



Office of the
Merit Commissioner

Merit Performance Audit

2015/16

UPHOLDING FAIR HIRING IN THE
BC PUBLIC SERVICE



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Executive Summary

The Office of the Merit Commissioner conducted audits of 321 randomly-selected appointments which were made between April 1, 2015 and March 31, 2016 to determine whether they were based on merit. The overall process used to recruit and select applicants was examined, as well as specific aspects 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 the 2015/16 fiscal year.

With respect to recruitment and selection processes, 42.4 per cent of appointments audited were found to be the result of a merit-based process. In a further 51.4 per cent “merit with exception” findings resulted, as although the process was considered to be merit-based, there were issues and concerns identified. The remaining 6.2 per cent of appointments audited were not found to be the result of a merit-based process or merit was not demonstrated. These findings represent a decrease from last fiscal year in the percentage of hiring processes found to be free of issues or flaws.

With respect to whether the individuals appointed were qualified, in all but two cases, the 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.

The majority of issues were found in the categories of assessment, documentation and process. However, it is the process and assessment findings that are of greatest concern as they tend to represent the highest risk to merit-based hiring and in this audit, resulted in 80 per cent of the “merit not applied” findings.

The most significant process concern involved making appointments or placing candidates on an eligibility list in the wrong order. Similar to last year, the most frequently identified problems with assessment occurred at the short-listing stage where fairness and objectivity were compromised due to: a reduction in the education and experience requirements; inconsistent application of the short-listing criteria; and use of unstated qualifications to short-list. Documentation problems were also noted most often at the short-listing stage of hiring processes where there was insufficient information available to support decisions. Further, issues with the assessment of years of continuous service showed an increase from last year, which was often due to the use of incorrect data for the calculation.

The report includes four recommendations for deputy ministers and organization heads.



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 (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 organization heads who have overall responsibility for the ministries, boards, commissions, agencies or other 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(1)(a) of the *Act* specifies that the Merit Commissioner is responsible for conducting random audits of appointments to assess whether:

- (a) the recruitment and selection processes were properly applied to result in appointments based on merit; and
- (b) 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, the Office's 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 and 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 also assessed to determine whether the basic principles of fairness, transparency, relevancy and reasonableness which are integral to a merit-based process have been met.

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 (DND)** – There was insufficient evidence provided to demonstrate that the design or application of the process was based on merit.



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** – 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* were not included in the 2015/16 audit. Due to different process requirements for this type of hire, a separate special audit of these appointments will take place in the future to ensure that they are based on merit and that organizations are appropriately seeking and receiving the required approval of the Deputy Minister of the Public Service Agency.

Time Frame

The 2015/16 Merit Performance Audit focused on appointments made from April 1, 2015 through March 31, 2016.

Appointment and Sample Details

A total of 5,474 permanent appointments and temporary appointments exceeding seven months were reported for the time frame associated with the 2015/16 Merit Performance Audit. This information was derived from data from the Corporate Human Resource Information and Payroll System (CHIPS) provided by the BC Public Service Agency, and from the Liquor Distribution Branch's records of appointments which are maintained in a separate database. From this population of appointments, BC Stats drew random samples of appointments on four occasions. Samples pulled were stratified by appointment type (permanent appointments and temporary appointments exceeding seven months).

In order for it to be possible to generalize the results of the audit to all 5,474 appointments, a simple random sample was selected each quarter by applying a sampling rate of six per cent. This sampling rate resulted in a total audit sample of 329 appointments, eight of which were subsequently determined to be outside the scope of the audit, largely due to coding errors. The number of out-of-scope appointments represents two per cent of total appointments sampled, which shows continuing improvement in the accuracy of this CHIPS data over the last three years when four, seven, and 11 per cent of appointments respectively were found to be out-of-scope. Additional details about the appointment and sample can be found in the Random Selection for the 2015/16 Merit Performance Audit report which is posted on the Office of the Merit Commissioner website.

Overall Results

The overall results for the 2015/16 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 was audited.



Recruitment and Selection Process

Table 1 shows the overall audit results related to the recruitment and selection process. The method of sampling allows for these results to be extrapolated from the audited appointments to the larger total population of the same types of appointments (i.e., permanent appointments and temporary appointments of more than seven months) made from April 1, 2015 through March 31, 2016. The results indicate the strengths and weaknesses in merit-based hiring in the BC Public Service during that time period.

Overall Findings	Appointments Audited		Extrapolated Results - Estimated Population¹	
Merit applied	136	42.4%	2257	42.2%
Merit with exception	165	51.4%	2754	51.5%
Merit not applied	19	5.9%	315	5.9%
Did not demonstrate ²	1	0.3%	17	0.3%
Total	321	100%	5343	100%

Notes:

1: Weighted extrapolations and margins of error were calculated with support from BC Stats; both of which are included in the Random Selection for the 2015/16 Merit Performance Audit report posted separately on the Office of the Merit Commissioner website.

2: Although the single finding in the sample for “did not demonstrate” has been extrapolated to the population, this estimate in the population is not reliable due to the rare occurrence of this type of finding.

The audit found that 42.4 per cent of appointments in the sample were the result of a merit-based recruitment and selection process, with no issues or flaws. An additional 51.4 per cent of audited appointments were in the “merit with exception” category. This determination is indicative of an issue or issues with the recruitment and selection process, ranging from minor to serious, that do not have a known negative impact on the outcome. The “merit not applied” findings show there were flaws which impacted the outcome in 5.9 per cent of the audited appointments.

Based on the extrapolations of these findings, an estimated 2754 appointments made throughout the BC Public Service in 2015/16 contained issues which were exceptions to merit-based hiring and 2257 did not. A total of 315 appointments made throughout the BC Public Service in 2015/16 are estimated to be the result of flawed processes (i.e., they were not merit-based).



