000 employees and more than 1,000 employees); and
- appointment type (permanent appointment, temporary appointment exceeding seven months, and direct appointment).

Sample stratification ensured correct proportional coverage within these two categories.

In order to be able to generalize the results of the audit to the overall population of appointments with a 95% confidence level, a sampling rate of 7.5 per cent was used for the audit period. This sampling rate resulted in a total audit sample of 161 appointments, 11 of which were subsequently determined to be outside the scope of the audit. This number of out-of-scope appointments represents seven per cent of

total appointments sampled, which is an improvement since the 2012 Merit Performance Audit when 11 per cent were found to be out-of-scope. Most of the 11 appointments outside the scope of the 2013/14 audit were incorrectly identified for audit due to CHIPS coding errors.

Overall Results

The overall results for the 2013/14 Merit Performance Audit are presented in accordance with the two determinations made in each audit: one concerning the recruitment and selection process and the other concerning the qualifications of the individual whose appointment is being audited.

Table 1 shows the audit results related to the recruitment and selection process. The statistically valid sample means that the results can be extrapolated from the audited appointments to the larger population of the same types of appointments (i.e., permanent appointments, temporary appointments of more than seven months, and direct appointments) made from September 1, 2013 through March 31, 2014. The results indicate the strengths and weaknesses in merit-based hiring in the BC Public Service during that time period.

Table 1 - Overall Results – Recruitment and Selection Process						
Conclusion	Appointmen	ts Audited	Extrapolated Results - Estimated Population			
Merit applied	79	52.7%	1,045	52%		
Merit with exception	57	38.0%	804	40%		
Merit not applied	14	9.3%	161	8%		
Did not demonstrate	-	-	-	-		
Total	150	100%	2,010	100%		

Notes:

Weighted extrapolations were provided by BC Stats, as well as the margins of error both of which are included in the BC Stats report posted separately on the Office of the Merit Commissioner website.

Results shown have been extrapolated to the appointment population in the seven-month audit period.

Of the 150 appointments audited, 79 appointments (52.7 per cent) were found to be the result of a merit-based process with no exceptions. A further 57 appointments (38.0 per cent) were categorized as "merit with exception" and it was found that 14 (9.3 per cent) of the appointments audited were not the result of a merit-based process.

The audit found that nearly 91% of appointments were fundamentally merit-based as they were the result of a recruitment and selection process where there was a finding of either "merit" or "merit with exception". However, considering the "merit with exception" category in combination with the "merit not applied" finding, the audit shows that there were flaws or exceptions in 47.3 per cent of the appointments. By extrapolation, therefore, flaws or exceptions to merit-based hiring processes were present in an estimated 965 appointments made throughout the BC Public Service during the 2013/14 audit period.

With respect to the audit results related to the individuals appointed, based on the available evidence the audit found that the individual, when appointed, possessed the qualifications specified as required for the position. In addition, there was no evidence that any of the appointments audited were the result of patronage.

Year-to-Year Comparison of Overall Results

Audit findings related to merit in recruitment and selection processes continue to change over time. Chart 1 illustrates the frequency of findings since 2011. It should be noted that although the 2013/14 Merit Performance Audit was based on a seven-month timeframe, the results can be extrapolated as reasonably reflective of the full 2013/14 fiscal year.

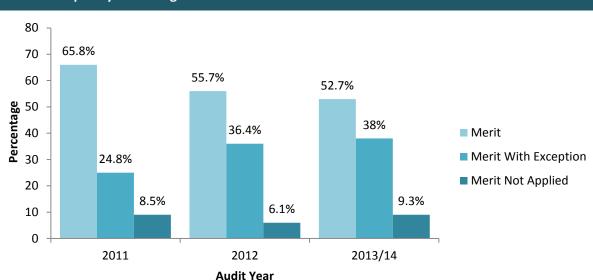


Chart 1 - Frequency of Findings – Recruitment and Selection Process

Notes:

2013/14 results are based on a seven month audit.

"Did Not Demonstrate" findings (previously "Unable to Determine") have consistently been less than 2 per cent each year and are not included.

The findings of "merit not applied" have increased from 8.5 per cent in the 2011 audit and 6.1 per cent in the 2012 audit to 9.3 per cent in the 2013/14 audit. This finding is notable in that a greater percentage of appointments that were not the result of a merit-based process were found in the 2013/14 audit than in any previous audit.

"Merit with exception" findings related to the design or conduct of the hiring process also increased, although at a reduced rate, from 24.8 per cent in 2011 to 36.4 per cent in 2012 to 38 per cent in 2013/14. While the issues noted in these appointments did not have an identifiable negative impact on the outcome of the selection process, this trend raises a concern with the overall quality of hiring practices.

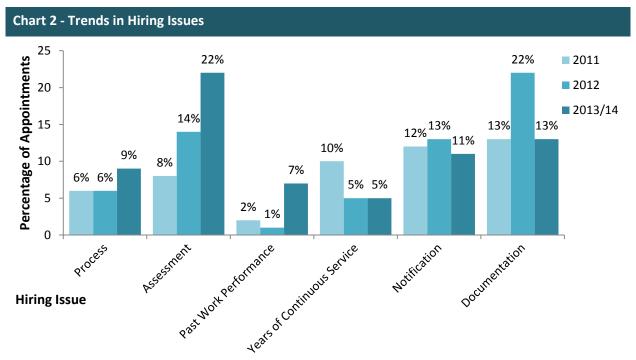
The corresponding decrease in the percentage of "merit" findings, from 55.7 per cent in 2012 to 52.7 per cent in 2013/14, means that fewer appointments resulted from a selection process with no identified issues or flaws. More detail and information related to the findings and trends is included in the Analysis and Observations section of this report.

