The Government of Canada Staffing Toolkit for Managers

MAKING IT WORK FOR YOU

Table of Contents

Acknowledgements

This Toolkit, which flows from a collaborative effort involving the *Public Service Commission* and *Public Service Human Resources Management Agency of Canada*, was designed by managers, bargaining agent representatives and HR professionals from many different departments and agencies within the Government of Canada for use by federal public servants across the country to help them improve the way they do staffing within their organizations.

The idea is to provide managers and HR professionals with a "starter document" that can show them at a glance some of the enhanced authority and flexibility available under the new *Public Service Employment Act (*PSEA*)* and give them some ideas as to how this new staffing regime can be made to work for them and their organizations.

A great number of dedicated and very talented individuals were involved in this project - whose input, ideas and hard work contributed immeasurably to its ultimate success. And while it is clearly impossible to acknowledge everyone who contributed to this work, our special thanks nevertheless do go out to the Working Group Members and Collaborators whose hard work and expertise were key to the successful completion of this *Toolkit.*

They include the following people:

WORKING GROUP MEMBERS AND COLLABORATORS

Name	Organization
George Da Pont, Co-chair	Fisheries and Oceans
Gary Lewis, Co-chair	Environment Canada
Lisa Addario	Public Service Alliance of Canada
Lise Annibalini	Treasury Board Secretariat
Anil Arora	Statistics Canada
Danielle Auclair	Professional Institute of the Public Service of Canada
Lyette Babin-MacKay	Professional Institute of the Public Service of Canada
Wendy Barrow	Public Service Human Resources Management Agency of Canada
Severn Blades	National Defence
Merri Beattie	Public Works and Government Services Canada
Ginette Beauchamp	Canada School of Public Service
Josée G. Beaudry	Environment Canada
Martine Beaudry	Canada Revenue Agency
Richard Beauregard	Treasury Board Secretariat
Anne Berry	Public Service Human Resources Management Agency of Canada
Eileen Bertolo	Federal S&T Community Management Secretariat
Nicole Blondin-Roy	Social Development Canada
Carl-Denis Bouchard	Citizenship and Immigration Canada
Magalie Brabant	Public Works and Government Services Canada
Joslyn Brodeur	Public Service Human Resources Management Agency of Canada
Julie Brunet	Indian and Northern Affairs Canada
Claude Charron	Canada School of Public Service
Marcia Clement	Association of Professional Executives of the Public Service of Canada
Linda Collard	Public Service Commission
Jean Daigle	Environment Canada
Jacquie De Aguayo	Public Service Alliance of Canada
Marie-Christine Decourcelles	Public Works and Government Services Canada
Bertrand Duclos	Service Canada
Richard Dufresne	Fisheries and Oceans
Lynnea Duncan	Public Service Human Resources Management Agency of Canada
Jayne Field	National Defence
Roger Florschutz	Canada Border Services Agency

Name	Organization
Linda Gaucher	Public Works and Government Services Canada
Norbert Gaudet	Human Resources and Skills Development Canada
Anne Marie Giannetti	Citizenship and Immigration Canada
Marie-Josée Gigoux	Public Service Commission
Suzanne Gougeon	Public Service Commission
Louise Gravel	Citizenship and Immigration Canada
Sylvie Hébert	Industry Canada
Elizabeth Holden	Public Service Alliance of Canada, on secondment with the Public Service Human Resources Management Agency of Canada
Marie Horricks	Human Resources Council
Megan Imrie	Public Service Human Resources Management Agency of Canada
John Kung	Public Service Human Resources Management Agency of Canada
Patti Kuntz	Fisheries and Oceans
Etienne Laliberté	Public Service Human Resources Management Agency of Canada
John Lachance	National Defence
Jill LaRose	Public Service Human Resources Management Agency of Canada
Noreen Leblanc	Public Service Human Resources Management Agency of Canada
Louise Lemay	Public Service Commission
LB Lévesque	National Defence
Deborah Macdonald	Canadian Human Rights Commission
Janice Manchee	Public Service Alliance of Canada
Diane McCusker	National Defence
Lynne McHale	Federal S&T Community Management Secretariat
Charles McMullen	National Defence
Betty Mitchell	Indian and Northern Affairs Canada
John Mooney	Public Service Human Resources Management Agency of Canada
Deborah Murray	Human Resources and Skills Development Canada
Bertrand Myre	Canadian Association of Professional Employees
Edwin Okodike	Health Canada
Carole Paris	Transport Canada
Carole Perrault	Social Development Canada
Dr. Puni Piyasena	Agriculture and Agri-Food Canada
Chantal Plourde	Agriculture and Agri-Food Canada
Edward Poznanski	Public Service Commission
Pauline Proulx	Federal S&T Community Management Secretariat
Margaret Rashid	Canada Border Services Agency

Name	Organization
Jennifer Rooney	Public Service Human Resources Management Agency of Canada
Louise Roussy	National Defence
Marianna Saladini	Statistics Canada
Susan Sams	Human Resources Council
Diane Samson-Boisvert	Treasury Board Secretariat
Francine Séguin	Social Development Canada
Lise Séguin	Environment Canada
Yves Séguin	Public Service Human Resources Management Agency of Canada
Jim Smith	Treasury Board Secretariat
Luce D'Alba Spina	Public Service Commission
Laurette Stanton	Public Service Commission
Maureen Stewart	Public Service Commission
Bob Taylor	International Brotherhood of Electrical Workers, on secondment with the Public Service Human Resources Management Agency of Canada
Barbara Thompson	Treasury Board Secretariat
Leslie Ullyett	National Defence
Rebecca Van Tuyl	Statistics Canada
Jo-Ann Vance	Statistics Canada
Michael West	Public Service Commission
Louise Wolfe	Public Works and Government Services Canada

Making This Toolkit Work For You

A NEW WORLD OF STAFFING OPTIONS

The new *Public Service Employment Act (*PSEA*)* opens up a whole new era in human resource management within the Government of Canada by:

- Giving managers more staffing authority; and
- Increasing their options so they can develop staffing approaches that better address the special needs of their organizations.

Teamed with this increased authority and flexibility available to organizations, managers now also have new obligations and responsibilities – which means that federal government staffing has changed forever.

> *The PSEA has altered forever staffing within the Government of Canada – so managers and HR professionals need to learn how to adapt to this new environment.*

To cope with this "staffing revolution", managers and Human Resources (HR) professionals need to understand the new environment in which they are now operating so they can fully benefit from the new powers and tools available to them.

That's where this *Staffing Toolkit* comes in.

It is designed to be an easy-to-use, general reference for managers and HR professionals – a first step if you will – so you can tell at a glance what new tools are available and how you can use them for full effect.

And to help you pursue areas of interest in greater detail, it contains links to other federal government websites and publications that contain in depth information on particular topics.

To make this *Toolkit* even easier to use, we have broken it up into three major units:

- **Part A – "Assembling the Tools" -** provides information on what tools are available and what's new in the *Act* - in terms of greater authority and organizational flexibility and any new obligations managers must now address. In short, it is designed to show you at a glance what's in the legislation so you can get up to speed on the new tools at your disposal and what this means for you and your organization.

- **Part B – "Using the Tools"** - takes the process one step further by giving managers and HR specialists information on how they can use these tools to improve staffing in their organization.

- Finally, **Part C** contains a glossary of terms managers and HR specialists are likely to encounter as they start working in this new environment – so they can better understand what the *Act* requires of them – as well as new stakeholder roles and responsibilities under the PSEA and new obligations and opportunities that will impact them under this new staffing regime.

YOU ARE NOT ALONE – TALK TO YOUR HR PROFESSIONAL

While this *Toolkit* can help you get a better idea of some of the new options open to your organization, it's not meant to be the last word on the subject. Rather, it's just the first step in helping you to realize the goal of effective and efficient staffing.

And so, should you require more detailed information on a given topic, or should you wish to explore staffing options other than appointments – such as assignments, secondments, deployments or Interchange Canada - please consult with your organization's HR professionals, who will be able to advise you on the best way to proceed, given the needs and circumstances of your organization.

SO WHAT'S POSSIBLE - AND HOW FLEXIBLE IS "FLEXIBLE"?

A number of new and really exciting things are now possible as a result of the new PSEA.

But exactly what is possible and how you should fine-tune your staffing approaches to benefit fully from these legislative changes will depend very much on your organization's mandate, needs, resources and internal policies.

And so to get a better idea of what things may be possible, have a look at the scenarios that follow, which involve common situations that face many managers every day.

SCENARIO 1 – FILLING A POSITION QUICKLY

The Situation

A manager has just learned that her administrative assistant will be going to another job in two weeks. This is a key position that must be filled as quickly as possible and there are no priority persons who meet the essential qualifications.

The Response

In thinking about a possible replacement, the manager decides that any possible replacement must:
- Be able to perform all the basic administrative duties of the job; and
- Have strong financial and inter-personal skills.

In addition, she determines that the:
- Ability to analyze legislation and regulations would be an important asset for this position; and
- Organization's employment equity representation gap will need to be addressed in staffing this position.

These particular asset qualifications and organizational needs were identified when an external essentially qualified pool was previously established, based on the department's integrated human resources and business planning.

Upon consulting her human resource professional, the manager discovers that there are four individuals in the department's external essentially qualified pool who have all of the essential qualifications for the job as well as the financial skills she is looking for.

These merit criteria are then communicated to all four individuals – and are used to evaluate each person to determine which one is the "right fit" for the team, based on current and future needs.

Once a person is selected, events move quickly – with the paperwork for the appointment taking just a couple of days.

And since the person can start in one week, there is sufficient time for a short overlap between the departing and incoming administrative assistants to allow for a good orientation and transfer of knowledge.

On her first day of work, the new employee takes the Oath or Solemn Affirmation set out in the PSEA, and the appointment is made.

SCENARIO 2 – A NON-ADVERTISED PROCESS

The Situation

A key scientist, who is a specialist in the area of geophysics, has just accepted a teaching position at a university. The manager knows three other scientists already in the organization – two of whom are in the same group as the departing scientist - who have roughly the same educational background and expertise as the incumbent.

The Response

The manager decides to proceed with a non-advertised process in accordance with the departmental staffing framework. He contacts the three individuals and all express an interest in being considered for the job – particularly since the position would represent a promotion for each of them.

The manager assesses the employees based on their track record and references. While all of the interested persons have roughly the same qualifications, the manager is pleased to discover that one individual does have strong writing and presentational skills – capabilities that had been identified as an asset qualification for the job. The manager prepares a note to file setting out his explanation for selecting that particular individual.

Everyone in the area of selection is notified of the name of the scientist who is being considered. This allows those persons who may wish to do so to request an informal discussion to find out why they have been eliminated from the process.

Following the waiting period of five calendar days, the person selected is appointed and the second notification is issued – which means that the entire process took only three weeks.

SCENARIO 3 – PROFESSIONAL DEVELOPMENT

The Situation

A department's demographic analysis shows that the senior ranks of a specialized occupation are likely to become depleted in the coming years due to retirements, placing crucial operations at serious risk.

The Response

Responding to this challenge, managers and bargaining agents co-develop a professional development program for people at more junior ranks in the same field, along with a recruitment strategy to replenish entry-level positions as current employees are moved to other positions or retire. The professional development program involves:
- Relevant and high quality rotational learning assignments;
- A suite of specialized courses; and
- 360-degree performance assessments.

Employees are appointed to higher levels once they meet the essential qualifications as well as any other merit criteria that have been identified. Other persons who have not been promoted have access to informal discussion.

Recruitment into the entry level is achieved through an annual selection process that is open to persons from both inside and outside the public service. These individuals are then assessed on the basis of all of the essential qualifications. Those who qualify are entered into an essentially qualified pool and those in the pool are contacted as existing employees get promoted.

