



# Office of the Merit Commissioner

**Service Plan  
Fiscal Years  
2013/2014 – 2015/2016**

**Presented to  
The Select Standing Committee on Finance and Government Services  
Legislative Assembly of British Columbia**

**November 14, 2012**



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## Message from the Merit Commissioner

I am pleased to present the 2013/2014 – 2015/2016 Service Plan for the Office of the Merit Commissioner. I am strongly committed to the work carried out by the Office and believe that we play a key role in ensuring hiring in the BC Public Service is based on merit.

In 2011/2012 my Office conducted a merit performance audit of appointments to and from within the BC Public Service made in 2011. While we were able to conclude with respect to all appointments selected for audit that all individuals were qualified for appointment, we found that in 8.5% of these appointments merit was not applied in the appointment process - the highest rate of such findings since independent audit activities commenced. Given these results, it is evident that continued oversight of hiring activity is vital to maintaining a non-partisan, qualified public service workforce.

My Office also conducted special audits of two corporate hiring pools which confirmed that systemic issues existed that needed to be addressed before appointments arising from these pool processes could be considered to be based on merit without exception. Coincident with these special audits, the BC Public Service Agency indicated that they had suspended use of these hiring pools until revisions to processes could be introduced.

Also, last year 21 submissions from employees were received requesting review of appointment decisions - the highest number since 2004/2005.

Turnover in the Office made completing this work a challenge; however, the commitment of my staff and our contracted external auditors enabled delivery of meaningful results and timely responses. Our Audit Advisory Committee continued to provide us with counsel and support as we identified issues and formulated recommendations.

The strategies and work plan for 2013/2014 – 2015/2016 are focused on continuing our oversight of staffing in the public service by conducting merit performance audits, examining those areas identified through our audits where merit-based hiring may be at risk, and gaining further insight into public service hiring practices.

Finally, we noted with interest that the new collective agreement with the BC Government and Service Employees' Union calls for a subcommittee to discuss the findings and recommendations contained in my 2010/2011 annual report. We take this as a positive indicator of the value of the work that we do and the recommendations we make.



## Vision

A professional and non-partisan public service that is hired and promoted on the principle of merit.

## Mission

To serve the people of British Columbia through their elected representatives of the Legislative Assembly by monitoring public service appointments to ensure the application of the merit principle in hiring and promotions in the BC Public Service.

## Responsibilities

All appointments to and from within the BC Public Service must be made on the principle of merit. Merit means that appointments are made on the basis of an assessment of competence and ability to do the job, and are not influenced by patronage.

The Merit Commissioner provides independent oversight of and insight into appointments to and from within the BC Public Service. This oversight role applies to appointments made under section 8 of the *Public Service Act*.

The Merit Commissioner has three central responsibilities under the *Act*:

- to monitor the application of merit by conducting random audits of appointments and reporting the audit results to the deputy ministers or heads of the organizations in which the appointments were made;
- to provide a review of the application of merit as the final step in a staffing review process for bargaining unit positions; and
- to report annually to the Legislative Assembly on the application of the merit principle.

The Merit Commissioner may:

- undertake special reports or merit performance reviews of system-wide issues related to the application of the merit principle; and
- undertake surveys and research to assess the attitude of the public service related to merit-based hiring and recruitment.

The Office provides credible and relevant information about staffing on which the employer may act to produce positive changes. These outputs all support the long-term goal of building public confidence and a strong consensus that the BC Public Service is qualified, and hired fairly according to the principle of merit.