The percentage of merit-based hiring processes with no flaws or issues identified continues to decline, from 65.8 per cent in 2011 to 52.7 per cent in 2013/14.

In contrast to the changing year-to-year audit results for recruitment and selection process, the audit results related to the qualifications of individuals appointed has remained stable and encouraging. Up to and including the 2013/14 Merit Performance Audit, in all but one case, individuals when appointed were found to possess the qualifications specified as required for the position. In the one exception, a finding of "Unable to Determine" was made as the organization was unable to provide evidence of the individual's qualifications.

Analysis and Observations

Chart 2 indicates the major issues identified through the 2013/14 Merit Performance Audit, and provides some insight into the frequency of identified hiring issues over time.



Notes:

2013/14 results are based on a seven month audit.

Percentages are rounded.

Years of Continuous Service percentages in this chart are based on the number of BCGEU appointments audited (i.e., 153 BCGEU appointments in 2011, 151 in 2012, and 104 in 2013/14).

Assessment became the category where the most issues were found in the 2013/14 audit. The increasing number of assessment findings was also identified as a significant concern in the 2012 Merit Performance Audit. At that time, the number of appointments found to have assessment issues or flaws had increased by six percentage points from 2011 to 2012. In 2013/14, there has been a further increase of eight percentage points, to a current rate of 22 per cent of appointments.

The second most frequently identified issue, documentation, was found in 12.7 per cent of appointments audited in 2013/14. This is an improvement of nearly 10 percentage points when compared to the 22.4 per cent of appointments found to have been lacking supporting documentation in 2012. Notification issues also showed improvement from being identified in 13.2 per cent of appointments audited in 2012, to 10.7 per cent of appointments in 2013/14. As issues with documentation and notification do not directly impact the outcome of a competition, when they are identified in an audited appointment, the result is a finding of "merit with exception" rather than a finding of "merit not applied".

Process issues increased from 6.1 per cent of appointments in 2012 to 8.7 per cent of appointments in 2013/14. This is an area of concern and will be monitored closely as process issues tend to reflect more serious flaws in the overall structure of an appointment process and are more likely to have a negative impact on the outcome. Almost half the process issues in 2013/14 were flaws that had an identifiable negative impact of the outcome of the competition and, therefore, resulted in an audit finding of "merit not applied".

Issues identified with the assessment of past work performance have historically been one of the least problematic categories. However, there was an sevenfold increase in the proportion of appointments with identified past work performance issues, from less than one per cent in 2012 to 7.3 per cent in 2013/14. This has become an area of concern.

An employee applicant's years of continuous service in the BC Public Service is one of the factors that must be considered in the appointment process. In 2013/14, issues with the consideration of years of continuous service were found in 3.3 per cent of all appointments audited, approximately the same rate as was found in 2012. These issues were all identified in appointments to positions included in the BC Government and Service Employees' Union (BCGEU), where a specific assessment of years of continuous service is required, and represent 4.8 per cent of the BCGEU appointments audited.

Table 2 shows how frequently issues were identified and which issues resulted in findings other than "merit", including more than one problem for some appointments. Of the 14 appointments with a "merit not applied" finding, six also had other issues identified that in and of themselves would have warranted a "merit with exception" finding. These issues are also included in Table 2 in the "merit with exception" column to illustrate the frequency of the occurrence of such issues. Also included in Table 2 are multiple issues identified in 12 of the 57 appointments where "merit with exception" was found. As a result, a total of 83 "merit with exception" issues were identified. The proportion of appointments with multiple issues is virtually unchanged from 2012.

Table 2 – Issues Identified

	Number and Type of Finding		
Issue	Merit with Exception	Merit Not Applied	TOTAL (Percentage of All Appointments Audited)
Process	8	5	13 (8.7%)
Assessment	27	6	33 (22.0%)
Past Work Performance	10	1	11 (7.3%)
Years of Continuous Service	3	2	5 (3.3%)
Notification	16	-	16 (10.7%)
Documentation/Evidence	19	-	19 (12.7%)
Total Issues	83	14	97

Notes:

Some audits identified more than one issue.

It is noted that 19 of the appointment processes (competitions) audited were either ongoing competitions (with no fixed closing date) or were competitions which attracted more than 200 applicants. Audits related to 16 of these competitions resulted in a finding of "merit not applied" or "merit with exception". In these cases, as the issues were not limited to one category of finding, it may indicate that the complexity of running large competitions such as these translates into more opportunity for errors to occur.

The following sections of this report provide further details concerning the issues identified through the 2013/14 Merit Performance Audit.

Process

Section 8(1) of the *Act* requires that appointments to and from within the public service be based on the principle of merit and be the result of a process designed to assess the knowledge, skills and abilities of eligible applicants.

The merit performance audit determines whether the recruitment and selection process included a reasonable and transparent approach to attracting an appropriate number of applicants with the necessary skill set, given the requirements of the position. The audit also examines whether applicants were assessed for merit, resulting in the appointment of the candidate(s) who is determined to be best qualified in the assessment process.