As a result of these proactive, collaborative efforts, all levels of the occupation remain staffed, and operations continue with no crisis staffing actions or formal complaints.

WHAT IT ALL MEANS

While these three scenarios illustrate some of the new staffing flexibility available to management as a result of the new PSEA, they do not come close to illustrating all of the possibilities.

With that in mind, let's get started by turning to Part A of the *Toolkit* so you can get a better idea of what's in the PSEA and how you can use it to improve staffing in your organization.

PART A

ASSEMBLING THE TOOLS

The *Public Service Employment Act (PSEA)*

Launching the "Staffing Revolution"

The new *Public Service Employment Act* (PSEA) provides a legislative framework whose ultimate aim is to:

- Foster the development of a staffing system that is non-partisan, simple, flexible, modern and efficient; and
- Increase the flexibility management enjoys in the area of staffing so managers can design approaches that do a better job of addressing the HR needs of their organizations – while at the same time holding managers to account for their actions and requiring that fundamental public service values be respected.

How it's going to work

The idea is to:

- Give organizations more control over staffing decisions;
- Encourage greater use of integrated human resource and business planning;
- Support merit, non-partisanship and the appointment values of fairness, access and transparency;
- Encourage greater dialogue between managers and employees; and
- Provide for fair, transparent and expedient resolution of staffing issues and concerns.

For more information

More detailed information on the provisions of the *Act* may be found on the web at http://www.psc-cfp.gc.ca/staf_dot/psea-lefp/index_e.htm.

NEW STAKEHOLDER ROLES AND RESPONSIBILITIES

One way the PSEA seeks to do this is by radically altering the roles and responsibilities of many of the key players – including organizations such as the Public Service Commission (PSC), the employer, deputy heads, managers, HR professionals and other stakeholders.

A summary of some of the changes in this area may be found in Part B.

DELEGATION OF AUTHORITY

As part of this, the PSEA significantly alters the way authority is delegated.

> ### What's New?
>
> - The preamble of the *PSEA* recommends that delegation of staffing authority be "to as low a level as possible within the public service" so that public service managers have the flexibility "to staff, manage and lead their personnel to achieve results for Canadians".
> - Most appointment authorities, including external recruitment and EX resourcing, will be delegated to deputy heads.

How it's going to work

While the Public Service Commission (PSC) will retain the authority to make appointments to and within the public service, in most cases it will delegate authority for all appointments, including EX and external recruitment to deputy heads. Under such an arrangement, each deputy head may then sub-delegate authority to managers throughout his or her organization. As well, the PSC will monitor and conduct audits to ensure the overall integrity of the staffing system and make sure appointments are based on merit.

> ### For more information
>
> More detailed information on staffing delegation may be found on the web at
> http://www.psc-cfp.gc.ca/psea-lefp/framework/delegation/index_e.htm.

APPOINTMENT VALUES AND PRINCIPLES

The PSEA also places greater stress on appointment values and principles than was previously the case.

What's New?

- The new *PSEA* focuses more on values than on rules and processes.
- The PSC Appointment Framework is based on three values:
  - **Fairness** – *which means decisions are made objectively, free from political influence or personal favouritism; policies and practices reflect the just treatment of employees and applicants.*
  - **Transparency** - *which means information about decisions, policies and practices, is communicated in an open and timely manner.*
  - **Access** – *which means having a reasonable opportunity to apply and be considered for public service employment.*

How it's going to work

In contrast to the old rules-based staffing system - which tended to emphasize process – the PSEA calls for a new approach that relies more on values and results.

For example, the preamble to the PSEA emphasizes the importance of ensuring excellence, integrity and fair and transparent employment practices in federal government staffing. This means that delegated managers must exercise their staffing authority in a way that ensures the integrity of the staffing system and respects the staffing values and principles contained in the *Act*.

For its part, the PSC will, as part of its monitoring and auditing role, focus on safeguarding merit and non-partisanship as well as supporting the appointment values outlined above. In addition, as part of their decision-making, managers should take into account the need for:

- **Flexibility** – to ensure that resourcing approaches are adapted to the needs of the organization; and

- **Affordability and Efficiency** – to ensure that staffing approaches provide good value for money and are delivered in a manner that is simple, timely and effective.

KEY OBLIGATIONS AND OPPORTUNITIES

While the PSEA provides management with many new powers and greater flexibility in how they undertake staffing activities, it also seeks to balance these with a number of new obligations that are designed to hold managers to account.

A brief overview of some of the new obligations and opportunities managers are likely to see as a result of the *Act* may be found in Annex C.

RECOURSE

The PSEA also provides a new form of recourse for internal appointment processes.

<div style="border:2px solid black; padding:10px;">

What's New?

- Under the *PSEA*, recourse will take the form of complaints to the Public Service Staffing Tribunal (PSST).
- Grounds for making a formal complaint in an internal appointment process are:
  - Abuse of authority in the establishment or application of the merit criteria;
  - Abuse of authority in the choice between an advertised and a non-advertised internal appointment process; and
  - Failure to assess a person in the official language of his/her choice.

</div>

How it's going to work

The focus of recourse to the PSST is on examining how the complainant was treated in the internal appointment process, rather than whether or not the selection of the person appointed or proposed for appointment was based on merit – as was previously the case.

<div style="border:1px solid black; padding:10px;">

For more information

More detailed information on recourse to the PSST may be found on the web at http://www.pssttdfp.gc.ca/epic/internet/inpsst-tdfp.nsf/en/home.

</div>

Staffing Your Organization

But probably the biggest change involves the way managers go about staffing their organizations.

What's New?

- Enhanced HR planning will be critical if organizations are to take advantage of all the flexibilities available under the new *PSEA*.
- Greater ability to include employment equity in staffing.
- A new definition of "merit".
- Flexibility in choosing a process – e.g. there is no obligation to run an internal process first.
- Freedom to choose either advertised or non-advertised processes.
- Ability to choose the "right fit" rather than the "best qualified" person.
- Informal Discussion during the appointment process to discuss decisions with those persons who were eliminated from consideration.
- Deputy heads can now take corrective action or revoke internal appointments when the appointment authority has been delegated.
- Recourse to PSST – on specific grounds.

How it's going to work

Below are some of the activities involved in the **internal** public service appointment process.

In reviewing these, please note that these only apply to **internal** processes. This is an important distinction to make since many of the activities for external appointment processes are quite different. For example, important elements in the internal process – such as informal discussion, notification and recourse to the PSST - do not apply to the **external** process.

Also please note that this *Toolkit* applies only to appointments. So if you require information on other staffing options - such as assignments, secondments, deployments or Interchange Canada – please consult your HR professional for information on how the PSEA impacts these other approaches**.**

DECISION POINTS IN INTERNAL APPOINTMENT PROCESSES

General Decision Points

Planning
- Consider business plan in conjunction with HR and EE Plans

Establish Merit Criteria
- Set:
  - Essential Qualifications
  - Asset qualifications
  - Operational requirements
  - Organizational needs

Choose Process
- Consider priorities
- Choose advertised or non-advertised
- Set area of selection

Assessment
- Choose and apply assessment instruments

Informal Discussion

Lessons Learned
- Plan for future
- Report on results

Appointment

Notification
- Respect waiting period
- Make appointment

Selection
- Choose "right fit"
- Recognize ranking no longer required

After Appointment
- Respond if any complaints to Public Service Staffing Tribunal (internal only)
- Carry out investigations, take corrective action or revoke, if necessary

ORGANIZATIONAL CONTEXT AND DELEGATION

As a first step in staffing, a manager must take into consideration three important factors that vary depending on the organization:

1. The authorities that have been sub-delegated to managers by the deputy head through some form of structured sub-delegation process;
2. The parameters and criteria for staffing contained in your organization's human resources planning and staffing, policies, guidelines and/or processes, and;
3. Access to a HR professional whose expertise in the PSC Appointment Framework has been validated by the PSC.

INTEGRATED HUMAN RESOURCES AND BUSINESS PLANNING

The PSEA allows managers to consider the current and future needs of both their individual organizations and the public service as a whole in establishing merit criteria. As such, it is important that managers know and understand those needs.

> ## What's New?
>
> - Greater emphasis will be place on integrated human resources and business planning as a basis for appointment decisions.

Effective integrated human resources and business planning is vitally important since it helps organizations:
- Take better advantage of the flexibilities available under the new PSEA; and
- Identify optimal strategies and activities for important human resources management components such as: recruitment, staffing, employment equity, retention, learning, succession planning, and employee engagement.

Integrated Human Resources and Business Planning

- *Determine your business goals;*
- *Analyze your resources to make sure you can meet current and future needs;*
- *Assess gaps (e.g. skill shortages) in your workforce;*
- *Set priorities and develop strategies to close gaps and get the resources you need;*
- *Review your efforts and make adjustments where necessary.*

How it's going to work

Key to this is the work of deputy heads, who must decide what sort of planning will be undertaken in their organizations and the level at which this is to take place, such as:
- The entire organization;
- Part of the organization;
- Sub-delegated managers; or
- A combination of all or some of the above.

Deputy heads will also want to give direction on the contents, goals and approaches of such plans.

However, no matter how this is done, having an integrated human resources and business planning process is vital since it will assist you in determining the appropriate staffing options to meet your business needs.

<div style="border:1px solid black; padding:1em;">

<u>For more information</u>

For more information on integrated human resources and business planning, a good resource is the PSHRMAC *Integrated Human Resources and Business Planning Checklist and Tool Kit* which can be found at: <u>http://www.hrma-agrh.gc.ca/hr-rh/hrp-prh/toolkit/tc-tm_e.asp</u>.

Another excellent tool is the PSC document, *Developing a Staffing Strategy,* at: <u>http://www.psc-cfp.gc.ca/staf_dot/staf_strat/index_e.htm</u>.

</div>

Defining and Assessing Merit

A number of changes contained in the new *Public Service Employment Act* (PSEA) have considerable impact on how managers are likely to apply "merit" and conduct assessment.

DEFINING "MERIT"

To begin with, the PSEA has a great deal to say about just what constitutes "merit" – all of which must be reflected in everyone's staffing work.

> ### What's New?
>
> - For the first time, "merit" is defined in legislation.
> - Merit is achieved when:
>   - The delegated manager appoints persons who **meet** the essential qualifications for the work to be performed; and
>   - The delegated manager **has regard** to any additional criteria that is an asset for the work performed or for the organization currently or in the future, to any current or future operational requirement, and to any current or future need of the organization and of the public service.

How it's going to work

Under the *Act*, merit and non-partisanship remain the cornerstones of appointments in the public service.

However, there are some important differences in the way "merit" is defined. For example, under the PSEA, respecting the concept of merit requires that persons be assessed in relation to the merit criteria established for the position, not in relation to others.

This is an important departure from the relative merit approach used in the past. For it is no longer necessary to prove that one person is "better" than another. Instead, managers only have to be able to explain that their selection and appointment decisions are based on the established merit criteria.

ESTABLISHING MERIT CRITERIA

This new approach to merit is reflected in the process of establishing merit criteria.

What's New?

- The *Act* gives deputy heads the authority to establish merit criteria – and encourages them to sub-delegate authority for day-to-day work to managers.
- Four things need to be taken into account in establishing merit:
    - Essential qualifications (including official languages);
    - Current and future asset qualifications;
    - Current and future operational requirements; and
    - Current and future organizational needs.

How it's going to work

Essential qualifications, asset qualifications, operational requirements and organizational needs form the basis for the assessment of merit, and are collectively referred to as the "merit criteria." The new PSEA gives deputy heads the authority to establish merit criteria and the preamble to the *Act* encourages them to sub-delegate staffing authority to the lowest possible level.

While merit criteria must include essential qualifications, they may also:
- Include additional qualifications that constitute an asset in terms of the work or the organization - both now or in the future; and / or
- Take into consideration current and future operational requirements and organizational needs identified by the deputy head, which can include the needs of the public service identified by the employer.

