

Chapter 40

Public Service Commission – Out-of-Scope Staffing Follow Up

1.0 MAIN POINTS

The Public Service Act, 1998 requires the Public Service Commission (PSC) to make appointments to positions in the classified division on the basis of merit. In 2010, we audited PSC's processes to staff out-of-scope permanent positions. This chapter describes our follow-up of management's actions up to August 31, 2012 on two recommendations in our 2011 Report – Volume 1.

As of August 31, 2012, PSC had implemented one of our two recommendations. Our follow-up work found that PSC requires staff to keep specific essential documents that demonstrate that positions are staffed based on merit, but it did not verify that the essential documents were kept. Less than half of the files we examined contained the required essential documents such as references and interview assessments.

Effective May 2012, PSC is under the responsibility of the Ministry of Central Services.

2.0 INTRODUCTION

Under *The Public Service Act, 1998*, PSC is the central human resource agency for about 12,000 staff employed primarily by Government ministries. PSC provides policies and leadership for the staffing of a professional public service. PSC works with ministries to deliver human resources services and has delegated to ministries the authority to recruit and hire personnel using processes it has approved.

3.0 STATUS OF RECOMMENDATIONS

At March 31, 2012, there were 2,000 out-of-scope positions in the classified division of the public service where PSC has legislated authority to make appointments.^{1,2}

In 2010, we assessed PSC's processes to staff out-of-scope permanent positions.³ Our 2011 Report – Volume 1, Chapter 12 concluded that during the 12 months ended August 31, 2010, out-of-scope classified positions were staffed in compliance with *The Public Service Act, 1998* and regulations. We made two recommendations.

The following sections set out each recommendation and PSC's actions up to August 31, 2012. PSC has implemented one of our recommendations but still has work to do on the second recommendation.

¹ The classified division includes all positions classified by the Public Service Commission with a classification plan (set of standard criteria that determines the value of one position in relation to another).

² The Cabinet makes appointments to the unclassified division.

³ Out-of-scope positions are positions that are not subject to a collective bargaining agreement. These employees are most often professionals in complex technical or managerial roles.



3.1 Documentation Requirements Communicated

We recommended that the Public Service Commission establish and communicate minimum documentation requirements to evidence that appointments to out-of-scope positions within the classified division of the public service are made based on merit. (2011 Report – Volume 1)

Status – Implemented.

Since our audit, PSC established minimum requirements for documents that staff must keep in staffing files to show appointments to out-of-scope positions are based on merit. This includes references and interview assessments for at least two or three candidates. In 2011, PSC revised its staffing process and updated its guidance on staffing. PSC created a checklist that states what documents must be retained after completing the staffing process.

Between June 2011 and July 2012, PSC held workshops about the revised staffing process for 900 managers within ministries who hire staff (hiring managers). The workshops explained the hiring process and the role of hiring managers to make certain the documents in staffing files adequately document the rationale for hiring specific candidates based on merit.

PSC also communicated the out-of-scope staffing process on its internal website. It plans to continue communicating the staffing process and documentation requirements on its internal website and in workshops for new hiring managers.

3.2 Documents Showing Merit Not Kept

We recommended that the Public Service Commission use a risk-based process to confirm that essential documentation related to staffing out-of-scope positions is kept. (2011 Report – Volume 1)

Status – We continue to make this recommendation.

Since our audit, PSC has not taken steps to use a risk-based process to confirm that essential documentation is kept.

The Public Service Act, 1998 (section 21(4)) requires that “appointments to positions in the classified division are to be made on the basis of merit.” Under the Act, PSC is responsible for ensuring that the Government can demonstrate that appointments to the public service are based on merit. To demonstrate merit, staffing files must have documentation that shows the successful candidate had greater merit than other candidates (e.g., assessment from interviews, ranking of candidates, references).

PSC has delegated responsibility for file documentation to ministries and outlined the ministries’ accountability in client service agreements. PSC consultants help hiring

managers with the staffing process for out-of-scope positions and provide advice or assistance based on the needs of the hiring manager. For example, if a hiring manager has less experience, the consultant might be more involved in the staffing process.

PSC has set minimum documentation requirements for demonstrating appointments are based on merit. However, PSC consultants do not check any staffing files to ensure PSC's minimum documentation requirements are met.

For staffing files of 21 positions staffed by competition, we assessed whether the files contained the essential documentation requirements (e.g., results of interview or alternate assessment process and references). Of the 21 files we examined, less than half of the files contained the required documents. Without retaining the required documents, the Government cannot readily show that it hires out-of-scope staff based on merit.

To fulfill its responsibilities, PSC must verify whether ministries keep essential documents showing appointments to the classified division are based on merit.