

HIRE POWER:

The appointment of ineligible candidates to temporary assignments in the public service

June 2024

*Public Interest
Disclosure Act*

PIDA
Special Report No. 1



OMBUDSPERSON
BRITISH COLUMBIA

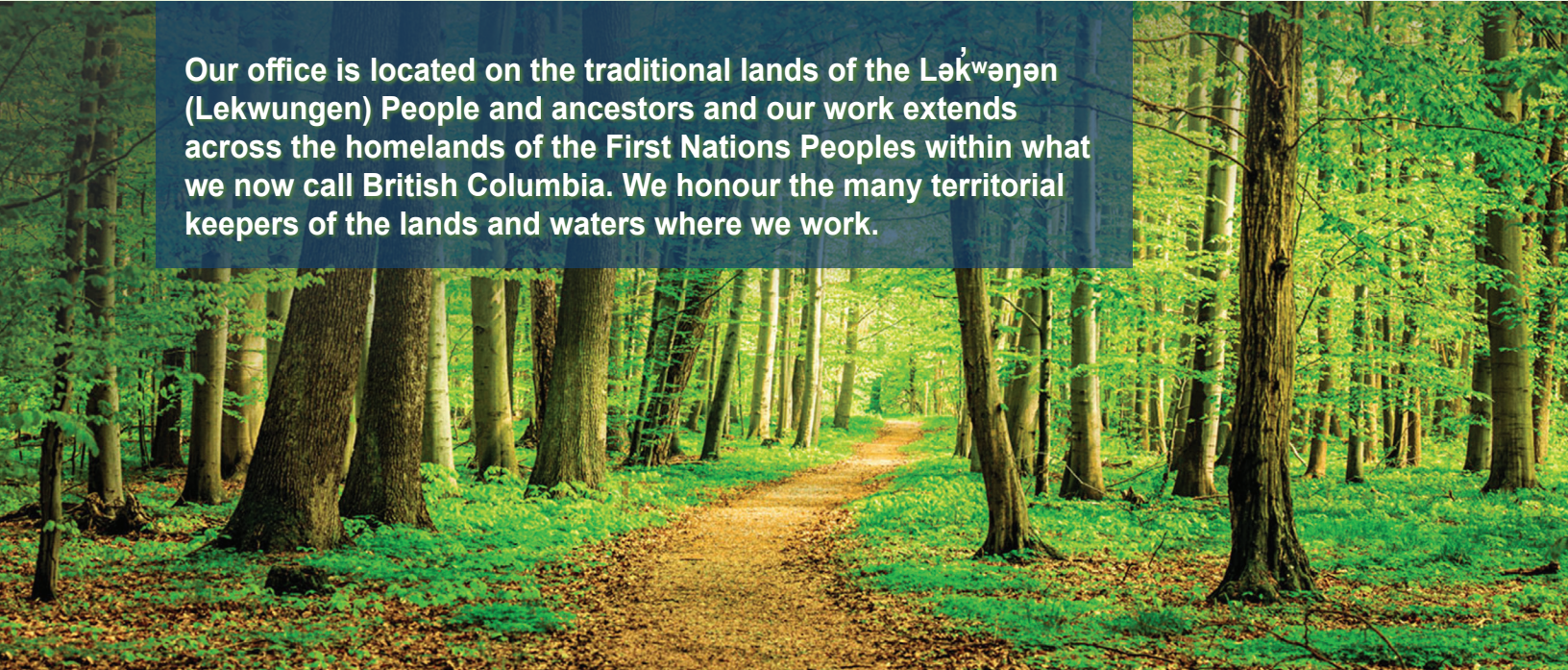
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OMBUDSPERSON
BRITISH COLUMBIA

June 2024

The Honourable Raj Chouhan
Speaker of the Legislative Assembly
Parliament Buildings
Victoria BC V8V 1X4

Dear Mr. Speaker,

It is my honour to present PIDA Special Report No. 1, *Hire Power: The appointment of ineligible candidates to temporary assignments in the public service*.

The report is presented pursuant to section 30 of the *Public Interest Disclosure Act*.