However, there is no obligation to establish asset qualifications, operational requirements or organizational needs.

Identifying merit criteria starts with a thorough understanding of the work to be performed - including the present and future context of the work. This means not only looking at the work involved, but also examining the relationship between the work and the environment. The manager should also determine whether the job is one of several with the same duties, or if it is unique in the organization.

Best Practices in Establishing Merit Criteria
- *Take into account your human resources plans and strategies;*
- *Consider current and future needs of the organization and the public service; and*
- *Review the competency profile for the position (if there is one).*

Elements in an organization's integrated human resources and business plan – such as the environmental scan and analysis of the workforce (both of which should address employment equity and official languages issues) as well as the identification of skills gaps –

also play an important role in helping managers develop merit criteria since all of these factors provide the context for this work.

The purpose of establishing merit criteria is to help managers find qualified persons who can perform the work of the positions being staffed. Because of this, it is imperative that merit criteria be established in such a way as to ensure that the person selected meets all of the essential qualifications. This is vitally important since the essential qualifications will be the basis on which the manager will determine who is competent to perform the duties required.

Of course, merit criteria need not be established for attributes that can be acquired after appointment. In such cases, the ability to acquire such qualifications could be part of the aptitudes required for the position. For example, the ability to learn may be a more appropriate qualification than actually possessing certain knowledge, particularly when the information can best be learned after appointment - either on-the-job or through a planned training program for new employees.

Then again, merit criteria can sometimes be inferred from other merit criteria. For example, it may not be necessary to require knowledge of general medicine if one of the experience factors involves having practiced medicine.

Finally, all qualifications used must meet the qualifications standards established by the employer in its "Qualification Standards". However, managers may, if they wish, establish qualifications that exceed those minimum standards.

ESTABLISHING ESSENTIAL QUALIFICATIONS

<u>**What they are**</u>

Essential qualifications are qualifications required to perform the work involved in a position. Essential qualifications may include, but are not limited to:
- Experience;
- Education;
- Knowledge;
- Skills;
- Personal suitability; and
- Competence in either or both official languages – which is always an essential qualification.
- Competence in both official languages.

How it's going to work

In establishing essential qualifications, make sure they make sense in terms of the position. For example, where proficiency in the use of a particular type of software is identified as an essential qualification, it must be based on the requirements of the position.

And while essential qualifications may be applied on a "meet"/"does not meet" basis, the level at which a person meets an essential qualification can be the deciding factor in a selection process. For example, you might decide that the "right" person for a given position should be someone who makes a strong showing in a specific essential qualification - such as writing ability (*as opposed to simply meeting the qualification*).

But whatever essential qualifications are chosen, all persons need to be informed that they must meet all of the essential qualifications established if they are to be considered for the position being staffed.

OTHER MERIT CRITERIA

<u>What they are</u>

Other merit criteria include current and future:
- Asset qualifications;
- Operational requirements; and
- Organizational needs.

How it's going to work

The other merit criteria need not be applied to every appointment – which means that persons can now be appointed even though they do not meet them.

But even so managers need to inform persons that:
- Meeting these merit criteria is desirable - since they could be an important factor in deciding who will be appointed; and
- They could be appointed even though they do not meet any of these additional merit criteria.

And while all essential qualifications must be assessed, there is no obligation to assess other merit criteria. For example, there may be no need to assess any other merit criteria, if there are as many persons who meet the essential qualifications, as there are vacancies.

ASSET QUALIFICATIONS

> ### What they are
>
> An **asset qualification** is a qualification that is not essential to perform the work, but rather is one that - now or in the future – would:
> - Benefit the organization; or
> - Be an enhancement in terms of the work to be performed.

How it's going to work

As in the case of essential qualifications, asset qualifications may include:
- Experience;
- Education;
- Knowledge;
- Skills;
- Personal suitability;
- Behavioural competencies; or
- Any other qualification.

So how do they differ from Essential Qualifications?

The difference between an essential qualification and an asset qualification is not the nature of the qualification, but the relation to the work to be performed. That is to say that, while an essential qualification is essential to perform the work, an asset qualification is not - but possessing it may be an important consideration since it would allow the person to do a better job or benefit the organization.

For example, a manager might decide that the ability to speak a particular language other than English or French represents an asset qualification. For, while it is not essential to performing the work, it nevertheless would be a positive addition to the post being staffed since the organization serves people who speak that language.

ESTABLISHING ASSET QUALIFICATIONS

Below are some examples of how asset qualifications might be established.

> ### *Some Examples*
>
> ***Scenario 1***: A manager decides that having a relevant Bachelors degree is essential to performing the duties of an economist, while having a Masters degree in economics would be an asset. The reason is that, while a Masters degree is not essential to performing the work, having such a degree could allow a person to do a better job since that person would possess valuable knowledge and skills acquired while obtaining an advanced degree. In addition, having a Masters degree could be beneficial since it would provide a person with special knowledge and skills that could be useful for the organization as a whole.
>
> ***Scenario 2***: A manager decides that proficiency in both French and English is an essential qualification for a nursing position - while proficiency in Mandarin would be an asset since a significant number of clients speak Mandarin as their first language.

A Complicating Factor

However, there is one area where you need to be careful when establishing asset qualifications – and that involves fluency in Canada's two official languages.

Official languages proficiency can be only an essential qualification. It cannot be an asset qualification, an operational requirement or an organizational need.

That means you cannot establish "bilingual imperative BBB" as an essential qualification and "bilingual imperative CCC" as an asset qualification.

CURRENT AND FUTURE OPERATIONAL REQUIREMENTS

> ## What they are
>
> - Requirements deemed important for the operation of the work unit or the organization.
> - Attributes of the work – not the person.

How it's going to work

Current and future operational requirements may also be used as merit criteria. These differ from essential and asset qualifications in the sense that, while essential and asset qualifications are attributes of the person, operational requirements are requirements of the work itself.

Examples of operational requirements include:
- Working on weekends;
- Travel; and
- Shift work.

When establishing operational requirements, managers must verify that they do not conflict with:
- Collective agreements, or
- Policies established by central agencies and the organization itself.

How "Organizational Requirements" Differ from "Conditions of Employment"

Sometimes, a job requirement can be either an operational requirement or a condition of employment. As is explained later on, a condition of employment is not a merit criterion. Rather, it is a condition of employment that an employee must meet on appointment and maintain throughout his/her tenure in the position – such as possessing a valid driver's license or belonging to a professional association or even working shifts.

The difference between an operational requirement and a condition of employment is not the nature of the job requirement, but whether it is mandatory. Operational requirements are not mandatory, but conditions of employment are. This distinction is an important one since persons with a priority entitlement do not have to meet operational requirements, but must meet conditions of employment.

CURRENT AND FUTURE ORGANIZATIONAL NEEDS

> ## What they are
>
> - Criteria that enable organizations to fulfil their mandates and address the needs of their organizations - both now and in the future.
> - Criteria that are more closely related to the organization than the position.

How it's going to work

Organizational needs that could be considered involve both:
- Your own organization; and
- The public service as a whole.

Addressing Your Organization's Needs

Current and future organizational needs – that is, needs that enable the organization to properly meet its mandates and obligations - may be used as merit criteria. Such needs are more closely related to the organization than to the position. For this reason, they should be linked to the current and future needs established by the organization in its human resource and employment equity plans.

Examples of organizational needs might include the need to:
- Improve representation of designated group members;
- Place affected staff; and
- Bring about organizational renewal.

A person could be appointed to the position even though he or she does not meet the organizational needs. Nevertheless, meeting these needs is desirable and could be a deciding factor in choosing the person who will be appointed.

Addressing the Needs of the Public Service

In establishing current and future organizational needs, managers may also wish to consider the requirements of the public service as a whole – such as the need to promote employment equity. It is important to address these larger issues that are outlined in the People Component Management Accountability Framework (PCMAF) since managers at all levels are accountable for achieving the identified outcomes.

Assessing Organizational Needs

Still, when all is said and done, while assessing organizational needs can be helpful, managers are not actually required to do so. For example, if a manager has only as many persons who meet the essential qualifications, as there are vacancies, there may be no need to assess organizational needs.

For more information

For more information on the People Component Management Accountability Framework (PCMAF), please visit the following web site: http://publiservice.hrma-agrh.gc.ca/hr-rh/hrp-prh/pcmaf-ccrgp-index_e.asp.

ENSURING A FAIR PROCESS AND WORKPLACE

The Government of Canada is committed to ensuring a workplace that is fair, enabling, healthy and safe in order to provide the best service to Canadians – which in the context of this document means a workplace that is free from discrimination and where the appointment processes are fair.

And so, except in a limited numbers of cases where it might result in undue hardship, departments and agencies are forbidden to discriminate against employees in any of the areas outlined in the *Canadian Human Rights Act*. This means that merit criteria must not discriminate against persons being considered for appointment on any prohibited ground - such as race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

However, there are some situations where a merit criterion that involves a prohibited ground does constitute discrimination and yet is allowed – and that is when it is deemed to be a ***Bona Fide Occupational Requirement (BFOR).*** Unless a merit criterion is a BFOR, the organization has a duty to accommodate a person on any of the above grounds.

Still, determining when this applies can be difficult at times. So consult your HR professional or legal department to determine if the legal obligations with respect to BFORs apply in your case.

CONDITIONS OF EMPLOYMENT

A **condition of employment** is not a merit criterion – but rather is a requirement that a person must meet on appointment and maintain throughout his or her tenure in a position. Examples could include: holding and maintaining a security clearance at an appropriate level, travelling, and working weekends.

The key point here is that they must be necessary to performing the functions in a job – and failing to meet them will result in the termination of a person's employment.

However, as in other areas, clear and on-going communications are vital. For no matter what conditions of employment are established, persons should be told in advance what those conditions are – and they should be informed that these conditions must be met and maintained throughout their tenure in the position they are applying for.

MAKING MERIT WORK

Of course, making this work may prove challenging at times. And part of your success will result from your ability to:
- Communicate clearly to those persons interested in applying for a position as to what the "rules of the game" are – and how the merit criteria will be assessed; and
- Put adequate approaches in place capable of handling those situations where the rules of the game – such as the assessment tools being used – must change.

Establishing and Communicating Merit Criteria

To begin with, qualifications, operational requirements and organizational needs must be established **at the beginning of the appointment process** and communicated in accordance with the PSC Policy. When provided, they must be made available in the official language of choice and in an accessible format (e.g. audio recordings, electronic file, large-print hardcopy, Braille), as determined by the requester.

Changing Merit Criteria

Then there's the matter of what to do about changes to merit criteria.

As a general rule, it is not normally recommended that you change merit criteria during the appointment process. However, the public service environment is a dynamic one. And so situations do arise from time to time where it is necessary to change these criteria. For example, this sometimes can occur when:
- A review of a position suggests the work to be performed is different from that originally anticipated; or
- There has been a significant change in the work environment.

In the rare circumstances where such a change to the merit criteria is necessary, managers need to determine how this will impact those involved in the process before proceeding.

For example, if a manager adds, changes or eliminates a merit criterion, it may be necessary to re-advertise the process - to ensure fairness and transparency – since changes to the Statement of Merit Criteria could broaden the pool of those interested in participating in the process.

On the other hand, if a change affects only those already participating in the appointment process – that is, if it does not broaden the pool of potential participants in the process - the manager may be able to continue the appointment process without re-advertising it.

However, in all cases, those persons involved in the process or potentially interested should be provided with an amended Statement of Merit Criteria.

SAMPLE STATEMENT OF MERIT CRITERIA AND CONDITIONS OF EMPLOYMENT

Position: Senior Policy Officer in International Trade
Status: *Indeterminate*

Merit Criteria

Essential Qualifications	Asset Qualifications

Essential Qualifications

- Language requirements: bilingual imperative CBC/CBC.

