



Office of the  
Merit Commissioner

2018/19

# Merit Performance Audit Report

UPHOLDING FAIR HIRING IN THE  
BC PUBLIC SERVICE

March 2020



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## Executive Summary

During the year from April 1, 2018 to March 31, 2019, a total of 7,556 appointments were made to and within the BC Public Service. Of these, the Office of the Merit Commissioner audited 273 randomly-selected appointments. Twenty-two of these appointments were the result of an inventory process, a recruitment and selection method which has been increasing in use over the past few years.

In accordance with the *Public Service Act*, the purpose of each audit is to determine:

- whether the recruitment and selection process was both properly designed and applied to result in an appointment based on merit; and,
- whether the individual appointed was qualified (i.e., had the qualifications specified as required for the position).

In addition, the audit determines whether there was sufficient and appropriate documentation to support the hiring decisions.

Recruitment and selection process findings were notably improved this year with fewer observed errors in the sampled appointments. The overall process findings, which can be extrapolated to all appointments of a similar type made throughout the BC Public Service in the 2018/19 fiscal year, showed that:

- 56 per cent of appointments were found to be “merit”;
- 41 per cent of appointments were found to be “merit with exception”; and,
- 3 per cent of appointments were found to be “merit not applied”.

These findings are a positive indicator with the overall estimated number of appointments found to be “merit” up 13 percentage points from 43 per cent in the previous two fiscal years.

Findings concerning the qualifications of the individual appointed continue to be excellent. In nearly all cases, the individuals whose appointments were selected for audit had the qualifications specified as required for the position. In three appointments, there was insufficient evidence to demonstrate that the individual was qualified.

The state of documentation was also better this year with more than 80 per cent of the appointments determined to have sufficient to good supporting evidence.

While these positive findings are encouraging, there are opportunities to improve recruitment and selection processes. With respect to where errors are most likely to occur in processes, we examined the



overall approach and the five standard stages of hiring: short-listing, interviewing and testing, past work performance, years of continuous service and notification. All categories showed a decrease in the percentage of appointments with errors in comparison with the previous two fiscal year audits with the exception of the past work performance stage which remained the same. Although the short-listing stage continued to have the highest percentage of appointments with errors, it also showed the largest overall decrease.

With respect to the frequency of errors, some appointments had multiple errors either within the same category or across categories, or both. The overall number of errors decreased for the second year in a row. In looking at these errors through the lens of the principles which support merit-based hiring, most competitions continued to be open and transparent with well designed, diverse and relevant methods of assessment. Where assessment errors were identified, these usually involved the incorrect application of methods or tools, or a lack of meaningful standards. Of greater concern were hiring panel decisions or actions that resulted in inequitable treatment of potential or actual applicants under consideration.

The following are the most notable problems identified with recruitment and selection processes in the 2018/19 audit.

- Categories: The short-listing stage was the category with the greatest number of appointments with errors. Typically, these errors involved decisions to change, lower or waive mandatory qualifications or requirements.
- Frequency: The most frequent error across categories was no or unclear assessment standards. In particular, for interviews there was a lack of substantive marking criteria and an over-reliance on generic marking scales.
- Impact: The most serious impacts arose from errors in judgment and mistakes. These errors accounted for the majority of “merit not applied” findings.

Based on our findings, there are three recommendations for deputy ministers and organization heads for their delegated hiring managers.

1. Review education and experience qualifications prior to posting to accurately identify which are mandatory and which are preferred, and state where alternatives may be acceptable.
2. Use substantive assessment or marking criteria to ensure candidates are objectively and consistently evaluated for each form or stage of selection.
3. Adopt work practices (e.g., secondary review of work) to prevent avoidable errors with a focus on accurately tracking applicants, and on tabulating and transcribing point scores.



## Audit 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 and according to section 5(1) of the *Act*, the Merit Commissioner is responsible for monitoring the application of the merit principle through random audits of appointments. To this end, the Office of the Merit Commissioner (the Office) conducts yearly merit performance audits.

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The merit principle commonly means that appointments are made on the basis of competence and ability to do the job, and are non-partisan.

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## Scope

The merit performance audit focuses on those appointments that form the long-term workforce of the BC Public Service. These are permanent appointments and temporary appointments that exceed seven months in ministries and other organizations (e.g., boards, commissions, and agencies) whose employees are hired in accordance with section 8 of the *Act*. Appendix A lists these ministries and organizations.

The Office collected quarterly lists of permanent appointments and temporary appointments exceeding seven months made in the organizations listed in Appendix A. A total of 7,556 appointments were identified from April 1, 2018 through March 31, 2019.

## Sample

For the results of the audit to be generalizable to all 7,556 appointments, a stratified random sample of appointments was selected each quarter based on a pre-determined sample size. Of the total sample of 280 appointments selected, seven were determined to be out-of-scope, resulting in 273 appointments subject to audit. The *2018/19 Report on the Sampling Methodology and Extrapolations for the Merit Performance Audit* posted on the Office's website provides more detail on the sampling methods used.

## Methodology and Criteria

Using an established audit program, audits are conducted to assess whether:

- recruitment and selection processes were both properly designed and applied to result in appointments based on merit; and,
- the individuals when appointed possessed the required qualifications for the positions to which they were appointed.



With respect to the recruitment and selection process, auditors review each appointment for open and transparent process, objective and relevant means of assessment, reasonable decisions, and equitable treatment of applicants. Specifically, the overall approach and the stages of a hiring process are examined to determine if they were designed and applied in accordance with the requirements of the *Act*, relevant policy, and provisions of collective agreements. The five common stages of a competition are short-listing, interviewing and testing, past work performance, years of continuous service, and notification. This year, due to the number of audited appointments which sourced candidates from an inventory, auditors also examined the design and process for each of the related inventories.

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

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With respect to the individual appointed, auditors examine whether the appointee met the education and experience specified as required for the position at the time of their appointment, as well as the minimum criteria established for the other factors assessed during the process.

Further, auditors consider whether there was sufficient and appropriate documentation on file to support the hiring decision.

Based on established criteria, each audit results in two findings: the recruitment and selection process finding, and the qualifications of the individual appointed finding. As well, each audit results in a determination on the sufficiency and quality of documentation. The findings and determination are described in the following tables.

The audit also identifies as “notes for improvement” any aspects that are not of consequence to the overall merit of the process, but have implications related to transparency, or have the potential to introduce an error into the process if not addressed.



<b>Table 1 Recruitment and Selection Process</b>	
<b>Criteria</b>	<b>Finding</b>
The recruitment and selection process was both properly designed and applied to result in an appointment based on merit.	<b>Merit</b>
The recruitment and selection process contained one or more errors in design or application; there was no identifiable negative impact on the outcome.	<b>Merit with exception (MWE)</b>
The recruitment and selection process contained one or more errors in design or application; the impact on the outcome was found to be negative and, as a result, the appointment was not based on merit.  This finding is also made if there is insufficient evidence to demonstrate that the design or application of a process was based on merit.	<b>Merit not applied (MNA)</b>

<b>Table 2 Individual Appointed</b>	
<b>Criteria</b>	<b>Finding</b>
The individual, when appointed, possessed the qualifications specified as required for the position.	<b>Qualified</b>
The individual, when appointed, did not possess the qualifications specified as required for the position.	<b>Not qualified</b>
There was insufficient evidence provided to demonstrate that the individual, when appointed, possessed the qualifications specified as required for the position.	<b>Qualifications not demonstrated</b>

<b>Table 3 Documentation</b>	
<b>Criteria</b>	<b>Finding</b>
Comprehensively documented with minimal or no follow-up required.	<b>Good</b>
Partially documented: documents initially missing later provided; some pieces missing but key information provided; and/or aspects required clarification.	<b>Sufficient</b>
Required documentation not available. Verbal evidence required to complete audit.	<b>Insufficient</b>



## Reporting

The overall results of these audits are reported to the Legislative Assembly and publicly reported through the Office’s website. Deputy ministers and organization heads are provided with their detailed individual audit reports so that they may take any necessary action to improve hiring practices within their organizations and share findings with the hiring managers who have been delegated the responsibility to recruit, assess and select individuals for appointments.

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.

## 2018/19 Audit Results

### Recruitment and Selection Process Results

Of the 273 appointments audited in the 2018/19 Merit Performance Audit, 152 were found to be the result of a merit-based recruitment and selection process with no errors. Another 112 appointments were found to be “merit with exception”, indicating there were design or application errors in the hiring process but there was no known negative impact on the outcome. In nine appointments, errors were found that had negative impacts on the outcome, resulting in “merit not applied” findings.

Table 4 shows these results extrapolated from the sample of audited appointments to the total population of the same types of appointments (i.e., permanent appointments and temporary appointments exceeding seven months) made from April 1, 2018 through March 31, 2019 (within specified margins of error). Further details can be found in the *2018/19 Report on the Sampling Methodology and Extrapolations for the Merit Performance Audit* posted on the Office’s website.

Table 4 Overall Results – Recruitment and Selection Process			
Overall findings	Appointments audited		Extrapolated results – Estimated population
Merit	152	56%	4,103
Merit with exception	112	41%	3,045
Merit not applied	9	3%	215
<b>Total</b>	<b>273</b>	<b>100%</b>	<b>7,363<sup>1</sup></b>

**Note:**

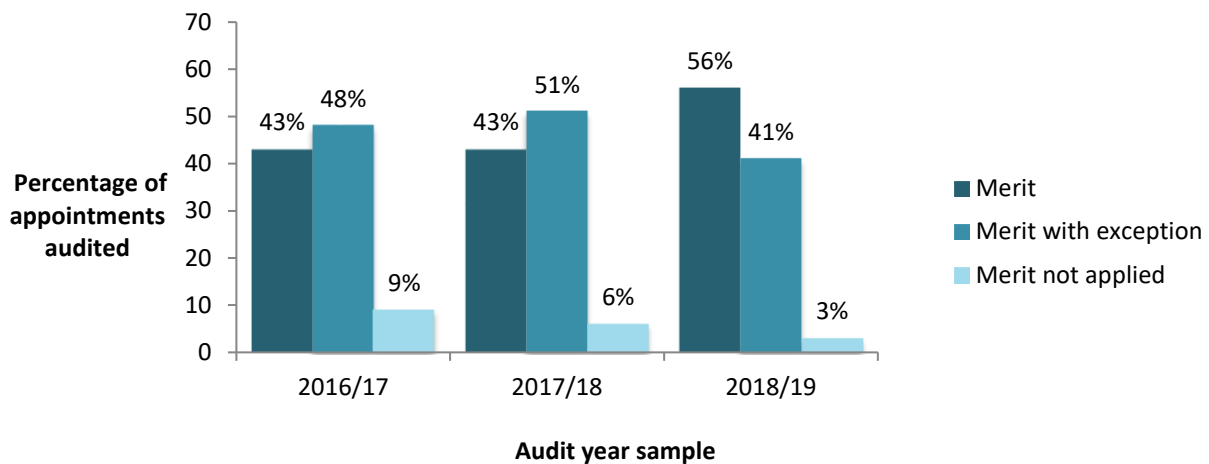
1: Estimated population size adjusted for out-of-scope appointments.





