

Service Plan
Fiscal Years
2016/17 – 2018/19

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 2015 the Speaker was presented with our 2014/15 Annual Report. That report included summaries of: the results of the 2013/14 Merit Performance Audit which involved audits of 150 appointments to and within the BC Public Service; staffing reviews conducted during the year; and a study of self-assessment questionnaires.

The Office has just concluded the 2014/15 Merit Performance Audit of 243 appointments for the period April 1, 2014 to March 31, 2015. Individual findings were communicated to deputy ministers, organization heads, and the Head, BC Public Service Agency (BCPSA) in September 2015. An analysis of the overall results and findings, and recommendations related to these findings was shared with the Head, BCPSA and a response received at the end of October. The audit report was finalized and delivered to the Speaker in early November and has been published on our website.

In the 2014/15 fiscal year, I received 19 staffing review requests. This was greater than the 12 requests the Office received in 2013/14, and close to the highest number of requests received in any one year, which was 21 in 2011/12. Of the 15 reviews conducted in 2014/15, I directed a reconsideration of five appointments.

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 appointments to and from within the BC Public Service. This oversight role applies to appointments made in accordance with section 8 of the *Public Service Act* (the Act).

The Merit Commissioner has three 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 also undertake special audits or studies of systemic issues related to areas where there may be potential risk to merit-based hiring.

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 September 26, 2015 there were 32,641 employees in the BC Public Service, which is an increase of 1,092 employees in the 11 months 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 September 26, 2015)

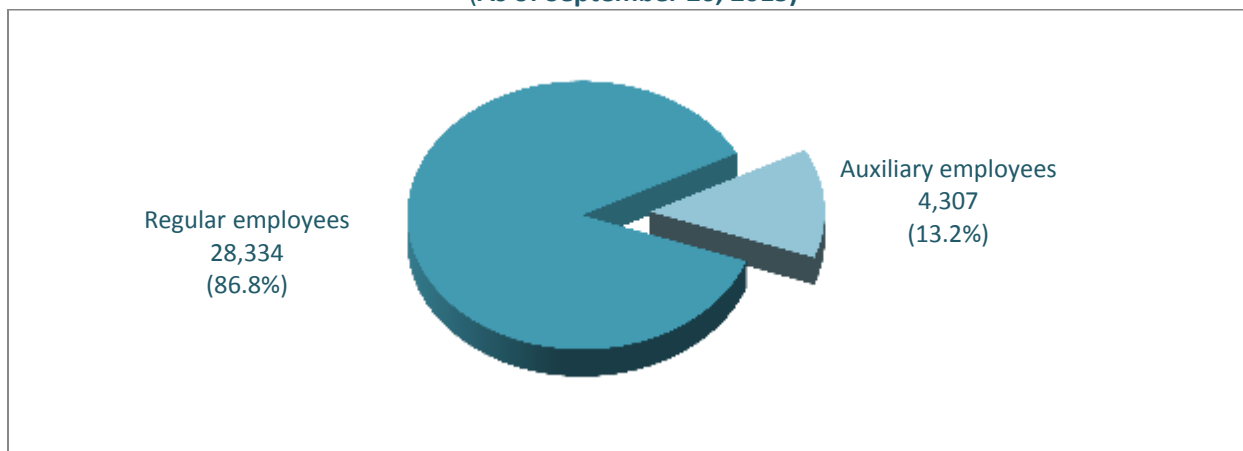
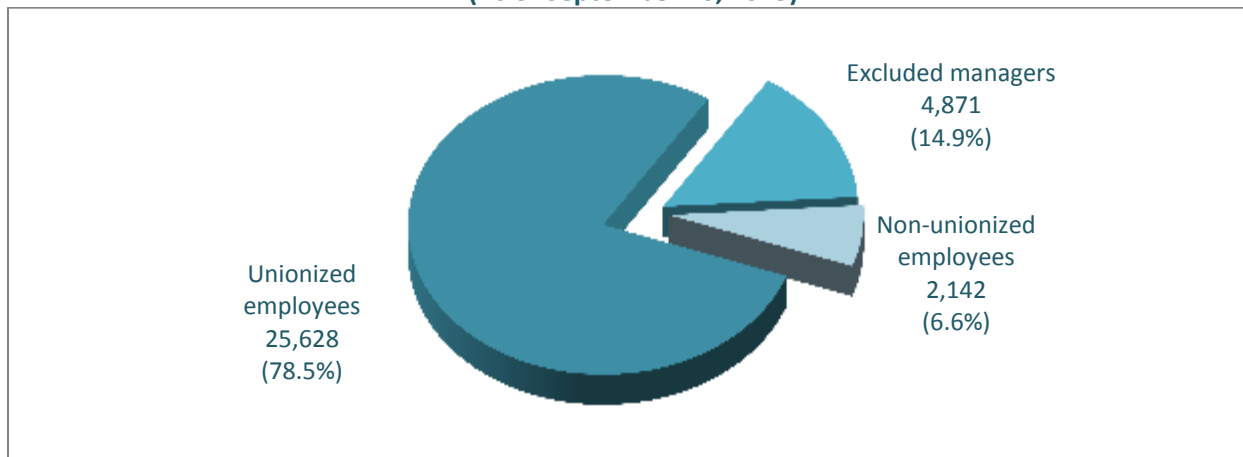