- Degree from a recognized university in business, economics or political science.

- Experience in developing policy.

- Experience with international trade agreements.

- Knowledge of international trade issues.

- Knowledge of Canada's policy on international trade.

- Ability to develop policy.

- Ability to analyse complex agreements.

- Ability to communicate orally and in writing.

- Effective interpersonal skills.

- Leadership.

- Adaptability.

Asset Qualifications

- Master's degree in international trade.

- Experience in developing policies on international trade.

- Knowledge of international law related to international trade.

- Ability to speak and write in one of the following languages: Russian, Mandarin Cantonese, Italian, and German.

Organizational Needs

- Increase aboriginal representation.

Condition(s) of Employment

- Secret Security Clearance.

N.B.: Interested persons must meet each essential qualification to be appointed to the position. However, a person may be appointed to the position even though he/she does not meet any or all of the asset qualifications, operational requirements or organizational needs. However, meeting these criteria is desirable and may be a deciding factor in choosing the person to be appointed.

Conditions of Employment
Secret security clearance – Those selected must meet and maintain the above condition of employment throughout their employment.

The Appointment Process

The new *Public Service Employment Act* (PSEA) contains a number of new features that dramatically increase the flexibility organizations have in appointing well-qualified people to positions – while at the same time protecting the rights of vulnerable staff, such as those who have a statutory or regulatory priority.

PRIORITY APPOINTMENTS

Part of this involves the way we now handle priority appointments.

> ### What's New?
>
> - To be appointed, the only merit criteria a person with a priority entitlement must meet are the essential qualifications established for the position. However, conditions of employment must still be met.

How it's going to work

The PSEA grants priority appointment rights to surplus employees within their own organizations, employees on leave of absence and their indeterminate replacements, certain Minister's staff, and employees who are laid off.

The *Public Service Employment Regulations* (PSER) also grant regulatory priority appointment rights to:
- Surplus employees;
- Employees who become disabled;
- Members of the Canadian Forces and the RCMP who are medically released;
- Employees on leave of absence because of the relocation of their spouse or common law partner who do not qualify for a leave of absence under the PSEA; and
- The reinstatement of employees who have accepted a position at a lower level as a result of the exercise of a priority.

Before an appointment process is decided upon, you must first take into consideration the persons who are entitled to an appointment on a priority basis.

CHOOSING AN APPOINTMENT PROCESS

The PSEA gives deputy heads more options when it comes to choosing an appointment process.

What's New?

- Deputy heads now have considerable flexibility in deciding which appointment process to use.

- As part of this, they must:
    - Establish and communicate criteria for the use of non-advertised processes to be used by their managers; and
    - Ensure that the choice of an advertised or non-advertised process is based on their integrated human resources and business planning and the appointment values.

How it's going to work

Neither the legislation nor the PSC *Policy on Choice of Appointment Process* establishes a preference for either advertised or non-advertised appointment processes. As a result, deputy heads now have considerable flexibility in how they may proceed. However, deputy heads must establish and communicate criteria for non-advertised processes and ensure that a written rationale demonstrates how a non-advertised process meets the established criteria and appointment values.

For more information

For information on PSC policies on choosing an appointment process, please consult http://www.psc-cfp.gc.ca/psea-lefp/framework/policy/choice_e.htm.

Choosing an Internal or External Appointment Process

What's New?

- Processes will no longer be identified as "open" or "closed" - but rather as "internal" or "external".
- Managers are no longer obliged to appoint from within the public service before making an appointment from outside the public service.

How it's going to work

The choice between an internal or external appointment must be consistent with the organization's integrated human resources and business planning, policies and appointment values.

Before making such a decision, the delegated manager should take into account any organizational HR and business plans that outline the current and future needs of the organization as well as the career aspirations and skill levels of current employees.

Choosing an Advertised or Non-Advertised Process

The PSEA and *PSC Appointment Policy Framework* give managers a choice between using advertised and non-advertised appointment processes.

```
What's New?

▪ Greater flexibility in using advertised and non-advertised processes.
▪ Processes are no longer identified as "with competition" or "without
  competition" but instead as "advertised" and "non-advertised".
▪ Deputy heads must establish and communicate criteria for the use of non-
  advertised processes within the organization.
▪ A written rationale (to be retained on the appointment file) must show how the
  non-advertised process meets the deputy head's criteria and appointment values.
▪ Abuse of authority in the choice of an advertised or non-advertised internal
  appointment process is a ground for complaint to the PSST.
```

How it's going to work

In making an appointment under the new PSEA, delegated managers may choose either an advertised or a non-advertised process.

a. Advertised Processes

In an **advertised** process, persons in the area of selection are informed of a job opening and have an opportunity to apply and demonstrate their suitability based on the merit criteria.

b. Non-Advertised Processes

In a **non-advertised** process, a manager does not solicit applications, but considers one or more persons for the position. For example, a manager could consider all of the employees in his or her work unit for a promotion, without soliciting applications.

c. Choosing the Approach

In choosing between an advertised or non-advertised process, managers may want to consider the following factors:
- The potential pool of qualified employees;
- The nature of the work to be done;
- The duration of the appointment;
- Existing sources of qualified persons, such as a partially-assessed or essentially qualified pool;
- Access to developmental opportunities; and
- The career aspirations of their employees.

Establishing an Area of Selection

The PSC provides organizations with considerable flexibility in developing areas of selection that make sense in terms of their needs and what they hope to achieve.

What's New?

- The PSC policy on Area of Selection requires deputy heads to establish and communicate an organizational policy on area of selection.
- Organizations must establish **a national area of selection** for external advertised processes for:
    - Executives and executive equivalent positions;
    - Positions one and two levels below the executive level; and
    - As of April 1, 2006, all officer-level positions in the National Capital Region.
- Membership in a designated group can be used as a criterion in establishing area of selection to address the under-representation of some workers.

How it's going to work

In the case of an advertised (internal or external) process, the area of selection determines who is eligible to apply. Normally, it should be broad enough to generate a reasonable number of qualified persons without compromising the flexibility, efficiency and cost-effectiveness of the appointment process. And in the case of non-advertised internal processes, the area of selection determines who has access to recourse.

In establishing the area of selection, you can use any or all of the following considerations:
- Geographic criteria (e.g. National Capital Region);
- Organizational criteria (e.g. Department of National Defence);
- Occupational criteria (e.g. CS group); and/or
- Member of a designated group.

When limiting an area of selection to members of a designated group, the organization's Employment Equity plan or integrated human resources and business planning must support its use.

For more information

For more information on the PSC's Area of Selection policies, please consult:
http://www.psc-cfp.gc.ca/psea-lefp/framework/policy/area_e.htm.

ASSESSMENT

The PSEA also gives management greater flexibility in assessing persons.

> ## What's New?
>
> - Managers no longer have to compare and rank persons – which means a more flexible approach to assessing them.
> - In addition to essential qualifications, managers can now assess qualifications that are an asset, or consider how the person meets current and future needs of the organization, or operational requirements.
> - Merit criteria may now be applied in any order. For instance, a manager may determine who meets an organizational need or operational requirement before assessing the essential qualifications.

How it's going to work

Assessment processes and methods must:
- Result in the identification of the person(s) who meet(s) the essential qualifications - and other merit criteria used in making the appointment decision and provide a sound basis for making appointments according to merit; and
- Treat all individuals in a fair and non-discriminatory manner.

But managers are not limited to the traditional approaches to assessing persons. For example, the PSEA suggests "a review of past performance and accomplishments" as an assessment method. However, the use of multiple tools is often advised since experience suggests that the reliability of assessment information is increased when multiple assessment methods are used. These could include:
- Conducting interviews;
- Examining samples of previous work;
- Conducting simulations and situational exercises;
- Administering written and practical tests;
- Making use of the services of an assessment centre;
- Checking references;
- Reviewing performance appraisals;
- Evaluating past accomplishments and experience; and
- Administering standardized PSC tests.

Still, whatever methods are employed, persons should be informed of the "rules of the game" - that is, what they will be assessed against and how they will be assessed. And while a manager may call upon the services of others – both within and outside the public service - to assist in the assessment process, the ultimate responsibility for decisions regarding selection and appointments belong to the manager.

Conducting Informal Discussions

Informal discussion will now play an important role during the internal appointment process by allowing managers and staff to discuss decisions and provide important information they might not otherwise have.

> ## What's New?
>
> - The PSEA introduces Informal Discussion as a new mechanism to discuss a decision to eliminate a person from an internal appointment process before a final decision is made.
> - Informal discussion will focus on the assessment of the individual who has been eliminated – rather than on comparing the person who has been eliminated and the person selected.

How it's going to work

An informal discussion is intended to be a conversation that takes place between the manager and the person who has been eliminated from consideration in an internal appointment process. It has no set rules or format. Informal discussion is not part of the recourse process, nor does participating in informal discussion affect a person's right to file a complaint with the PSST. Rather, the purpose is to **share information** with the person being eliminated so they can better understand the reasons for the decision. It also provides the manager with an opportunity to correct any errors and, if required, re-enter the person into the process.

To make the best possible use of an informal discussion, persons should be informed as soon as possible of the decision to eliminate them from consideration for appointment.

This should prove helpful in promoting a positive work environment since it:
- Supports the values of transparency and fairness; and
- Assists employees in their career development.

SELECTING THE "RIGHT FIT"

Under the PSEA, greater emphasis can now be placed on selecting a person who represents the "right fit" - not only for a given position but also for the organization as a whole.

What's New?
Managers may now choose the "right fit" for the position based on the merit criteria that have been established.

How it's going to work

New Selection Flexibility

The term "selection" refers to the application of merit criteria for the purpose of choosing and deciding among a number of individuals who have been found during the assessment process to meet the essential qualifications.

As well, under the PSEA, managers may now choose the person who represents the "right fit" for the position being staffed, keeping in mind that the person or persons selected must:
- Meet all essential qualifications for the position - including official languages requirements;
- Meet any asset qualifications, operational requirements and organizational needs identified and used to make the appointment; and
- Be in the area of selection.

Deciding Which Criteria to Use – and How to Apply Them

Although essential qualifications must always be assessed, it is not always necessary to assess all of the other criteria identified on the Statement of Merit Criteria. However, when a criterion is used for the purpose of selection, it must be applied to all of the persons who have reached that stage of the assessment process.

Deciding Who Represents the "Right Fit"

In selecting the person who represents the "right fit", the degree to which a person meets an essential qualification can also be the deciding factor in a selection process. For example, the "right" person for the position may have very strong writing abilities (as opposed to simply meeting the qualification).

While essential qualifications must always be assessed, other merit criteria may not be – but any merit criteria that are used must be applied to everyone.

The only exception involves the use of official language qualifications where you cannot request a higher degree of competence than is required for the position.

Asset qualifications may also be used in deciding whom to appoint. For example, you might establish fluency in a particular language other than English and French as an asset qualification for a position. However, should you ultimately identify some person who possesses such a qualification, you still must ensure that he or she meets the essential qualifications.

Operational requirements may also be used in selecting the right person for the position. For example, to provide more flexibility in your operations, you might wish to select a person who is available for frequent travel. However, if travel is essential, it should be identified as a condition of employment, not an operational requirement.

The Needs of the Organization and Public Service

You may also use the needs of the organization or the public service as a whole in deciding whom you will appoint to a particular position. For example, you may choose a person who is a member of a designated group (i.e. a member of a visible minority, an aboriginal person, a person with a disability or a woman) if that has been identified as a need of your organization or of the public service. As in the case of asset qualifications, you may also decide to appoint a person who does not meet that need.

