

Service Plan
Fiscal Years
2015/16 – 2017/18

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

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Introduction by the Merit Commissioner

I am pleased to present this service plan for the Office of the Merit Commissioner. This plan highlights the work completed by the Office over the past year and identifies plans for the coming years.

In May 2014 the Speaker was presented with our 2013/14 Annual Report. That report included a summary of the results of the 2012 Merit Performance Audit and a special audit of short-term temporary appointments, as discussed with this Committee in December 2013. It also described a study the Office undertook related to the behavioural interviewing technique, which is discussed further in this service plan.

This past year, a merit performance audit was conducted of 150 appointments to and from within the BC Public Service for the period September 1, 2013 to March 31, 2014. Individual findings were communicated to deputy ministers, organization heads, and the Head, BC Public Service Agency (BCPSA) in October 2014. An analysis of the overall results and findings, and recommendations related to these findings has been shared with the Head, BCPSA. Once comments and a response from the Agency are received, the audit report will be delivered to the Speaker prior to distribution to Members. It is anticipated that the report will be finalized by the end of November.

The Office also received 12 requests for final level review of staffing decisions, 10 of which were eligible for review – more than double the number of eligible requests received in 2012/13. The increased volume of requests and the complexity of some of the issues which needed to be addressed resulted in an unpredictable workload challenge for the Office. The Merit Commissioner directed that three of these 10 decisions be reconsidered. While these are small numbers, this represents the highest percentage of directed reconsiderations in recent years.

Our priority for the coming year is to remain focused on our core lines of business: auditing appointments and conducting staffing reviews. Providing relevant and timely feedback to hiring managers through deputy ministers, the BC Public Service Agency and to employees is considered key to encouraging improvement in the system and upholding fair hiring.



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 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 of the Merit Commissioner (see Appendix A) 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 October 25, 2014 there were 31,549 employees in the BC Public Service, which is an increase of 372 employees since reporting at this time last year. These employees work in ministries and central agencies; agencies, boards and commissions; and Independent Offices of the Legislature.

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

Chart 1 – Employees Appointed Under the *Public Service Act* – By Status

(As of October 25, 2014)

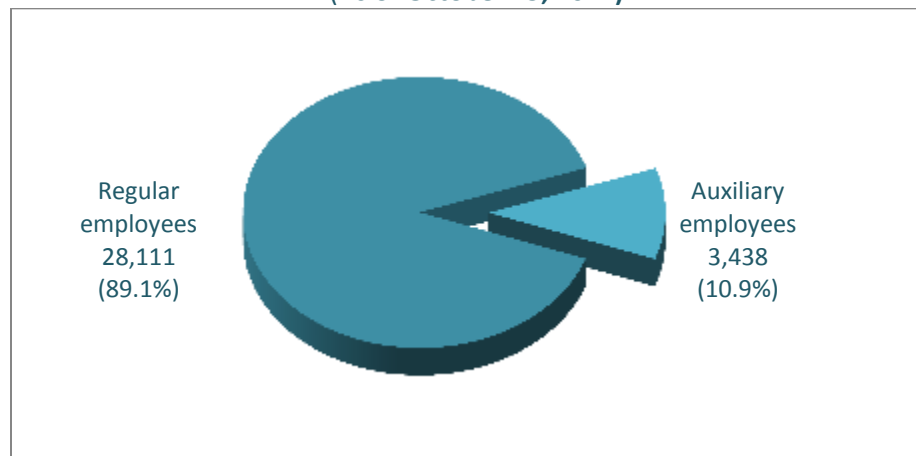
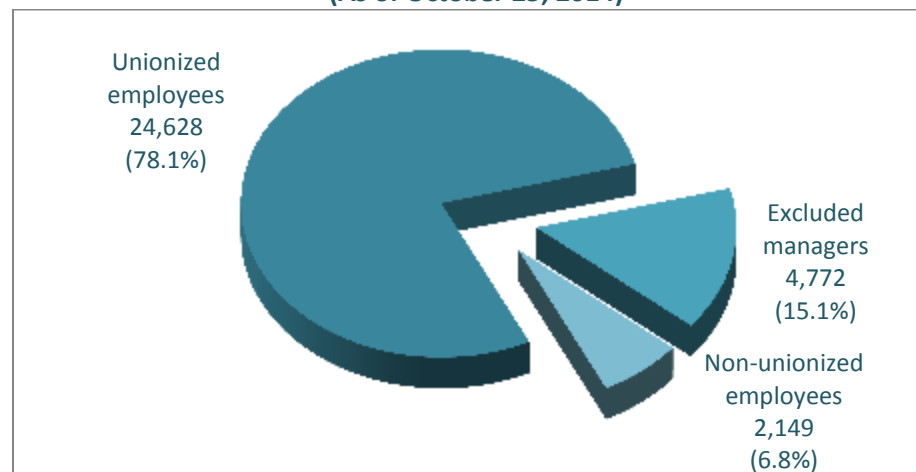