Chart 2 – Employees Appointed Under the *Public Service Act* – By Type

(As of September 26, 2015)

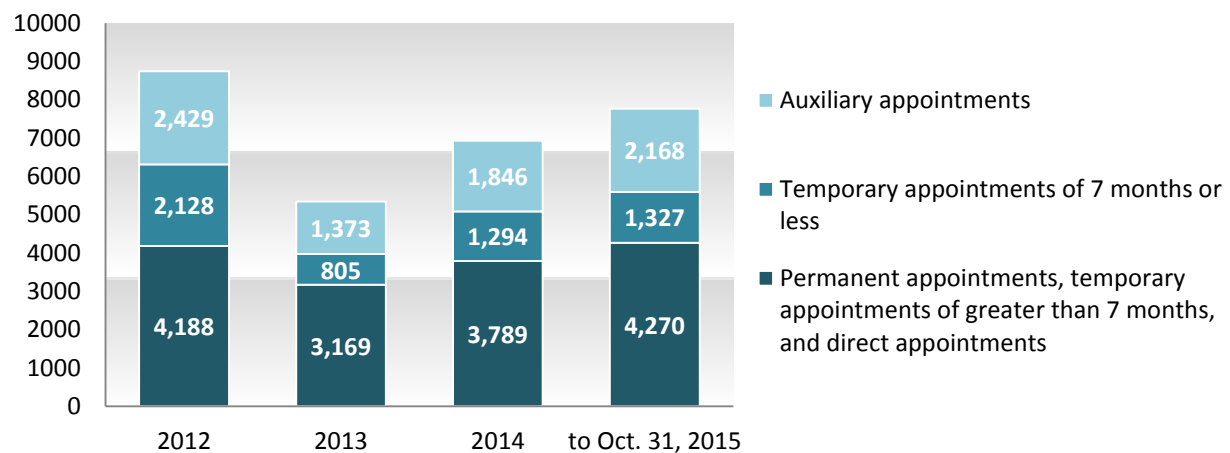




Appointment Activity

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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> 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	<ul style="list-style-type: none"> Conduct merit performance audits, special audits and studies, and report results Available for and carry out staffing reviews Increase awareness of merit-based hiring practices by reporting out to organizations and to the public by publishing on the Office of the Merit Commissioner website Provide comment and/or recommendations on hiring practices
Workplace Culture	Organization heads are seen and believed to be committed to merit-based hiring	<ul style="list-style-type: none"> Report audit findings to organizations Monitor organizational responses to audit and review findings
	Managers and supervisors uphold merit in hiring and promotions	<ul style="list-style-type: none"> Perform individual audits and report findings Conduct individual staffing review investigations and report findings
	Use of the staffing review process	<ul style="list-style-type: none"> Provide clear and easily accessible information for employees Monitor and report review process usage
	Employee responses to staffing related questions on work environment surveys	<ul style="list-style-type: none"> Analyze related responses Carry out special 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 website.

Performance Measures	Target and Results			
	2014/15		2015/16	2016/17
	Target	Results	Target	Target
Generalizable audit results (% confidence intervals)	95%	95%	95%	95%
Report audit results to organization heads and BCPSA within six months of audit period	September 2015	September 2015	September 2016	September 2017
Publish annual audit findings within four months of reporting individual results	November 2015	November 2015	November 2016	November 2017



Special Audits and Studies

Results of special audits and studies are 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		
	Self-assessment Questionnaires		Auxiliary Appointments
	Target	Results	Target
Report findings of special audits and studies to organization head and BCPSA within 30 days of conclusion, where applicable	May 2015	November 2015	December 2016
Publish information on website within 60 days of conclusion	June 2015	November 2015	February 2017

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			
	2014/15		2015/16	2016/17
	Target	Results	Target	Target
Complete reviews within an average of 30 days	30 days	29 days	30 days	30 days