The audit determines whether reasonable decisions were made and candidates were treated consistently and fairly.

There are exceptions permitted to the general statutory requirement for appointments to be the result of a recruitment and selection process; for example, the direct appointment of an individual into a higher-level position without consideration of other individuals. In such a case, after assessing an individual's qualifications relative to the job requirements, an organization may outline to the Agency Head the unusual or exceptional circumstances they consider warrant a direct appointment. The Agency Head may then exercise sole authority to approve such an appointment under section 10(b)(iii) of the *Act*.

Results

In the 2013/14 Merit Performance Audit, flaws or issues were identified with the hiring process in nearly nine per cent of the appointments audited: a three percentage point increase from appointments found to have issues of this nature in both the 2011 and 2012 audits. In five of the cases in 2013/14, serious flaws were identified which resulted in findings of "merit not applied". In another eight cases, concerns with the fairness and reasonableness of the recruitment process warranted a finding of "merit with exception".

Of those appointments audited that resulted in "merit not applied" findings:

- two were the result of overly restricted processes where the outcome was predetermined as the available positions were intended for those appointed;
- > two were the result of a process that lacked standardization and in addition, near the conclusion of the competition, candidates were considered holistically, with no clear approach or criteria to determine who were the most qualified; and
- > one was an appointment from an eligibility list that had expired several months prior.

Six of the "merit with exception" findings related to this category resulted from the inconsistent application of the restrictions concerning the scope of the competition, thus compromising fair process. In most of the cases, the competition was restricted geographically for BC Public Service applicants but external applicants from outside the geographic region were determined to be eligible for consideration. This approach disadvantaged the employee applicants who applied in spite of the stated restriction as well as employees who may have chosen not to apply because of the restriction. In another competition, described in Case 1, an error was made in applying the restriction consistently.

Case 1 – Poor Practice: Error in Restricting the Scope of a Competition

In this process, the posting indicated that the competition was restricted to current employees of a specific ministry. The short-listing documents indicated that three applicants met the restriction and were short-listed for an interview. However, the audit found that only one of the three candidates was a ministry employee. The restriction was not properly applied, as the two other candidates were from other ministries. The audit confirmed the successful candidate met the restriction so the outcome was not affected. However, as other potentially qualified employees outside the ministry may have applied had they known they would be considered, a finding of "merit with exception" resulted.

In another two cases, the posting outlined the education and experience requirements but neither the posting nor the job profile stated the required knowledge, skills, abilities or competencies. Clearly defining reasonable and job-related qualifications and making these available to applicants contributes to transparency, one of the foundations of a merit-based hiring process.

Direct Appointments

Four of the appointments audited in the 2013/14 Merit Performance Audit were characterized as direct appointments. This type of appointment accounted for less than three per cent of the appointments audited. In each case, the audit found the direct appointment was in keeping with the legislative requirements, in that the organization sought and received authorization of the Agency Head prior to making the appointment.

Restricted Competitions

Approximately 43 per cent of the appointments audited in 2013/14 were the result of competitions which were restricted to in-service applicants. The percentage of restricted in-service competitions has decreased each year since 2011.

It was also observed that the proportion of in-service competitions with additional restrictions, such as to a ministry, a geographic area, an organizational unit within a ministry, or some other limited group of employees has increased from 29 per cent in 2012 to 44 per cent of the in-service appointments audited in 2013/14. It was further noted in the 2013/14 audit that nearly two thirds of these in-service competitions with additional restrictions were found to have issues or flaws in the conduct of the process.

Restrictions can provide hiring managers with flexibility to appropriately manage the area of competition and the number of potential applicants. However, given that unreasonable restrictions can have a negative impact on employee career paths and fair hiring in general, this continues to be an area of interest to the Office of the Merit Commissioner.

Assessment

Managers are accountable for their hiring decisions and as such, are also responsible for determining which qualifications are required to perform the job, and which tools and methods are the most appropriate to use in assessing applicants against those criteria. Accurately describing and making the identified requirements available to potential applicants is critical to a transparent and merit-based process as it helps them determine whether they are qualified and eligible to apply, and allows for an objective and impartial staffing process. As well, such transparency gives other staff and the general public confidence that the individual who is eventually hired is qualified for the position. The audit determines whether the appointment was the result of a fair and reasonable merit-based staffing process in which applicants were objectively and consistently assessed relative to the posted criteria, and whether all the factors of merit were appropriately considered.

Results

Of the 14 "merit not applied" findings in the 2013/14 Merit Performance Audit, six were due to flaws in the assessment process. In a further 27 cases, assessment issues resulted in findings of "merit with exception". Therefore, a total of 33 (22 per cent) of all audited appointments were found to have assessment flaws or issues, making assessment the most prevalent issue found in the 2013/14 audit. This is the third audit year in which the escalating number of assessment flaws and issues has been identified as a concern. The 2012 audit found 14 per cent of audited appointments had assessment-related issues, and noted that this rate was almost double the 7.7 percent found in the 2011 audit.

Over the last three merit performance audit cycles, the number of assessment flaws or issues has increased from 7.7 per cent to 22 per cent of appointments audited.