Yours sincerely,

Jay Chalke
Ombudsperson
Province of British Columbia

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MESSAGE FROM THE OMBUDSPERSON

This is my office's first public report delivered under British Columbia's whistleblowing legislation, the *Public Interest Disclosure Act*. Issuing a public investigation report is an important part of ensuring that the goals of the legislation are met and public governance issues are brought to light. This investigation report stems from my office's investigation into an employee's disclosure of wrongdoing and focuses on the failure of the Public Service Agency to follow a policy intended to fairly manage the development of public service employees. I found that the Public Service Agency's failure to ensure adherence to its policy represented systemic mismanagement, a wrongdoing under the *Public Interest Disclosure Act*.

As one of BC's largest employers, the Public Service Agency's objective is to model best practices in human resource management. Through our investigation we learned that the Public Service Agency had been consistently turning away from an internal hiring policy that was intended to guide the development of public service employees. This systemic failure to follow its policy not only was unfair to the impacted employees but limited the career development of numerous employees over the years and negatively affects the perception of the Public Service Agency as a leader in human resource management.

In this investigation, we examined the Public Service Agency's role in relation to temporary assignment opportunities that are offered to existing employees as developmental opportunities. The long-term career development and advancement of

employees is a goal of the *Public Service Act*, under which the Public Service Agency operates. A commitment to the development and retention of public service employees is also a common feature of the Public Service Agency's corporate plans over the years. This commitment was reinforced in 2023 by Deputy Minister Shannon Salter, who said the agency would "expand our efforts to strengthen our reputation as an inclusive, competitive employer so we continue to attract, develop and retain the talented people who are at the heart of the public service."¹ The career development of public service employees improves the delivery of public programs for everyone.

The development of employees through temporary assignment positions is intended to strengthen the knowledge and skills of the public service and to better prepare employees to fill permanent positions. As such, these development opportunities are offered to public service employees who have already competed for their existing position under the public service's merit-based hiring process.

However, we learned in our investigation that for more than 10 years, ineligible public servants were able to apply for these internal temporary assignment positions. These applicants were Order in Council (OIC) appointees hired into government-related positions but through a process outside of the public service merit-based hiring process. While the Public Service Agency has a policy that was supposed to prevent these OIC appointee applicants

¹ 2023 Corporate HR Plan for the BC public service.

from applying, it was not being followed. Instead, because there was no process to screen them out, OIC appointees were able to apply for temporary assignments and, in some cases, were offered positions. Most concerningly, a separate unwritten process was often being followed by ministry hiring managers on the instruction of the Public Service Agency to facilitate the hiring of these external applicants if they were successful in the competition. This alternative process developed out of administrative convenience; it was easier than trying to fix the screening process at the front end.

Why is this deviation from the policy a problem? The fair application of policy is a cornerstone of good public governance. Policy provides transparency, consistency and accountability for the operations of public sector organizations. It is an important part of ensuring that operations align with the expectations of legislation and the public commitments of the organization's leaders.

In this situation I found that every year for more than 10 years, regular public servants, for whom the developmental positions were intended, lost out on opportunities to advance their careers because of the Public Service Agency's failure to ensure its policy was followed. More broadly, it undermined the public service's commitment to the development of these employees. The deviation from policy had gone on for so long that it had become an accepted part of the Public Service Agency's practice.

As a result, I found that the Public Service Agency's conduct represented systemic mismanagement of the internal temporary assignment hiring process.

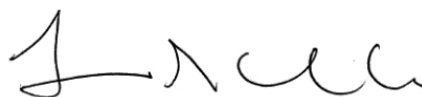
However, it was also clear that the Public Service Agency could make simple changes to identify and screen out OIC appointee applicants from temporary assignment competitions and get the process back to one that aligned with the policy.

I have made four recommendations to the Public Service Agency to address the problems uncovered by my office's investigation. These recommendations are intended to ensure that the Public Service Agency's practice aligns with the policy and that measures are put in place to screen out OIC appointees, hiring managers are informed of the policy and its expectations, a monitoring process is put in place to ensure compliance with the policy, and OIC appointees are more clearly advised of the restriction on their application to these competitions.

I am happy to report that the Public Service Agency has accepted all of these recommendations and is in the process of taking the appropriate steps to implement them. My office will continue to monitor this work.

Whistleblowers who make disclosures under the *Public Interest Disclosure Act* play an integral part in ensuring the ongoing integrity of the BC public sector. However, reporting concerns of wrongdoing can feel like a daunting step to take. I would like to commend the public employee who came forward with the concerns that led to this investigation. Their disclosure has resulted in important improvements in the transparency and consistency of the public service hiring process.