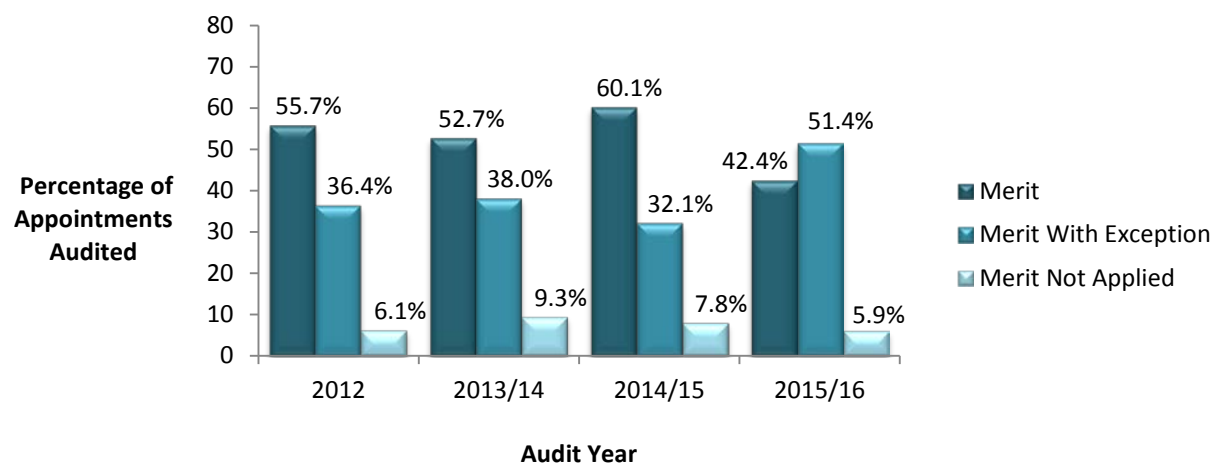
Individual Appointed

Based on the available evidence, the audit found that two individuals, when appointed, did not possess the qualifications specified as required for the respective positions. All of the other 319 individuals, when appointed, did possess the specified qualifications. 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 in the samples of appointments audited since 2012.

Chart 1 - Frequency of Findings in Audited Appointments – Recruitment and Selection Process



Note:

“Did Not Demonstrate” findings (previously “Unable to Determine”) have consistently been less than 2 per cent each year and are not represented in this chart.

The number of “merit not applied” findings has varied slightly since 2012. In the 2013/14 audit, findings of this nature reached a high of 9.3 per cent. In 2014/15 they decreased to 7.8 per cent, and in the current audit cycle they decreased again to 5.9 per cent.

While the number of “merit with exception” findings has fluctuated around an average of 35 per cent over the previous three merit performance audits, these findings rose sharply to 51.4 per cent in 2015/16. This represents the highest percentage of this type of finding to date and is also the first time since the inception of merit performance audits that the rate of “merit with exception” findings has been higher than the rate of “merit” findings. Correspondingly, there has been a decrease in the percentage of “merit” findings, from 60.1 per cent in 2014/15 to 42.4 per cent in 2015/16.



While the percentage of “merit not applied” findings has remained relatively constant over the past four years, the “merit with exception” findings increased notably in 2015/16.

For the most part, organizations continue to provide sufficient documentation to allow auditors to determine audit findings. For the first time since 2012 there was a finding of “did not demonstrate,” where due to unique circumstances there was insufficient documentation available to complete the audit within the 2015/16 Merit Performance Audit time period. However, a full audit of this competitive process will be conducted as part of the 2016/17 Merit Performance Audit as another appointment from the same competitive process has been selected for audit.

More information related to the recruitment and selection process findings and trends is contained in the Analysis and Observations section of this report.

The audit results for the determination of whether the individual appointed was qualified continue to indicate that the vast majority of individuals being appointed are qualified. For the first time in a number of years, two individuals were found to be not qualified. In both instances, a flaw found at the short-listing stage allowed a candidate to successfully compete who, while meeting some of the qualifications, did not meet the posted standard.

Case 1 – Good practice: overall competition well done

When properly applied, the steps and decisions made throughout hiring processes receive an overall finding of “merit”. In this competition, all phases of the competition were considered to uphold the merit principle. Some of the elements that made this a consistently well-managed competition were: clear directions (including point totals) to the candidates; use of a practical test in addition to an interview; a well documented and comprehensive assessment of past work performance; and legible panel notes, which included information on what individual candidates needed to provide in order to be more successful.

Analysis and Observations

Issues or flaws with the design and application of the recruitment and selection process are grouped into the following categories: process, assessment, past work performance, years of continuous service, notification, and documentation. Within each category, any concerns or errors found to have had an identifiable negative impact on the outcome of the competition are described as *flaws* and result in a



“merit not applied” finding. Any concerns or errors which did not have an identifiable negative impact on the outcome are described as *issues* and result in a “merit with exception” finding.

While each audited appointment process results in one overall finding of “merit”, “merit with exception” or “merit not applied”, there may be more than one issue or flaw identified in each case. Of the 19 audited appointments where there was an overall finding of “merit not applied”, eight had a single flaw and the other 11 had multiple flaws and issues. Of the 165 audited appointments where there was an overall finding of “merit with exception”, 89 had issues related to a single category, and the other 76 had issues related to more than one category. For example, one audited appointment had “merit not applied” findings for flaws with process and past work performance, in addition to “merit with exception” findings for issues with assessment and documentation.

In total there were 324 issues and flaws identified in 321 appointments audited in 2015/16. Table 2 provides a breakdown of the number of issues versus the number of flaws, and groups these into categories by impact.

Table 2 - Number of Issues and Flaws Identified by Category				
Category	Impact		Total	Per cent
	Issue (Merit with Exception)	Flaw (Merit Not Applied)	# of issues and flaws	% of issues and flaws
Process	33	11	44	14%
Assessment	105	6	111	34%
Past Work Performance	30	3	33	10%
Years of Continuous Service	37	1	38	12%
Notification	27	-	27	8%
Documentation/Evidence	71	-	71	22%
Total	303	21	324	100%

Chart 2 depicts the number of issues and flaws identified in each category as a percentage of the total number of issues and flaws identified in 2014/15 and in 2015/16. While the total number has increased this year, the relative distribution across categories remains similar to that of 2014/15. In the 2015/16 audit, the highest number of issues and flaws were found in the categories of assessment, documentation and process compared with the 2014/15 audit where it was assessment, documentation and notification.