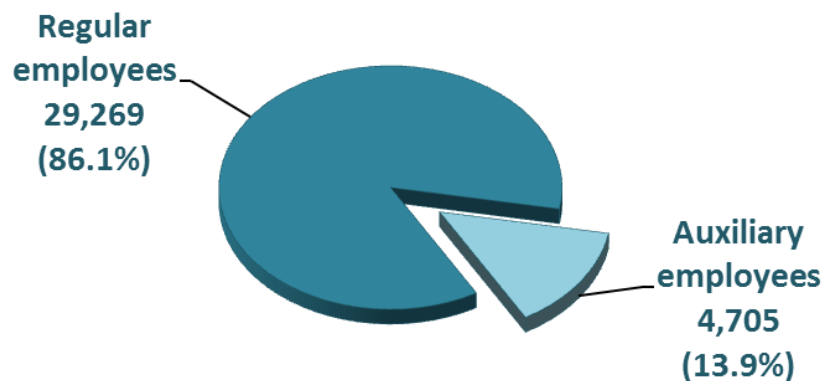
## Context

### BC Public Service Workforce

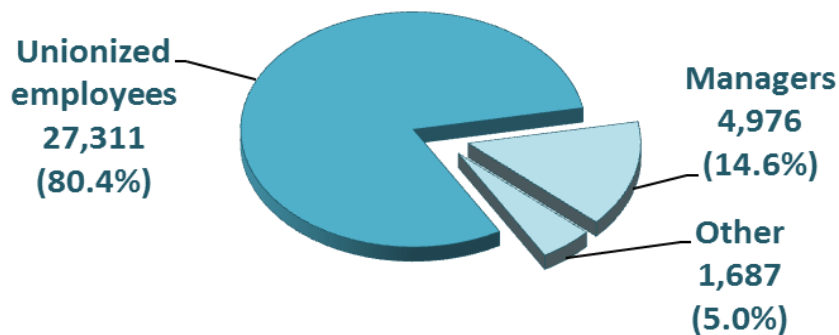
As of September 29, 2012 there were 33,974 employees in the BC Public Service, which is essentially unchanged since reporting at this time last year. These employees work in 16 ministries and central agencies, 16 agencies boards and commissions, and seven independent offices.

Employees are appointed under the *Public Service Act* on a regular or auxiliary (temporary) basis. They may be unionized, managers or other non-unionized employees. Distribution of the population by these categories is shown below at Charts 1 and 2.

**Chart 1** Employees Appointed Under the *Public Service Act* – By Status  
(As of September 29, 2012)



**Chart 2** Employees Appointed Under the *Public Service Act* – By Type  
(As of September 29, 2012)

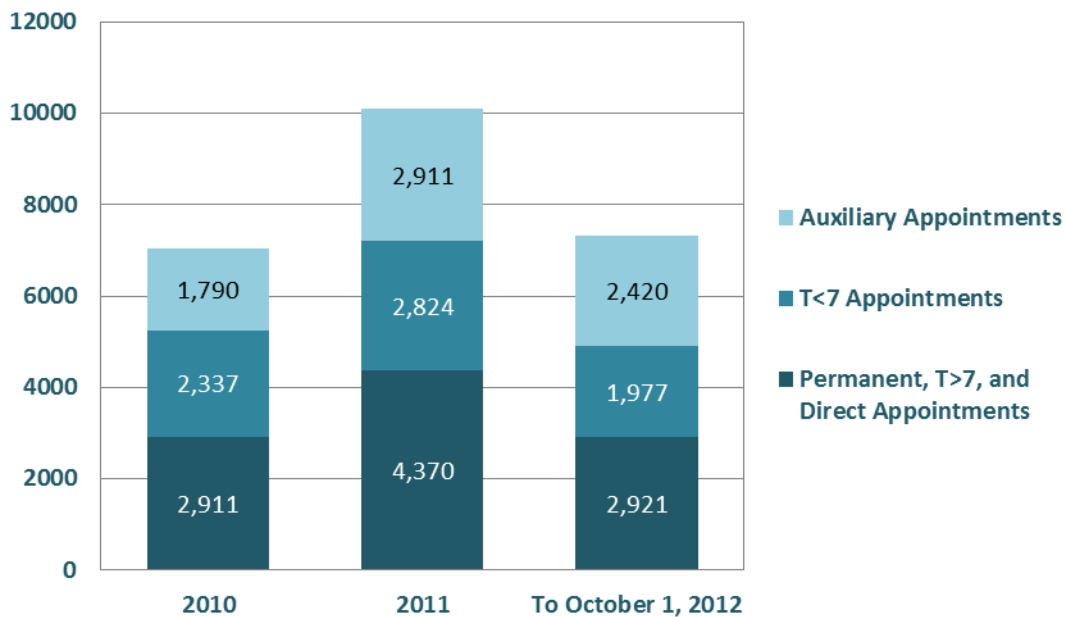




## Appointment Activity

The Office of the Merit Commissioner audits appointments to and from within the public service that are made under section 8 of the Act. Chart 3 shows total numbers of these appointments, by appointment type, for the last three years.