Administrative Errors

As in the 2012 audit, a number of administrative errors, primarily in calculating or transcribing scores, were identified. However in 2013/14, more of these errors negatively affected the final outcome of the competition and resulted in, or contributed to, five of the six assessment-related "merit not applied" findings. For example:

- the incorrect version of an eligibility list was used so one candidate was not appointed but two lower-ranked candidates were appointed;
- errors in transcribing and calculating scores and percentages on the rating guide impacted the rank order of some candidates which in turn, determined whether they received an appointment or were placed on the eligibility list; and
- panel notes indicated a candidate who had failed the interview, due to a transcription error between the panel notes and the rating guide, was recorded as having passed and was ultimately placed on the eligibility list.

Further, as illustrated in these examples, candidates' scores determine their placement relative to other candidates in a competition. It is important that during the assessment process hiring managers ensure scores are carefully calculated and entered as even a minor error can affect how candidates rank in a competition and can have a serious impact on their careers.

In an additional six appointments, mistakes such as erroneously eliminating or overlooking an applicant warranted a "merit with exception" finding rather than a "merit not applied" finding due to the fact that a direct impact on the outcome of the competition could not be established. The importance of ensuring that all applicants are accounted for throughout a competition is basic to a fair process.

Short-listing Inconsistencies

At the short-listing stage, applications or resumes are generally assessed against the advertised mandatory education and experience requirements of the position to determine which individuals are qualified to move forward in the selection process.

In 12 of the 33 appointments with identified assessment issues the audit findings were related to inconsistencies in short-listing. More than half of these cases involved competitions where the minimum posted education and experience criteria were relaxed at the short-listing stage allowing some applicants who didn't meet the posted requirements to advance. Had the postings accurately reflected the less stringent requirements, other qualified individuals may have applied. In some other competitions, no short-listing assessment was conducted. In others, there was a lack of evidence that all candidates were assessed against the same criteria: some applicants who appeared to have been assessed as meeting the education and experience requirements were not considered further, and other applicants were short-listed who did not appear to meet the posted requirements. To varying degrees, the inconsistent treatment of applicants at the short-listing stage compromised the fairness, objectivity and relevance of the assessment process.

Case 2 illustrates a number of assessment issues which were identified at the short-listing stage of a competition. Case 3 outlines a number of good practices, illustrating a carefully planned and thorough short-listing assessment process.

Case 2 – Poor Practice: Inconsistent and Flawed Approach to Short-listing Applicants

Education and experience criteria are typically assessed on a pass/fail basis and applicants either meet each specified criteria or they do not. In this competition, the posted criteria did not include any equivalencies and the experience requirements were point-scored. The panel determined that the 10 applicants who scored highest on the experience requirements (in addition to meeting the education requirements) would be short-listed. The main flaw was that as there were no minimum point scores required for the experience criteria: two applicants were short-listed despite one of them having scored zero and less than 50 per cent respectively on a mandatory experience requirement. The audit also identified other inconsistencies: four applicants had the same education and experience background but only two of them were short-listed.

Case 3 – Good Practice: Thorough and Well-planned Short-listing

This competition included a comprehensive short-listing assessment which was designed to ensure that all applicants selected to move forward had the types of directly-related experience required in the position, in addition to the basic education and experience criteria. Weighted scores were assigned based on applicants' responses to a self-assessment questionnaire concerning specific areas of related experience. Before coming to a final short-listing conclusion, the panel reviewed candidates' resumes to ensure their responses and weighted scores were substantiated and obtained additional clarifying details from candidates where required. The weighted scores were adjusted both up and down, as necessary, to reflect the panel's assessment. Those candidates who met the minimum score on directly related experience as well as meeting the minimum education and experience requirements were short-listed.

Short-listing on Knowledge, Skills or Abilities

One appointment audited in 2013/14 received a "merit with exception" finding as applicants were assessed against selection criteria characterized as knowledge, skills and/or abilities (e.g., interpersonal skills and initiative), based only on a review of their resumes. Short-listing candidates on the basis of their own representation of these qualifications is unsound in that information may be either over-stated, under-stated or omitted. This short-listing practice was identified as problematic in previous merit performance audits but has improved in the 2013/14 audit period.

Stages of Assessment

Once candidates have been short-listed, managers use a variety of methods to further assess them, and it is generally accepted that using multiple assessment methods adds credibility and validity to the appointment process. In an estimated 70 per cent of the processes audited in 2013/14, one or more methods such as written exercises, role plays, or oral presentations, were used to assess candidates in addition to interviews. In almost all of the other 30 per cent of processes, an interview was the sole method of assessing short-listed candidates, other than the mandatory past work performance checks.

Assessment Standards Not Established, Flawed, or Subjective

In 10 of the audited appointments with assessment-related findings, the issues identified were associated with a lack of established assessment standards, or the use of flawed or subjective standards to assess candidates at one or more stages during the hiring process.

For example, in some competitions there was no indication of any minimum requirements such as pass scores, competency levels, response guides, or marking keys. Establishing such minimum requirements provides a common basis for the panels' assessments and ensures consistency. In other cases, concerns were identified with a specific stage at which candidates were assessed or ranked. For example, there was no evidence to indicate how ties were broken resulting in one candidate being ranked ahead of another; or an assessment of candidates' "fit" was conducted using a subjective approach to the assessment of job-related factors.

Case 4 describes an assessment process that was determined to not be based on merit as the final ranking of candidates was the result of subjective considerations. Case 5 describes a situation where an objective assessment process was used to distinguish between two candidates who scored equally well in a competition.