Chart 2 - Distribution of Issues and/or Flaws in Audited Appointments

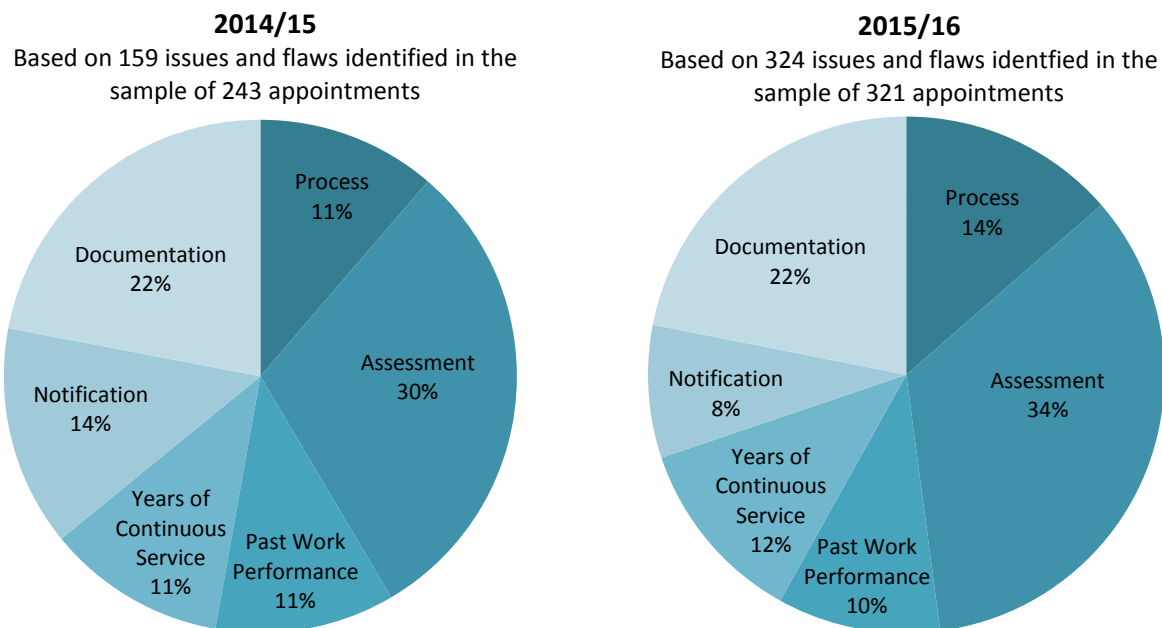
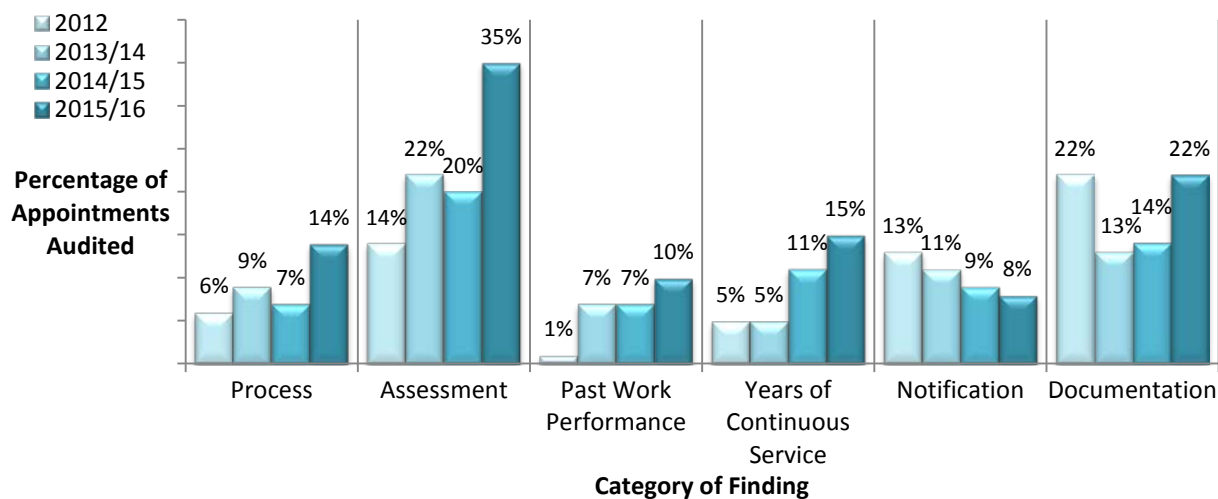


Chart 3 shows a different perspective of the number of issues and flaws identified over time — the percentage of appointments audited with a flaw or issue in each category since 2012.

Chart 3 - Percentage of Appointments Audited with a Flaw or Issue by Category of Finding



Notes:

Percentages are rounded.

Up to and including 2014/15, years of continuous service percentages in this chart are based on the number of BCGEU appointments audited. In 2015/16, the years of continuous service percentage is based on the number of BCGEU and PEA appointments audited (i.e., 251).



The assessment category encompasses short-listing, interviewing and a variety of testing (e.g., written exams, role plays, presentations, and practical exercises). It is these parts of the hiring process where the most issues or flaws have been found over the last three years. Of the audits conducted in 2013/14 and 2014/15, approximately 20 per cent of appointments had problems related to assessment. In 2015/16, there was a notable increase to 35 per cent of all appointments audited having assessment problems.

A number of appointments also lacked sufficient documentation of the hiring process and related decisions. Although the number dropped substantially to around 13 per cent in 2013/14 and 2014/15, documentation concerns increased to 22 per cent of the appointments audited in 2015/16.