Yours sincerely,



Jay Chalke
Ombudsperson
Province of British Columbia

I. INTRODUCTION

The *Public Interest Disclosure Act* is British Columbia's whistleblowing protection legislation for current or former employees of public sector organizations. The legislation provides protection to employees who make disclosures of wrongdoing, whether to their employer or the Ombudsperson. The legislation also ensures a consistent framework across the public sector for responding to and investigating disclosures of wrongdoing. Wrongdoing has a specific definition in the Act and covers very serious, systemic or dangerous misconduct that is in the public interest to address.

Wrongdoing is defined as

(a) a serious act or omission that, if proven, would constitute an offence under an enactment of British Columbia or Canada;

(b) an act or omission that creates a substantial and specific danger to the life, health or safety of persons, or to the environment, other than a danger that is inherent in the performance of an employee's duties or functions;

(c) a serious misuse of public funds or public assets;

(d) gross or systemic mismanagement;

(e) knowingly directing or counselling a person to commit a wrongdoing described in paragraphs (a) to (d).

Our office received information in a disclosure about problematic internal hiring practices in the BC public service. It appeared that the Public Service Agency (PSA) had a long-standing practice of allowing certain applicants to apply in internal temporary assignment competitions, contrary to the established policy. This type of systemic mismanagement, if proven, would have a significant impact on the candidates applying for these competitions and represented a potential wrongdoing under the Act. We decided to investigate this matter.

Our investigation concluded that the PSA had systemically mismanaged ministries' adherence to the policy on internal temporary assignment competitions.

When we complete an investigation under the *Public Interest Disclosure Act*, the Act requires that the investigation report be provided to the chief executive of the organization, along with recommendations to address any identified problems. We may also make a report public if we believe it to be in the public interest. A public report under the Act must uphold the confidentiality of disclosers, witnesses and those accused of wrongdoing.

The *Public Interest Disclosure Act* is an important part of ensuring integrity and accountability in the public sector. This investigation uncovered conduct that was harming both specific public service employees and the integrity of an internal hiring process within the public service. For this reason, we determined that these matters should be shared with the public in this report.

2. PUBLIC SERVICE HIRING

Hiring in the BC public service is governed by the *Public Service Act*, which applies to ministries of the provincial government.

Roles of the ministries and the Public Service Agency in hiring

Responsibility for designing the hiring process within the BC public service falls to the Public Service Agency, which provides centralized human resource services to all provincial government ministries.¹ The PSA is statutorily mandated to provide “personnel management in the public service,” which includes responsibility for personnel policies, standards, regulations and procedures.²

While the PSA designs and establishes hiring policies and processes, each ministry has its own hiring managers who conduct hiring processes and are expected to make related decisions in a manner consistent with government practice, policies and standards, as well as applicable collective agreements. Steps in the hiring process include defining the selection criteria (e.g., formulating the job profile), posting the position online, evaluating candidates (e.g., conducting interviews), deciding who to hire, and sending offer or regret letters.³

The PSA supports ministry hiring managers throughout the hiring process by sharing hiring tools and providing advice and assistance as required. The PSA also provides ministries

with related administrative services, such as posting positions, calculating salaries, and formulating offer and regret letters.

Types of appointments in the BC public service

Permanent appointments

An appointment to a “regular” position in the BC public service is for employees whose work is of a continuous nature, with no fixed end date. Appointments to regular positions are often referred to as permanent appointments.

Auxiliary appointments

Appointments to and within the BC public service can also be for “auxiliary” positions. Auxiliary appointments are short-term, intended to be used for work that is not ongoing, such as coverage for employees on leave, seasonal work and short-term projects.

Temporary appointments

Similar to auxiliary appointments, temporary appointments are appointments for a defined period of time with a fixed end date. Temporary appointments can be used to fill a regular position temporarily (e.g., the permanent appointee is on parental leave). Temporary appointments can also be used for other reasons, such as completing a

¹ Government of British Columbia, “[About the BC Public Service Agency](#).”

² *Public Service Act*, R.S.B.C. 1996, c. 385, s. 5.

³ Government of British Columbia, “[Steps in the Hiring Process](#).”

project with a set end date, or to provide an opportunity for existing staff to gain new skills and experience.

Order in Council appointments

Order in Council (OIC) appointees are appointed by the Lieutenant Governor in Council (Cabinet).⁴ OIC appointments are used for various positions including independent decision makers (e.g. tribunal members) and staff that work in a confidential capacity with democratically elected decision-makers (e.g. a ministerial assistant to a minister).

