



Office of the Auditor General / Bureau du vérificateur général

**FOLLOW-UP TO THE 2010 AUDIT OF A STAFFING PROCESS -
CHILDREN'S SERVICES BRANCH**

2012

**SUIVI DE LA VÉRIFICATION D'UN PROCESSUS DE DOTATION EN
PERSONNEL - DIRECTION DES SERVICES À L'ENFANCE DE 2010**

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EXECUTIVE SUMMARY

Introduction

The Follow-up to the 2010 Audit of a Staffing Process – Children’s Services Branch was included in the Auditor General’s Audit Plan.

The key findings of the original 2010 audit included:

- Greater transparency, fairness and impartiality in the hiring process should be encouraged. While only one case of employing someone to a temporary and eventual full-time position was examined, the audit demonstrates that posting such opportunities will attract the very best candidates.
- The case involves hiring an external person to a temporary position in the Children’s Services Branch without considering potential candidates already on staff. Seven months later, when a competition was held for the full-time position, the same person was the only candidate considered qualified based on having filled the temporary position.

Summary of the Level of Completion

The table below outlines our assessment of the level of completion of the recommendation as of December 2012. It also outlines management’s assessment of the level of completion of each recommendation as of February 2013.

CATEGORY	% COMPLETE	RECOMMENDATIONS	NUMBER OF RECOMMENDATIONS	PERCENTAGE OF TOTAL RECOMMENDATIONS
LITTLE OR NO ACTION	0 – 24	-	-	-
ACTION INITIATED	25 – 49	-	-	-
PARTIALLY COMPLETE	50 – 74	-	-	-
SUBSTANTIALLY COMPLETE	75 – 99	-	-	-
COMPLETE	100	1	1	100%
TOTAL			1	100%

Conclusion

The City addressed the recommendation of the audit and has completed its implementation.

Acknowledgement

We wish to express our appreciation for the cooperation and assistance afforded the audit team by management.

RÉSUMÉ

Introduction

Le Suivi de la vérification d'un processus de dotation en personnel – Direction des services à l'enfance était prévu dans le Plan de vérification du vérificateur général.

Les principales constatations de la vérification de 2010 sont les suivantes :

- Il y a lieu d'encourager une plus grande transparence, équité et impartialité dans le processus d'embauche. Bien que nous n'ayons examiné qu'un seul cas où une personne a été engagée pour pourvoir un poste temporaire qui est devenu à temps plein, la vérification a mis en lumière que la publication d'offres d'emploi de ce genre permettrait d'attirer les meilleurs candidats.
- Dans ce cas particulier, une personne externe a été embauchée pour occuper un poste temporaire à la Direction des services à l'enfance, sans que les candidats potentiels parmi les employés soient pris en compte. Sept mois plus tard, quand un concours a été tenu pour ce poste à temps plein, on a jugé que cette même personne était la seule à être qualifiée en raison de son expérience acquise lorsque le poste était temporaire.

Sommaire du degré d'achèvement

Le tableau ci-dessous présente notre évaluation du degré d'achèvement de la recommandation au mois de décembre 2012. Celui-ci présente également l'évaluation de la direction concernant le degré de réalisation de chaque recommandation au mois de février 2013 :

CATÉGORIE	POURCENTAGE COMPLÉTÉ	RECOMMANDATIONS	NOMBRE DE RECOMMANDATIONS	POURCENTAGE DU TOTAL DES RECOMMANDATIONS
PEU OU PAS DE MESURES PRISES	0 – 24	-	-	-
ACTION AMORCÉE	25 – 49	-	-	-
COMPLÉTÉE EN PARTIE	50 – 74	-	-	-
PRATIQUEMENT COMPLÉTÉE	75 – 99	-	-	-
COMPLÉTÉE	100	1	1	100 %
TOTAL			1	100 %

Conclusion

La Ville a traité la recommandation de la vérification et l'a mis en œuvre.

Remerciements

Nous tenons à remercier la direction pour la coopération et l'assistance accordées à l'équipe de vérification.

1 INTRODUCTION

The Follow-up to the 2010 Audit of a Staffing Process – Children’s Services Branch was included in the Auditor General’s Audit Plan.

The key findings of the original 2010 audit included:

- Greater transparency, fairness and impartiality in the hiring process should be encouraged. While only one case of employing someone to a temporary and eventual full-time position was examined, the audit demonstrates that posting such opportunities will attract the very best candidates.
- The case involves hiring an external person to a temporary position in the Children’s Services Branch without considering potential candidates already on staff. Seven months later, when a competition was held for the full-time position, the same person was the only candidate considered qualified based on having filled the temporary position.

2 FINDINGS OF THE ORIGINAL 2010 AUDIT

This case involves the selection of an external candidate to fill a position on a temporary basis. Approximately seven months later, the position was posted as a full-time position and the person in the temporary position won the competition.

Management indicates that the hiring manager made the temporary appointment to allow the Branch time to review the impact of the recent organizational alignment and anticipated changes from the Province in the field of child care. When the Branch made the decision to hire on a permanent basis, they posted the competition.