Appointments with process concerns tend to represent a greater risk to merit-based hiring and result in more “merit not applied” findings than in any other category. While historically, appointments with process issues or flaws have been low, 14 per cent of audited appointments had problems associated with the design or conduct of the hiring process in 2015/16. This is double the percentage of appointments with process problems that had been observed in 2014/15 and 2012, and higher than the nine per cent identified in 2013/14.

The percentage of appointments with identified years of continuous service problems has increased from 11 per cent in 2014/15 to 15 per cent in 2015/16. Previously only four to five per cent of appointments were determined to have issues of this nature. It should be noted that prior to 2014/15, the findings in this category were related to appointments to positions covered by the BC Government and Service Employees’ Union (BCGEU) collective agreement which prescribes the manner in which this factor must be assessed. However, in the most recent collective agreement for the Professional Employees Association (PEA), a provision was introduced requiring the specific assessment of this factor of merit in the same manner as for positions in the BCGEU. As such, up to and including 2014/15, the percentages described in this report are calculated based on the number of BCGEU positions audited, and in 2015/16 the percentage is calculated based on the number of BCGEU and PEA positions audited.

In the past, few appointments have had concerns with respect to the assessment of past work performance, making it one of the least problematic categories. However, there has been an increase in the proportion of appointments with identified past work performance flaws or issues, from one per cent in 2012 to seven per cent in 2013/14 and 2014/15, and now to 10 per cent in 2015/16.

Notifying applicants of the competition outcome is largely an automated process with most offer, regret and confirmation letters generated electronically by the BC Public Service Agency. Steady improvement in the provision of final notification to all unsuccessful employee applicants has been observed in audits since 2012. This progress continued in 2015/16 with only eight per cent of all audited appointments having issues with notification which is down slightly from the nine per cent in the previous year.



The following sections of this report examine in more detail the types of issues and flaws identified in the 2015/16 Merit Performance Audit. The categories of findings are presented in order of a typical competitive process, rather than by the frequency of problems identified.

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 determined to be best qualified in the assessment process.

Results

In the 2015/16 Merit Performance Audit, almost all of the appointments audited involved permanent positions and approximately 55 per cent were posted as open to external applicants. A little less than half were restricted to internal applicants and of these, approximately 35 per cent were further restricted to the organization, geographic area, organizational unit within a ministry, or some other limited group of employees. There were also a number of comparatively large competitions; 69 of the 321 audited appointments had more than 100 applicants and approximately 20 per cent of these had more than 400 applicants.

The number of applicants for a competition ranged from one to 1,195.

Overall there were 44 flaws or issues identified with respect to the design or conduct of the hiring process. Of these, 11 were flaws resulting in a finding of “merit not applied” and 33 were issues warranting a “merit with exception”. Through an examination of these audits, several common areas where these problems occurred were identified.

Outcome Not Merit-based

Over half of the process flaws (i.e., “merit not applied” findings) occurred where appointments or the eligibility list order was not in accordance with candidates’ overall competition scores. In some cases, the highest-ranked candidate was overlooked in favour of a lower-scoring candidate who was appointed to a permanent position. In other cases, candidates were either placed on an eligibility list in the incorrect order or in cases of tied scores, in an order that was not based on any merit-criteria (e.g.,



alphabetical name order). In two additional instances a finding of “merit with exception” was warranted for similar rank order issues but where, due to extenuating circumstances (e.g., a candidate declined an offer), candidates were appointed in the correct order.

Case 2 – Good practice: improved provincial recruitment process

It was evident that based on the findings of prior year audits, steps had been taken to improve the process for this ongoing intake method of filling vacancies across the province. Previously identified ambiguities regarding the applicant pool and the fair treatment of candidates included from other intakes, were addressed. It was also apparent that there was a consistent approach to evaluate applicants through successive stages of assessment and that the final rank order of candidates was based on job-related factors. Further, a clear eligibility list was established with set conditions for its use. While there were still some issues such as missing assessment standards and problems with tracking applicants, the audit was able to determine that the process was merit-based.

Process Design Flaw

Three appointments had a serious flaw in the design of the process warranting “merit not applied” findings. In one of these cases, all candidates were allowed to advance, regardless of their interview score which in some instances was less than 20 per cent. In another case, several individuals were granted special consideration when internal applicants from a process restricted to the organizational unit were combined with some of the external applicants from another competition to form the applicant pool.

Case 3 – Poor practice: unreasonable process used to determine outcome

Four candidates passed a comprehensive assessment process with a one point difference between the scores of the second and third-place candidates. A point-rated assessment of past work performance was conducted for the two highest-scoring candidates and the marks were added to their overall competition score. As the points allocated to this factor accounted for almost two thirds of the overall competition score, this had a significant impact on the final outcome. The decision to eliminate the third-place candidate without an assessment of past work performance was neither fair nor reasonable as had this factor been assessed for this individual, a different outcome may have resulted. As the fourth-place candidate had a considerably lower score than the other three, there was no need to assess past work performance as the individual’s standing in the competition would not have changed even if full marks had been awarded for this factor.

There were also a number of other appointments with design issues that received “merit with exception” findings. The most common of these concerns were observed in large competitions where,



for example, some applicants were able to submit two different applications or write on-line tests more than once without being detected.

Circumvented Process

There were also several appointments where the established process was circumvented. In a few cases, candidates were inappropriately appointed to permanent positions based on an assessment for auxiliary work. One of these cases led to a “merit not applied” finding as, instead of a notice of opportunity, employees were asked to refer individuals for a short-term auxiliary assignment. This approach does not meet either the requirements of a fair and transparent process or the posting requirements of the BCGEU collective agreement. In the other cases, there was a posted notice followed by a full competitive process; however, the possibility of a permanent appointment had not been indicated in the notice.

Other exceptions to an established process included the consideration of individuals who did not apply to the specific competition, who were not eligible for inclusion as they resided outside the geographically restricted area, or who were external applicants to competitions restricted to in-service employees.