Chart 1 illustrates the frequency of findings in the samples of appointments audited since 2016/17.

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



**Note:** Caution should be used in comparing findings to prior years given changes to audit practice that have occurred. These changes are described in Appendix B.

The proportion of appointments with “merit not applied” findings has varied from nine per cent in 2016/17, to six per cent of audited appointments in 2017/18, and to three per cent in 2018/19. For the previous two audit cycles, the rate of “merit with exception” findings had remained close to 50 per cent of audited appointments, but has decreased to 41 per cent in 2018/19.

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For 2018/19, the relative proportion of findings with no errors was over 50 per cent for the first time since 2014/15.

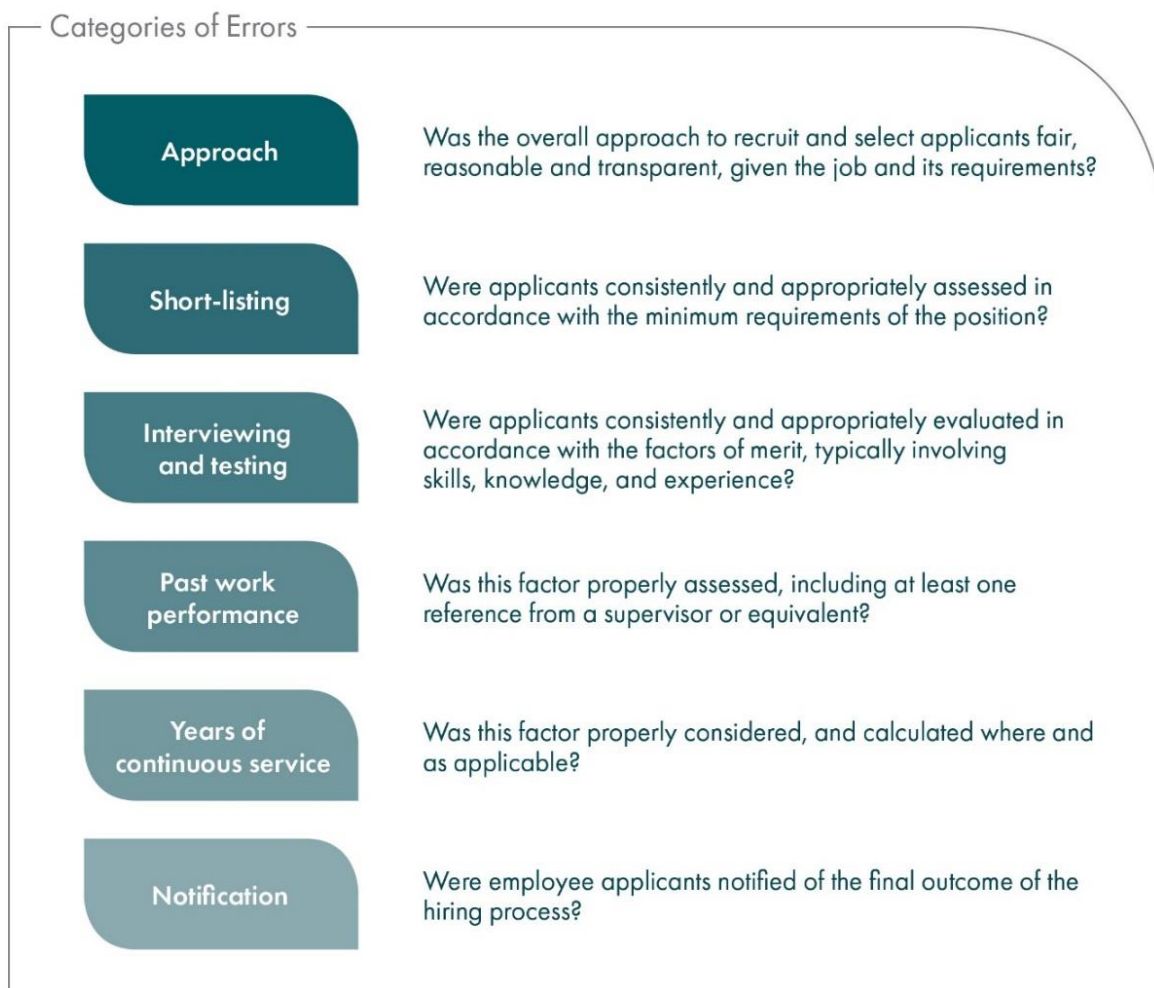
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### Appointments with Errors

As indicated, 112 of the audited appointments resulted in a “merit with exception” finding and another nine resulted in a “merit not applied” finding. This means that in aggregate, the audit found that 121 appointments had errors in their recruitment and selection process. The errors are identified and reported out in accordance with the category or stage of the process in which they occurred.



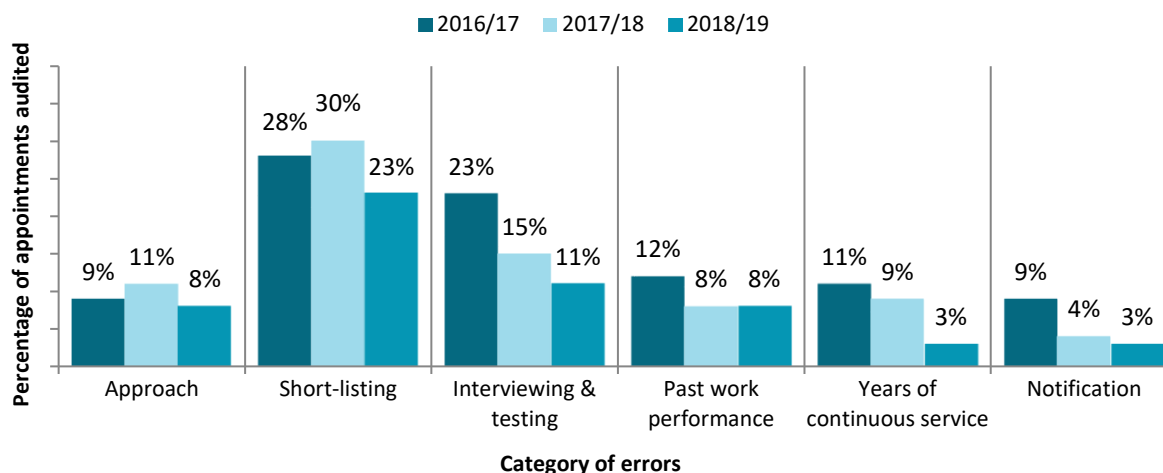
These categories (the overall approach and the five common stages of hiring) are defined in the following graphic.



While each appointment resulted in an overall recruitment and selection process finding, some appointments had errors in only one of these categories, and others had errors in multiple categories. Chart 2 shows the number of appointments with errors in each of these categories as a percentage of all appointments audited, over the past three fiscal years.



**Chart 2 Percentage of Audited Appointments With Errors Per Category**



**Notes:**

- The percentages show the number of appointments with one or more errors per category. As some appointments had an error in more than one category, the percentages do not sum to 100 per cent.
- The percentage for years of continuous service is based on all BCGEU and PEA appointments, as well as excluded positions where this factor was considered.
- Caution should be used in comparing to prior year percentages of appointments with errors, given refinements made to audit practice described in Appendix B.

The percentages of appointments with errors decreased for all categories with the exception of past work performance, which remained the same. The largest decrease was in short-listing (seven percentage points), although it remains the category in which errors are most frequently identified.

### Overall Errors

Beyond some appointments having errors in more than one category, a number of appointments had more than one distinct error within a given category. Of the 121 appointments with errors, 76 per cent had a single error and 24 per cent had two or more errors, resulting in a total of 163 errors. This is a 32 per cent reduction in the overall number of errors compared to the overall adjusted number of errors in last year's sample.

There are several appendices to this report: Appendix B is an overview on audit changes and refinements related to how errors are counted; Appendix C contains detailed observations of the errors identified in the recruitment and selection process findings; and Appendix D contains detailed observations regarding the audited inventory processes.



## Individual Appointed Results

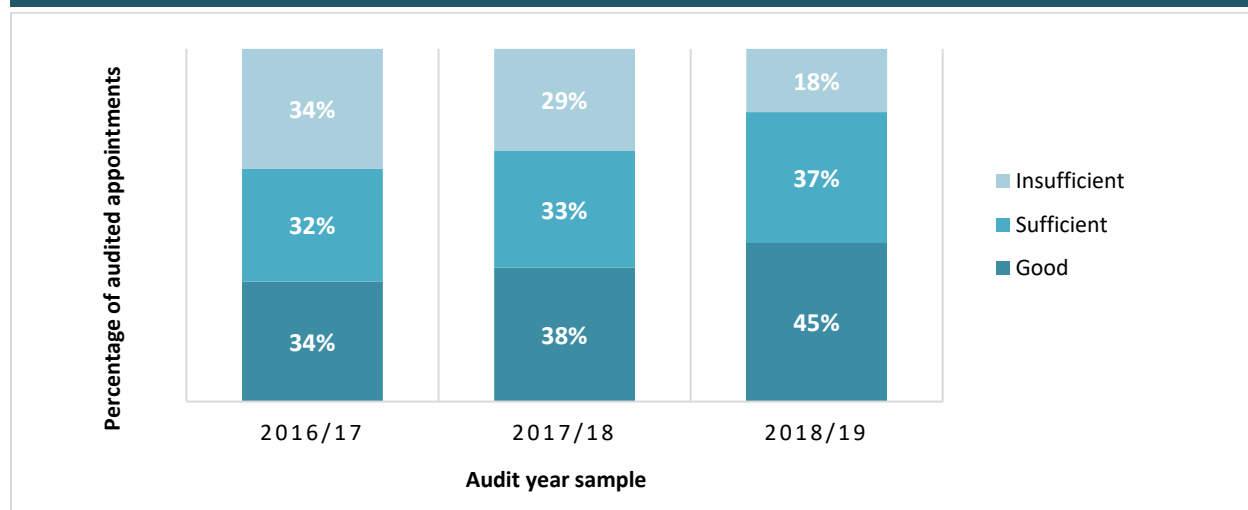
All but three appointed individuals were considered qualified. For these three appointed individuals, the finding was “qualifications not demonstrated”. These audit results are consistent with past years and continue to indicate that the large majority of individuals being appointed meet required qualifications. There was no evidence of patronage in any appointments. Appendix E contains detailed observations of the individual appointed findings.