Case 4 – Poor Practice: Subjective Assessment

A written test and an interview were established as the means of assessing candidates in this competition. Following these assessments, the hiring panel considered additional subjective factors with no established marking methodology, such as candidates' performance in other similar competitions, which altered the final rank-order of candidates. As a result, the candidate who had scored highest overall based on the written test and interview results was disadvantaged as another candidate who had scored lower in these assessments was appointed instead. The assessment was found to lacked fairness, transparency, and objectivity and did not reflect a merit-based process.

Case 5 – Good Practice: Objective Assessment as "Tie-breaker"

Following the interview and written assessment processes in this competition, the panel determined the two highest-scoring candidates were essentially tied, so a second interview was necessary to determine which candidate was better qualified for the position. The results of the second interview provided more differentiation between the two candidates and the higher-ranked candidate was appointed.

Past Work Performance

Assessing an individual's past work performance is a critical element of a selection process and is an essential component of an informed and quality hiring decision. Conducted well, it may be used to validate any part of the assessment process that has relied on information self-reported by candidates; and it can provide additional evidence that candidates meet the knowledge, skills, abilities and competencies required for the position. The proper documentation of the assessment of past work performance ensures this aspect of the selection process is transparent and credible.

The *Act* specifies past work performance as one of six factors that must be considered when determining merit. In addition, BC Public Service hiring policy specifically requires an assessment of past work performance which includes at least one employment reference from a current or previous supervisor or equivalent. The merit performance audit looks for documented evidence to confirm that this factor of merit was properly considered, as required by legislation and policy.

Results

The 2013/14 Merit Performance Audit identified 11 audited appointments which had an issue or flaw with the assessment of past work performance: ten of which resulted in a "merit with exception" finding and one which resulted in a "merit not applied" finding. Although the audit found fewer issues with respect to past work performance than in some other categories of findings, the marked increase in the percentage of past work performance issues in comparison to previous audit years is of note. In 2013/14, issues or flaws with past work performance were found in 7.3 per cent of audited appointments whereas concerns of this nature were identified in 2.3 per cent of appointments in 2011 and in 0.9 per cent in 2012.

Past audits have identified few problems with past work performance, so the rise in the number of identified past work performance flaws or issues in 2013/14 is concerning.

In four appointments, the audit found the assessment of past work performance was inconsistent between candidates. In three of these cases, the approach was intentionally designed to use a different assessment method for various applicant groups. Case 6 provides an illustration of this issue.

Case 6 – Poor Practice: Different Past Work Performance Questionnaires

In this competition, the assessment of past work performance was point-rated and accounted for 50 per cent of the overall score. There was a different set of past work performance questions used for internal versus external candidates. Employee candidates' reference checks consisted of several questions with a rating system, whereas external candidates' reference checks had many more questions with no objective rating system. This approach lacked consistency and objectivity, and candidates' order on the eligibility list and subsequent appointments were directly impacted. The audit concluded that the flawed assessment of past work performance was not merit-based.

In another case, while there was one established approach to assess past work performance for all candidates, the application of the approach varied notably between the individuals conducting the assessments and compromised the consistency of their results.

In a number of other cases, there was a lack of evidence with regard to critical aspects of the past work performance assessment. For example, in two audited appointments, the past work performance assessment that formed the basis for eliminating candidates from further consideration was missing. Given the significant consequences for the candidates concerned, this was determined to be a past work performance issue rather than a documentation issue. In two other instances, the candidates' past work performance assessments were not retained and there was no evidence to conclude that the assessment had been obtained from a previous or current supervisor in accordance with merit-based practices and BC Public Service policy.

There were also competitions where the panel used point scores assigned by the referee as the assessment of the candidate's past work performance, rather than assigning the scores themselves based on the information provided by the referee. In these particular cases, the audit confirmed the outcome was not affected; however, such an approach does not ensure an objective and consistent assessment of past work performance for all candidates.

Years of Continuous Service

When determining merit, another one of the factors that must be considered under the *Act* is an employee's years of continuous service with the BC Public Service.

During 2013/14, the "relatively equal" calculation was the agreed upon method of assessing qualified candidates' years of continuous service for appointments to positions covered by the collective agreement with the BC Government and Service Employees' Union (BCGEU). These calculations are typically documented on a rating guide summary of the selection process, and provide important evidence to support the final order in which candidates are appointed.

For excluded positions and for positions covered by the Professional Employees Association (PEA) or nurses' collective agreements, while years of continuous service is a factor of merit which must be considered under the *Act*, there is no requirement that it be specifically assessed. In hiring and selection processes for such positions, at a minimum, it is important to document that this factor was considered, the resultant decision made as to whether or not it would be assessed and, if assessed, the weighting calculation and results of the assessment.

Results

Positions included in the BCGEU accounted for 104 (69.3 per cent) appointments audited. In those appointments which required the "relatively equal" calculation to assess years of continuous service, the audit found that the calculation was either not performed, or performed incorrectly in five (4.8 per cent) of the BCGEU appointments audited. In two cases where incorrect appointments resulted, the audit finding was "merit not applied". In the other three cases, which were found to be "merit with exception", the correct calculation of years of continuous service would not have altered the final ranking of candidates. The proper consideration of this factor is meaningful in terms of merit-based hiring, as flaws or errors in the "relatively equal" calculation can impact whether a candidate is appointed, or may affect placement order on an eligibility list for future hiring.