**Chart 3** Year by Year Comparison of *Public Service Act* Appointments Subject to Oversight by the Merit Commissioner\*



\* Note: Does not include *Public Service Act* appointments made in the Liquor Distribution Branch and BC Mental Health and Addiction Services (i.e., Forensic Psychiatric Services Commission and Riverview Hospital)



## Indicators of Merit-based Hiring

Merit-based hiring requires the commitment of all public servants. The framework shown in Chart 4 provides an overview of indicators of merit-based hiring.

**Chart 4 Indicators of Merit-based Hiring**

Indicator		Office of the Merit Commissioner Related Responsibilities
Regulatory Framework	BC Public Service hiring complies with hiring policy, legislation and relevant collective agreement provisions	Report annually on the status of BC Public Service hiring to the Legislative Assembly and the BC Public Service Agency
	Organization heads and hiring managers are aware of hiring policy, legislation and relevant collective agreement provisions	Publish annual report of merit performance audit, special audits and studies, and staffing review findings and recommendations
Hiring Practices	Hiring practices are merit-based, transparent, fair, and decisions are reasonable and job related	Conduct merit performance audits, special audits and studies Carry out staffing reviews Increase awareness of merit-based hiring practices Provide comment and/or recommendations on hiring practices
Workplace Culture	Organization heads are seen and believed to be committed to merit-based hiring	Report audit findings to organizations Confirm organization's appointment decisions or direct reconsideration of decisions following requested staffing reviews Monitor organizational responses to audit and review findings
	Managers and supervisors uphold merit in hiring and promotions	Deliver information sessions on the role of the Office Perform individual audits and report findings Conduct individual staffing review investigations
	Use of the staffing review process	Provide clear and easily accessible information for employees to ensure awareness Deliver information sessions on the role of the Office Monitor and report review process usage
	Employee responses to staffing related questions on work environment surveys	Review related responses Carry out special audit and studies



## Performance Measures and Targets

The Office establishes and publishes performance measures and targets in a number of areas. We hold ourselves accountable for respecting and achieving these targets, and examine our practices and procedures regularly with a view to continuous improvement.

### Merit Performance Audit

The goal in our annual merit performance audits is to have a sample size that is sufficiently robust to allow the audit results to be confidently generalized to the population of all appointments made within the same time period.

Detailed audit results are reported to deputy ministers, heads of organizations, and the Head, BC Public Service Agency (BCPSA). Summary results are contained in the Merit Commissioner's Annual Report to the Legislative Assembly which is publicly available on the Office's website.

Performance Measures	Results		
	2011/2012	2012/2013 Target	2013/2014 Target
Results are generalizable (% confidence intervals)	95% (2011 audit)	90% (2012 audit)	95% (2013 audit)
Timely reporting of results to organization heads and BCPSA (within six months of audit period)	Completed within six months	May 31, 2013	May 31, 2014
Publish annual audit findings (within four months of reporting results)	Published within four months	Aug. 31, 2013	Aug. 31, 2014

### Special Audits and Studies

Results of special audits and studies will be reported as soon as possible following the conclusion of the audit or study so that follow-up action may be taken as required and appropriate. Information is made public through the Office of the Merit Commissioner website.

Performance Measures	Results		
	2011/2012	2012/2013 Target	2013/2014 Target
Report findings of special audits to organization head and BCPSA within 30 days of conclusion	Completed within 30 days	100%	100%
Publish information on website within 60 days of conclusion	Published within 45 days	100%	100%





## Staffing Reviews

It is important to the employer, and to the employee who may request the Merit Commissioner undertake a review of an appointment decision, that a timely review takes place and a timely decision is rendered.