## Documentation Results

The accountability for decision-making, in particular one as significant as the offer of an appointment in the BC Public Service, means that such a decision and the steps leading up to it, must be documented. For 122 of the 273 audited appointments, the competition was well documented requiring little or no follow-up with the hiring manager in order to conduct a thorough audit. For 101 appointments, the documentation was found to be “sufficient.” In just over 80 per cent of these cases, the hiring manager was required to provide clarification of and/or additional key documentation to substantiate hiring decisions. In the remaining appointments with “sufficient” documentation, the hiring manager was unable to provide the missing documents; however, these were not critical documents and the auditor was able to complete the audit without them.

For the remaining 50 appointments, the documentation was determined to be “insufficient”. Generally, in these cases an essential element was missing and the auditor had to take into consideration verbal evidence in order to conduct the audit. In three of these cases, the documentation was so inadequate that the appointment decision could not be justified resulting in a recruitment and selection process finding of “merit not applied”.

**Chart 3 Documentation Results**





As shown in Chart 3, the overall quality of documentation has improved when compared to audit results in the previous two audit cycles. While the state of documentation was much better this year with less than 20 per cent of the files determined to contain insufficient information, this is the third year in which the Office has observed on documentation as a separate element of the hiring process and our approach to this assessment continues to evolve. Accordingly, we are unable to quantify how much of the overall improvement in documentation is attributable to a loosening of our initial approach, as opposed to improvements in hiring managers' practices. Appendix F contains detailed observations of the documentation findings.

## Discussion of 2018/19 Results

Integral to appointments based on merit are: open and transparent processes; objective and relevant means of assessment; equitable treatment of applicants; and reasonable decisions. The results of the 2018/19 Merit Performance Audit are discussed in light of these principles in order to show the strengths and areas of risk in BC Public Service hiring.

### Open and Transparent Processes

This is the second year that over 75 per cent of the appointments audited were open to external applicants in contrast with other recent years where it was approximately 60 per cent. Several different approaches were employed to fill multiple vacancies efficiently including inventories, batched competitions and province-wide processes that established eligibility lists. There was also an "open until filled" process designed to fill a number of positions immediately. This type of process had not been audited before and a number of errors were identified in both its design and implementation. In contrast, the other approaches which have evolved over the years were well thought out and implemented. For all types of processes, there was some form of notice that provided potential applicants with an understanding of what was to be expected and what was needed to apply.

Communication with applicants at the conclusion of competitions was also strong with almost all individuals receiving notification of the outcome and their own status, which is critical to ensuring the protection of applicant rights to a staffing review. While there were few errors with providing final notification, the quality of notification would be better if unsuccessful applicants were consistently given the appropriate details of the appointment (e.g., creation of eligibility list, name and classification of appointed individuals).



## Objective and Relevant Means of Assessment

It is established practice within the BC Public Service to evaluate applicants using a structured approach with relevant tools. While there are many well-designed corporate tools available to help facilitate fair assessment, hiring managers must be cautious to not use these aids in a perfunctory way. The use of these tools requires thought and understanding to ensure they are applied appropriately to a specific hiring process.

Again, this audit year, self-assessment questionnaires were frequently used to assist with short-listing. These questionnaires were appropriately employed for basic short-listing purposes and were usually supplemented with a more in-depth consideration of the questionnaires' free text responses or cross referenced to the information in applicants' resumes. Of concern, however, were competitions where there was either no short-listing and all applicants were advanced regardless of whether they met the minimum requirements (e.g., education and experience), or there was no rationale for the short-listing decisions. In these instances, it was not evident if applicants had been objectively assessed in accordance with the mandatory requirements.

Regarding other assessments, the principle form of evaluating candidates continued to be interviews. All interviews had hiring panels composed of two or more members and a set of standardized questions, both of which enhanced impartiality. Almost all interviews had a few behavioural competency questions, with many having only behavioural competency questions. Of note were instances where a behavioural interview approach was improperly applied. A more common problem involving interviews was a general lack of marking criteria. Several processes had none and several others relied on a corporate rating scale with generic grading (e.g., good or 8/10). Whether assessing behavioural competencies, knowledge, or skills, some form of substantive marking criteria (e.g., behaviourally anchored rating scale, ideal answers or key elements) is fundamental to ensuring marking is conducted objectively and consistently. This is a concern that has been identified over several successive audits.

Seventy per cent of competitions employed additional assessment methods which allowed for a more well-rounded evaluation of candidates. The most frequent means of additional assessment were written exercises developed for the specific position or standardized online skill tests usually employed for competitions with large numbers of applicants. This audit also observed the use of other types of standardized tests, such as a psychometric test resulting in behavioural profiles and a video work-simulation exercise.

Past work performance was predominantly assessed though one or more references obtained from supervisory referees via a standard set of questions. Often panels used a corporate template designed to assess general aspects of performance; however, there were notable efforts by some panels to enhance the assessment through additional job-related questions or additional behavioural competency verification. Of concern was the continued reliance by some panels on referees to rate candidate



performance on a generic quantitative scale (e.g., 7/10). Not only is this approach uninformative, it can introduce subjectivity and lead to an inconsistent assessment of candidates.

## **Equitable Treatment of Applicants**

Of greatest concern were errors in judgment and administration made by panels, some of which affected the equitable treatment of one or more applicants. With respect to judgment, at the short-listing stage, a number of panels altered the requirements described in the posting as necessary to be considered. While panels applied the revised requirements to applicants consistently, it was not fair to individuals who had not applied because they did not meet the stated requirements. There were also cases where a panel's decision to advance one or more individuals on the basis of a subjective factor (e.g., personal knowledge of an individual's background) resulted in inconsistent treatment of applicants; however, these situations were rare.

At the past work performance stage, some panels chose to postpone the reference checks for employee candidates placed on an eligibility list. This decision meant that these individuals were notified of their final status in the competition before they were fully assessed and, as a result, their right to recourse may have been affected. Had an individual later failed the subsequent reference check, their opportunity to request a review would have been compromised.

While it was evident that hiring panels strove to be fair, there were many preventable errors. In general, these types of errors were found in all categories, with the majority involving short-listing, and interviewing and testing stages. In these situations, applicants who should have been short-listed were overlooked, applicants who should not have been short-listed were advanced, and incorrect calculations or transcriptions of scores resulted in the erroneous pass, failure or ranking of individuals. Some of these errors had implications for individuals and their careers: one-third of the audits with a recruitment and selection finding of "merit not applied" were due to the impacts of avoidable mistakes.

While the overall state of documentation improved this year, where key information could not be obtained it was often because the responsible hiring manager had retired or moved on from the organization and had not left behind a complete file. In a third of the audits with a recruitment and selection process finding of "merit not applied", it was not possible to conclude that the factors of merit had been considered and applicants were fairly assessed due to the lack of documentation. On a broader level, large competitions continue to have challenges with accurately accounting for applicants throughout the process. With more care, these administrative challenges are avoidable.



## Summary

The 2018/19 Merit Performance Audit found the majority of appointments were found to be based on merit with a notable decrease in the number of appointments resulting in either a finding of “merit not applied” or “merit with exception”. There was also a decrease in the total number of errors identified, indicative of an overall improvement in hiring practices.

Open and transparent processes and the use of objective and relevant means to assess applicants continued to be areas of strength for the BC Public Service. The greatest risk to merit-based hiring continued to lie with errors in application involving either a judgement call or an administrative mistake.

Prior to being finalized, this report was shared with the Deputy Minister of the BC Public Service Agency and his response is attached as Appendix G.

The following recommendations highlight areas where further improvement could strengthen merit-based hiring.

## Recommendations

Based on the findings and most significant issues identified through the 2018/19 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 action and assistance from the BC Public Service Agency may be necessary to support the implementation of these recommendations.

Based on our findings, there are three recommendations for deputy ministers and organization heads for their delegated hiring managers.

1. Review education and experience qualifications prior to posting to accurately identify which are mandatory and which are preferred, and state where alternatives may be acceptable.
2. Use substantive assessment or marking criteria to ensure candidates are objectively and consistently evaluated for each form or stage of selection.
3. Adopt work practices (e.g., secondary review of work) to prevent avoidable errors with a focus on accurately tracking applicants, and on tabulating and transcribing point scores.





## Appendix A

### Organizations Subject to the Merit Commissioner's Oversight of Appointments

(As of March 31, 2019)

#### Ministries

Advanced Education, Skills and Training  
Agriculture  
Attorney General  
Children and Family Development  
Citizens' Services  
Education  
Energy, Mines and Petroleum Resources  
Environment and Climate Change Strategy  
Finance  
Forests, Lands, Natural Resource Operations and Rural Development  
Health  
Indigenous Relations and Reconciliation  
Jobs, Trade and Technology  
Labour  
Mental Health and Addictions  
Municipal Affairs and Housing  
Public Safety and Solicitor General  
Social Development and Poverty Reduction  
Tourism, Arts and Culture  
Transportation and Infrastructure

#### Independent Offices

Auditor General  
Elections BC  
Human Rights Commissioner  
Information and Privacy Commissioner  
Merit Commissioner  
Ombudsperson  
Police Complaint Commissioner  
Representative for Children and Youth

#### Courts of British Columbia

BC Court of Appeal  
Provincial Court of BC  
Supreme Court of BC

#### Other Public Sector Organizations

Agricultural Land Commission  
Auditor General for Local Government  
BC Farm Industry Review Board  
BC Human Rights Tribunal  
BC Pension Corporation  
BC Public Service Agency  
BC Review Board  
Civil Resolution Tribunal  
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  
Mental Health Review Board  
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  
Workers Compensation Appeal Tribunal



## Appendix B

### Audit Changes and Refinements

The Office recognizes the importance in consistency of findings for comparison purposes over time. However, from time to time, audit practices change in order to better reflect the current state of hiring or to improve clarity.

#### Inventory Findings

While pools had been in use in previous years, the Office of the Merit Commissioner began to audit inventories separately in 2016/17. In 2017/18 a change was made to how findings are determined for audited appointments arising out of an inventory process. As of 2017/18, concerns identified with the establishment of an inventory no longer impact all audited appointments arising from that inventory. Instead, an error in an audited appointment is only found when a concern identified with the creation or replenishment of an inventory has direct consequences for a subsequent competition. This change has resulted in relatively fewer “merit with exception” and “merit not applied” findings with respect to inventory-based appointments than were found prior to 2017/18. Therefore, the findings in these categories for 2016/17 portrayed in Charts 1 and 2 are higher than they would be using the method established in 2017/18.

#### Counting Errors in Audited Appointments

The number of appointments with errors, as well as the number of errors, are reported and discussed by the categories in the recruitment and selection process in which they occurred. The categories include the overall approach and the five common stages of hiring (i.e., short-listing, interviewing and testing, past work performance, years of continuous service and notification).

Although some appointments have multiple errors within the same category, these have only been counted previously as single errors unless they had different repercussions for the outcome such as an error with no identifiable negative impact and another with an identifiable negative impact in which case they were counted as two distinct errors. It is a rare occurrence for an appointment to have errors in the same category with different impacts. As a result of this approach, the “number of appointments with errors” per category was more or less equivalent to the “number of errors” per category.