The principle of merit

While there are a few exceptions, the *Public Service Act* generally requires that appointments to and from within the BC public service are based on the principle of merit. The merit principle is the idea that the BC public service should hire and promote individuals based on their ability to perform a job, and not based on political or personal connections. Under the *Public Service Act*, “matters to be considered in determining merit must, having regard to the nature of the duties to be performed, include the applicant’s education, skills, knowledge, experience, past work performance and years of continuous service in the public service.”⁵

For some appointments, the *Public Service Act* also requires a competitive hiring process designed to appraise the knowledge, skills and abilities of eligible applicants.⁶

Government’s compliance with the principle of merit in hiring decisions is overseen by the Merit Commissioner, who is an independent officer of the Legislature.⁷ The Merit Commissioner is mandated to provide independent oversight and insight into merit-based hiring in the BC public service.⁸ The Merit Commissioner monitors the principle of merit in appointments by conducting audits and final-level reviews of certain staffing decisions at the request of unsuccessful employees.

Both permanent appointments and long-term temporary appointments must be based on the principle of merit and must be the result of a competitive hiring process.⁹

However, the requirement to have a competitive hiring process does not apply to temporary appointments of less than seven months, auxiliary appointments, or direct appointments made by the head of the PSA in unusual or exceptional circumstances. Although these types of appointments may be made without a competitive hiring process, they must still be based on the principle of merit.¹⁰

OIC appointments may be made without a competitive hiring process and do not need to be based on the principle of merit.¹¹

⁴ *Public Service Act*, R.S.B.C. 1996, c. 385, s. 15(1).

⁵ *Public Service Act*, R.S.B.C. 1996, c. 385, s. 8(1)(a).

⁶ *Public Service Act*, R.S.B.C. 1996, c. 385, s. 8(1)(b).

⁷ Legislative Assembly of British Columbia, “[The Statutory Officers of British Columbia](#).”

⁸ *Public Service Act*, R.S.B.C. 1996, c. 385, s. 5.1.

⁹ *Public Service Act*, R.S.B.C. 1996, c. 385, s. 10.

¹⁰ A more comprehensive list of appointment types and the application of section 8 to each can be found under “[appointment types](#).”

¹¹ *Public Service Act*, R.S.B.C. 1996, c. 385, s. 15(3).

Table 1: Requirements for hiring, by type of position

Appointment type	Requirements of the <i>Public Service Act</i>	
	Merit principle	Process to assess knowledge, skills and abilities
Permanent/regular	Yes	Yes
Long-term temporary (7 months or more)	Yes	Yes
Short-term temporary (7 months or less)	Yes	No
Order in Council	No	No

Terms and conditions of employment for excluded employees/appointees

Regardless of whether they are permanent, auxiliary or temporary, appointments to and from within the BC public service can be to either union or non-union positions. The terms and conditions of employment for unionized positions are generally set out in collective agreements.

Because collective agreements do not apply to non-unionized employees, the terms and conditions of employment for non-unionized employees is instead governed by a PSA policy titled “Terms and Conditions of Employment for Excluded Employees/Appointees.”

One type of non-unionized employee to which this policy applies is OIC appointees, and section 9.1 of the Terms and Conditions prohibits OIC appointees from pursuing temporary appointments to employee positions within the BC public service:

9. OIC appointee movement to a public service position: All OIC appointees appointed under the Public Service Act

9.1 Temporary assignments in Public Service Employee Positions

OIC appointees may not apply on, accept, or enter any agreement related to a temporary assignment in an employee position in the public service. Temporary assignments are considered career development opportunities and, as such, are open only to employees of the public service who are hired under section 8 of the Public Service Act.

For unionized staff, collective agreements promote fairness among employees by ensuring that the terms and conditions of employment are transparent and consistent, and they provide mechanisms for holding employers accountable to the bargained and agreed-upon terms and conditions of employment.

Non-unionized employees do not benefit from these same protections, and instead must rely on policies such as the Terms and Conditions. For this reason, and to ensure that all employees benefit from transparency, consistency and accountability in their workplace, it is important that ministries and the PSA adhere to PSA policies, including the Terms and Conditions.

3. DISCLOSURE

We received a disclosure under the *Public Interest Disclosure Act* alleging the improper hiring of Order in Council appointees into roles in the Ministry of Social Development and Poverty Reduction. We investigated the disclosure and determined that there was no wrongdoing by the ministry in relation to the hiring.