Assessment

Managers are accountable for their hiring decisions and are 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 merit-based process as it helps them determine whether they are qualified and eligible to apply, and also 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 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

There were 111 flaws and issues identified in the appointments audited that related to the short-listing, interview or testing stages of the process. Six were found to be critical flaws resulting in “merit not applied” findings and the other 105 were characterized as issues. The following section provides more details on the areas in which the serious flaws and the common issues occurred.



Short-listing

Following the close of a posted competition, applications or resumes are generally assessed against the advertised minimum education and experience requirements of the position to determine which individuals are qualified to move forward or be short-listed into the selection process. Of the audited appointments, six had flaws and 84 had issues involving the short-listing stage of these competitions.

In two of the competitions, there was no evident short-listing. In these processes, multiple applicants were advanced through the hiring process with no assessment as to whether they met the required education and experience requirements, both of which are factors of merit. In one case, a candidate who did not meet any of the stated experience qualifications was appointed, which resulted in a finding of “merit not applied” for the assessment approach as well as a finding of “not qualified” with respect to the individual appointed.

While the rest of the competitions had some form of short-listing, it was the fairness and objectivity of this stage of assessment that was compromised to varying degrees. The three predominant areas of concern were: the “relaxing” of required qualifications; inconsistent application of the short-listing criteria; and the use of unstated qualifications.

It was often found that the posted education and experience requirements had been reduced in order to broaden the candidate pool. While these lesser requirements were assessed consistently for those who had applied, this approach disadvantaged any individuals who may have applied had they known that the posted criteria would not be required or would be amended.

Case 4 – Poor practice: posted qualifications altered at short-listing stage

Initially only one applicant met the education and experience required to be short-listed. In order to advance more applicants, changes were made to the stated qualifications including: broadening the type of education required; reducing the minimum years of experience; and accepting related combinations of experience where equivalencies had not initially been indicated as acceptable. This approach to short-listing is a concern as other potentially qualified individuals may have applied had they known that the education and experience requirements would be different than those posted. In addition, the series of amendments resulted in advantaging internal applicants and allowing for the appointment of a candidate who otherwise would not have met the stated job requirements.

Another common failing was the inconsistent evaluation of applicants’ education and experience qualifications, often described as an error or oversight. In these cases, one or more applicants who did not appear to meet the posted requirements were short-listed, while others with similar qualifications were not; or, one or more applicants who appeared to meet the posted requirements were not considered further while others with similar qualifications were advanced. In two such cases, a “merit



not applied” finding was made where it was apparent that the successful candidate had been one of the applicants afforded special consideration during short-listing.

There were also a number of competitions where qualifications used to short-list candidates were neither stated in the posting nor the job profile, and as such, applicants were denied a fair opportunity to address these requirements in their application. One of these cases resulted in a “merit not applied” finding where a candidate who was short-listed due to bonus points awarded for experience not indicated as a job qualification, was ultimately placed on an eligibility list.

Case 5 – Good practice: point-based short-listing

The short-listing spreadsheet listed the mandatory education and experience and rated applicants as either meeting or not meeting these qualifications. Applicants who met these minimum requirements were then assessed for several preferred qualifications and awarded a set amount of points for either fully or partially demonstrating these qualifications. This approach to point-rated short-listing ensured that candidates possessed the mandatory qualifications of the position while allowing the panel to advance those candidates with the most relevant backgrounds.

A less frequently observed issue was the use of a point-rated approach to short-listing which, when incorrectly applied, resulted in applicants who did not meet the mandatory qualifications receiving a sufficient score to be short-listed. In three of these cases, a finding of “merit not applied” resulted as the panel appointed or placed candidates on an eligibility list whom had not been identified as possessing a mandatory requirement. Further, in one of these cases, an associated finding of “not qualified” was warranted as it could not be reasonably inferred that the individual, whose appointment had been drawn for audit, met the mandatory requirements.

Several other short-listing issues involved insufficient rationales for individual short-listing decisions or an unreasonable or subjective basis for short-listing decisions.

Assessment Methods

Once candidates have been short-listed, hiring managers use a variety of methods to further assess them. It is generally accepted that using multiple assessment methods adds credibility and validity to the selection process. All but three of the appointments audited in 2015/16 involved an interview and approximately 90 per cent of interviews included the assessment of behavioural competencies. Approximately two-thirds of appointments audited in 2015/16 used one or more assessment methods, such as written exercises, role plays or oral presentations to assess candidates in addition to interviews. In most of the remaining appointments, an interview was the sole method of assessing short-listed candidates, other than the mandatory past work performance checks.



Case 6 – Good practice: comprehensive and relevant assessment of candidates

In addition to an interview, candidates' technical knowledge and skills were assessed through an "in-basket" exercise comprised of three simulated job tasks. The first involved listening to an audio recording of a meeting and taking minutes. The second required creating an Excel spreadsheet with budget numbers, reviewing the state of the budget, and writing a summary of findings. The third task entailed describing the actions and associated rationales for the resolution of scheduling conflicts based on a Director's calendar and additional facts. There was also a comprehensive answer key by which candidates' performance of these tasks could be consistently evaluated. This well-designed exercise provided an objective and job-related means to assess candidates.

While there were no flaws found with the interviews or testing to warrant a "merit not applied" finding, there were 53 issues identified. The most typical problem related to the lack of assessment standards. Generally, this meant that for one or more types of assessment methods utilized there were insufficient criteria or guidelines by which to assess candidates, such as target competency levels, ideal answers, or marking keys. In many of these cases, the use of a generic marking guide (template) was applied in the standardized format, in other words, the guide did not include any information specific and relevant to the position. Some interviews involved the evaluation of subjective elements such as the consideration of candidate "fit" and appearance with no objective means or standards for assessment.

Case 7 – Poor practice: lack of assessment standards

Only the points to be allocated to each question were established prior to the interview and there were no expected answers or guidelines developed as a reference for the purpose of marking. Following the interview, the panel members scored candidate answers independently and then averaged the points they had each allocated to arrive at a mark. Only where there was a considerable difference between the points they had awarded, did the panel members discuss a candidate's response. Without some form of established assessment standards, it is unclear if panel members applied similar criteria to evaluate candidates objectively and consistently.