Staffing a Number of Positions

In some cases, you may wish to use the same selection process to staff several positions. As stated above, different asset and essential qualifications, operational requirements and organizational needs can be used for different appointments that are included in the same process. For example, for one appointment, an organizational need to fulfil employment equity objectives might be applied, while another appointment from the same process might be based on strength in analytical ability or a particular qualification that would be an asset to the work team. Or, a manager could choose a person who has one or more qualifications that would be an asset for the work, or select on the basis of a combination of criteria. As long as the person selected meets the essential qualifications, the other criteria can be used in many ways to determine who is the "right fit" for the job. All these merit criteria should, however, have been communicated to all of those who have expressed an interest in the position at the beginning of the process.

And in all cases, managers must inform everyone involved in the process of the merit criteria used for selection and be able to explain their selection decision.

NOTIFICATION

The PSEA changes the way notification is done.

> ## What's New?
>
> - Notification is a two-step process that applies to all internal appointment processes – both advertised and non-advertised.
> - A first notification provides the name of the person being considered for appointment and starts a waiting period during which no appointments may be made or proposed.
> - After the waiting period, a second notification provides the name of the person proposed for appointment or appointed.

How it's going to work

Advertised Processes

In an internal advertised appointment process, once you have decided whom you want to appoint, you must notify, **in writing**, all of the persons in the area of selection who participated in the advertised process, of the name(s) of the person or persons being **considered** for the position.

The decision to consider a person for appointment is not a final one since during the waiting period, should any errors be brought to the manager's attention, he or she could correct them or a decision could be made to appoint a different person. The waiting period between the first and second notification is a final opportunity for informal discussion.

Non-Advertised Processes

In the case of an internal non-advertised process, notification of consideration for each appointment must be given to all persons in the area of selection. This notification may be the first time that persons are made aware that a person is being considered for appointment. For this reason, the waiting period following the first notification provides an opportunity for informal discussions to be held with those persons in the area of selection who are not being considered for the appointment.

Waiting Periods

The PSC policy on Notification requires that the waiting period be a minimum of five calendar days. However, this could be longer depending on a number of factors such as: the organizational policy on the waiting period, the size of the area of selection, the type of appointment process, the geographic distribution of employees in the organization, work schedules, holiday periods, and access to computers and e-mails.

During the waiting period, some new information might come to light that could alter the initial decision. For example, it might become apparent that an error or errors had occurred. Should this be the case, any such errors would be corrected – which could result in another person being appointed. To address such issues, the PSEA allows a person not previously considered for appointment to be appointed or proposed for appointment in the second notification. This decision is final and may only be challenged through the PSST. However, there is nothing in the *Act* to prevent you from issuing a notification of consideration if you have changed your mind, as this would provide an opportunity for informal discussion.

For more information

Two sources of information on the new notification process are the PSC *Policy on Notification and Guide to Implementing Notification*. They may be found at: http://www.psc-cfp.gc.ca/psea-lefp/framework/policy/notification_e.htm.

ADMINISTERING OATHS

The PSEA makes a number of changes to when and how Oaths are to be administered.

What's New?

- The Oath of Allegiance has been eliminated.
- The Oath or Solemn Affirmation as set out in the *PSEA* must be administered before an appointment can take effect.
- The Oath or Solemn Affirmation applies to all external appointments as well as internal appointments when the proposed appointee comes from an organization outside of the core public administration (Schedules I and IV).

How it's going to work

The oath or solemn affirmation is a "condition of appointment" for appointments that are made from outside that part of the public service to which the Commission has exclusive authority to make appointments.

Therefore, in an external appointment process, the appointment does not take effect until such time as the person has taken the oath or solemn affirmation. Specifically, if a person starts to work on Monday and does not take the oath until Wednesday, the effective date of the appointment is Wednesday.

The oath or solemn affirmation must be taken in person and cannot be given in a letter of offer, or by fax, etc.

Who can administer the oaths?

The oath or solemn affirmation must be taken in front of the person sub-delegated by the deputy head to administer the oath or solemn affirmation and the signature attesting to the fact that the appointee has taken the oath or solemn affirmation should be made in front of that person. This allows the person administering the oath or solemn affirmation to ascertain himself or herself of the identity of the person taking the oath or solemn affirmation and it reinforces the seriousness of the oath or solemn affirmation for the person taking it.

REVIEW OF DECISIONS

A major new feature of the PSEA involves the creation of the Public Service Staffing Tribunal (PSST) to conduct recourse hearings (http://www.pssttdfp.gc.ca/epic/internet/inpsst-tdfp.nsf/en/home).

What's New?

- In the new PSEA, the appeal process has been eliminated and replaced by recourse to an independent tribunal called the Public Service Staffing Tribunal.
- The *Act* also sets out new grounds for a complaint:
  - Abuse of authority in the establishment or application of the merit criteria;
  - Abuse of authority in choosing between an advertised and non-advertised internal appointment process;
  - Failure to assess a candidate in the official language of his/her choice;
  - That the decision of the deputy head or Commission to revoke an appointment was unreasonable;
  - That there was an abuse of authority in the implementation of corrective action following an order of the Tribunal; and
  - That a person's selection for lay-off was an abuse of authority.

How it's going to work

Notification of persons being considered for appointment

In internal processes - as part of the second notification - persons must be notified of:
- Their right to file a complaint with the PSST;
- How and when a complaint can be made; and
- The grounds for a complaint.

How the PSST will operate

The PSST will have significant authority to hear complaints from persons not appointed or proposed for appointment in internal appointment processes when this involves the grounds of certain types of abuse of authority or a failure to assess persons in the official language of their choice. However, it is not yet clear exactly how the Tribunal will interpret the term, "abuse of authority", since the PSEA does not actually define the term. Nevertheless, the *Act* does specify that both bad faith and personal favouritism are included in the definition.

In addition, when an employee's appointment is revoked, he or she also may make a complaint to the PSST on the grounds that the revocation was unreasonable.

And in all cases, managers must be able to explain their decisions to the PSST.

Finally, the PSST has the authority to order a deputy head or the PSC to revoke an appointment or take any corrective action it considers appropriate – although it cannot, however, order that a person be appointed. And it has the authority to interpret and apply the *Canadian Human Rights Act* when considering human rights aspects of appointment complaints, other than pay equity issues.

REVIEW AND AUDIT OF MERIT CRITERIA

As an additional safeguard to make sure this new system works well – and is free from any possible abuse of authority – the PSEA provides two different avenues for reviewing and investigating the appropriateness of merit criteria.

Review by the Public Service Staffing Tribunal

For example, the new PSST will now be able to review all of the merit criteria and how they were used in cases where a complaint is lodged, alleging that a manager abused his or her authority in establishing and applying the merit criteria.

Audit by the Public Service Commission

And to ensure compliance with the law and government policies, the PSC will be able to audit the merit criteria and the way they were established by a sub-delegated manager and make recommendations to his or her deputy head.

INVESTIGATIONS

Under the new *Act*, the PSC will retain authority to investigate a variety of situations involving appointment processes – and will be able to revoke some appointments.

What's New?

- Deputy heads will now have the authority to revoke delegated internal appointments and take corrective action, if after investigation, they are satisfied an error, omission or improper conduct affected the selection for appointment.

Under the PSEA, the PSC retains the sole authority to investigate:
- External appointment processes;
- Appointments alleged to have been subject to political influence;
- Appointment processes where fraud may have occurred; and
- Internal, non-delegated appointment processes.

The investigation process is not meant to duplicate other recourse or redress mechanisms. Information or concerns may come to the PSC's or deputy head's attention by any means, including: complaints, employees, organizational monitoring, evaluation, audit, and the media.

Thus, investigations represent one more method available to deputy heads in conducting oversight of internal delegated appointment processes. And while it is true that the only recourse provided for in the new PSEA is a complaint to the PSST, this does not prevent employees from raising any concerns they might have with their deputy head to seek his or her assistance in resolving issues of concern.

MONITORING AND EVALUATION

An important new feature of the *Act* is that it:
- Requires organizations to conduct active monitoring; and
- Increases managerial accountability for staffing decisions and processes.

<div style="border:2px solid black; padding:10px;">

What's New?

An Integrated Appointment Framework which includes: policy, accountability and delegation and requires monitoring and measures to be put in place in organizations.

To ensure compliance with their provisions, monitoring is required for the use of:
- o The Public Service Official Languages Exclusion Approval Order; and
- o As of April 1, 2006, national areas of selection.

And monitoring and review mechanisms are required for:
- o Acting appointments over 12 months;
- o Appointment of casual workers to term to indeterminate status through non-advertised processes;
- o Appointments to the EX group through non-advertised processes; and
- o Corrective action and revocations.

</div>

How it's going to work

As part of the Appointment Delegation and Accountability Instrument (ADAI) and reporting requirements, organizations must ensure that a monitoring framework - including relevant indicators for measurement - is established to determine the effectiveness of their staffing processes. As well, sub-delegated managers are fully accountable to their deputy head for their appointment decisions.

In addition, on-going monitoring should be conducted based on elements contained in the Staffing Management Accountability Framework (SMAF). These include:
- Obligations flowing from the PSEA and PSHRMAC and PSC policies; as well as
- The requirements of the *Official Languages Act*, the *Employment Equity Act* and the *Canadian Human Rights Act*.

As a result, well-documented and accessible staffing files demonstrating adherence to appointment values are essential to explaining your decisions. This is particularly important since appointment decisions will be monitored on an on-going basis - both by the PSC and internally by organizations, using a variety of methods, including the review of staffing files.

PART B
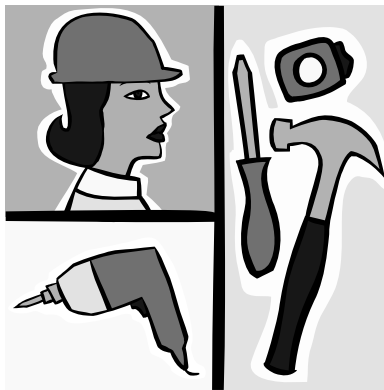
USING THE TOOLS

Getting Down to Work

INTRODUCTION

As we saw in the previous section, the *Public Service Employment Act* (PSEA) provides managers and HR professionals with a number of new tools that should make it possible to do things that were simply out of the question under the old system.

The idea is to provide you with greater flexibility and more options so you can tailor staffing programs and processes to address the special needs and circumstances of your organization – which in turn should allow you to handle the staffing challenges you face every day.

But knowing what's available – while clearly a good start – is just the first step. The real journey only begins when you roll up your sleeves and start applying these tools to your own situation.

As a result, you will need to work closely with your organization's HR professionals from start to finish so you can draw on their in-depth knowledge of specific staffing activities. This is particularly important during the initial stages since you need to ensure that what you are planning to do is in compliance with policies already established by the PSC and your organization.

WHAT'S IN THIS SECTION

What it all comes down to is that you need to view the material contained in this section of the *Toolkit* as a starting point. This section of the *Toolkit* offers a lot of ideas as to how you can use the new tools:
- What tools are available – and how you use them;
- When you should use them;
- What you need to consider when using a specific tool;
- The options available to you;
- Common steps for all processes and differences for specific processes; and
- The steps you will need to follow in applying each of these tools.

Finally, to help you locate in-depth information on particular areas of interest, we have included links to other websites and references to other publications so you can study specific topics in greater detail.

Common Appointment Process Options

WHAT'S NEW

The new *Public Service Employment Act* impacts a number of important staffing processes. For the purpose of providing you with guidance, we have called them:

- Collective Staffing Appointment - where managers work together to staff multiple positions;
- Independent Staffing Appointment – where a manager works independently to address his or her staffing needs;
- Professional Development and Apprenticeship Programs (PDAPs) - where organizations build the skills levels of staff in-house; and
- Recruitment – where managers seek new employees from outside the public service, using central recruitment programs. These include the use of student and graduate recruitment, or specific recruitment processes to meet current and future staffing needs.

The intent here is to present you with some of the possible options to address the flexibilities, but it is in no way meant to be limiting. Recognising that there are other staffing options available, the processes cited above are specifically addressed in this section.