Chart 2 – Employees Appointed Under the *Public Service Act* – By Type

(As of October 25, 2014)

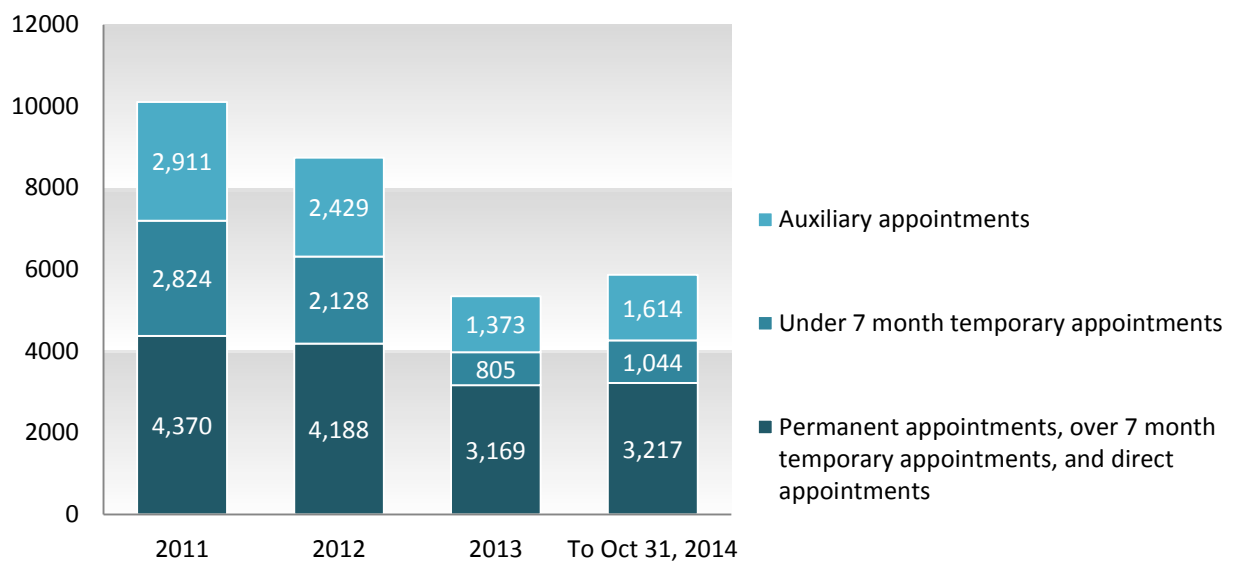




Appointment Activity

The Office of the Merit Commissioner audits appointments to and from within the public service that are made under section 8 of the *Public Service Act*. A complete list of organizations subject to oversight by the Merit Commissioner appears in Appendix B. Chart 3 shows total numbers of these appointments, by appointment type, for the last four years.

**Chart 3 – Year-by-Year Comparison of Appointments
Subject to Oversight by the Merit Commissioner**





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 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. Summary results are contained in the Merit Commissioner's annual report to the Legislative Assembly which is publicly available on the Office's website. Detailed analyses and a final report are also made available on the Office's website.