One example of the issues related to the consideration of years of continuous service is outlined in Case 7.

Case 7 – Poor Practice: Total Scores not used in Assessment of Years of Continuous Service

In this competition, an issue with the "relatively equal" calculation of was found. The panel used a weighted combination of test and interview point scores to determine an overall competition score for each candidate. The audit determined that the "relatively equal" calculation was erroneously based on candidates' interview points only, rather than all of the points that had carried forward to form the final score for each qualified candidate as required by the collective agreement provision. As a recalculation based on final competition scores found that the final rank order of candidates was not affected by the error, a "merit with exception" finding resulted.

In the merit performance audit, the fewest issues or flaws identified were in this category, with the improper consideration of years of continuous service resulting in a "merit not applied" or "merit with exception" finding in 4.8 per cent of appointments to BCGEU positions. The percentage of issues identified with this calculation is consistent with the 2012 audit results, which found 4.6 per cent of appointments to BCGEU positions had issues with years of continuous service. This represents an improvement from prior years, where it was a more commonly identified issue (e.g., 9.8 per cent in 2011).

The incidence of issues or flaws with the consideration of years of continuous service, which decreased in 2012, has remained constant at that lower level.

Notification

Notification to unsuccessful employee applicants of the results of a competition is an important element of a merit-based hiring process. Although best practice is to keep all applicants apprised of their status, at a minimum, managers must notify applicants who are employees about the final outcome of the hiring process. Such notice fulfills the requirements of the *Act* whereby employees may seek feedback and challenge the merit of an appointment through the staffing review process, should they so choose. The absence of final notification that another applicant is to be appointed hinders unsuccessful employees' opportunity to exercise their statutory recourse rights.

Accounting for the outcome of a selection process is an essential element of ensuring transparency in the conduct of public sector hiring. Failure to provide appropriate notification may undermine confidence in the merit of the appointment due to the lack of transparency and may lead to the perception that managers are not accountable for their hiring decisions. Providing appropriate notification, however, gives managers an opportunity to demonstrate accountability for their decisions

as well as an opportunity to build internal capacity by providing employees feedback essential to improved performance and development.

Results

Issuing letters of notification has become a largely automated process with most offer, regret and confirmation letters generated electronically by the BC Public Service Agency. In past merit performance audits, issues with notification have been a commonly found error with the percentage of notification issues identified increasing to 13.2 per cent in 2012. The 2013/14 Merit Performance Audit results, however, show an improvement in this area, with issues with notification being found in 10.7 per cent of appointments.

The 2013/14 audit results show improvement in the provision of final notification to all unsuccessful employee applicants.

In ten of the 16 audited appointments with notification issues, employee applicants who were deemed ineligible did not receive notification of the final appointment decision. Typically, these cases involved restricted competitions where applicants' eligibility was determined by their geographic location, organizational unit, or other similar criteria. These employee applicants, deemed ineligible at the start of the hiring process, were not notified of the competition outcome. During the course of the 2012 Merit Performance Audit this issue was raised with the BC Public Service Agency and they indicated their practice would be amended to address this issue. However, an absence of final notification to employee applicants deemed ineligible still accounted for a large portion of the overall notification issues identified in the 2013/14 Merit Performance Audit.

Lack of final notification of the appointment decision to employee applicants who are deemed ineligible accounts for the majority of the notification issues identified.

In the other six cases, appointments that received a "merit with exception" finding involved employee applicants who did not receive final notification as they were not short-listed, did not receive an interview, or were simply overlooked. Case 8 provides an example of a competition where not all employee applicants received final notification and Case 9 provides an example of good notification practices and how such practices contribute to merit-based hiring.

Case 8 – Poor Practice: No Final Notification Provided to Some Applicants

In this process, four employee applicants received timely interim notification that they were not short-listed; however, they did not receive final notification of the appointment decision. Further, an additional six employee candidates who did not pass a written test did not receive any notification. The organization's practice is to provide final notification of the appointment decision only to candidates who are interviewed. This was identified through audit as a flawed practice as it obstructs the opportunity for unsuccessful employee applicants to exercise their statutory right to receive feedback and challenge the merit of an appointment through the staffing review process, should they so choose.

Case 9 - Good Practice: Interim and Final Notification Provided

In this hiring process, applicants who were not initially short-listed received letters at that point in time advising of their status and inviting them to contact the panel if they had questions or wished feedback. Upon reviewing the qualifications of one of the applicants who requested feedback, the panel determined that this individual did, in fact, meet the short-listing requirements and was advanced to the next stage of the hiring process. At the conclusion of the selection process, all unsuccessful employee applicants received notification of the competition outcome.

Documentation

Managers are required to document hiring activities as thoroughly as they are required to document other business decisions with financial implications. It must be possible to demonstrate that throughout the recruitment and selection process the merit principle was upheld and actions were in keeping with the elements of transparency, consistency, relevance, fairness and reasonableness. Managers are also accountable for providing feedback to employees who participate in a competitive process and proper documentation enables them to do so in a consistent and thorough manner. An absence of documentation supporting the assessment of an applicant may impact the perception of the fairness of the hiring process. Also, at times eligibility lists are used by other hiring managers to make appointments and a well-documented account of the hiring decision increases confidence that the initial competition was merit-based and valid and therefore reliable as a basis for future appointments.