By changing the method of counting errors, the difference between the number of appointments with errors per category, and the number of errors per category, becomes clearer. Also, this change in method more accurately identifies the overall number of errors.



Thus, the following changes have been made for the 2018/19 report:

- An appointment is only counted once per category when calculating **the number of appointments with errors**, regardless of the number of errors identified and their impacts. In Chart 2 of the main body of the report, these values are presented as percentages of all appointments audited. Note that they do not sum to 100 per cent because an appointment may have an error in more than one category.
- **All errors identified within a category**, regardless of their impact, are counted to determine the number of errors per category, and the overall number of errors. In Chart C-1 of Appendix C, Recruitment and Selection Process Observations, these values are presented as percentages of the overall number of errors, and as such, the percentages sum to 100 per cent.

Based on this refinement, the relevant numbers have been adjusted for the three audit years discussed in the report and illustrated in Chart 2 on page 9 and Chart C-1 on page 19. As a result, the numbers in this report vary slightly, compared with the previous reports. Table B-1 compares for the past three years the number of appointments with errors per category, and the number of errors per category for both the new method of counting and past method.

Category of error	2016/17			2017/18			2018/19		
	# audits with errors (n=146)	Number of errors		# audits with errors (n=148)	Number of errors		# audits with errors (n=121)	Number of errors	
		Reported in 2016/17	Adjusted to current method		Reported in 2017/18	Adjusted to current method		Adjusted to past method	Current method
Approach	23	23	30	28	31	40	21	21	24
Short-listing	73	75	88	78	79	92	63	63	67
Interviewing & testing	60	61	76	39	40	45	30	30	33
Past work performance	30	30	30	21	22	22	21	21	24
Years of continuous service	21	21	21	18	18	18	7	7	7
Notification	24	24	24	11	11	11	8	8	8
<b>Total</b>		<b>234</b>	<b>269</b>		<b>201</b>	<b>228</b>		<b>150</b>	<b>163</b>



## Appendix C

### 2018/19 Recruitment and Selection Process Observations

Recruitment and selection processes typically are conducted in a sequential manner starting with a notice for interested applicants, receipt of applications and the creation of a short-list of candidates who meet the mandatory qualifications such as education and experience. A selection panel convenes to assess candidates' other qualifications, such as knowledge, technical skills and more general skills (e.g., behavioural competencies), through interviewing and a variety of testing methods. Subsequently, years of continuous service are considered and past work performance is assessed. The process ends with an offer of appointment to the successful candidate(s) and notification to unsuccessful applicants of the process outcome and their status.

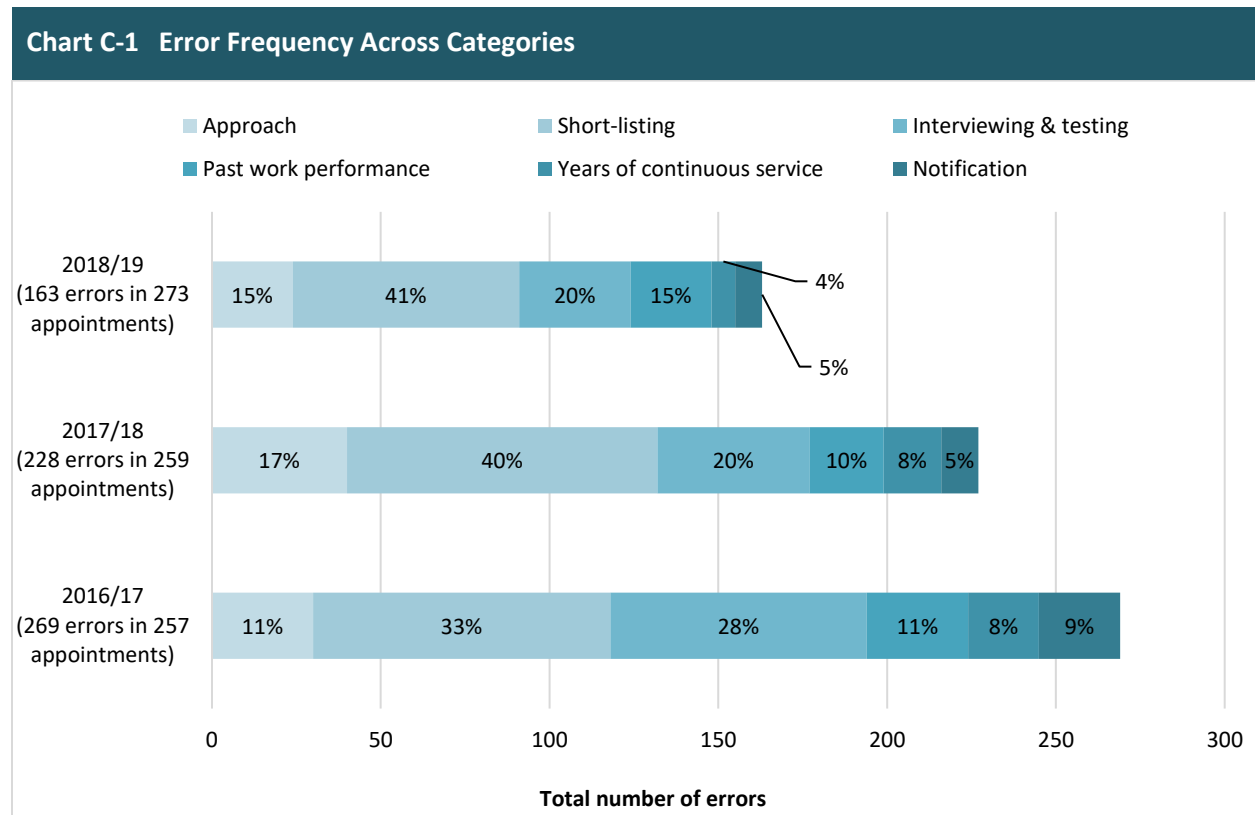
In accordance with the *Public Service Act (Act)*, the Merit Commissioner must consider whether the recruitment and selection process was properly designed and applied to result in an appointment based on merit. Where the recruitment and selection process is found to meet this standard, the resulting finding is "merit". In 2018/19, 152 of the audited recruitment and selection processes were found to be properly designed and applied, and resulted in appointments based on merit. The remaining 121 processes audited had one or more errors and, as such, were resulted in a finding of "merit with exception" or "merit not applied".

Table C-1 provides a breakdown of the 163 errors by the category in which they were identified and shows them as a percentage of total errors.

Category of error	# of errors	% of total errors
Approach	24	15%
Short-listing	67	41%
Interviewing & Testing	33	20%
Past Work Performance	24	15%
Years of Continuous Service	7	4%
Notification	8	5%
<b>Total</b>	<b>163</b>	<b>100%</b>



Chart C-1 illustrates these same values (number of errors per category, as a percentage of overall errors), for the last three audit years.



It is the impact of the identified errors that ultimately determines the finding for the recruitment and selection process. Errors may result in one of three impacts as described below:

- **Unknown impact:** It is not possible to confirm the implications the error had on the outcome. Typically, errors with an unknown impact occur in the beginning or middle of a hiring process. For instance, if an applicant was wrongly short-listed out of a process, there is no way to tell if they would have passed the rest of the assessment and been offered an appointment.
- **Mitigated impact:** While there is a potential adverse effect from the error on the outcome, subsequent events or decisions alleviated this impact. For example, a successful candidate for whom no supervisory reference was obtained, declines the offer. As such, the impact of appointing an individual without considering a critical factor of merit is mitigated.
- **Negative impact:** There is an observable adverse effect that is a result of the error on the outcome. For example, due to a miscalculation of interview scores, the wrong candidate is appointed to the position.



Where the error(s) identified in an audit have either unknown and/or mitigated implications, the recruitment and selection process finding is “merit with exception”. Where one or more errors have negative impacts, the finding is “merit not applied”.

In 2018/19, of the 163 errors identified, 64 per cent had an unknown impact, 28 per cent had impacts that were mitigated and eight per cent of the errors had a known negative impact.

To provide a sense of the types of problems encountered in the 2018/19 audit and the frequency with which they occurred, the errors are grouped into and examined by category.

## Approach

The overall design and conduct of the recruitment and selection process is referred to as the approach. The key elements of a merit-based approach include: some form of notice or posting that provides the prospective applicant pool with the requirements for application and an opportunity to submit their candidacy; an established assessment methodology for all aspects of the process up to and including establishing final rank order of and offer(s) of appointment to candidates; and specified standards for assessment. It is imperative that these elements be in place as they are the foundation upon which a fair competitive process is based.

With respect to approach, the audit considers whether the opportunity was open to a reasonable applicant pool and whether all applicants were included or excluded correctly at the various stages. It assesses if the approach taken to a competition was transparent and included: clearly defined and reasonable qualifications; a methodology with identified tools or stages; and established standards for assessment. It also considers whether all applicants are accounted for, that the results are a logical outcome of the approach where the best qualified candidate(s) are offered appointments or placed on an eligibility list in accordance with their standing. Additionally, where appointments are made from a competitive process to positions other than those identified in the initial posting, the audit determines if these positions are similar in their nature and classification, and that the appointment is reasonable.



### Case Study C-1: A well-designed approach

A posting for a senior-level scientific/technical opportunity clearly stated the mandatory qualifications and specified several ways in which the necessary education and experience could be obtained. Short-listed candidates were assessed through a customized written exercise, a psychometric test and a behavioural interview. The written exercise used several work-related problems to evaluate conceptual and analytical thinking skills as well as, technical agricultural expertise and that the key points to be addressed were listed in the marking guide. Candidate fit with the role was considered through both a psychometric test that produced a work behaviour profile and an interview question for which the key alignment aspects required in a response were identified. An additional five interview questions assessed behavioural competencies with the specific behaviours being sought in response to each question (based on the standard behavioural competency interpretive guides), along with the associated point values outlined in the interview marking guide. The essential role fit aspects and behavioural competencies were verified through two references using position specific questions.

### 2018/19 Observations

In 2018/19, one or more approach errors were found in 8 per cent of the audited appointments.

Number of appointments	Number of errors			
	Total	Unknown impact	Mitigated impact	Negative impact
21 (8%)	24	12	5	7

### Type and Scope

Of the 273 appointments audited, 93 per cent involved permanent positions. In addition to standard competitions, several other types of competitions designed to fill multiple vacancies were audited. As these latter processes resulted in many appointments, occasionally more than one appointment from the same competition was selected for audit.