Several processes had serious errors with respect to transcribing or adding marks that had implications for candidate standings; however, in these cases the actual impact of these errors was mitigated by other intervening factors. As candidates' scores determine relative merit and standing in a competition, it is important that marks are accurately determined.



Case 8 – Poor practice: insufficient checks and balances

A relatively small calculation mistake had serious consequences with respect to one candidate's standing in the competition. The candidate had not achieved the required point score to pass the interview; however, due to the incorrect addition of the score on the rating guide it appeared that the individual had in fact passed. The error was overlooked and the candidate was advanced in the competition to the next stage of assessment.

Past Work Performance

Assessing an individual's past work performance 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. It can also 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 2015/16 Merit Performance Audit identified 33 problems with the assessment of past work performance: three were considered flaws and resulted in "merit not applied" findings, and 30 were considered issues and resulted in "merit with exception" findings.

In two instances that led to a "merit not applied" finding, there was no consideration of past work performance for the individuals who were appointed, as required by BC Public Service policy.

With respect to the issues identified, these were mostly divided into two types of matters. Almost half involved the use of point scores assigned by the referee as the basis for the assessment of candidates' past work performance, rather than the reference taker or panel considering the information provided and assigning scores. Generally such an approach does not provide for the objective and consistent assessment of past work performance for all candidates; however, in these cases, the audit was able to confirm that the outcome of the selection process was not affected.



The other half of the issues concerned employee candidates who were placed on eligibility lists without an assessment of past work performance, although it was generally noted that any future appointments would be subject to satisfactory completion of reference checks. In these cases, the employee applicants were provided with final notification of the outcome of the competition, even though this factor of merit had not been assessed and the hiring process was not finalized. As the subsequent assessment of past work performance could potentially affect a candidate's final status in a competition, premature notification of the outcome could obstruct the employee candidates' rights of recourse, including the right to request a review. Employee candidates should be fully assessed prior to final decisions concerning the competition outcome to ensure accurate final notification can be provided.

Case 9 – Good practice: comprehensive assessment of past work performance

A project team formed to hire over 100 candidates enlisted the help of other individuals to conduct the numerous reference checks required to assess past work performance. The team developed a standardized reference template and set clear guidelines for what constituted a pass or fail. Further, an orientation/training session was held for the additional reference takers where they were advised of the approach such as, to ask questions as stated in the template and record the responses in detail. Whenever a referee identified performance issues or provided an unfavourable response, the reference was forwarded to the project team for review. Not only was this an efficient approach to assess past work performance in a large and complex competition, it was carried out in an objective, consistent and transparent manner.

In a few cases, the assessment of past work performance covered standard topics related to work performance and attendance, but also related to lifestyle such as criminal convictions, drug use and financial difficulties. While these latter aspects may be relevant for a security screening, they are not appropriate in an assessment of past work performance.

Case 10 – Poor practice: no assessment of past work performance

A decision was made to delay the assessment of past work performance for an external candidate who was placed on an eligibility list. Instead, the candidate was provided with a notification letter that stated any future job offer would be subject to a satisfactory supervisory reference check. While this approach is considered to be reasonable for external candidates, the requirement to complete a past work performance check was overlooked in this case and the individual was subsequently appointed from the eligibility list with no assessment of this factor of merit.



Years of Continuous Service

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

For appointments to positions covered by collective agreements with the BC Government and Service Employees' Union (BCGEU) and the Professional Employees Association (PEA), this factor must be assessed using a formula which defines a percentage of total competition points to be added to employee candidates' scores, depending on their years of continuous service. The current calculation was mandatory for the BCGEU effective April, 2014 and for the PEA effective April, 2015. These calculations are typically completed by the BC Public Service Agency on a separate worksheet or documented on a rating guide summary of the selection process, and provide important evidence to support the final order in which candidates are ranked and appointed.

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

Case 11 – Good practice: appropriate consideration of years of continuous service

A note on file for an excluded competition indicated that the panel had discussed including years of continuous service as part of the assessment process and had decided against using this factor. Instead the panel determined that the critical success factors for the job were specific skills, knowledge and experience, and designed the assessment process to focus on these aspects. This was a transparent and reasonable approach to considering years of continuous service for an excluded position.

The proper consideration of this factor is important to merit-based hiring as flaws or errors in the calculation of years of continuous service can impact a candidate's rank, including placement order on an eligibility list and possible appointment.

Results

The provision of the BCGEU or PEA collective agreements applied to 251 of the appointments audited in 2015/16 and there were 38 flaws or issues identified with respect to the calculation of years of continuous service.



In one case, the failure to calculate this factor resulted in an incorrect appointment and a finding of “merit not applied”. In the other 37 cases, a failure to calculate or an incorrect calculation of years of continuous service resulted in findings of “merit with exception” because the audit determined the correct calculation of years of continuous service would not have altered the final ranking of candidates. In cases where the calculation for years of continuous service was performed incorrectly, although the right formula was applied, incorrect information was used to complete the calculation—whether it was a candidate’s number of years of service, their score, or the overall competition points.

Case 12 – Poor practice: incorrect calculation of years of continuous service

The total competition score used as the basis for calculating years of continuous service included the raw interview points instead of the weighted interview points as intended by the panel. Further, candidates’ partial years of continuous service were incorrectly taken into account when only full years of service should have been considered. Had the calculation of this factor been completed using the correct data, a different rank order of the three qualifying candidates would have resulted.

Notification

Notification to unsuccessful employee applicants of the final 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 various points in the selection process, at a minimum, managers must notify applicants who are employees about the final outcome of the hiring process. To ensure the requirements of the *Act* can be meaningfully fulfilled, such notice is necessary in order that employees may seek feedback and challenge the merit of an appointment through the staffing review process, should they choose to do so. The absence of final and accurate notification that another applicant is to be appointed hinders unsuccessful employees’ ability to exercise their statutory recourse rights.