Please note that in the case of both Collective and Independent Appointment Processes, you now have greater flexibility in choosing whether or not to advertise an opportunity – and you can choose either an internal or external process.

Internal and external processes will be described later, but suffice it to say that an "internal" process is one in which only persons employed in the public service may be considered. And an "external appointment" process is one in which persons may be considered - whether or not they are employed in the public service. Deciding on which approach to take may involve a large number of factors.

The basic differences between Advertised and Non-Advertised Processes are as follows:

Advertised	Non-Advertised
1. Hiring managers inform persons in the established area of selection of a job opportunity	The manager does not solicit applications for a job opening
2. Persons have an opportunity to apply for the opportunity	N/A
3. Applicants demonstrate their suitability against merit criteria	The manager assesses persons against merit criteria
4. No established criteria on when to advertise	The manager must follow the criteria established by the deputy head for the use of non-advertised processes
5. N/A	The manager must ensure that a written rationale demonstrates how a non-advertised process meets the established criteria and the appointment values

A "non-advertised" process is similar to staffing a position "without competition" and an "advertised" process is similar to staffing "with competition".

COMMON ACTIVITIES

The following activities are common and iterative:

1. Integrated Human Resources and Business Planning

Under the new *Act*, greater emphasis is being placed on using Integrated Human Resources and Business Planning as the basis for appointment decisions. This makes sense since Human Resources Planning can identify optimal strategies and activities for important human resources management components - such as staffing, retention, learning, succession planning. And it can help managers to:
- Determine business goals;
- Analyze resources to determine if current and future needs can be met;
- Assess gaps (i.e. skill shortages);
- Set priorities and take action by initiating strategies to close the gaps and obtain the required resources; and
- Review efforts and make adjustments, where necessary.

2. Establish Merit Criteria

Under the PSEA, the core values of merit and non-partisanship remain the cornerstone of appointments in the public service. There are four elements that constitute "merit":

- Essential qualifications (including official languages);
- Additional qualifications considered to be an asset, currently or in the future;
- Current and future operational requirements identified by the deputy head; and
- Current and future organizational needs either identified by the deputy head or established for the public service as identified by the employer.

Identifying the merit criteria starts with a thorough understanding of the work to be performed, including the present and future context of the work. This means not only looking at work descriptions but also the relationship between the work and the environment. The manager should also ascertain whether or not the job is one of several with the same duties or whether it is unique in the organization.

The purpose of establishing merit criteria is to enable managers to find the person who can perform the work for the position and is a "right fit" for the organization.

3. Consider Priorities

Before beginning an appointment process - and throughout the course of it - persons with a priority must be considered. Persons with a priority may be referred to the organization by the PSC or they may present themselves directly to the organization. They must be considered in either case and are required to meet all essential qualifications. Priorities who meet the essential qualifications and any conditions of employment must be appointed, even if there are other persons under consideration. Priority clearance numbers will be required before making an appointment.

4. Design the Process

Managers must determine whether the process will be internal, external, advertised or non-advertised. While there is no obligation to make an appointment from within the public service before making an appointment from outside the public service, managers should take into account any organizational HR and business planning relating to current and future needs of the organization as well as the career aspirations and skill levels of current employees.

Neither the PSEA nor PSC policies indicate a preference for either advertised or non-advertised processes –which means that deputy heads now have an important role to play in the choice of a process by:

- Establishing and communicating to staff within the organization the criteria that managers must respect before choosing a non-advertised process.
- Establishing an organizational Area of Selection policy.
- Establishing the monitoring and review mechanisms for the following:
  - o Acting appointments over 12 months;

- o Appointment of casual workers to term to indeterminate status through non-advertised processes; and
  - o Appointments to the EX group through non-advertised processes.
- Determining the extent of sub-delegation.
- Ensuring that the choice of a process is based on the organization's integrated human resources and business planning and appointment values.

Conditions of employment are any conditions, other than a qualification, which must be met or complied with before appointment and met as long as the person is appointed to the position. Conditions of appointment may be criteria, such as operational requirements or organizational needs. Examples of conditions of appointment include - but are not limited to - security clearance and medical suitability.

5. Establish and Implement Intake Options

In either an internal or external advertised process, the manager designs and implements the marketing and communications activities to solicit applications, web announcements, referrals, competency profiles and performance appraisals. In a non-advertised, independent process, applications are not solicited, since the manager is aware whom he or she wishes to consider.

6. Conduct Assessments

In an internal or external advertised process - where large numbers of applications are submitted - merit criteria can be applied in any order. The order of application of the merit criteria could be determined as part of the planning of the process or it could change later.

When a pool is established for several similar jobs, managers may wish to assess qualifications that are common to all of the jobs being staffed and use job specific criteria.

Pools may include individuals who are partially assessed, essentially assessed and fully assessed against the merit criteria.

Managers are never limited to traditional methods, within the limitations enunciated in the PSC Assessment Policy. This applies to all processes: advertised or non-advertised:
- Experience
- Performance evaluations
- Interviews
- Competency profiles
- Tests
- References

The same assessment process can be used to staff several positions. Different essential and asset qualifications, operational requirements and organizational needs can be used for different appointments in the same process.

Those persons eliminated from consideration for one appointment, based on specific merit criteria, can be considered in the future for other vacancies for which they qualify.

7. Selection

Managers may select persons based on an assessment of their qualifications against the merit criteria and a determination that they represent "the right fit". In order to qualify as the **right fit**, the person must meet all of the essential qualifications, but the degree to which a person meets an essential qualification can also be the deciding factor in the selection process. In a Collective Appointment process, a manager selects the person who is the right fit from a pool.

8. Notification in an Internal Appointment Process - both Collective and Independent

In an internal advertised or a non-advertised process, there are two written notification requirements to ensure transparency by providing the persons entitled to be notified with information about the appointment decision.

The first notification provides the names of the person(s) being considered and goes to each person in the area of selection who participated in the advertised process. Or in the case of a non-advertised process, notification is provided to those in the area of selection. This also triggers a waiting period of a minimum of 5 calendar days where no appointment can be made or proposed. The exact length of the waiting period is determined by the delegated manager, in accordance with any organizational procedures or directives.

Following the waiting period, the manager again must notify in writing the same persons of the name of the person appointed or proposed for appointment, and inform them of their right to recourse to the PSST. This decision is final.

9. Appointment

Once the manager has fulfilled any notification requirements and selected the person(s) he/she wishes to appoint, a letter of offer outlining the conditions of employment is sent to the person. If the person to be appointed is from outside the core public administration, the Oath of Solemn Affirmation is administered before the appointment can take.

For more information

Detailed Process Maps will be available to facilitate planning. Please consult
http://www.hrma-agrh.gc.ca/hrmm-mgrh/psma-lmfp/centre/comm_e.asp.

Specialized Appointment Process Options

While a number of activities are common to all processes, there are some that apply to particular appointment options.

The following sections describe the different activities that may occur in particular processes and explore the question of when it is appropriate to use Collective and Independent Appointment processes.

COLLECTIVE APPOINTMENT

When you use it

Collective Appointment processes may be useful in those situations where:
- There is high turnover; and
- An on-going need – both current and forecast – to staff similar positions with the same group and level or within different groups and levels.

A collective appointment could be advertised or non-advertised.

The following questions may assist you in determining whether collective staffing represents an appropriate process for you, given your circumstances, but keep in mind that these are options:
- Have there been a large number of employment opportunities for similar positions?
- Do these positions have similar merit criteria?
- Have eligibility lists for these positions normally been exhausted before they expire?
- Are there a significant number of similar positions in the same occupational group and level likely to require staffing within a period of approximately 12 to 18 months?
- Is this an entry or junior-level position that can serve as a feeder group and where there often is significant turnover?
- Do other regions, organizations, or departments have similar staffing requirements?
- Has the HR plan identified a need to conduct a large collective staffing?
- Is the resource situation such that a business case can be made for the value of conducting a single collective process rather than multiple independent processes?

What's different?

1. Determining who will lead the process

A designated "Lead" must be identified to initiate and manage the process. This person will be responsible for establishing a Steering Committee, working group or project teams to:

- Develop clear expectations;
- Define roles and responsibilities;
- Establish governance and the decision making process needed to complete a cost benefit analysis and establish ongoing communications with bargaining agents in the process; and
- Lead the overall conduct of the process.

2. Establishing pools of candidates

The following chart describes the options available in creating or populating pools.

	Essential Qualifications	Other Merit Criteria
Fully Assessed Pool	All essential qualifications are assessed; individuals must meet the essential qualifications to be retained in the pool.	All other merit criteria assessed; individuals may or may not meet to be placed in the pool. Individuals may have to meet for a particular position being staffed from the pool.
Essentially Qualified	All essential qualifications are assessed; individuals must meet the essential qualifications to be retained in the pool.	All other merit criteria are not assessed. Individuals may or may not meet to be placed in the pool, but may have to meet for a particular position being staffed from the pool.
Partially Assessed Pool	One or more merit criteria (either the essential qualifications or any other merit criteria) are assessed initially for placement in the pool. Individuals must eventually meet all essential qualifications for a particular appointment from the pool.	
Inventory	No assessment: An inventory is simply a repository of names and other information. It could be used to maximize advertising and supports a constant intake and awareness for interested persons. An inventory can be used to initiate any appointment process. To ensure transparency, advertisement for an inventory should be clear as to its intended use.	

Persons who will not be appointed immediately can remain in the pool for future consideration.

In either an internal or external advertised collective staffing process, if the assessment process results in more candidates than positions, then the additional persons should be returned to the pool for future assessments for other appointments.

However, if the assessment process results in fewer qualified persons than positions, then you could reassess the merit criteria, choice of selection process, area or selection and/or assessment tools that were used to make sure they are appropriate.

INDEPENDENT APPOINTMENT PROCESSES

Independent means the manager is working on his or her own.

Independent Non-Advertised Processes

What's involved?

An independent appointment process that is non-advertised is one where there is no notice given of a job opening, and the manager does not solicit applications.

This process applies to both internal and external appointments. In the case of internal appointments, only persons employed in the public service may be considered – while in the case of external non-advertised processes persons who are not employed in the public service are considered for the vacant position.

<div style="border:1px solid black; padding:1em;">

What's New?

- The criteria for the use of non-advertised processes will have to be established by the deputy head.
- The term "Non-Advertised Process" can be used in internal and external situations similar to current "Without Competition" situations.

</div>

When you use it

Managers must respect the appointment values of fairness, access and transparency as well as follow the criteria established by the deputy head for non-advertised processes. As well, managers should be guided by their organization's human resources plan and consider other criteria such as affordability, efficiency, duration and nature of the work to be done, prior to using a non-advertised appointment process.

The deputy head will determine the circumstances under which a non-advertised process is used. All appointments made as a result of an independent non-advertised process must be based on merit and non-partisanship and could be used when:
- Not appointing from a pool;
- Making appointment from within a PDAP;

- The position requires highly specialized skills;
- There is a workforce shortage;
- The position is in a remote location;
- Appointing a term employee in an emergency situation; and
- Making appointments as part of an Employment Equity program.

This is not meant to be an exhaustive list but simply provides you some examples.

Why you use it

The following represent some circumstances in which a non-advertised appointment process might be preferable:

- Where a decision may already have been made as part of the HR plan to use such a process to augment and complement an advertised recruitment process.
- Where a non-advertised process may be judged to be in the best interests of the public service since it can do a better job of supporting the staffing values than would be the case with the use of an advertised process.
- Where the qualifications are specialized enough that the person(s) to be considered can reasonably be known to the manager (e.g., a research scientist in a specialized field.
- Where an emergency situation exists.
- To promote a person who was in an approved developmental program.
- Following a classification decision on a substantive position.

But here again, it is not up to the manager alone to decide – since he or she is obliged to follow the criteria established by the deputy head.

Independent Advertised Processes

What's involved?