Ten inventory processes were examined in this audit cycle and the resulting observations are discussed in Appendix D, Inventory Observations. While these processes were generally well constructed, a mistake in the formation of one inventory had implications for the subsequent appointments arising out of it. In this case, an error made in calculating questionnaire-based test scores resulted in the advancement of several candidates who had not, in fact, met the required minimum to pass. At least one of these candidates, who subsequently applied for a specific vacancy, was placed on an eligibility list for a specific position.

There were two batched competitions where the postings were open for several months in order to attract a large number of applicants. The applicants were assessed in batches which were treated as



stand-alone competitions in accordance with the month in which they had applied. Both processes were well designed and the audits were able to account for the status of the applicants in accordance with their assigned batch.

Case Study C-2 describes an approach not observed in prior audits.

#### Case Study C-2: Incorrect application of stated approach

Due to operational requirements to have a number of employees in place immediately, a process was advertised and managed as an “open until filled” competition. In this unique process, applicants underwent the assessment process as they applied and those who passed were made offers as soon as satisfactory references were obtained. Of concern were three candidates who passed the interview early in the process but for whom no reference checks had been initiated. There were, however, references obtained for other candidates who had passed the interview the following day. The three candidates were placed on the eligibility list while those interviewed a day later received initial appointments. The panel erred in not completing, as they intended, the past work performance of some candidates as they passed the interview and as a result, appointments were made out of order.

Of the 273 audited appointments, 91 (33 per cent) involved a restricted area of competition. Sixty-eight of the appointments resulted from competitions restricted to BC Public Service employees, with 23 of these further restricted to the organization, an organizational unit within a ministry, a specific geographic area, or specific classification of employees. Of the remaining 23 appointments not restricted to BC Public Service employees, 22 were opportunities restricted to inventory members and one was restricted to members of a designated group.

In a small number of these processes, concerns were identified with overly narrow restrictions and/or specialized qualifications where it was unlikely that there were other individuals within the area of competition who were qualified to apply. The hiring managers in these cases were able to provide sufficient evidence that there was more than one person within the area who could meet the qualifications if they chose to apply; however, in one case, an opportunity was restricted to the organization’s employees on the basis that “there was at least one who may meet the qualifications”. The auxiliary employee performing the role at the time of posting was the only applicant. Given this was a unique position within this organization with specialized qualifications, the restriction effectively made the outcome a foregone conclusion. While there are provisions in the *Act* to limit vacancies to certain groups of individuals, these provisions are not intended to be at the expense of ensuring opportunities are available to a reasonable applicant pool.





### Case Study C-3: A fair approach to restricting the area of competition

In this competition, an expression of interest for a long-term temporary appointment was circulated to the organization's staff. The notice included information about qualifications, salary, use of a possible eligibility list and how to apply. The notice also included the following statement: "To support internal growth opportunities, this will be offered initially to [organization] employees. For a clear, fair and merit-based process, at least three applications meeting the education and experience requirement must be received. If fewer than three applications meet the required qualifications, we will proceed with an external posting." This was a fair and considered approach that was clearly communicated to potential applicants.

Eligibility lists were established in 58 per cent of the audited appointments' selection processes, with 25 per cent of the audited appointments arising out of existing eligibility lists. While no errors were identified with the use of eligibility lists in this audit, there were a few notes suggesting that their use could be more transparent (e.g., stating in the posting that an eligibility list may be established and indicating the scope of its use). One such note for improvement is described in Case Study C-4.

### Case Study C-4: Unclear use of an eligibility list

The posting for an excluded manager position stated that an eligibility list may be established. At the conclusion of this competition, the highest-ranked candidate was appointed to the position and another qualified candidate was placed on an eligibility list. The candidate on the eligibility list was subsequently appointed to a position with similar qualifications and in the same compensation band in a different ministry. It would have been clearer to potential applicants had they been aware that the eligibility list may be used for similar positions in other ministries.

## Outcome and Results

Approach errors were also revealed at the end of competitions. With respect to the "open until filled" competition described Case Study C-2, two other errors were made in the final order of candidates: the criteria used to rank candidates varied depending on the month the individual was interviewed, and the criteria used to break tied scores in order to establish the final rank order was administrative (i.e., day and time of the interview) rather than merit-based. Due to these errors, the rank order of candidates was not established on a fair or consistent basis.

Two other competitions had outcome errors. One process had offer letters on file for the candidates who placed first and third on the eligibility list, but not one for the candidate who placed second. The panel representative was unable to explain why this candidate was missed and the hiring manager had retired. Based on the existing evidence, the audit was unable to determine if this candidate had withdrawn, been overlooked in error, or intentionally eliminated from the process. In the other process, three candidates with the same overall competition score were ranked sixth, seventh and eighth with no evident rationale for the establishment of this order. A panel representative advised that candidates'



test scores had been used to break the ties; however, a mistake in applying this criterion resulted in the reversal of the rank order of two of the three candidates.

In several audits, the breaking of tied scores was noted as an area for improvement. While those with tied scores in many of these cases received initial appointments, the note was a reminder to break these ties using merit-based criteria when a rank order is necessary. In several other audits, the notes served as reminders to be respectful of candidates' ranking at the end of large competitions. Generally, in these complex processes, there are several factors affecting the timing of offers, some of which (e.g., availability of referees, candidates' personal circumstances, and completion of criminal records checks), are not within the recruitment team's control. However, where the consideration of a factor is within the team's control, it should be assessed in a way that is mindful of the candidate ranking (e.g., checking references for a higher-ranking candidate should not be delayed because the designated reference taker is on leave).

### ***Insufficient Evidence***

In one process, the hard copy of the competition file had been misplaced and, in two others, the competition file was incomplete and the hiring manager unavailable. While there was some documentation available for each of these competitions, there was insufficient evidence to demonstrate that the factors of merit had been properly considered. As a result, it was not possible to conclude that candidates were fairly and consistently assessed.

There were also issues identified with applicant tracking where individuals were unaccounted for at early stages of the process. In a few instances, the panel representative advised that the applicant(s) had been overlooked by mistake; however, more often, the reason the applicant(s) was missing was unknown. As such, the audit was unable to determine if the applicant had been overlooked in error, or withdrawn.

### **Short-listing**

Short-listing is the step in the selection process where the hiring panel determines which applicants meet the stated mandatory selection criteria and, in some instances, additional criteria specified as preferred. Short-listed individuals are further assessed in the selection process. Short-listing criteria generally include education and experience requirements (two factors of merit in the legislation), and other criteria such as professional certifications, licences, or accreditations which are identifiable through a review of applications and do not require a qualitative assessment.

The audit examines whether the criteria used for short-listing were relevant and consistent with the qualifications stated as essential in the posting and/or job description, upon which potential applicants would have based their decision to apply. The audit also considers if the criteria were applied consistently across applicants, and if short-listing decisions were reasonable and transparent.



## 2018/19 Observations

Short-listing was the category in which the highest number of errors were identified. Of the 273 appointments audited, 23 per cent had one or more errors attributed to short-listing.

Number of appointments	Number of errors			
	Total	Unknown impact	Mitigated impact	Negative impact
63 (23%)	67	48	19	0

Two competitions had no short-listing. Instead, all applicants were advanced to complete the next phase of assessment regardless of whether they possessed the mandatory education and experience. There were also a number of processes without a clear basis or rationale for short-listing – see Case Study C-5. Without this information, it is difficult to determine whether the applicants were fairly advanced or eliminated at this stage.

### Case Study C-5: No basis or rationale for short-listing

The only evidence on file of short-listing for a clerical position were completed self-assessment questionnaires with no minimum standards (i.e., no response was established as a fail or “knock out”). It was only through a reduced list of candidates to be interviewed it was apparent that some other form of short-listing had been used to eliminate a number of applicants from further consideration. The original hiring manager had left the ministry and, while the new manager was unable to provide any additional documents, they advised that the questionnaires had been reviewed for the preferred administrative experience and for proper completion of the questionnaire (e.g., detailing the “when, where and how” their qualifications had been required). From a review of completed questionnaires the auditor was assured that those who advanced met the mandatory qualifications as stated in the posting and the preference for administrative experience. However, it was unclear why some of the applicants were eliminated. While the new manager’s general description of the approach taken was helpful, it did not demonstrate how each applicant had been assessed in accordance with the mandatory and preferred qualifications, or if applicants had been fairly and consistently assessed.

The majority of the errors at this stage involved changing a condition or qualification that had been stated as essential in the posting. These changes included: waiving the requirement for a cover letter; accepting less than the stated number of years of required experience; and, allowing an alternative to an educational qualification when there was no statement that equivalences might be considered. Typically, the hiring panel changed the requirements in an effort to be more inclusive or to allow a greater number of candidates to advance. While those who applied were consistently assessed in accordance with the altered condition or qualification, there were implications for individuals who may have applied had they known the requirement as stated was not mandatory.



There were also a number of inadvertent but serious short-listing errors. In some cases, applicants who met the short-listing criteria did not advance due to an oversight, and in several other cases, applicants who did not meet the short-listing criteria were advanced by mistake. See Case Study C-6 for an example of this type of error.

#### **Case Study C-6: Eliminated a qualified candidate at short-listing**

One applicant who passed the questionnaire and who was identified as meeting each qualification on the panel's short-listing document, was ultimately not short-listed with the comment "does not meet minimum experience required." The hiring manager advised that they had not advanced the applicant based on the BC Public Service Agency's indication that the individual had not met the criteria. In support, the hiring manager provided an email from an Agency representative who advised that they had commented on and colour-coded those applicants who did not meet either a mandatory or a preferred qualification. However, as there were no highlighted qualifications with respect to this applicant on the attached spreadsheet, and as the applicant's resume supported their questionnaire responses, the audit found that the individual was eliminated in error.

In two instances, the panel invoked criteria that were not stated in the posting or the job profile to short-list applicants and, as such, applicants were not provided with a fair opportunity to speak to these qualifications in their application. Case Studies C-7 and C-8 show unfair and fair examples of short-listing.

#### **Case Study C-7: Use of unstated qualifications to short-list**

According to the posting and job profile, the mandatory qualifications were "Secondary School Graduation or equivalent, plus two years of related work experience; OR a Diploma in Business Administration, or equivalent" as well as five types of experience (such as experience supporting senior leadership in an administrative capacity). However, according to the documented short-listing decisions, applicants were assessed for 21 criteria, most of which were not stated as requirements in either the posting or job profile (e.g., in-service status, FOI, Lean, E-approval, supervision, etc.). As a result of this approach, 45 of the 49 applicants were eliminated from further consideration. As these requirements were not specified as either mandatory or preferred qualifications for further consideration, the applicants who were eliminated did not have the opportunity to address these criteria in their applications.