Results

Although insufficient documentation remains one of the most common issues identified in the merit performance audits, the 12.7 per cent of appointments in 2013/14 with a "merit with exception" finding due to documentation represents a decrease from 2012, when documentation issues were identified in 22.4 per cent of appointments.

The number of appointments with documentation issues has fluctuated from 12.6 per cent in 2011 to 22.4 per cent in 2012 to 12.7 per cent in 2013/14.

In December 2013, in response to concerns raised by the Office of the Merit Commissioner in previous merit performance audits, a change was implemented to policy which required managers to submit all hiring related documents to the BC Public Service Agency before a regular permanent appointment or temporary assignment over seven months would be finalized. In addition, the Agency Head posted a message to the broad public service which related to the importance of documentation and emphasized the hiring policy change.

More complete initial documentation was provided to the Office for the 2013/14 audit than in recent audit years, with many of the staffing files submitted containing all or most of the required documentation. As in past audits, at times it was necessary to contact the BC Public Service Agency and hiring managers for evidence not initially submitted for audit such as final short-listing decisions, interview notes and marking details which are expected to be part of a complete staffing file. In some cases this information was subsequently provided and accepted for audit. However, in other cases, when no documentation was available to support one or more of the decisions made throughout the assessment process and hiring managers were only able to provide verbal evidence. This lack of documentation warranted a finding of "merit with exception".

As in 2012, the majority of the documentation issues in 2013/14 were related to inadequate information to support short-listing decisions which are the basis upon which each candidate is considered qualified or not qualified to move forward in a selection process. Since education and experience are two of the six factors of merit, and the short-listing process is typically when these factors are considered, it is important that short-listing assessments are given careful deliberation. The resulting short-listing decisions and the rationale behind those decisions must be appropriately documented to provide evidence of these deliberations and the outcome.

The second most prevalent documentation issue remains the lack of proper documentation of the assessment of past work performance. Recording the details of past work performance assessments provides evidence that the manager considered this factor of merit, that appropriate referees provided the information used in the assessment, and that the successful candidate possessed the qualifications required.

The remainder of the documentation issues identified in the 2013/14 audit related to other areas of assessment where basic evidence was missing, such as evidence to support some of the panel's decisions. For example, in one competition some qualified candidates' scores were tied and the documentation did not show how the panel arrived at the candidates' final rank order.

Case 10 provides an example of a documentation issue identified in the past work performance assessment stage of a competition, which resulted in a "merit with exception" finding.

Case 10 – Poor Practice: Undocumented Assessment (Reference Checks)

In this competition, past work performance was assessed for four qualified candidates. Notes were taken regarding one candidate's point-scored reference check and these notes were included in the competition file. However, only the point scores for the other three candidates' reference checks were documented. There was no record of the reference check questions, no indication as to whether these were supervisory references, and no supporting rationale to indicate how these candidates met or did not meet the requirements. Sufficient verbal evidence was accepted from the ministry representative regarding decisions made concerning these reference checks; however, the failure to document the process and decisions made at the time they occurred, which would have added transparency and credibility to the process and provided evidence that the candidates met the qualifications, resulted in a "merit with exception" finding for documentation.

Conclusion

A total of 150 individual appointments were audited in the 2013/14 Merit Performance Audit. In all cases the individuals who were appointed met the qualifications specified as required for the position. Better results were noted in the quality of competition documentation and notification of the competition outcome to employee applicants. Areas for improvement were identified by the declining results in the conduct of assessments, including past work performance, and the design of broad competition structure and process.

The overall results of the audit show that the large majority of appointment processes were determined fundamentally to be based on merit (i.e., merit and merit with exception findings) as in most cases where issues were identified, a direct impact on the outcome of the appointment could not be established. However, merit findings alone indicated that only 52.7 per cent of appointments were the result of an issue-free process. This decline in results compared to the 2012 audit, although smaller than the decline from the 2011 to the 2012 audit results, still represents a risk to merit-based hiring that should not be overlooked.

Recommendations

Based on the findings and most frequently identified issues in the 2013/14 Merit Performance Audit, the Merit Commissioner makes the following recommendations to the BC Public Service Agency and to the organization heads. It should be noted that some recommendations are similar to those made following previous years' audits, as action or continued action remains necessary. A preliminary copy of this report and the recommendations was shared with the Deputy Minister of the BC Public Service Agency, whose response is included in Appendix B.

Recommendations to the Deputy Minister of the BC Public Service Agency

for matters related to hiring policy and direction, training, and any elements of the recruitment and selection process for which the BC Public Service Agency has primary responsibility, such as the collection of resumes and issuance of notification.

- Ensure systems and procedures support appropriate final notification of the appointment decision to all employee applicants.
- Ensure assessment processes are conducted with sufficient rigour to ensure candidates are assessed objectively and consistently.

Recommendations to deputy ministers and organization heads

given their primary responsibility for matters related to implementation of policy and guidelines, decision-making, and their authority to delegate to hiring managers responsibility for hiring processes.

- Ensure the area of competition is reasonably established and that any restrictions are consistently applied to all applicants.
- Ensure hiring managers develop, consistently apply and communicate standards for recruitment and selection which are reasonable and relevant.
- Ensure assessment processes are conducted with sufficient rigour to ensure candidates are assessed objectively and consistently.
- Ensure the assessment of past work performance is properly designed and applied to treat candidates fairly and that the results of this assessment are accurately recorded.