However, during our investigation, we reviewed evidence suggesting the Public Service Agency was not correctly applying section 9.1 of the Terms and Conditions to OIC appointees. We then investigated the PSA's conduct, with a focus on its process for managing OIC appointee candidates during internal temporary assignment competitions.

4. INVESTIGATION INTO THE PUBLIC SERVICE AGENCY

Our investigation collected a substantial amount of information pertaining to the internal temporary assignment practice in the public service since 2013, including:

- Records of competitions
- Data on applicants and successful candidates
- Interviews with a number of witnesses conducted by summons and under oath

Policy is a cornerstone of fair administration

Following formal policy is an important feature of fair administration. Adherence to policy ensures consistency, transparency and accountability. When policy provides a test or criteria, it should be applied consistently so similar cases are treated similarly. Deviations from policy must be made on a principled basis, such as to ensure equitable application of policy. These deviations can be documented, with reasons for the decision, to allow similar cases to be treated similarly in future.

Written policy provides transparency and fosters a shared understanding of how an issue is typically addressed, thus reinforcing consistent decision making. Transparency and consistency create confidence in the process, and also provides a basis

for people to raise questions when they aren't sure whether policy was applied. It helps organizations catch errors or unprincipled deviations from policy, improving performance and organizational accountability. Transparency through written policy is particularly important in the hiring context, where the details of a particular competition and the qualifications and eligibility of competing candidates are often not known to other candidates. Information providing clarity about how the process works is the only information candidates have access to.

Administrative inconvenience does not justify circumventing policy

In our investigation, we obtained data on how often Order in Council appointees had been hired into temporary assignments in the public service, contrary to the Terms and Conditions. The PSA's data indicates that more than 10 OIC appointees per year have applied to internal temporary assignments despite section 9.1 (see Table 2). In every year except one, three or more OIC appointees moved into internal temporary assignments. As such, the data reveals a regular and long-standing issue.

Table 2: Order in Council (OIC) applicants and appointments to temporary assignments (TAs) in the public service, by year

	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	TOTAL
OICs who applied for internal TAs	13	13	11	18	22	11	25	19	42	17	14	205
OICs who moved to internal TAs	8	4	5	1	5	4	5	9	8	12	3	64
OICs resigned after accepting TA				1						1	1	3

The PSA explained that it does not pre-screen applicants before applications are sent to the hiring manager, and the software it uses to receive applications cannot detect or exclude OIC appointees. The PSA suggested that it was therefore unable to stop OIC appointees from applying for internal temporary assignments and unable to detect them at the early stages of a competition. This occurred, in part, because many internal job postings do not involve the PSA until the ministry submits the paperwork for the successful applicant for PSA processing.

There was no evidence that the PSA proactively informs OIC appointees of section 9.1 or advises them not to apply for internal temporary assignments.

The evidence showed that the PSA had failed to ensure compliance with the Terms and Conditions of Employment for Excluded Employees/Appointees. Rather than excluding identified OIC appointees from internal temporary assignment competitions in accordance with the policy, the PSA had developed a different informal and unwritten process, which it used consistently to manage competitions where OIC appointees had been successful in job competitions in which they were not eligible to compete.

In accordance with this informal process, when OIC appointees were the successful candidate in an internal temporary assignment competition, the PSA expected them to resign from their appointments and accept their temporary assignments as auxiliary employees. There was no evidence that this practice is established in any written guidance. More importantly, this practice was inconsistent with the intent of section 9.1, the purpose of which is to ensure that temporary assignments go to public servants hired through the standard process under the *Public Service Act*.

It is not clear what mechanism, if any, the PSA relied upon at this later stage to identify OIC appointees moving into temporary assignments. Therefore, it also wasn't clear how the PSA could ensure that OIC appointees were hired on an auxiliary basis after resigning their OIC appointments. We reviewed one instance in which an OIC appointee moved into a temporary assignment. In that case, the matter came to the PSA's attention only because the candidate had indicated in the recruitment system that they were external to government, which prompted the hiring manager to raise the question to the PSA.

The evidence showed that the PSA had developed a regular, unwritten hiring practice intended to circumvent section 9.1 of the Terms and Conditions.

Not following policy can lead to unfair results

We investigated whether the PSA's conduct, as described above, amounted to systemic mismanagement.¹² Systemic mismanagement is broad, long-standing or organizational in nature. It is typically recurrent, involves or impacts a large number of people, and is often known of and accepted by those with a high level of responsibility.