An unsuccessful employee applicant’s right to request a review of a staffing decision relies on the correct provision of final notification of the competition outcome.

Accounting for the outcome of a selection process is also an essential element of ensuring transparency in the conduct of public service 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 gives managers an opportunity to demonstrate accountability for their decisions, as well as an opportunity to build internal capacity by providing employees with feedback which may improve their performance and encourage development.



Results

All identified problems with notification result in findings of “merit with exception” and not “merit not applied” as notification does not have a direct impact on the design or application of the process or its initial outcome. In 2015/16, there were 27 issues related to notification.

The main shortcoming was that one or more employee applicants did not receive final notification of the appointment decision. This problem was observed in cases where: there was insufficient documentation to confirm that employee applicants had been appropriately notified; employee applicants who were eliminated early in the process (e.g., at short-listing) were not issued a final notification letter; and those not issued notification letters were employee applicants who were deemed ineligible at the start of the hiring process.

Case 13 – Poor practice: lack of proper notification

While employee applicants unsuccessful in their bid to become part of an inventory received interim notification of their standing, there were no provisions made to ensure they also received or had access to final notification of appointments made from the inventory. Instead, only candidates who were successful in becoming part of the inventory (i.e., to be considered for future positions posted to this limited group) were provided with access to an on-line notification board where the individual competition results were posted. Proper notification ensures all unsuccessful employee applicants have the necessary information should they wish to exercise their legislated right of review of the staffing decision.

In addition to the above issues, the audit noted a number of appointment processes where notification practices could be improved to increase transparency. Most commonly, information was missing such as the fact that there were multiple initial appointments, that an eligibility list was established, or the successful employee candidate’s name or classification was missing, which is a collective agreement requirement for appointments to BCGEU and PEA positions.

Documentation

Managers are required to document hiring activities as thoroughly as they are required to document other business decisions, especially those with financial implications. It must be possible to demonstrate that throughout a 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 provide such feedback in a consistent and thorough manner. An absence of documentation supporting the assessment of an applicant may impact the perception of the fairness of a hiring process. Further, as eligibility lists may be used by different hiring



managers to make appointments within their own organizational units, a well-documented account of a hiring decision increases the confidence of these other managers that the initial competition was merit-based, reliable and valid as a basis for other appointments.

Results

Similar to notification, documentation problems result in “merit with exception” findings only as documentation is not directly related to the design or application of the hiring process, nor does it have an impact on the outcome.

In 2015/16, there were 71 issues involving the documentation of the hiring process which resulted in “merit with exception” findings.

It was often necessary to contact hiring managers for evidence not initially submitted, such as records of final short-listing decisions, information related to reference checks, and marking details; all of which are expected to be included in a complete staffing file. In some cases, the missing information was subsequently provided and accepted for audit. In other cases, when hiring managers were able to provide credible verbal evidence, there was a finding of “merit with exception” due to the lack of documentation.

Case 14 – Poor practice: insufficient documentation

While a total mark was recorded for each written exercise, there was nothing to indicate the basis for the panel’s evaluation or the breakdown of the mark awarded to each candidate response (e.g., answer elements or key, individual marking sheets, or handwritten notations on the responses). As the panel representative was able to provide rough handwritten notes regarding the expected answers and a detailed explanation of the panel’s approach to marking, the audit was able to conclude that the exercise was assessed in a fair and consistent manner. However, a clearer and more transparent process would have better documented the marking scheme and its application to candidate responses.

Similar to previous years, approximately half of the documentation issues were related to inadequate information to support short-listing decisions, which is the basis upon which each candidate is considered qualified or not qualified to move forward in a selection process. The second most prevalent documentation issue was related to the administrative challenges of managing large competitions, particularly with respect to tracking of applicants and maintaining sufficient and accurate detail throughout the process. Problems with documentation also occurred at the testing/interview stage of the hiring process, including: missing or incomplete panel notes; missing or conflicting evidence of pass requirements; missing evidence to substantiate decisions about who was advanced in the process; and



missing evidence as to how the final rank order of candidates was established where two or more candidates' final scores were tied.

Case 15 – Good practice: effective method of tracking applicants

This was a large and complex competition involving close to 200 applicants. A single spreadsheet was created and used to track applicants through each stage of the process. As this comprehensive document was carefully maintained throughout the hiring process, the progress and final status of all applicants was clearly and accurately represented.

Often the lack of evidence was connected to the incomplete spreadsheets or the incorrect use of an of a standardized tool. In each of these cases it was necessary to obtain verbal evidence to substantiate or confirm that a fair and consistent assessment process had occurred, and to provide a rationale for the panel's hiring decisions throughout.

Conclusion

This report provides a summary of findings related to the Merit Commissioner's 2015/16 Merit Performance Audit.

The overall results of the audit showed that with two exceptions, all individuals appointed were qualified and that the majority of recruitment and selection processes were based on merit; however, the audit also found that most processes had at least one issue with their design or application. This was evident by the notable increase in the number of "merit with exception" findings and a corresponding decrease in the number of "merit" findings from the results of previous merit performance audits. There was also an overall increase in the number of appointments that had multiple issues or flaws.

While "merit with exception" findings may be viewed as positive or negative, the sharp increase in this type of finding is of concern. These findings tend to cover a wide range of issues, some of which are administrative in nature and others which are more serious. In order to bring focus to those issues which are directly connected to the merit of the process, consideration is being given to ways to better define and distinguish these findings in the future.

The 2015/16 audit process, examined approximately 80 more appointments than were audited in 2014/15, and found the distribution of flaws and issues across categories was quite similar, where assessment and documentation continue to be the most problematic areas.

Competitions generally use a staged approach to assess applicants and while problems may occur at any



stage, during this audit cycle concerns were often noted at the initial stage: short-listing. Often some of the education and experience requirements were either altered or dropped. This left the impression that the quality of the hiring process would have improved had greater care been taken to define these essential qualifications and the balance of the selection process would have been based on a firmer foundation.