November 2014
Office of the Merit Commissioner



Appendix A

Organizations Subject to Oversight by the Merit Commissioner

(as of March 31, 2014)

Ministries

Aboriginal Relations and Reconciliation

Advanced Education

Agriculture

Children and Family Development

Community, Sport and Cultural Development

Education

Energy and Mines

Environment

Finance

Forests, Lands and Natural Resource Operations

Health

International Trade

Jobs, Tourism and Skills Training

Justice

Natural Gas Development

Social Development and Social Innovation

Technology, Innovation and Citizens' Services

Transportation and Infrastructure

Independent Offices

Auditor General

Elections BC

Information and Privacy Commissioner

Merit Commissioner

Ombudsperson

Police Complaint Commissioner

Representative for Children and Youth

Courts of British Columbia

Provincial Court of BC Supreme Court of BC

BC Court of Appeal

Other Public Sector Organizations

Agricultural Land Commission

Auditor General for Local Government

BC Human Rights Tribunal

BC Pension Corporation

BC Public Service Agency

BC Review Board

Community Care and Assisted Living Appeal Board

Destination BC

Employment and Assistance Appeal Tribunal

Environmental Appeal Board

Financial Institutions Commission

Financial Services Tribunal

Forest Appeals Commission

Forest Practices Board

Health Professions Review Board

Hospital Appeal Board

Independent Investigations Office

Islands Trust

Office of the Premier

Oil and Gas Appeal Tribunal

Property Assessment Appeal Board

Provincial Capital Commission

Public Guardian and Trustee

Public Sector Employers' Council Secretariat

Royal BC Museum

Safety Standards Appeal Board

Surface Rights Board



Appendix B

Response from the Deputy Minister of the BC Public Service Agency (Agency Head)



November 19, 2014 Cliff # 5566

Ms. Fiona Spencer Merit Commissioner Office of the Merit Commissioner 5th Floor, 947 Fort Street Victoria BC V8W 2C4

Dear Ms. Spencer:

Thank you for the opportunity to respond to the 2013/14 Merit Performance Audit Report. I am pleased to provide a response to your Report as the newly appointed Deputy Minister, BC Public Service Agency.

First, I would like to acknowledge all the work that Lynda Tarras, as the previous Deputy Minister, did in helping to create a public service recognized as a top employer where diverse job opportunities and exciting career potential are possible.

The 2013/14 Merit Performance Audit Report indicates that 150 random audits of appointments were conducted to examine whether recruitment and selection processes were properly applied to result in merit-based appointments, and whether individuals appointed were qualified. I am pleased to see the BC Public Service continues to appoint individuals that possess the qualifications required for the position and that there was no evidence that any appointments were the result of patronage. This is consistent with all previous audit results and represents a desired outcome of recruitment efforts.

The BC Public Service Agency considers recommendations and feedback provided through the Merit Performance Audit Reports and continues to make improvements to our hiring practices. Feedback and recommendations made in the Merit Performance Audit Report 2012 led to the development of additional resource material for hiring managers on MyHR, increased efforts to raise awareness on the importance of merit-based hiring and the development of additional training for those involved in hiring.

I am pleased with the improvements made in documenting hiring processes and decisions and notifying applicants of the results of competitions but there is still more work that can be done in these areas to show continuing improvement. Notwithstanding the improvements, I have noted the decline in appointments that were based on merit and I am committed to understanding the issues and finding solutions.

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With respect to the number of issues identified in the Audit Report concerning assessment and past work performance, throughout 2014 the BC Public Service Agency has been developing and posting additional content for hiring managers on MyHR. Topics specifically addressed include screening and planning and conducting interviews. We have also posted guidelines on MyHR for conducting past work performance reviews. More detailed tools and resources have been made available to hiring advisors to assist them in their consultations with hiring managers when discussing specific competitions. Four on-line training courses are now available for hiring managers through the Learning Centre and include courses on Hiring 101, Getting Ready to Hire, Selecting the Best and Onboarding New Employees. Hiring Advisors have received more training on selection criteria, screening applicants and assessment and selection. BC Public Service Agency staff made presentations to numerous ministry Executive Teams to raise awareness on the importance of merit-based hiring.

The development of new content for MyHR, improving tools and resources for hiring managers and Hiring Advisors will continue and will take into account the recommendations you have made to me and to deputy ministers.

I am especially pleased and excited about the direction received from the Deputy Ministers' Council on the BC Public Service. As we move forward in this fiscal year and the next, we will develop strategies to become more agile in our recruitment and hiring practices and find new ways to support career development. We have relied predominantly on hiring from within government to fill critical vacancies and this has resulted in 68 percent of internal moves representing lateral transfers filled on a one-vacancy/one-posting basis. Our practices must change to handle recruitment in a way that is effective and sustainable and we need a process to support lateral transfers more efficiently. We will shift from focusing on immediate recruitment needs to a longer-range external recruitment strategy informed by forecasting and workforce planning. Through the strategies we plan to transform hiring so that it is more data-driven, technology supported, efficient and consistent across government.

I am committed to making our hiring practices more efficient and transparent and ensuring appointments continue to be based on merit while at the same time advancing the BC Public Service as a leader in recruitment and hiring practices. As hiring strategies and processes are developed, I will be pleased to discuss these with you.

Yours truly,

Elaine McKnight Deputy Minister

Clair MKnight