The number of competitions involving OIC appointee applications is small relative to the number of competitions the PSA executes annually. According to the PSA's data, the percentage of internal temporary assignment competitions where this issue arose is quite small, at 0.2 percent. The precise degree to which the OIC appointments prevented other candidates from receiving offers is unknown to us.

However, the data provided by the PSA suggests that at least 64 eligible public servant applicants over 10 years were not offered positions they would have been offered (if otherwise successful) because they came in second to an OIC appointee. The impact for those individuals in terms of career opportunities and development, while unknown, is important and cannot be discounted. There is the loss of the direct benefit (likely increased salary during the temporary assignment) but also the long-term impact of missing out on a developmental opportunity. The latter can affect the trajectory of an entire career. Missing out

on developmental opportunities that were awarded to ineligible employees is unfair and contrary to the principle of merit discussed above, which underpins almost all public service hiring.

Further, the deviation from the expected practice creates unfairness for other OIC appointees. It is possible that other OIC appointees would have applied to internal temporary assignment competitions but did not do so because they were aware of and wished to adhere to section 9.1. Only those who were either ignorant of the policy or chose to ignore it had the opportunity to be successful.

While the total percentage of affected public service employees was very small, for those employees the inappropriate loss of a development opportunity is a serious matter. The seriousness is only increased by the PSA putting effort into developing an alternative process to circumvent the policy. The PSA's unwritten process for OIC appointees to resign before accepting the temporary assignment does not reduce the impact on those applicants who were entitled to apply.

The evidence of the alternative process indicates that the PSA broadly accepted regular contravention of its own policy. Rather than seeking to mitigate the alleged practical challenges the policy poses, the PSA created an alternative process that contravened the wording and intention of the policy. The PSA allowed OIC appointees to accept positions they were not eligible to apply for at the expense of current non-OIC appointee employees. Broad acceptance of a known issue is a common feature of systemic mismanagement.

¹² *Public Interest Disclosure Act*, s. 7(1)(d).

The problematic nature of the PSA's conduct is compounded because it was not ensuring adherence to the alternative process it had developed to manage the issue of successful OIC candidates. The data we received indicates that in 11 years only 3 of the 64 OIC appointees successful in internal temporary assignment competitions resigned their OIC appointments. This suggests that the PSA has either failed to effectively identify later in the competition process those contravening section 9.1 or the PSA is not following through with its alternative requirement that OIC appointees resign.

Of course, the PSA is best positioned to determine which solutions to this issue would be most practical and effective. Given the existence of section 9.1, it is the PSA's responsibility to do so. The suggestion by PSA staff that the PSA is unable to stop OIC appointees from applying to internal temporary assignments and unable to detect them at the early stages of a competition was not reasonable.

For systemic mismanagement to be wrongdoing it requires conduct of some significance but does not require conduct that amounts to gross mismanagement (e.g., gross negligence, abuse of authority). The seriousness here, where the harm to those impacted is unclear, may be less than in circumstances where a failure to follow policy might impact public funds or workplace safety. However, applicants' loss of employment opportunities to which they are otherwise entitled due to a systemic acceptance of a policy breach is a serious concern that damages the PSA's record of ensuring that the public service is a fair and principled employer.

Failure to enforce policy can lead other applicants to question whether they have been treated fairly and can cast doubt on outcomes of other processes. In the case of human resources policy, a failure to follow policy can undermine the credibility of other human resource functions of an organization, whether or not such doubt is warranted. In this case, policy was circumvented for administrative convenience. This had a cost for other applicants through no fault of their own.

Public service hiring consistent with policy may have less direct impact to the public, but as a large public-sector employer, the PSA is expected to demonstrate not only fairness but leadership in human resource management. Creating and enforcing human resource policy, including ensuring internal compliance with hiring policies, is at the core of the PSA's work of managing the public service's human resources.

As such, we expect the PSA to ensure awareness of and compliance with human resource policy as well as finding ways to reduce the number of policy breaches. Instead, the evidence indicates that the PSA created an alternative, unwritten policy that circumvents the spirit and intention of section 9.1. It is on this basis that I make a finding of systemic mismanagement pursuant to section 7(1)(d) of the *Public Interest Disclosure Act*.

5. FINDING OF WRONGDOING

The evidence supports a finding that the Public Service Agency's failure to ensure compliance with section 9.1 of the Terms and Conditions of Employment for Excluded Employees/Appointees represents systemic mismanagement pursuant to section 7(1)(d) of the *Public Interest Disclosure Act*.