The position was created subsequent to a major reorganization of functions which took place within the Children’s Services Branch in May of 2009. The Program Manager decided in July 2009 that there was a need to create a permanent full-time budgeted position within the unit that was bilingual and required specialized education, as well as demonstrated experience in the management of multiple child care centres; and to provide the requisite program development, training and support to the City’s network of Child Care Centres. Approval to proceed was obtained by the Program Manager’s immediate supervisor, as well as by the General Manager (GM), Community and Social Services Department in accordance with the City’s procedures.

In an email dated July 26, 2009 the Program Manager writes to inform the Labour Relations Consultant (LRC)) to inform them that they are in the process of filling the position on a temporary basis and “jumping to Article 25.02 (b) because there are no internal employees with the qualifications required for this new position...and that (they) are filling the position on a temporary basis to allow the Branch time to

review impact of the recent organizational alignment and of anticipated changes from the Province in the field of Child Care”.

After providing the LRC with the information relevant to the position, the Program Manager, in the last paragraph, asks a question with respect to the duration of the temporary appointment. They wanted confirmation as to whether they could appoint an external candidate under the stated circumstances for a period of up to 24 months, and if they needed CIPP approval, or if there was anything else they needed to do in this situation.

The LRC forwarded the Program Manager’s e-mail to the Human Resources Consultant (HRC) as this is a question related to staffing, which is handled by the HRC. The next e-mail, referred to below, and dated July 29th, is from the HRC to their Program Manager asking for some advice.

Article 25.01 of the collective agreement between the Civic Institute of Professional Personnel (CIPP) and the City of Ottawa stipulates that the Employer must first conduct an internal competition and attempt to fill vacancies from within the bargaining unit. If after completing an internal competition, no candidate has been selected, the Employer may then advertise externally. Article 25.02 allows the Employer in exceptional circumstances to advertise a vacancy externally concurrently or prior to the completion of the internal competition. However, Article 25.03 (a) stipulates that the posting of temporary vacancies is only required if the temporary vacancy is anticipated to last for more than twelve months. Article 25.03 (b) states that all unposted temporary vacancies will be offered to qualified employees, who at the time the vacancy occurs, report to the Manager (Level 4) where the vacancy occurs. The operational Program Manager concluded that no one in their area was qualified and they could proceed with the consideration of external candidates.

On July 29, 2009 in an email from the HRC to their HR Program Manager noted that, “We need to run an internal competition to confirm whether or not we have anyone with those qualifications; in accordance to Article 25, under special circumstances, an external competition could be posted but no external candidates will be reviewed without reviewing the internal first”.

It further states: “Before I jump with an answer to Pgm Mgrs questions, I’d like to get your advice to see if I’m missing anything. I will let (them) know that we need to [r]un an internal competition to confirm whether or not we have anyone with those qualifications...per above.” The last line of the e-mail is, “Also, I will ask (them) to obtain approval to post external and will let (them) know that CIPP needs to be notified of this. Am I missing anything? What’s your view?”

The operational Program Manager responded to the HRC off-line advising the HRC that she had misinterpreted the request. The request was to fill on a temporary basis and as such the collective agreement allows this option provided that the

manager does not have any qualified candidates within the bargaining unit who can be appointed on an acting basis.

In our opinion, there is no evidence from the file or from the interviews conducted with key stakeholders in this case to indicate that an internal competition was conducted in keeping with the provisions of Article 25 of the collective agreement and the direction issued in the e-mail dated July 29th. The position was not posted externally and there is no evidence to support the fact that any internal candidates were seriously considered. In fact, during the interview with the operational Program Manager, they simply stated that they knew everyone working for the City in this area of expertise and that to their knowledge and that of close colleagues no one else internally was bilingual and possessed the in-depth experience of having managed multi-care centres.

Operational management indicates that the temporary position was not required to be posted internally and the permanent position was appropriately posted. Management indicated that it is reasonable for the Program Manager to know staff working for the City within their area, and that the external candidate was a pre-amalgamation employee working in the field of work.

In our opinion, the language of the collective agreement states the need to advertise externally bargaining unit opportunities once no candidate has been selected internally. While it does not clearly stipulated that a competitive process must be extended to the filling of temporary positions, an inference can be drawn. The issue is one of transparency and fair access to City employment opportunities be they permanent or temporary appointments.

The question to be asked is whether or not the process followed was fair and in keeping with HR policies and broader interests of the City. Is it fair for someone to have preferred access to temporary positions within the City based on the Managers’ discretion without the rigour of some form of a transparent and competitive process?

The Program Manager indicated that they knew of the external candidate was known of, but only from a distance as any other informed practitioner in the field of work would be. The referral of the external candidate had come from a colleague who manages similar outside services. The colleague knew the external candidate and had referred the person as an extremely knowledgeable and experienced candidate for the position. Nobody else in the external community at large was considered for the position.