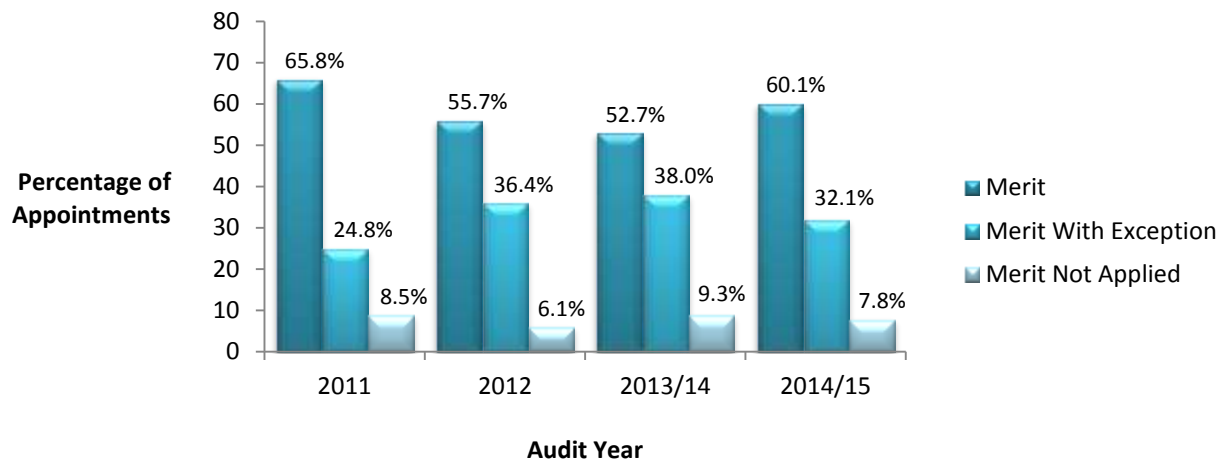
Progress on Key Commitments

Merit Performance Audit (2014/15)

This year, a robust full-year audit was undertaken of 243 appointments to allow for results which could be generalized to all appointments of the same type across 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 September 2015. The overall report of the analyses of audit results and recommendations to address identified areas of weakness or concern was provided to the Speaker and released publicly in early November 2015. The chart below reflects the merit performance audit results for the past four audit cycles.

Chart 5 – Previous Audit Results



Note: A partial year audit (7 months) was conducted in 2013/14



Special Study of Self-Assessment Questionnaires

The Office had observed the common and frequent 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 eliminated. The Office completed a study of these potential risks, the limitations of the use of such tools, and the conditions considered necessary if use of self-assessment questionnaires is to be consistent with merit-based hiring practices. Potential risk to merit-based hiring was possible 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 increasing reliance on these tools. The study concluded that these questionnaires are generally used appropriately in the BC Public Service, although some possible enhancements to their design and application were possible. Improvements have already been undertaken by the BC Public Service Agency to enhance the use of self-assessment tools for short-listing.

Staffing Reviews

Nineteen requests for review were received in the 2014/15 fiscal year: three of these requests were ineligible for consideration, and one was withdrawn. Employees' grounds were related to factors such as flawed assessment processes and tools and calculation of years of continuous service, and inappropriate consideration of their past work performance, education and experience. The Merit Commissioner found that the appointment decision in 10 of the 15 reviews conducted was the result of a merit-based process. In the other five cases the responsible deputy minister was directed to reconsider the appointment. The average response time to requests for reviews was 29 days following receipt of the required documentation.

Priorities for Fiscal 2016/17

Merit Performance Audit (2015/16)

A robust audit of appointments made in 2015/16 has commenced. The 2015/16 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. In order to ensure audit results are valid and generalizable, an audit rate of 6% has been established. This audit rate has resulted in a sample of 85 appointments for the first quarter of the fiscal year, and 85 appointments for the second quarter: this is a marked increase from the same time period last year. If appointments continue at the same rate in the last half of the fiscal year, a total audit sample of approximately 340 appointments is anticipated. The 2015/16 Merit Performance Audit results will be reported in the fall of 2016.



Special Audit of Auxiliary Appointments

Since the establishment of the Office of the Merit Commissioner in 2005, the Office has been auditing various appointments that fall under Section 8 of the *Public Service Act* (the *Act*) that are required to be merit-based. While the *Act* does not require auxiliary appointments to be the result of a selection process they still must be based on the principle of merit and are therefore of interest. A special audit of auxiliary appointments will be conducted to determine whether, to the extent possible, whether qualified individuals were appointed; that is, do they possess the minimum required education and experience for the position. Work has commenced on this project, which is anticipated to be completed in 2016/17.

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 2017/18 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. A future audit is planned for direct appointments and 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, 2015)

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
Public Guardian and Trustee
Public Sector Employers' Council Secretariat
Royal BC Museum
Safety Standards Appeal Board
Surface Rights Board