### Case Study C-8: Fair approach to short-listing of a large applicant pool

A posting for a Customer Service Representative advised applicants that they had to clearly demonstrate how they met the mandatory and preferred education and experience when completing their online questionnaire. They were also told to provide concise but detailed responses that included key information (i.e., date ranges of experience, job titles, and a description of the duties performed) and that their resumes might not be reviewed. Based on only questionnaire responses, the panel short-listed eight of 119 candidates for further consideration – those who demonstrated all of the mandatory qualifications as well as one of the two stated preferred qualifications. With respect to the 111 applicants who were not short-listed, the comments column of the short-listing spreadsheet contained a description of which requirements had not been met such as “Not sufficient clerical experience (4 months only) demonstrated in the application” or “No specific details or dates provided regarding customer service experience”. This method of reducing a large group of applicants to a reasonable number for further consideration was rational and transparent.

There were also a few instances where applicants with similar qualifications were treated differently. For example, a situation in which one or more applicants who did not meet the posted requirements were short-listed, while others with similar qualifications were not short-listed; or conversely, a competition in which one or more applicants who appeared to meet the posted requirements were not considered further while others with similar qualifications were advanced. Usually in these situations, the panel opted to short-list one or more candidates based on their own knowledge of the individual(s) or to advance a candidate whom they believed had a promising background despite not possessing a stated qualification. As a result of this inconsistent approach to short-listing, candidates were either unfairly advantaged or disadvantaged.

### Interviewing and Testing

An essential stage of the selection process is the assessment of knowledge and skills – two of the factors of merit. This assessment can be undertaken using one or a combination of methods including interviews, written tests, practical exercises, presentations, and role plays. Assessment is usually staged so that only candidates who pass a particular assessment (e.g., a test) progress to the next stage (e.g., an interview). Candidates are assessed individually against predetermined criteria and their performance determines their continued status in the competition.

The audit considers whether the assessment methods were suitably designed and relevant, and whether there were sufficient job-specific marking criteria (e.g., behavioural indicators, ideal responses, answer elements, etc.) to allow for objective marking. The audit also examines if candidates were reasonably and consistently assessed in accordance with the marking criteria. Where scores or marks were allocated, these are examined to ensure calculations were correct and accurately recorded, and that the candidates were properly ranked.



## 2018/19 Observations

Of the 273 appointments audited, 11 per cent had one or more errors identified with respect to interviewing and testing.

Number of appointments	Number of errors			
	Total	Unknown impact	Mitigated impact	Negative impact
30 (11%)	33	23	7	3

All but one appointment audited in 2018/19 involved an interview. Sixty-five per cent of all the interviews assessed a mixture of knowledge, skills, and behavioural competencies, whereas 32 per cent assessed behavioural competencies only, and another 3 per cent assessed knowledge and skill only.

### Case Study C-9: Thorough assessment process

In a competition for a senior financial position, two candidates were short-listed and invited to an interview. One candidate withdrew just a few days prior to the scheduled interview. Although the remaining candidate was acting in the position, the panel chose to conduct a thorough assessment comprised of an oral presentation assessing financial knowledge and presentation abilities, four behavioural interview questions, and overall oral communication skills. The interview was followed up by conducting and recording past work performance assessments from two supervisory referees, one of whom was a member of the panel. While this level of assessment is not required for a single individual, particularly when their supervisor is part of the hiring panel, it provides assurance to both the panel and other parties that an individual is, in fact, genuinely qualified.

It is generally accepted that using multiple assessment methods adds credibility and validity to the decisions resulting from the selection process. Seventy per cent of audited appointments were based on one or more additional methods of assessment, such as a written exercise or presentation. For the remaining 30 per cent of appointments, aside from the mandatory past work performance checks, an interview was the only method of assessing the short-listed candidates. Depending on the circumstances (e.g., number of candidates and interview design), there were sufficient criteria to distinguish between candidates. However, in other situations, there was almost no distinction between candidates as demonstrated in Case Study C-10.



### **Case Study C-10: Limited assessment process**

The 36 applicants who responded to an expression of interest for an adjudication position were all short-listed for further consideration. Candidates were assessed through a point-scored interview and a subsequent pass/fail consideration of their past work performance. The interview, consisting of three behavioural competency questions, was the only relative means of measuring the strength of candidates' knowledge and skills. At the end of process, 23 candidates qualified with overall competition scores that varied within a range of 10 points and in seven cases were tied. While this assessment approach met the minimum requirements of a fair process, it provided limited differentiation between individuals' competence for the position.

### ***Methods and Marking Criteria***

A fair assessment process requires some form of pre-established marking criteria in order to evaluate candidates' responses in an objective and consistent manner. Case Study C-11 provides an example of an ideal marking guide.

### **Case Study C-11: Excellent marking guide**

A marking guide template created in Excel was used in a large selection process in which over 150 candidates were interviewed by several interview teams over a period of time. For each candidate there was an individual marking guide which contained instructions on its use for the panel chair and worksheets to be completed for each of the interview questions. For knowledge and situational questions, the worksheet contained a checklist of expected points which when checked off were linked to a rating. There was also an option to add unexpected but equally valid points and attach a rating. For behavioural competency questions, the worksheet contained the interpretative guide level descriptors up to the target level. Each level had a drop-down box with point value options. For every question, there were free-text sections for observations and feedback notes to provide to the candidate. All awarded points were automatically tabulated and transcribed onto a summary sheet which showed a point score by question and the total score. This approach provided an objective and consistent basis for each panel member to score candidates, while being an efficient tool for the interview process that minimized the chances of calculation or transcription errors.

The most frequent error found at this stage was the lack of assessment standards, mostly with respect to interviews. In half of the cases, there were no established marking criteria such as behavioural indicators, ideal answers, or key elements for one or more of the interview questions. In the other half, a corporate rating scale with generic qualitative or quantitative grades (e.g., good or 8/10) was used to mark responses. While this latter approach requires less effort, without any sense of the substantive aspects expected, there was no common basis for panel members to determine the quantitative or qualitative grade warranted by responses. Also, without such a basis to review the marking, it was not possible for auditors to determine whether the assessment of candidates was fair. There were also a





few processes that included subjective elements such as awarding points for suitability or fit without any structure (e.g., specific questions or identified elements for consideration, marking criteria, or rationale).

A frequently noted area for improvement was related to how panels assessed candidates' competencies through behavioural interviews. According to best practice, only one competency should be assessed per question in order to provide candidates with the clear opportunity to present an example that speaks expressly to that competency. With this approach, the panel may consider only the behaviours indicated in direct response to the question posed; or they may consider supplemental evidence of the same competency from all of the candidate's responses in addition to that which they demonstrated in response to the question posed (referred to as pattern scoring). However, in some processes, the audit identified a less than ideal practice in which panels used one question to assess multiple behavioural competencies. In other processes, while the panel had identified the behavioural competencies to be assessed and used the behavioural interpretative guides to mark responses, some of the questions were formulated incorrectly and were more likely assessing knowledge or potential skill – not behavioural competencies. As behavioural interpretative guides are specifically designed to assess competencies based on examples of past behaviours, more appropriate marking criteria would have outlined the elements needed demonstrate knowledge of a subject, or the expected actions the individual would take to address a situation. Case Study C-12 illustrates common concerns with behavioural interviews.

#### **Case Study C-12: Inappropriate use of behavioural interviews**

A competition for a working level technician assessed short-listed candidates through an interview consisting of five questions. Thirty minutes prior to the hour-long interview, candidates were given a three-page document to review. The document included a description of the position, the general definition of the eight behavioural competencies, and four of the five interview questions. The first question asked candidates to describe the important lessons they had learned during their career (limited to two examples), while the other questions required specific past example of behaviours such as meeting customer needs. At the interview, candidates were asked a fifth question regarding what they would do in an accident scenario. The panel marked candidate responses for the level of proficiency described in the behavioural competency interpretive guides for each of the eight competencies. However, neither the first nor the fifth question were structured in a behavioural interview format and were therefore unlikely to elicit the type of behavioural indicators in the interpretative guides. Further, it was unreasonable to expect candidates to demonstrate their mastery of eight different competencies in a meaningful way based on these five questions in an hour-long interview.

It was also evident in some competitions that there was a lack of awareness on the appropriate use of behavioural interpretive guides. For example, in a competition for an entry-level position, the panel awarded points for each level of the behavioural competency that was demonstrated up to the highest level instead of focusing on the target or recruitment level expected. Using this approach, the panel determined that some responses were indicative of the top level of the competency (i.e., "Makes





complex plans or analyses: uses several analytical techniques to break apart complex problems into component parts...”) when the answers clearly did not demonstrate this level of proficiency. Each of the BC Public Service behavioural competencies have several levels of performance which increase in complexity or proficiency with the top levels intended for positions with higher-level responsibilities (e.g., specialists or managers), as opposed to entry-level or working-level positions.

### ***Assessment and Results***

As candidates' scores determine relative merit and standing in a competition, it is important that marks are accurately determined and recorded.

The audit identified several appointments in which significant calculation or transcription errors were made, and numerous appointments with minor calculation and transcription errors. Examples are described in Case Study C-13.

#### **Case Study C-13: Administrative errors converting and adding point scores**

In one competition, a mistake was made in converting three candidates' written test scores into a percentage. As a result, these candidates received scores in the 60 per cent range when their actual scores were between 70 and 73 per cent. As the pass mark for the test was 70 per cent, the candidates should have passed and advanced to the interview stage; however, they were deemed to have failed and were eliminated from the process in error.

In a different competition, a mistake was made in summing two candidates' respective point-scores for the written test. As a result, the candidates showed as meeting the minimum 70 per cent required to pass the test when, in fact, their scores were 68 and 45 per cent respectively. Both candidates were advanced in error when they should have been eliminated from the process.

### **Past Work Performance**

Past work performance evaluations are conducted to verify assessment findings and other aspects of the process such as application requirements self-reported by candidates. It is also a means to ensure any other requirements of the position are met (e.g., standards of conduct). As a factor of merit in legislation, past work performance must be considered and, as specified by BC Public Service hiring policy, must include at least one employment reference from a current or previous supervisor or equivalent. Generally, information supplied by referees is considered by the hiring panel in accordance with the requirements of the position, and used to determine a rating (pass/fail) or score for this phase of the selection process.

The audit looks to confirm whether: the approach to assessing past work performance was fair and relevant to the position; included a supervisory reference for each individual appointed; and was



completed for all employee candidates on an eligibility list. Case Study C-14 illustrates a competition where past work performance was appropriately assessed.

#### Case Study C-14: A well-designed approach to assessing past work performance

A past work performance template for a working-level administrative position contained introductory points for the reference taker (a member of the panel) to review with the referee which included the following: “Throughout this conversation I will be asking you to comment on (name’s) knowledge, skills and abilities in specific areas. If you can, please provide examples of how he/she demonstrates this skill or ability.” The questions covered general areas of performance, the key behavioural competencies identified for the position, and technical skills. This approach was both objective and tailored to the requirements of the position.

The audit also considers if the evaluation of candidates’ performance was consistent and reasonable given the position requirements, and that the resulting determinations were substantiated by the evidence collected.