Performance Measures	Target and Results			
	2013/14		2014/15	2015/16
	Target	Results	Target	Target
1. Generalizable audit results (% confidence intervals)	95%	95%	95%	95%
2. Report audit results to organization heads and BCPSA within six months of audit period	September 2014	October 2014	September 2015	September 2016
3. Publish annual audit findings within four months of reporting results	October 2014	November 2014 (pending)	November 2015	November 2016



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 or Targets for Special Audits and Studies		
	Behavioural Interviewing	Self-assessment Questionnaires	Auxiliary Appointments
	Results	Target	Target
4. Report findings of special audits and studies to organization head and BCPSA within 30 days of conclusion	May 2014	May 2015	March 2016
5. Publish information on website within 60 days of conclusion	May 2014	June 2015	April 2016

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 thorough review takes place and a timely decision is rendered.

Performance Measures	Target and Results			
	2013/14		2014/15	2015/16
	Target	Results	Target	Target
6. Complete reviews within an average of 30 days	30 days	26 days	30 days	30 days



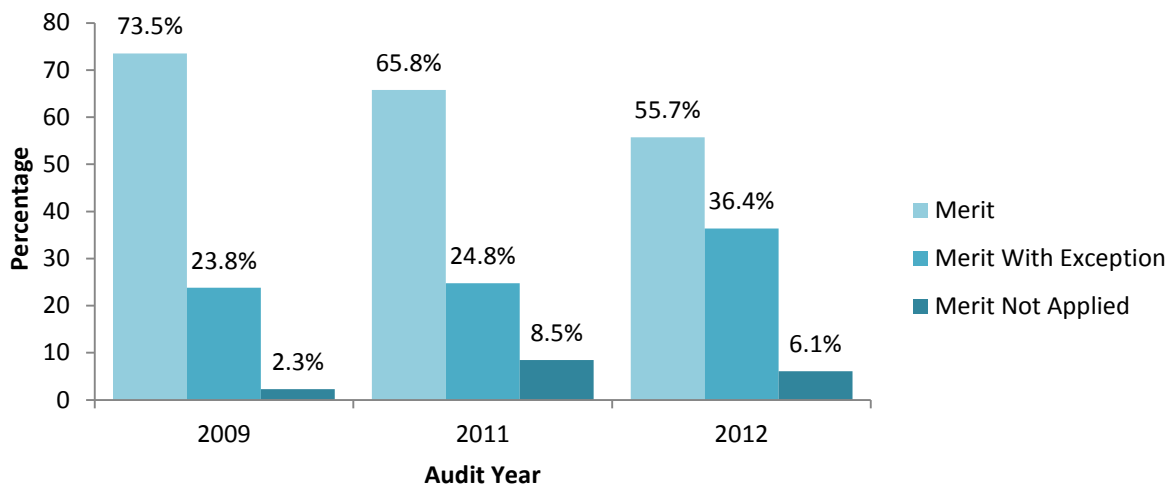
Progress on Key Commitments

Merit Performance Audit

The audit cycle was changed to a fiscal year in 2013/14 for consistency with standard reporting periods in the BC Public Service and to align with timeframes associated with other Office reports. A partial year audit of seven months was undertaken to support the move to a different audit cycle, to allow for a review of the audit program and to manage the workload for the Office. An audit sample of 150 appointments, approximately two thirds the size of the previous full year audit, was selected to allow for generalizable results to the rest of the public service. The appointments were selected randomly from organizations across the public service and from all employee groups and levels.

Deputy ministers and heads of organizations received detailed reports and the Head, BC Public Service Agency received the results of the audit in October 2014. It is anticipated the overall report of the analyses of audit results and recommendations to address identified areas of weakness or concern will be released publicly by November 30, 2014. The chart below reflects, prior to the 2013/14 audit, the merit performance audit results for the past three full audit cycles.

Chart 5 – Previous Audit Results





Special Study of Behavioural Interviewing

The Office conducted a special study of behavioural interviewing to identify the key elements necessary for the correct use of the method and risks that the incorrect use might pose to merit-based hiring. It also considered whether the key elements that were identified existed within the BC Public Service and whether risks, if any, were mitigated. The study concluded that the competency framework in use in the BC Public Service is well-designed. Where opportunities for improvement were identified, such as training and tools, recommendations were made to the BC Public Service Agency.