In 2011/2012, the average response time for issuing review decisions was 32 days; however due to the increased number of review requests and staff turnover, there were delays beyond the targeted response time of 30 days in eight of the 16 eligible cases.

Performance Measures	Results		
	2011/2012	2012/2013 Target	2013/2014 Target
Percentage of reviews completed within 30 days	50%	100%	100%



## 2011/2012 Results and Key Findings

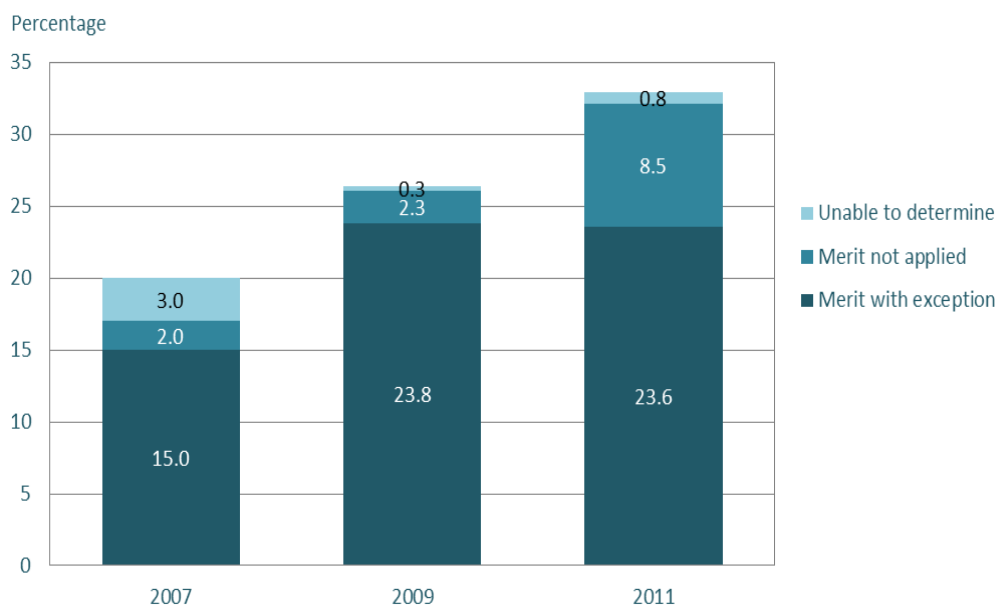
### Merit Performance Audit

A robust audit was completed in 2011, following a limited audit in 2010 which allowed for changes in the provision of human resources services. Deputy ministers and heads of organizations received detailed reports. The Head, BC Public Service Agency received the overall results of the audit along with recommendations to address identified areas of weakness or concern. Results and recommendations were included in the 2011/2012 Annual Report of the Merit Commissioner which was filed with the Speaker in late September.

In the 2011 Merit Performance Audit a higher rate of sampling of appointments within the Administrative Support occupational category was included for two reasons: to determine if the trend toward lower Work Environment Survey scores for this group could be attributed to appointment practices; and, due to the risk to this group associated with the use of pooled hiring processes. As both the 2010 and 2011 audits found no significant difference between the Administrative Support category and the general population, this over-sampling was discontinued in 2012.

Chart 5 provides year-by-year merit performance results for the past three full-year annual audits. In 2011, the two “merit” categories (i.e., appointments that were the result of a merit-based process, or were determined to be merit with exception as a result of issues with either the conduct of the process or the application of policy) represented 90.6 per cent of findings. The 2011 audit found that merit was not applied in 8.5 per cent of the appointments audited; in the audit of 2009 appointments, the rate was 2.3 per cent.