On August 4, 2009 the Manager, who at the time was the superior of the operational Program Manager, sent an e-mail which stated “It looks like everything is lining up for you to proceed with offering the position to the external candidate on a temporary basis”.

The Manager’s e-mail goes on to say that they had “the General Manager’s concurrence with starting salary and to ensure that HR makes arrangements to have the candidate language tested.” It further states that “when the time comes to complete the Request for Personnel Action (RPA), you will need to indicate that the salary offer was reviewed with the General Manager and that the GM concurs.” Management indicates that this shows that the appropriate approvals were lining up and that the hiring manager was in compliance with the HR process.

In our opinion, this doesn’t indicate or validate that the hiring manager was in compliance with the HR process.

On August 5, 2009 the operational Program Manager emailed HR to advise them that they could contact the external candidate for the language test and provided coordinates. There are no further responses or interventions by Human Resources (HR) with respect to the need to advertise the vacancy externally or to complete an internal competition.

HR indicates that the advice was provided, the manager wanted to appoint, the decision was escalated and approved by the GM. The collective agreement provides that option.

On August 17, 2009 the external candidate received an offer of temporary employment with a start date of September 8, 2009 and an end date on or prior to September 7, 2010.

In March 2010, a competition poster for a full-time permanent position was posted in accordance with the provisions of the CIPP collective agreement. A total of nine internal candidates applied for the position. Out of the nine candidates only the external candidate was considered to be a CIPP bargaining member by virtue of temporary employment status. All others were CUPE employees and therefore not retained for consideration in keeping with the provisions of the CIPP collective agreement which essentially stipulates that employees of that bargaining unit who are qualified have first priority of appointment over anyone else from a different bargaining unit. As a result, only the external candidate (now a temporary employee) was interviewed for the position.

The Selection Committee was comprised of the hiring Program Manager, a colleague (a non-City employee) who had referred the temporary employee in the first place, and the Human Resources representative who had previously said in an email that the temporary appointment needed to be posted.

At the conclusion of the competition it was determined that the external candidate met all the requirements of the position. A review of the candidate’s qualifications does in fact support the fact that the candidate possesses all the requisite experience, knowledge and certifications to perform the duties and responsibilities of the position as stipulated on the job poster. There is a completed Interview

Rating Guide on the competition file documenting the answers to questions as well as the results.

Accordingly, in keeping with the provisions of the CIPP collective agreement the candidate was appointed to the full-time position effective May 7, 2010, being the only qualified candidate within the bargaining unit.

A review of career resumes submitted by some of the internal candidates shows, in our opinion, that they would have merited more consideration than they received had it not been for their disqualification based on bargaining unit parameters.

3 STATUS OF IMPLEMENTATION OF 2010 AUDIT RECOMMENDATION

2010 Recommendation 1

That the City ensure greater transparency, fairness and impartiality in the hiring process by encouraging the posting of all such temporary opportunities both internally and externally on its intranet site and/or other community job search sites to ensure it attracts the very best candidates by objective means. In this case the temporary position was not posted internally or externally.

Management Response

Management agrees with the recommendation.

When a temporary vacancy exists, current normal practice is for HR to recommend to the hiring manager to post the position to ensure fairness and transparency. However, posting all temporary opportunities is not always appropriate or practical. The normal posting and selection process takes a minimum of eight weeks to post, screen, conduct interviews, conduct reference checks, validate credentials and allow for notice periods. The Collective Agreements and Terms and Conditions of Employment currently in place provide for the filling of positions on a short-term basis without competition. This provides flexibility to respond quickly to immediate business requirements.

Individuals selected for temporary opportunities without competition are required to meet all stipulated qualifications for the job, prior to appointment

Management Representation of the Status of Implementation of Recommendation 1 as of July 3, 2012

While the Collective Agreements and Terms and Conditions of Employment currently in place provide for the filling of positions on a short-term basis without competition, the current practice is to recommend to hiring managers to post temporary opportunities to ensure fairness and transparency.

As per the management response, no further action is required in the implementation of this recommendation.

Management: % complete ***100%***

OAG’s Follow-up Audit Findings regarding Recommendation 1

Management agreed in 2010 to encourage posting temporary opportunities to ensure attracting the best candidates, as recommending posting of those opportunities was already the City’s normal practice. The 2012 follow-up examination demonstrates that the City continued its normal practice of recommending posting of temporary opportunities and complemented it by using its instructors when delivering Human Resources Interview and Selection Courses for Managers, to encourage posting temporary opportunities.

The number of courses delivered in 2010 was three and there were a total of 37 attendees, while in 2012 the number of courses delivered was seven and there has been a total of 90 attendees which is a significant increase.

OAG: % complete ***100%***

4 SUMMARY OF THE LEVEL OF COMPLETION

The table below outlines our assessment of the level of completion of the recommendation as of December 2012. It also outlines management’s assessment of the level of completion of each recommendation as of February 2013.

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5 CONCLUSION

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6 ACKNOWLEDGEMENT

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