6. RECOMMENDATIONS

The *Public Interest Disclosure Act* empowers me to make recommendations I consider appropriate on completing an investigation.¹³

I made four recommendations to the Public Service Agency to address the finding of systemic mismanagement. My recommendations in this report are intended to improve PSA practices and ensure accountability in respect of those practices through the Merit Commissioner, the Office of the Legislature with the most expertise to support the PSA in improving Order in Council appointee adherence to section 9.1. The PSA has accepted all of the recommendations.

Recommendation 1: Within three months of this final report, the PSA update current practices to be consistent with section 9.1:

- Amend existing hiring procedures and materials, including systems changes if practicable, to assist in identifying and screening out OIC appointees from a competition.
- Amend onboarding templates for OIC appointees to clearly communicate section 9.1 and the expectations for OIC appointees that flow from the policy.

PSA evidence was that the recruitment system changes required to automatically block OIC appointees from competitions to which they are not permitted to apply would be unreasonably onerous or impractical for the number of competitions affected. This is plausible. However, reasonable measures

could be taken to reduce the likelihood of OIC appointees applying for internal temporary assignments.

The PSA has agreed to amend relevant procedures and materials and make minor systems changes that will allow for pre-screening of applicants for internal temporary assignments to identify any OIC appointees early in the competition process.

The PSA further committed to ensuring there is no option for OIC appointees to accept internal temporary assignments if they are successful in a competition. The applicants will instead be told they are not eligible.

Recommendation 2: Within three months of this final report, the Public Service Agency communicate section 9.1 to deputy ministers in writing and ensure that the information is also provided to ministers' offices.

Recommendation 3: Where OIC appointees are identified as having applied on a TA, contact the appointee to advise that they are in breach of section 9.1 and on a second occurrence their supervisor will be advised for the purpose of follow-up with the employee.

Recommendation 4: The PSA report to the Merit Commissioner annually for the next three years the compliance with these recommendations, in a manner the Merit Commissioner considers appropriate. The PSA or the Merit Commissioner may return to my office to review this recommendation if necessary.

¹³ *Public Interest Disclosure Act*, s. 27(2)(c).

APPENDIX

Response from BC Public Service Agency



Where ideas work

June 7, 2024

Jay Chalke
Ombudsperson
947 Fort St.
Victoria BC V8V 3K3

Dear Jay Chalke:

Thank you for your letter of May 10, 2024, and a copy of your Public Interest Disclosure Act (PIDA) special public report on the hiring of Order in Council (OIC) appointees into temporary appointments in the public service. I am pleased to note that Recommendation #2 has been completed and the remaining recommendations will be completed within the specified timeframe.

As per your letter, I am providing you with the following response from the Public Service Agency (PSA) to be included with the public report.

- As the report notes, the issue involves 64 hires over the span of 10 years. This equates to a small percentage of the total number of temporary appointments. It is also a small percentage of the tens of thousands of postings during that timeframe.
- We acknowledge those 64 instances were not aligned to the policy, and that OIC appointees should not have been allowed to apply for the temporary appointments. However, in many cases the individuals were selected as the result of a competitive process and were the most qualified candidate for the position from those who applied. This is not to diminish the issue, but to recognize these were not cases where an unqualified candidate was appointed to the job.

BC Public Service Agency Office of the Deputy Minister

Mailing Address:
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Victoria BC V8W 9V1

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Facsimile: 250 356-7074

- Regarding the development of an alternative process to circumvent the policy, the intention was not to circumvent policy. Decisions on how to deal with OIC's who were successful in temporary appointments were dealt with on a case-by-case basis as the PSA became aware of them. In certain cases, OIC's were unaware of the policy, had applied for the temporary appointment in good faith, and had already started working in the position.
- The PSA has taken steps in recent years to provide greater awareness and application of the policy regarding OIC ineligibility for temporary appointments and will build on those efforts with the implementation of the Ombudsperson's recommendations.

Yours sincerely,



Deb Godfrey
Deputy Minister
BC Public Service Agency

pc: Melissa Thickens, ADM, Strategic Policy and Partnerships
Rueben Bronee, ADM, Communications, Learning, and Engagement
Indy Randhawa, ADM, HR Operations
Angela Weltz, Executive Director, Strategic Policy and Partnerships



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