#### 2018/19 Observations

Of the 273 appointments audited, 8 per cent had one or more errors with respect to the assessment of past work performance.

Number of appointments	Number of errors			
	Total	Unknown impact	Mitigated impact	Negative impact
21 (8%)	24	14	8	2

#### *Lack of Past Work Performance Assessment*

There were several competitions where past work performance had either not been assessed as required or it was unclear if it had been assessed. In one large competition with a number of appointments, this factor was inadvertently missed for one of the appointed employee candidates. Instead of obtaining references for this qualifying candidate, references were mistakenly obtained for a non-qualifying candidate who had a similar name. While the correct candidate received the offer, a key factor of merit had not been assessed for this individual.

In another process, the only reference completed for the successful candidate was obtained from a co-worker. The hiring manager advised that of the three referees provided, only one had been available at the time past work performance was assessed. As a result, the candidate was appointed without a reference from a supervisor or equivalent as required by BC Public Service hiring policy.



In a few processes, it was unclear whether a supervisory reference had been obtained. In most of these cases, the hiring manager advised that a current or past supervisor was a member of the hiring panel or that an informal reference had been completed with a supervisor referee and not documented. While these audits were able to conclude that past work performance had been assessed in some form with a supervisor, without any structure, it was difficult to determine if it had been done fairly.

#### **Case Study C-15: Lack of a structured approach**

In a competition for a senior level administrator job, two candidates were appointed and one was placed on an eligibility list for future consideration. All three were employee candidates; however, there was no evidence in the file provided that their past work performance had been assessed. The hiring manager advised that as two of the candidates worked within the branch, and the third candidate worked in the same building, he was able to meet in person with each of their current supervisors regarding their past work performance. While the auditor accepted the manager's explanation as verbal evidence that this factor of merit had been considered, without a structured approach with set questions, recorded observations, etc., it is not possible to determine if it had been objectively and consistently assessed.

The most common error in this category was the decision to defer reference checks for employee candidates placed on eligibility lists. As there was no certainty that these individuals would pass a subsequent assessment of past work performance, their rights to recourse (including the right to request a staffing review by the Merit Commissioner) may have been impacted by premature notification of their status. In order to ensure they are accurately informed of their standing at the end of the competition, employee candidates must be fully assessed prior to placement on an eligibility list.

There were also many competitions where reference checks were deferred for non-employee candidates placed on eligibility lists. Given external candidates do not have the same right of recourse and that they may, in fact, prefer that their current supervisor is not contacted until there is an actual appointment about to be offered, it is reasonable to postpone the assessment of this factor for these individuals. However, in these circumstances notification letters and notes on file should indicate a future offer of employment would be conditional on the successful completion of a supervisory reference. In several instances where notification letters to external candidates on an eligibility list did not include this specification, it was noted as an area for improvement in the audit.

#### ***Flawed Assessment Design***

In a number of the appointments audited, referees provided a qualitative (e.g., good, satisfactory, poor etc.) or quantitative (e.g., 7/10) rating of individuals in various areas of performance. Having referees point-score performance lacks the objectivity and consistency provided by having the panel (or a panel member) determine the points warranted based on the referees' descriptions or observations of performance. In most cases, this practice was noted as an area for improvement as the panel considered the referee's point scores only to determine if the candidate passed or failed this factor. In the



remaining cases, however, each panel included referee point scores in candidate overall competition scores, thus allowing referee opinions to potentially change the competition outcome and increasing the potential for an inconsistent or subjective assessment.

### Years of Continuous Service

In accordance with the *Act*, an employee's years of continuous service with the BC Public Service must, in certain circumstances, be taken into consideration before the final hiring decision is made. These circumstances and the formula for calculation of years of service are specified in the employer's collective agreements with the BC Government and Service Employees' Union (BCGEU) and the Professional Employees Association (PEA). The inclusion of points for years of continuous service may affect the final order in which candidates are ranked and appointed. For those positions not covered by the BCGEU or PEA agreements, years of continuous service must be considered as a factor of merit but there is no requirement to apply a specified formula. If included as part of the assessment, the weighting calculation and results of the assessment should be outlined.

The audit considers if the circumstances were present in a selection process to warrant the calculation and application of points for years of continuous service in accordance with collective agreement provisions and, if so, that the calculations are accurate and correctly applied. For other positions (not BCGEU or PEA) where assessments of years of continuous service were conducted, the audit examines if assessments were consistently and accurately made.

### 2018/19 Observations

Of the 273 appointments audited in 2018/19, this provision of the BCGEU or PEA collective agreements applied in 211 cases. Additionally, in two of the excluded appointments audited, the panel opted to calculate years of continuous service as part of the assessment process. Of these 213 appointments, three per cent had errors identified with the application of years of continuous service.

Number of appointments	Number of errors			
	Total	Unknown impact	Mitigated impact	Negative impact
7 (3%)	7	0	6	1

The identified errors were mostly due to using the incorrect data, such as the wrong overall competition score or wrong number of years of service, to complete the calculation. The most serious of these errors is described in Case Study C-16.



### **Case Study C-16: Inadvertent formula error**

The collective agreement provisions for years of continuous service require that the overall competition score be used as the basis of the formula in determining the points to be awarded for this factor of merit. In a competition for a clerical position, the overall competition score used in the formula was a combination of the points available for the written test and the interview. However, the points derived from the formula were added to candidates' interview score only and not their combined interview and written test score. When asked about this discrepancy, the hiring manager advised that the written test was a short-listing exercise and it should not have formed part of the overall competition score. Instead, the panel intended the overall competition score be only the interview points. The auditor recalculated the points for years of continuous service using the interview points as the basis of the formula as intended. As a result, three of the five candidates who were placed on an eligibility list should have received an initial appointment.

### **Notification**

Notification to unsuccessful employee applicants regarding the final outcome of the hiring process is an important element of a merit-based hiring process. Not only does this notification contribute to transparency and management accountability for hiring decisions, it is necessary to ensure that employees' recourse rights are meaningfully fulfilled in accordance with the requirements of the *Act*. Timely notification allows employees to seek feedback and challenge the merit of an appointment through the staffing review process, should they choose to do so.

The audit examines if all unsuccessful employee applicants, including those who may not have been eligible or short-listed, were accurately advised of the final results of the selection process in a timely manner. The audit also notes where some necessary details regarding the final outcome may have been omitted or were inaccurate. Any identified problems with notification do not result in findings of "merit not applied" as notification does not have a direct impact on the design or application of the process, or its outcome.

### **2018/19 Observations**

Of the 273 appointments audited, almost all applicants were provided with proper final notification. This included the inventories, where unsuccessful applicants were typically notified through on-line notification boards managed by the BC Public Service Agency.



Number of appointments	Number of errors			
	Total	Unknown impact	Mitigated impact	Negative impact
8 (3%)	8	8	0	n/a

In all, there were eight errors identified where one or more employee applicants did not receive final notification of the appointment decision. In a few of these cases, interim notification had been issued to employee applicants eliminated at the short-listing stage, but the same applicants did not receive notification of the final outcome. In other situations, one or more unsuccessful employee applicants were simply overlooked when final notification letters were issued. One case is described in Case Study C-17.

#### Case Study C-17: Lack of notification

When an assessment process for an adjudicator position concluded, there were no final notification letters on file for three unsuccessful candidates. The responsible hiring manager had left the ministry and her replacement was unable to determine if unsuccessful candidates had been advised of the competition outcome and their final status. However, two months later, there was an email from one of the unsuccessful candidates who wished to know if the competition was completed, and if so, could they receive feedback on their performance. While the replacement manager provided this candidate with the information requested, the lack of notification (or timely notification) impeded the employee candidates from exercising their right to recourse as provided by the *Act* had they wished to do so.

There were many notes for improvement with respect to this aspect of the competition process. Typically, information was missing such as the name and classification of the successful employee candidate as required by the BCGEU and PEA collective agreements, or the information provided could be more transparent by indicating multiple appointment offers were made or that an eligibility list was established.

#### Case Study C- 18: Transparent communication

While not mandatory like final notification, interim notification is considered good practice for meeting the merit-based hiring practice of transparency. In this competition, clear information about candidate status was provided to applicants at each stage of the process. For example, candidates were advised they had passed the on-line test and were invited to an interview. Further, they were also advised of the number of candidates who had applied to the initial posting, were short-listed, and passed the on-line test.



## Appendix D

### Inventory Process Observations

In 2018/19, a number of hiring processes within the BC Public Service were restricted to candidate inventories. An inventory is a pool of candidates who have undergone some degree of assessment and are considered pre-qualified for a specific position or a range of positions, normally at the same classification level.

Where the random sample of appointments selected for the 2018/19 Merit Performance Audit included appointments that were restricted to members of an inventory, both the individual appointment(s) and the process used to establish the inventory were audited. Where inventories had been replenished through multiple candidate intakes, each replenishment was also audited for consistency and transparency across intakes. Each inventory's audit report identified any areas of weakness specific to its creation as well as any issues that could lead to an adverse finding for subsequent appointments that used the inventory as its applicant pool. The report was conveyed to the organization(s) responsible for establishing the inventory.

In the case of the resulting inventory-based appointments, a standard audit was conducted. The resulting audit reports identified any errors or areas for improvement that were either directly attributable to a weakness in the establishment of the inventory or the result of the subsequent position-specific process. Appointment-specific reports were sent to the responsible deputy minister.

#### 2018/19 Observations

Of the 273 appointments selected for audit in 2018/19, 22 were restricted to a candidate inventory. While two of the appointments were made from a Child and Youth Mental Health Clinician inventory which was both created and audited in 2017/18, the other 20 appointments involved inventory intake processes occurring in 2018/19. Consequently, the Office of the Merit Commissioner (the Office) audited the creation or replenishment(s) of 10 inventory processes from which subsequent appointments were made. These are summarized in Table D-1.



**Table D-1 Summary of Inventories Audited in 2018/19**

Inventory name	Number and type of intakes in 2018/19	# of audited appointments
Child & Youth Mental Health Clinicians (Nurse 7, Social Program Officer 25, Licenced Psychologist 5A/B)	N/A (intake audited 2017/18)	2
Clerical (Clerk 9/Clerk Stenographer 9)	2 replenishments of the inventory established in 2017/18	10
Court Clerk (Court Clerk 13)	1 inventory establishment and 1 replenishment process	2
Employment & Assistance Worker (Community Program Officer 15)	3 inventory establishments	7
Forest Technician (Science Technical Officer 18)	3 replenishment processes of the inventory established in 2017/18	1
<b>Total</b>	<b>10</b>	<b>22</b>

The total number of inventory-based appointments (22) drawn for audit in 2018/19 was the same as in the 2017/18 audit versus nine inventory-based appointments drawn for audit in 2016/17.

Overall, the management and use of inventories continues to improve. Of the 10 processes audited in 2018/19, there were no weakness or areas of concern identified in four processes. While there were weaknesses observed in the remaining six processes, only one of these weaknesses resulted in short-listing errors for two of the audited appointments. These errors are described in Case Study D-1.