An independent advertised staffing process is one in which persons in the area of selection are informed of a job opening and given the opportunity to apply and demonstrate their qualifications with reference to the merit criteria that have been established.

What's New?

- The same process applies whether a manager is advertising within or outside the public service.
- The new definition for an advertised process is similar to what we currently refer to as "competitions".

How it works

A manager would normally proceed with an advertised process after deciding the criteria that will be used for screening and communicating those with the persons who apply. Some of the situations in which a manager might proceed with an advertised process include but are not limited to those where:

- Using a non-advertised process would be contrary to the values, principles and non-advertised criteria of the organization.
- There are no qualified employees available for appointment using existing pools of candidates.

However, in keeping with the spirit of good HR planning and efficiency, the use of independent advertised processes should represent an exception to the rule – particularly given the many advantages offered by cooperative staffing processes.

For more information

Detailed Process Maps are available to facilitate planning. Please consult http://www.hrma-agrh.gc.ca/hrmm-mgrh/psma-lmfp/centre/comm_e.asp.

Professional Development and Apprenticeship Programs

The new PSEA also impacts the way we handle Professional Development and Apprenticeship Programs (PDAPs).

What's involved?

Professional Development and Apprenticeship Programs are the amalgamation of recruitment and staffing mechanisms with a learning program, which help organizations provide apprentices, trainees, and employees with the extensive training and experience needed to bring them up to a working level in an efficient, fair and transparent way.

These programs, which precede and end with an appointment process, usually involve a combination of formal training, coaching and developmental assignments within a structured learning framework and designed to:
- Attract and retain employees with "hard to find" skills; and
- Accelerate the development of internal resources.

What's New?

- A new definition of merit and new flexibility and responsibilities flowing from the *PSEA*;
- The process is no longer rules-based; and
- There is a tighter link with integrated business and HR planning than was previously the case.

When you use them

PDAPs are an excellent vehicle for addressing a number of recruiting and staffing challenges public sector managers face every day. For example, they may represent an attractive option when:
- Sufficient specialized skills are not available in the labour market and need to be developed in-house. This could occur when an organization:
    - o Has recurring difficulty in recruiting fully skilled individuals to fill professional, technical or operational positions; or
    - o Is experiencing high turnover.
- Your organization is having trouble addressing employment equity goals. For example, PDAPs can prove very effective in attracting, recruiting, and retaining members of designated groups to parts of the organization where representation gaps exist.

- Your integrated human resources and business planning highlights the need to address mid-term shortages in the organization and develop and prepare new recruits to meet future resource needs.
- There is a need for community development in a professional area to meet future needs.
- There are indications that workplace development and training is likely to be the most effective ways to ensure an adequate supply of skilled employees in a particular area.
- You have the resources needed to recruit people at a developmental level with an eye to training them so they can eventually perform the tasks involved in a particular position.
- You want to retain highly motivated individuals, who have the promise of even greater potential in the future, by providing them with developmental opportunities of interest to them.
- Forecasts warn of a sufficiently large number of vacancies coming up in the future to make it worth your while to invest the resources needed to develop PDAPs.

How it works

The Public Service Commission (PSC) delegates to deputy heads the authority needed to make appointments – and the *Public Service Employment Act* provides them with the power to determine the merit criteria within a PDAP.

Where PDAPs are offered across organizations – as may happen within functional communities - the employer is responsible for establishing the merit criteria.

Initial appointment to the entry level of the program is made through an appointment process that is based on the merit criteria established for the entrance level to the program. They may include:
- The minimum qualifications identified in the Qualification Standard applicable to the entrance level of the program;
- Qualifications that the person needs to succeed in the learning program, including the person's potential for development and ability to succeed in the program;
- Any other merit criteria relevant to the program or the operational requirements or organizational needs; and
- Conditions of employment.

Individuals appointed to a PDAP will likely be assigned work and activities that will stretch their talents and skills in order to bring them to the next level of competency. And they receive the training, support, assessment, feedback and mentoring needed to achieve their goals.

Once they have completed the learning program for their current level and meet the PDAP merit criteria for the next working level, they advance to the next stage in their development and receive the support needed to be successful at that working level.

This process continues until it is determined that the individual is able to successfully perform all of the tasks and address all of the duties and responsibilities involved in filling a position at the graduating level.

Movement within the program is based on a set of pre-determined criteria that are established for each learning, and possibly, classification level to be attained. When the movement is a promotion within the program, the subsequent appointment would be an appointment process, normally internal and non-advertised with the area of selection for notice consistent with the PSC and organizational Area of Selection Policies.

For more information

Detailed Process Maps are available to facilitate planning. Please consult http://www.hrma-agrh.gc.ca/hrmm-mgrh/psma-lmfp/centre/comm_e.asp.

Recruitment

Recruitment is the process used to identify individuals from outside the public service for employment within the public service. Recruitment can be advertised or non-advertised.

Under the old system, the PSC retained much of the authority for recruitment to the public service. As a result of HR Modernization and the implementation of a new, integrated appointment framework, deputy heads will be delegated the authority needed to conduct recruitment.

What's involved

- Using their increased recruitment authority, organizations now can actively market themselves and work with other organizations to meet common objectives.

What's New?

Greater flexibility in recruiting so managers can:
- Customize recruitment, student and graduate programs and approaches.
- Enhance strategic outreach activities and partnerships with other departments and educational institutions.
- Address areas of concern such as retention, under-representation and shortage areas.
- Merge operational planning with strategic recruitment to meet immediate and future needs on a continuing basis in an efficient and effective manner while respecting staffing values.
- For advertised processes, the common portal *jobs.gc.ca* must be used as a minimum.

How it works

While the PSC will continue to provide some centralized recruitment services, managers nevertheless will have increased authority to do recruitment themselves.

Managers can use this new authority to:
- Fill positions at any level, including EX;
- Address the need to renew, rejuvenate and replenish;
- Identify individuals with "hard to find" qualifications;
- Improve their ability to meet employment equity objectives;
- Find qualified staff;

- Create or expand strategic partnerships with stakeholder groups and other government departments and agencies; and
- Raise the visibility of their organizations as well as that of the federal public service.

Considerations

In deciding how to proceed you will need to ask the following questions.
- What are my merit criteria?
- Are there elements in my human resources plan that could impact this?
- Is there an organizational delegation agreement?
- Are there policy requirements or elements in the human resources plan that could impact recruitment?
- Is there an organizational recruitment strategy that includes my needs?
- Who else might have needs similar to mine?
- Would this be an independent, collective? Or an on-going recruitment requirement?
- What is the impact on staffing values?
- What are the PSC delegation and policy requirements?
- What resources are available to me?
- Do I need/want to be personally involved?

Steps

1. Develop a recruitment plan:
   - Establish merit criteria.
   - Decide where you can find persons who meet these criteria.
   - Identify likely partners.
   - Establish resource requirements and timelines.
   - Decide on the results you want to see.

2. Implement the plan:
   - If using advertised recruitment, work with your HR professional to develop the advertisement for *jobs.gc.ca* and any other recruitment option that may have been chosen.
   - Proceed with the remainder of the appointment process.

3. Evaluate the results by asking yourself:
   - Did I achieve the results that I expected?
   - What worked well?
   - What would I do differently?

Options for Advertised Recruitment

A number of options are available – each with their own special characteristics and costs.

Cost-free Alternatives
- Exclusive recruitment through the *jobs.gc.ca* Website: Established portal that is widely known by Canadians. A Managers' Website (http://extranet.psc-cfp.gc.ca/managers/index_e.htm) provides information targeted to the management community.

Additional alternatives for which there is likely to be a cost
- Commercial and public e-recruitment tools.
- Local, regional and national newspapers or magazines.
- Functional or cultural community publications and/or websites.
- Outreach activities – such as job fairs.

For more information

For more information on the how the *PSEA* impacts recruitment, please consult:

Appointment Delegation and Accountability Instrument
http://www.psc-cfp.gc.ca/psea-lefp/framework/delegation/adai/index_e.htm.

Area of Selection Policy
http://www.psc-cfp.gc.ca/psea-lefp/framework/policy/area_e.htm.

Advertising in the Appointment Process Policy
http://www.psc-cfp.gc.ca/psea-lefp/framework/policy/advertising_e.htm.

PART C

Appendix

Annex A: Glossary

This glossary contains definitions of terms used in connection with appointment polices as well as terms used in the PSEA that relate to the appointment process.

PSC glossaries can also be consulted at:
- http://www.psc-cfp.gc.ca/psea-lefp/glossary_e.htm
- http://www.psc-cfp.gc.ca/psea-lefp/political/glossary_e.htm

Access (Accessibilité)
Having a reasonable opportunity to apply and be considered for public service employment.

Acting appointment (**Nomination intérimaire**)
An acting appointment occurs when, at the request of a deputy head, an employee temporarily performs the duties of a position that would constitute a promotion if the employee were appointed to that position.

Advertised appointment process (Processus de nomination annoncé)
An advertised process must meet two conditions. First, persons in the area of selection are informed of the appointment opportunity and second, they have an opportunity to apply and to demonstrate their suitability against the merit criteria.

Collective Appointment Process (Processus collectif de nomination)
A staffing appointment process where managers work together to staff multiple positions.

Conditional offer of appointment (Offre de nomination conditionnelle)
An offer of appointment is conditional when it contains one or more conditions that must be satisfied before an appointment is made.

Conditions of appointment (Conditions de nomination)
Any condition, other than a qualification, which must be met or complied with before appointment. Conditions of appointment may be criteria, such as operational requirements or organizational needs. Examples of conditions of appointment include, but are not limited to, security/reliability clearance and taking the oath or solemn affirmation.

Fairness (**Justice**)
Decisions are made objectively, free from political or bureaucratic influence; policies and practices reflect the just treatment of employees and applicants.

First official language (**Première langue officielle**)
The official language declared by a person in which he or she has a primary personal identification, which is generally the official language in which the person is more proficient.

Independent Appointment Processes (Processus independent de nomination)
A staffing appointment process where a manager works independently to address his or her staffing needs.

Informal discussion (**Discussion informelle**)
The opportunity provided to a person eliminated from consideration during an internal appointment process to discuss the decision informally before an appointment is made.

Merit-based appointment (**Nomination fondée sur le mérite**)
The person appointed meets the essential qualifications for the work to be performed, including official language proficiency. In addition, the person appointed meets any asset qualifications, operational requirements or organizational needs that may be identified by the manager and applied by the person(s) responsible for the assessment. More than one person does not have to be considered for an appointment to be merit-based.

Merit criteria (**Critères de mérite**)
Merit includes essential qualifications as well as other merit criteria. Essential qualifications are those necessary for the work to be performed and must be met in order for a person to be appointed. The other merit criteria involve asset qualifications, operational requirements or organizational needs identified by the deputy head.

Non-advertised appointment process (**Processus de nomination non annoncé**)
An appointment process that does not meet the conditions for an advertised process and is based on pre-established organizational criteria.

Non-imperative appointment (**Nomination non impérative**)
An appointment for an indeterminate period to a bilingual position that has been identified by the deputy as not requiring, at the time of the appointment, that a person be qualified in the knowledge and use of both official languages at the level of proficiency required by the bilingual position.

Organizations
Refers to departments and agencies that are subject to the PSEA.

Persons to be notified (**Personnes à notifier**)
In the case of an advertised internal appointment process, this refers to all persons in the area of selection who participated in that process. In the case of a non-advertised internal appointment process, this refers to all persons in the area of selection.

Political influence (Influence politique)
Interference in the appointment process based on political affiliation. It could include, but is not limited to, interference by a Minister's or a Member of Parliament's office or a bureaucrat.

Specialized or expert language proficiency qualifications (Compétences linguistiques spécialisées ou expertes)
Language-related skills normally acquired through specialized training, such as: technical writing, revising and/or editing texts, translation, interpretation, sign language; or specialized or expert proficiency in one or both official languages, such as teaching English or French.