**Chart 5** Year by Year Findings Other than “Merit Applied”





## Special Audits of Hiring Pools

Special audits of the Clerical Hiring Pool and the Employment and Assistance Worker Hiring Pool were conducted to determine if the pool processes were merit-based and the individuals appointed possessed the required qualifications. The audits found both hiring pool processes to be merit-based although issues were identified with the conduct of the process and legislative requirements. A number of recommendations were made to address the concerns identified in the audits with respect to the assessment process and the lack of notification.

## Staffing Reviews

Sixteen eligible requests for review were received in the 2011/2012 fiscal year, the highest of any year, and more than double that of the previous year. Employees' grounds were related to factors such as assessment design, conduct of the process, scoring, past work performance, consideration of years of continuous service, and perceived bias. In three cases, although the individual appointed was qualified, the appointment was not found to be the result of a merit-based process and the deputy ministers were directed to reconsider the appointments.

## Analysis of the BC Public Service Work Environment Survey

Results of the BC Public Service's Work Environment Surveys conducted in recent years indicated low scores on those questions related to staffing in the public service. In an effort to gain some insight into the concerns employees have with respect to merit-based hiring, a thorough examination of all relevant comments contained in the last survey was undertaken. This analysis revealed that employees most often included in the category of "staffing practices" a broad range of subjects connected but not directly related to merit-based hiring. For example, employees used this indicator to express concerns related to their job classification level or the number of staff available to carry out work. Consequently, it was determined that comments contained in this survey did not shed light on any particular areas of concern related to merit-based staffing beyond those already under consideration by the Office. Examination of the results of the next survey scheduled in 2013 will be undertaken.



## Priorities for Fiscal 2013/2014

Moving forward, there are challenges anticipated which could affect the work of the Office. First, the BC Public Service Agency continues to refine roles related to the staffing process. Some adjustment to our audit practices will likely be required and we are anticipating increased difficulty in obtaining complete documentation necessary for audit. Second, a hiring freeze was put into effect in September 2012 which will result in a significant reduction in the number of appointments subject to audit as part of our annual merit performance audit. This may affect the audit sample size. Also, it is unclear how this staffing freeze will impact individual requests for staffing reviews.

### Merit Performance Audit

A robust audit of appointments made in 2012 is underway. The 2012 audit sample includes appointments made throughout the province, in large and small organizations, in bargaining unit and excluded management positions, and all occupational groups. The 2012 Merit Performance Audit will be concluded in the first quarter of the 2013/2014 fiscal year.

Alternative approaches to conducting the merit performance audit in 2013 are being examined and will also be informed by the results of the 2012 audit. While maintaining the integrity of the audit, some consideration is being given to making adjustments to the audit program in order to better understand the decline in merit-based hiring, for example focusing on specific aspects of the appointment process identified in past audits as in need of improvement.

### Special Audits

As a previous special audit highlighted the extended and extensive use of short-term temporary appointments and resulted in a number of recommendations to the BC Public Service Agency, another special audit of this appointment type is warranted. This audit will focus in part on determining to what extent issues identified in the first audit still exist or may have been addressed.

### Special Studies

Behavioural Event Interviewing (BEI) is extensively used as a form of staffing assessment in the BC Public Service. Issues have been noted previously with respect to the manner in which BEI is implemented in the staffing process and its inconsistent use. Also, concerns have been raised by employees who request staffing reviews and through responses to the WES about what they consider to be an over-reliance on this hiring tool. A special study of the use and impact of Behavioural Event Interviewing will be conducted to determine if merit-based hiring is affected by this form of assessment in the manner it is used within the public service.