#### Case Study D-1: Technical error in scoring during short-listing

During a large and complex inventory process, a ministry discovered an error in the automated process used to score applicant questionnaire responses. These scores were used as part of the short-listing process. As a result of the error, some applicants that should have passed the written assessment were incorrectly eliminated from consideration, and some who should have failed the assessment advanced. Upon discovering this error, the ministry took a number of corrective steps. The questionnaires were re-marked using the corrected key and based on the new data, applicants who had been incorrectly eliminated were invited to participate in the next intake. However, by the time the error was discovered some of the applicants that were incorrectly advanced had already completed or been scheduled for an interview. The error was mitigated as the few affected candidates either withdrew prior to an interview or declined offers.

With respect to other weaknesses or challenges, this year's audit observed that one issue identified in the 2017/18 establishment of an inventory carried forward in two subsequent replenishments of this process. Of concern was the continuing use of applicants' self-assessment questionnaire responses for short-listing without verification against education and experience documented in resumes. The lack of





a process to verify essential requirements increases the possibility that, in an inventory in which members are identified as pre-qualified, there may be individuals who do not meet the basic qualifications. This poses a risk to the integrity of future appointments arising from that inventory.

By contrast, another inventory outlined in Case Study D-2, did incorporate a verification step to ensure that all inventory members met the requisite qualifications.

#### **Case Study D-2: Confirmation of qualifications**

The posting indicated that a resume was required as part of the application but that it may not be used for initial short-listing purposes. The panel completed short-listing using applicant questionnaires and later verified that candidates had the required education and experience through a resume review. The verification process was conducted by the inventory hiring team for those candidates who passed the online assessment.

Inventories typically attract a large number of applicants and in this audit year, the Office audited establishment or replenishment processes involving between 138 and 1089 applicants. While these large-scale complex processes present a number of challenges, the 2018/19 audits found the overall tracking and management of applicants was well conducted.

The audits did observe challenges in maintaining consistency across processes given the increasing use of additional intakes to replenish existing inventories. Case Study D-3 illustrates a case of inconsistent practice that unfairly advantaged candidates in an earlier intake.

#### **Case Study D-3: Inconsistent assessment standards**

The audit identified that the standard of assessment for knowledge increased from a pass mark of 60 per cent in initial intakes to 65 per cent in the last audited intake. In the last intake, only candidates who scored 65 per cent or higher advanced to the next stage of assessment. As existing inventory members who had scored between 60 and 64 per cent were grandfathered into the new inventory, they were not required to meet the same standard of assessment and received an unfair advantage.

While there were still a few challenges with notification to candidates regarding their status in an inventory process, the use of notification boards or correspondence to advise inventory members of appointments and opportunities for feedback has improved.

With respect to documentation of the inventories audited, those consisting of a single intake or for intakes for a specific type of position were generally better documented than those created to fill various types of positions at the same classification level. In the latter type of inventory, documentation weaknesses included version control or numerous incomplete or inconsistently completed tracking



documents. In replenishment processes, there were documentation weaknesses identified with different approaches across intakes with respect to tracking applicants. Overall, documentation of inventories continues to improve.

#### **Case Study D-4: Transparent communication**

Candidates who passed the assessments and were included as members of the inventory, were notified of an orientation video through YouTube. The video provided members of the inventory with information about how to find related job postings, how to apply for the positions and where to check on the results of their applications.



## Appendix E

### Individual Appointed Observations

In accordance with the *Public Service Act*, each audit undertaken by the Merit Commissioner results in two findings. One of these findings is whether the individual appointed was qualified.

The 2018/19 Merit Performance Audit found that in almost all cases, the individual appointed met the qualifications specified as required for the position. While there were no findings that the appointee under audit was “not qualified”, there were three findings of “qualifications not demonstrated”. In these cases, there was insufficient evidence to demonstrate that the individuals, when appointed, possessed the qualifications required.

In the first of these cases, it was unclear if the appointee under audit possessed formal post-secondary courses which were stated as mandatory in the posting and job profile. The hiring manager advised that based on the positions held and the functions performed by this individual, the hiring panel determined the candidate must have acquired this type of education. However, there was nothing in the candidate’s application to support this conclusion. The audit found that it was not reasonable to presume that, based on their work experience, the candidate met the education requirements of the position.

In the second case, there was sufficient evidence that the individual appointed met the requirements as assessed at short-listing, and interviewing and testing; however, with respect to past work performance, the only reference obtained was from a co-worker. The audit concluded that without an acceptable supervisory reference, it could not be confirmed that the candidate met the past work performance standards required for the position.

In the last case, due to a missing competition file, it was difficult to substantiate that the appointee under audit possessed the necessary qualifications. It was apparent from the limited documentation available that the individual met the short-listing criteria, but it was not possible to verify that the individual met any other standards established for the written assignment and interview, or for the assessment of past work performance.



## Appendix F

### Documentation Observations

In order to conduct merit performance audits, the Office of the Merit Commissioner (the Office) requests the competition file and accepts this documentation in its original state, either electronic and/or paper files. Each audit includes a determination as to whether this documentation was sufficient and appropriate to support the hiring decision.

In 45 per cent of the appointments included in the 2018/19 Merit Performance Audit, the audit determined the documentation to be “good”. These competitions were well documented, enabling the auditor to conduct a thorough audit with minimal or no additional information required from the hiring manager. In 37 per cent of the audits, documentation was found to be “sufficient” as the auditor was required to obtain additional information about the selection process from the panel representative in order to complete the audit. The remaining 18 per cent of the audits were “insufficient” as key aspects of the process were not documented.

Competition files should be a standalone, comprehensive record of every aspect of the hiring process, and, when well documented, no clarification or additional information should be required to complete the audit. In reality, auditors had to follow up with hiring managers for documentation or clarification at least once in over three quarters of the files audited. When making a final observation on the state of documentation this year, however, the determination took into account the hiring manager’s ability to readily and easily provide any required information requested by the auditor during the audit process. Moreover, the final documentation observation did not take into consideration documents that were missing due to simple oversights, or misunderstandings (the hiring manager did not realize it was required), or that were lost during the initial electronic transfers.

In almost all of the appointments audited where documentation was observed to be “sufficient”, the details of one or more aspects of the process were unclear and the auditor had to seek additional clarification or explanation of the hiring process in order to complete the audit. In the other files deemed sufficient, documentation originally identified as missing was not readily available for audit; however, there was adequate documented evidence to allow the auditor to conduct the audit (e.g., one panel member’s interview notes could not be found but the interview notes of the other two panel members were available).

For the majority of appointments that received a documentation determination of “insufficient”, there was either no evidence or only verbal evidence provided by the hiring manager of how one or more key aspects of the recruitment and selection process were assessed, and how decisions were made. Where a stage was inadequately documented but the verbal evidence provided was acceptable (e.g., detailed,



specific, consistent, etc.), the issue was captured as a problem with documentation only and would not result in an additional error finding for that aspect of the process.

#### Case Study F-1: Missing past work performance

The competition file included comprehensive past work performance assessments for three appointed candidates but not for a fourth qualified candidate who placed first on the eligibility list. The panel representative stated that this candidate's past work performance had been assessed but that the documents were destroyed after the candidate rejected an offer of employment. Based on the information in the competition file and detailed evidence provided by the hiring manager, the audit determined that this was a documentation error and not a failure to assess past work performance. Accordingly, the documentation was determined to be insufficient.

As identified in the report from the 2017/18 Merit Performance Audit, this year, there were continuing challenges collecting information for some audits as the individuals responsible for the hiring decisions had either moved to other positions or retired. Where a hiring process was not well-documented and the panel representative was no longer available, the individual newly identified as the primary contact for the purpose of the audit often had to invest a significant amount of time and effort to try to find the missing documentation or to determine what occurred over the course of the hiring process. These inefficiencies can be prevented when a competition is comprehensively documented.

Documentation issues were found in all stages of the hiring process, and in approximately one-half of the audited appointments where documentation was determined to be insufficient, it was inadequate in more than one stage of the competition. For both "sufficient" and "insufficient" determinations, the stages at which documentation was most problematic were, in order of frequency: interviewing and testing, short-listing, past work performance and approach. The most frequently identified information gap related to the interviewing and testing stage was poorly documented marking criteria. The most common issue for both short-listing and past work performance was the failure to clearly or adequately document the basis for decisions. For approach, documentation issues related to the scope of the competition (e.g., applicant tracking or rationale for restricted opportunities), were most common.

The number of applicants in a competition had a direct bearing on the quality of documentation. Competitions with more than 100 applicants were found to have insufficient documentation more frequently than smaller competitions. The documentation challenges in larger competitions were those primarily related to applicant tracking, applicant status and multiple versions of the same documents in various states of completion or conflicting information. Given the state of the documentation in many of the larger-scale competitions, auditors were generally required to follow up with hiring managers more frequently in order to obtain missing documents, clarify the process or obtain verbal evidence in order to conduct the audit.



### **Case Study F-2: All documentation initially available**

This was a large, complex hiring process to fill numerous vacancies in multiple locations across the province. The documentation was complete upon receipt and the process was so comprehensively documented that no follow-up was required with either the ministry or the BC Public Service Agency in order to complete the audit. This quality of documentation is atypical – approximately 10% of the appointments audited in 2018/19 were similarly well-documented and, of these, all were substantively less complex processes.

The hiring team used a detailed competition tracking document to systematically follow and update the progress of 139 applicants through all stages of the process up to and including date of letter of confirmation. This tracker clearly indicated at which stage each individual advanced or was eliminated with comments for clarification where necessary. All additional documentation to support each decision was clearly indexed and filed for candidates at each stage of assessment.



## Appendix G

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



Where ideas work

February 13, 2020

CLIFF #6435

Ms. Maureen Baird, QC  
Merit Commissioner  
Office of the Merit Commissioner  
5th floor – 947 Fort Street  
Victoria, BC V8W 2C4

Dear Ms. Baird:

Thank you for sharing a confidential draft copy of your 2018/19 Merit Performance Audit Report.

Your draft report indicates continued increases in merit-based findings and improvements in almost all stages of the hiring process. In the one area where no improvement was noted, gains made in the previous year were sustained. I am pleased to see there has been no evidence that any appointments were the result of partisanship or favouritism as we strive to appoint qualified individuals across the public service.

Over the last year, we have continued to make improvements to the recruitment services we provide by strengthening our functional expertise. We aim to maintain these efforts as we introduce refreshed hiring information and resources for managers across the public service in 2020/21.

The data and analysis conveyed in your audit reports will continue to inform our work.

Sincerely,

Okenge Yuma Morisho  
Deputy Minister

pc: Joanne Hanson, Assistant Deputy Minister, Hiring and Service Operations, BCPSA

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