A number of large competitive processes were examined in 2015/16 as multiple appointments from these processes were selected for audit. The effort and commitment to merit-based hiring was evident in the design and management of these large processes which were typically held to establish pools or inventories of qualified candidates, or to fill positions across the province. Through audits of these processes, common problems were observed with respect to applicant tracking, notification and documentation. With the complexity of such processes and the large volume of applicants, the possibility of errors increases and it is important that any systemic problems are addressed as it is anticipated that the use of these initiatives will continue to grow.

Along with the trend toward the use of large competitions, the audit observed an increase in the use of templates and other means of improving hiring efficiency. The design of these tools is generally sound; however, problems are being increasingly identified with their application. This was apparent in some cases where the use of these tools resulted in lack of evidence to substantiate processes or decisions such as no documented rationales for short-listing decisions. Moreover, in some cases, it was the quality of the hiring process that was impacted, for example: there were several instances where a hiring panel used a generic rating scale to score interview responses without any other job-related assessment criteria (e.g., behavioural interpretative guides, key response elements, or ideal answers) to ensure a meaningful and consistent approach to marking. While reducing the time required to fill a position is important for operations, it must be balanced with the risks to merit-based hiring.

Lastly, in the 2014/15 Merit Performance Audit conclusions, it was observed that there had been an increase in the incorrect calculation of years of the continuous service which was assumed to have resulted from a transition to a new calculation formula. It was anticipated that there would be a decrease in problems of this nature in 2015/16 as familiarity with the new approach increased. This has not been the case, however, and instead the frequency of observed problems has risen.

Overall, the 2015/16 Merit Performance Audit found a growing number of issues that impact the quality of the hiring process. While hiring to and from within the BC Public Service is, for the majority of appointments, considered to be based on the principle of merit, there are aspects of the hiring process that require attention. The following recommendations highlight areas for improvement which could strengthen merit-based hiring.



Recommendations

Based on the findings and most significant issues identified in the 2015/16 Merit Performance Audit, the Merit Commissioner makes the following recommendations which are, for the most part, directed to deputy ministers and organization heads. It is recognized, however, that BC Public Service Agency action and assistance may be necessary to support the implementation of these recommendations. This report was shared with the Deputy Minister of the BC Public Service Agency and her response is attached as Appendix B.

Assessment

- Ensure that the foundational pieces of the hiring process are in place prior to posting, including minimum qualifications which are accurately described and advertised, and that these are not reduced, changed or inconsistently applied during short-listing.
- Ensure that standardized templates and tools are adapted to include sufficient job-specific assessment standards and criteria.

Years of Continuous Service

- Ensure the calculation of years of continuous service is based on accurate data.

Documentation

- Continue to improve documentation at all stages, including tracking of applicants, in large competitions.



Appendix A

Organizations Subject to Oversight by the Merit Commissioner

(As of March 31, 2016)

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
Public Safety and Solicitor General
Small Business and Red Tape Reduction
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
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)



Where ideas work

November 1, 2016

CLIFF #5905

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 providing the opportunity to respond to the 2015/2016 Merit Performance Audit Report. I am pleased to provide a response to your Report as the Deputy Minister of the BC Public Service Agency.

A review of the Merit Performance Report indicates that 321 random audits of appointments were conducted to examine whether recruitment and selection processes were properly applied to result in merit-based appointments, and whether the individuals appointed were qualified for the positions. I am pleased to see a steady improvement in notifications issues and that there has been no evidence that any appointments were the result of patronage.

The most common reasons for the findings of “merit with exception” or “merit not applied” were categorized as issues with process and assessment in the areas of short-listing and applicant placement on eligibility lists. As you are aware, last year we implemented bi-weekly hiring webinars focussed on posting preparation, screening and assessment to provide just in time training and advice to hiring managers during their recruitment process. Since then, we have added additional webinars which focus on providing feedback, and final steps in the hiring process. Further we will be adding additional content to the screening/short-listing and assessment/process webinar. Thirty-eight hiring practice webinars have been delivered since April, 2016. Due to the overwhelmingly positive response and high participation, additional webinars on relevant topics will continue to be developed and/or updated to address the recommendations laid out in your report.

Applicant inventories will continue to play a key role in our recruitment initiatives and the implementation of hiring strategies to efficiently recruit in the BC Public Service. We strive for continuous improvement as we gain experience in our new recruitment initiatives and I am pleased the results of those audited have had meritorious findings, either in the “merit applied” or “merit with exception” categories. The establishment of a notification board for active hiring inventories to inform all applicants of the final competition results and transparently communicate the hiring process has worked well. We will continue the use of a notification board for active hiring inventories and have revised our current practice to ensure all applicants to the inventory are aware of the board and how to access.

We have further refined our business and have established a Continuous Improvement Team to drive continuous improvement, and to support the provision of consistent advice within the Hiring Centre. We have also implemented a dedicated resource assigned to continuously review and update on hiring processes, training programs as well as to provide consistent expert training to hiring staff. These improvements will allow us to identify and promote the use of consistent corporate process and assessment standards in our hiring practices.

Given the improvements to date, I am confident we will continue to see advancements in all aspects of the hiring process. Your ongoing feedback through the performance audits will assist us as we strive for continuous improvement. The meticulous development of content for MyHR, improved tools and resources for hiring managers and hiring advisors is a priority for me that will also continue and will take into account the recommendations you have made to me and to the Deputy Ministers.

In addition, the use of eligibility lists and strategies to mobilize talent across the Public Service will continue to play a key role to support effective succession management. I support previous commitments to transform hiring in order for the BC Public Service to build internal capacity, improve our competitiveness and enhance services to citizens.

To ensure appointments continue to be based on merit, I am committed to ensuring transparent and efficient hiring practices across the BC Public Service. As we develop hiring strategies and processes, I will be pleased to share with you and your Office.

Yours truly,



Lori Halls
Deputy Minister

cc: Joanne Hanson, Assistant Deputy Minister, Hiring and Service Operations,
BC Public Service Agency