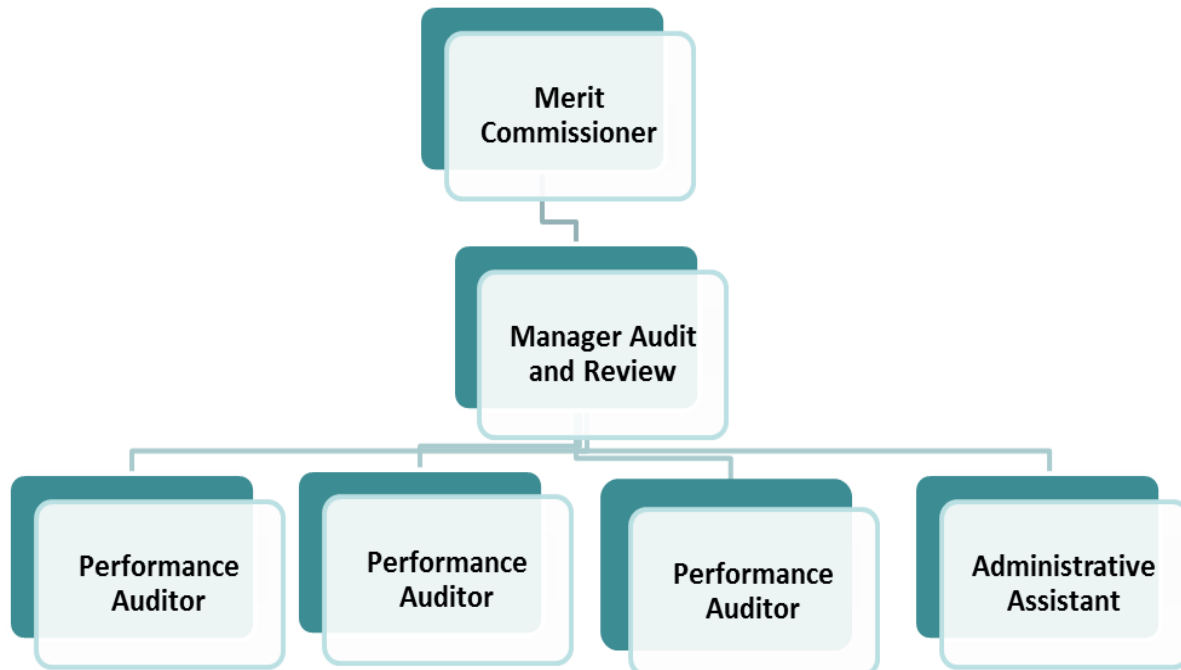
A special study of the practice of hiring individuals directly from the public into permanent entry-level positions will also be undertaken this year. Our audits in the past years have included some of these types of appointments and have revealed that a different selection process is in use than that which is in place for higher level positions.

## **Special Audits and Studies for Fiscal 2014/2015 and Beyond**

The future work of the Office will be driven by results of our audits and studies in the coming fiscal years, challenges identified as the hiring process in the public service continues to evolve, and changes to the public service environment and priorities. Possibilities include follow up studies of lateral transfer and auxiliary appointment processes; a study of standard assessment tools and tests; a study of how diversity issues can be addressed within a merit-based hiring environment; and a study of the trend toward imposing restrictions on the area of competition.



## Appendix 1 Office Structure





## Appendix 2      Organizations Subject to Oversight by the Merit Commissioner

(Organizations with staff appointed under section 8 of the *Public Service Act* [RSBC 1996])

<p><b>Ministries (as at June 22, 2012)</b></p> <p>Aboriginal Relations and Reconciliation Advanced Education Agriculture Children and Family Development Community, Sport and Cultural Development Education Energy and Mines Environment Finance Forests, Lands and Natural Resource Operations Health Jobs, Tourism and Innovation Justice Labour, Citizens' Services and Open Government Social Development Transportation and Infrastructure</p>	<p><b>Independent Offices</b></p> <p>Auditor General Elections BC Information and Privacy Commissioner Merit Commissioner Ombudsperson Police Complaint Commissioner Representative for Children and Youth</p> <p><b>Agencies, Boards and Commissions</b></p> <p>Agriculture Land Commission BC Pension Corporation BC Public Service Agency Broadmead Care Society Employment and Assistance Appeal Tribunal of BC Environmental Appeal Board Financial Institutions Commission Forensic Psychiatric Hospital (BC Mental Health and Addiction Services) Forest Appeals Commission Forest Practices Board Islands Trust Oak Bay Lodge Continuing Care Society Office of the Premier Provincial Capital Commission Public Sector Employers' Council Royal BC Museum</p>
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