Transparency (**Transparence**)
Information about decisions, policies and practices is communicated in an open and timely manner.

Waiting period (Période d'attente)
The waiting period begins on the date the persons to be notified are informed whom is being considered for appointment. During this period, no appointments can be made or proposed. The waiting period ends on the date specified in that notification.

Annex B: Stakeholders Roles and Responsibilities

TREASURY BOARD OF CANADA (TB) AND THE PUBLIC SERVICE HUMAN RESOURCES MANAGEMENTAGENCY OF CANADA (PSHRMAC)

The *Financial Administration Act* (FAA) confers the responsibility for human resources management within the Government of Canada on the Treasury Board.

In its role as "the employer", these functions are performed by the:
- *Treasury Board Secretariat* - which undertakes activities relating to comptrollership and financial management; and
- *Public Service Human Resources Management Agency of Canada* (**PSHRMAC**) - which is responsible for human resources management, drawing on policies and directives developed by the Treasury Board.

Treasury Board responsibilities include:
- Developing policies and regulations regarding deployments;
- Defining the word "promotion";
- Establishing regulations on probation periods and notification of probation;
- Establishing qualification standards (e.g.: minimum qualifications) – including those for public service-wide developmental programs;
- Determining rates of pay and the current and future needs of the public service; and
- Making changes to levels and positions based on the provisions of the PSEA.

As part of its mission to spearhead the renewal of human resources management within the federal public service, PSHRMAC is responsible for:
- Human Resources Planning and Accountability;
- Values and Ethics;
- Official Languages;
- Employment Equity and Diversity;
- The Leadership Network; and
- HR Management Modernization.

As well, PSHRMAC, on behalf of Treasury Board, is responsible for Deployment, Interchange Canada, Term Employment, Special Assignment Pay Plan (SAPP), and Student Employment.

PUBLIC SERVICE COMMISSION (PSC)

Under the *Public Service Employment Act,* the PSC, an independent agency reporting to Parliament, is charged with:

- Appointing - or providing for the appointment of - persons to or from the public service in accordance with the PSEA;
- Conducting investigations and audits in accordance with the PSEA; and
- Administering the provisions of the PSEA relating to the political activities of employees and deputy heads.

The PSC also is empowered to make regulations relating to:
- Appointment priority rights;
- Acting appointments – including the maximum period for such appointments;
- Implementation of employment equity programs;
- Appointments within and to the executive group;
- The conduct of investigations and disclosure of information obtained during investigations conducted under the PSEA;
- Defining incumbent-based processes; and
- Deciding how lay offs are to be conducted.

The PSC may delegate to deputy heads any of its power and functions except for the authority to conduct audits, make regulations, establish exclusions from the PSEA, investigate appointments and administer political activity provisions. Any delegation to make appointments from within the public service includes the power to revoke appointments and take corrective action.

The PSC is primarily responsible for the oversight of appointments to and within the public service and for ensuring the integrity of the appointment process. The PSC has developed an Appointment Framework, which includes delegation and policies to guide organizations, and a Staffing Management and Accountability Framework (SMAF), to permit the PSC to evaluate organizational compliance with the legislative, regulatory and policy requirements. Deputy heads are subject to all policies established by the PSC.

DEPUTY HEADS

Deputy heads have direct authority to decide how a vacancy will be filled - for example, by use of an assignment, secondment, deployment or appointment. The authority to make appointments is delegated by the PSC to deputy heads – and this includes the authority to decide if an appointment should be made from within or outside the public service. And deputy heads are ultimately responsible for ensuring that appointments within their organization uphold merit, non-partisanship, staffing values and principles and management principles.

While deputy heads normally sub-delegate certain appointment authorities to subordinate managers, they cannot sub-delegate the authority to revoke appointments.

MANAGERS

Managers are accountable to their deputy head for any authority sub-delegated to them. And they are responsible for establishing integrated human resources and business plans, communicating these plans to staff, making all the decisions pertaining to staffing and

providing feedback to candidates. In other words, managers are the key decision makers, control the staffing process and are accountable to their deputy head for their decisions.

In deciding on the best selection option(s), a manager should not only consider the immediate staffing needs of the work unit, but also weigh the broader needs of the overall organization. The objective should be to find qualified candidates while at the same time respecting staffing values and management principles.

CORPORATE ORGANIZATIONAL STAFFING GROUP

The corporate organizational staffing group or senior HR professional(s) may be responsible for writing organizational staffing policies and programs, providing strategic advice and guidance to resolve difficult staffing issues, and monitoring staffing activities.

HUMAN RESOURCES PROFESSIONALS WHOSE EXPERTISE HAS BEEN VALIDATED BY THE PSC

Because of their technical expertise and the fact that many possess some delegated staffing authority, HR professionals whose expertise has been validated by the PSC can assist managers by:
- Providing advice on staffing values and legal and policy obligations, including assessment; and
- Helping managers evaluate options throughout a staffing process.

With this in mind, managers should consult with their HR professional before undertaking any important staffing action.

PERSONS EMPLOYED IN THE PUBLIC SERVICE

Persons employed in the public service are an important resource for internal and external appointment processes. When they choose to participate in a particular staffing process, they must provide required documents and up-to-date information and notify appropriate individuals of their needs for accommodation.

BARGAINING AGENTS

Bargaining agents are consulted and may co-develop organizational staffing policies and processes. And they may meet with managers to discuss the views, interests and/or concerns of their organization or a specific member concerning some staffing activity or process. In response to an employee request, they also may become involved during informal discussions or complaints to the PSC or PSST.

MEMBERS OF THE GENERAL PUBLIC

When members of the general public participate in external appointment processes, they must provide all required documents and up-to-date information and notify appropriate individuals of their needs for accommodation.

Annex C: New Opportunities and Obligations of the *Public Service Employment Act*

Obligations	Opportunities
Accountability	
In accordance with the authorities sub-delegated to them, managers are accountable for their staffing actions and must comply with the policies established by: • The Public Service Commission; and http://www.psc-cfp.gc.ca/psea-lefp/framework/index_e.htm • Public Service Human Resources Management Agency of Canada: http://www.hrma-agrh.gc.ca/index_e.asp For the latest information on the accountability provisions of the PSEA, please visit the Public Service Modernization portal: www.psmod-modfp.gc.ca Please note that these policies are intended to establish broad frameworks and give general guidance – rather than set out detailed rules-based requirements for staffing processes.	Organizations and managers now have the ability to design staffing processes within these broad frameworks. They have the ability to develop their own organizational policies and staffing programs in order to meet the current and future operational and business needs of their organizations. To make the best of this enhanced flexibility, staffing strategies should work hand in hand with integrated human resources and business planning.
Deputy heads hold sub-delegated managers accountable for their staffing decisions.	Provided that you are able to explain your staffing decisions, you will have more flexibility in filling positions within your organization.
Merit	
You are required to make all appointments on the basis of merit. Using the PSEA definition of merit, everyone appointed must meet the essential qualifications of the job to be performed.	Provided that the person selected meets all the essential qualifications, you can use any or all of the merit criteria identified for the position to select the person who is the "right fit" for the position being filled.

As well, managers may have regard to any asset qualifications, operational requirements or organizational needs. Finally, you must establish the essential qualifications required to perform the work in your organization. Both essential and asset qualifications must respect any qualification standards provided by PSHRMAC.	You may consider other qualifications that would be an asset to the work to be performed, as well as the current or future operational requirements and needs of your organization or the public service. Subject to PSC policy, you may use any assessment method you consider appropriate in order to evaluate a candidate's qualifications. This could include, for example, the assessment of a candidate's track record.

Area of Selection

In accordance with PSC policy, your deputy head must establish an area of selection policy for the organization. Under the PSEA, the following may be used in determining an area of selection: geographic, organizational, occupational, and employment equity criteria.	You are able to consider employees from separate agencies for internal appointments. In accordance with the PSC policy on *Employment Equity in the Appointment Process*, you are able to limit the area of selection to members of designated groups as long as this decision is consistent with your human resources or EE planning.

Informal Discussion

In order to ensure transparency and fairness, the PSEA provides for an informal discussion mechanism that allows employees to discuss concerns they may have during an internal appointment process, rather than after it has been completed. In accordance with the PSC policy on *Informal Discussion*, your deputy head must provide an opportunity to discuss the decision to eliminate a person as soon as possible after the decision is made.	Informal discussions allows persons to discuss decisions during the appointment process, thus promoting effective communication within your organization, and may reduce the possibility of a complaint being file with the PSST at the end of the process. These discussions allow: • Managers to correct any errors or problems immediately; and • Persons to better understand why they were eliminated.

Notification

You are required to follow a two-step notification process for an internal appointment. No appointments or proposed appointment may be made in the waiting period between the two notifications.	Managers are able to communicate their intent in the first notification. During the waiting period, before the decision is finalized, managers can resolve concerns before recourse to the Public Service Staffing Tribunal.

Annex D: Apprenticeship and Professional Training Program

Departments that already have Apprenticeship or Professional Training Programs under the current legislation

Department of National Defence
- Ship Repair Program.
- Others - link to be provide.

Department of Fisheries and Oceans
- Fishery Officer Career Progression Program (GT-2 to GT-4) FOCPP.
- Coast Guard Officer Training program.
- Ship Crew Officer Training Program (SCOTP).
- Marine Communications and Traffic Services Officer Training Program (MCTS).
- Marine Electronic Technician Career Development Program (Meldev).
- Hydrographers Training Program.

Note: Some of these may not be of interest to indeterminate employees since they would have to take a LWOP to attend classroom training (*an approach adopted to reduce costs i.e.: travel and accommodation*).

Environment Canada
- APTP for Meteorologist (MT).
- APTP for Meteorological Technologists (EG).
- APTP for Hydrometric Technicians (EG).
- APTP for Policy Analysts (ES).
- APTP for Economists (ES).
- APTP for HR Professionals (PE).
- APTP for Compensation Professionals (AS).
- Research Managers Development Program.

Public Works and Government Services Canada
- Building Services Technician Training Program - GL-MAM-05, 06, 07, 08.
- Property Management Development Program - AS-03, 04.
- CS Professional Development Program - CS-01, 02.
- Procurement Officer Trainee Program - PG-01, 02.
- Translator Professional Development Program - TR-01, 02.
- HR Professional Development Program - PE-01, 02, 03.
- Information Management and Information Technology (IM/IT) Professional Development Program - CS-03, 04, 05 - Treasury Board/GTIS.
- Leasing Officer Training Program - AS-02, 03, 04.
- Client Accommodation Service Advisor (CASA) Training Program, NCR - AS-03, 04, 05.
- Client Service Advisor Program, Western Region - AS-04, 05 (informal).

- Professional Development Program for the Leasing officers, the Real Estate advisors*, the Client Service advisors and the Evaluation Officers, Québec Region (AS-02, 03, 04).
    - *Ends at the AS-04 level.*
- Consulting Branch Professional Development Program, CAC - ES-02, 03, 04, 05.
- Compensation Officer Training Program - AS-02, 03, 04, 05.

Social Development Canada
- ES-5 (multiple entry levels).
- PE-3, HR professionals (entry at PE-1).
- PM-2, Insurance Officer (multiple entry levels).
- AS-2, Compensation advisors (entry at AS-1).

Statistics Canada
- ES.
- AS (admin).
- CS.
- PE.
- SI.
- MA.
- PG.

Canadian Heritage
- PE-1 to PE-3.
- PM-4 to PM-6 (EE).

Foreign Affairs
- Foreign Service Development Program.
- Foreign Service Information Technology Professional Program.
- Management Counsellor Officer Development Program (pending DM approval).

Health Canada
- ES Development Program.

Citizenship and Immigration
- Visible Minorities Development Program (PM-02 to PM-05).