Staffing Reviews

Twelve requests for review were received in the 2013/14 fiscal year: one of these requests was ineligible for consideration, and one was withdrawn. Employees' grounds were related to factors such as flawed assessment processes and tools, inappropriate consideration of their past work performance, and possible panel bias. The Merit Commissioner found that the appointment decision in seven of the 10 reviews conducted was the result of a merit-based process. In the other three cases the responsible deputy minister was directed to reconsider the appointment. The average response time to requests for reviews was 26 days following receipt of the required documentation.

Priorities for Fiscal 2015/16

Merit Performance Audit

A robust audit of appointments made in 2014/15 has commenced. The 2014/15 audit sample will include appointments made throughout the province, in large and small organizations, in bargaining unit and excluded management positions, and all occupational groups. Based on advice from BCStats, in order to ensure audit results are valid and generalizable, an audit rate of 7% has been established. This audit rate has resulted in a sample of 65 appointments for the first quarter of the fiscal year, and 64 appointments for the second quarter. If appointments continue at the same rate in the last half of the fiscal year, a total audit sample of approximately 250 appointments is anticipated. The 2014/15 Merit Performance Audit results will be reported in the fall of 2015.

Special Audit of Auxiliary Appointments

In 2011, the Office conducted a special audit of auxiliary appointments: the short-term assignment of either a new external hire or an existing employee to work that is not intended to be of a continuous nature. The audit found that over 10 per cent (approximately 200) of these appointments in place at that time had been continuing for over 12 months, some for years. As appointments to jobs that are long-term should result from a merit-based process, recommendations were made to the BC Public Service Agency to address identified concerns. In 2015/16, a follow-up to this audit will be conducted to determine if improvements have been made.



Special Study of Self-assessment Questionnaires

The Office continues to observe the common use of electronic self-assessment questionnaires as the basis on which applicants are determined to be qualified for further consideration in a selection process, or are screened out. Given the potential for applicants, when self-assessing, to over-rate or under-rate their qualifications or experience, observed challenges in the design and application of such questionnaires, and reliance on these tools poses some potential risk to merit-based hiring. The Office will complete a study of these risks, the limitations to the use of such forms and what conditions are considered necessary for the merit-based use of self-assessment questionnaires.

Staffing Reviews

The Office gives priority to conducting staffing reviews when requested by unsuccessful employee applicants for bargaining unit positions. As appointments are normally held in abeyance pending the Merit Commissioner's decision, the Office makes every effort to respond to requests for review within a 30 day timeframe. There is no way of predicting the number or complexity of staffing reviews the Merit Commissioner will receive in a year.

Special Audits and Studies for Fiscal 2016/17 and Beyond

The Office is focusing resources on its core mandate of conducting merit performance audits and staffing reviews. The results of these merit performance audits guide the Office in determining where special audits or studies may be appropriate to address potential areas of risk to merit-based hiring. Possible areas for study include the use of lateral transfers and the observed increasing use of imposing restrictions on who may be considered eligible to apply in a competition.



Appendix A

Office Structure





Appendix B

Organizations Subject to Oversight by the Merit Commissioner

(as of March 31, 2014)

Ministries

Aboriginal Relations and Reconciliation
Advanced Education
Agriculture
Children and Family Development
Community, Sport and Cultural Development
Education
Energy and Mines
Environment
Finance
Forests, Lands and Natural Resource Operations
Health
International Trade
Jobs, Tourism and Skills Training
Justice
Natural Gas Development
Social Development and Social Innovation
Technology, Innovation and Citizens' Services
Transportation and Infrastructure

Independent Offices

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

Courts of British Columbia

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

Other Public Sector Organizations

Agricultural Land Commission
Auditor General for Local Government
BC Human Rights Tribunal
BC Pension Corporation
BC Public Service Agency
BC Review Board
Community Care and Assisted Living Appeal Board
Destination BC
Employment and Assistance Appeal Tribunal
Environmental Appeal Board
Financial Institutions Commission
Financial Services Tribunal
Forest Appeals Commission
Forest Practices Board
Health Professions Review Board
Hospital Appeal Board
Independent Investigations Office
Islands Trust
Office of the Premier
Oil and Gas Appeal Tribunal
Property Assessment Appeal Board
Provincial Capital Commission
Public Guardian and Trustee
Public Sector Employers' Council Secretariat
Royal BC Museum
Safety Standards Appeal Board
Surface Rights Board