
CHAPTER 3

HRD overstates its role in assuring an equitable hiring process and in providing the highest qualified applicants

In the state's hybrid hiring system, HRD's functions are those that are intended to ensure consistency and equity in state hiring practices. Thus, HRD administers an open application process, performs an initial screening, and forwards all applications that meet minimum qualifications to agencies for their consideration. A&I also promulgates rules that establish the state standards applicable to hiring; at the individual agency level, hiring managers are responsible for putting rules into practice and ensuring that the procedures are followed.

HRD maintains an open application process, screening for minimum qualifications.

In practice, however, HRD has not been an active leader or guide for agencies in the hiring process. As a result, agencies have developed their own practices, using whatever in-house HR knowledge and experience they may have acquired. We believe HRD needs to be more involved, through active guidance and oversight, in ensuring that agencies' hiring practices are consistent and fair, as well as effective.

HRD statements of purpose set high expectations

Statute and A&I documents indicate more than a support role for HRD.

In numerous documents, HRD implies that it does more to ensure fair and consistent state hiring than we believe it does. As noted in Chapter 1, statutes related to hiring require HRD to initiate and administer recruitment programs that will attract qualified applicants, and to rate applications on the basis of suitability without any discriminatory influences. The goals and mission statements in HRD documents show the Division is aware of its broad responsibility to provide active leadership and oversight:

- **A&I mission statement:** "The mission of the Department is to *provide leadership, stimulus and infrastructure* to empower our customers to provide quality services, products, and information to their constituents."

***A&I documents
portray HRD as an
active administrative
and oversight entity.***

- **HRD purpose statement:** “The centralized human resources program is charged to develop *and administer* uniform human resources policies, procedures, programs and services for the Executive Branch. This *ensures* all state employees receive consistent, fair, and equitable treatment.”
- **HRD public benefit statement:** “...Offering a program that provides one central location for personnel issues is a benefit to the public...*Monitoring and compliance with federal and state laws* is also much more cost effective.”
- **HRD budget narrative statement:** “The (HRD) Selection Section develops and maintains a statewide selection process that aims *to provide the highest qualified individuals* to meet the needs of state agencies.”
- **State personnel rules:** “The HRD administrator *shall ensure* that these rules are enforced and applied uniformly and fairly by all agencies.”

* Italicized emphasis added by LSO.

Mismatch between HRD actions, statements

***HRD does not
actively provide
guidance or
oversight.***

Despite the above claims, HRD monitors only its own functions with regard to recruiting and hiring new employees, not the hiring practices of other agencies. Because hiring traditionally has been a hybrid arrangement, giving agencies considerable latitude, HRD does not control agency hiring practices. Neither is it providing active guidance or oversight for agency hiring authorities. Thus, HRD cannot ensure that agency hiring practices are uniform and equitable throughout state government.

Rules and policies leave room for exceptions

State Personnel Rules allow for exceptions in many instances, leaving room for discretion on the part of both HRD and the agencies. The rules designate agency directors, as well as HRD, as responsible for ensuring compliance. However, should agency managers choose to exercise this discretion or flatly breach the rules, rules say only that agencies will be responsible for any resulting “adverse actions.” This kind of latitude makes it all the more important that HRD provide training and oversight to make sure agency flexibility is properly used.

SRT application and screening provide minimal assurances of fair and uniform practices

The application process is intended to assure equal opportunity.

The state application contains a statement declaring Wyoming is an equal opportunity employer. SRT's primary means of assuring that applicants for state employment are treated fairly is the screening of applications for minimum qualifications. SRT personnel try to be as broadly inclusive as possible in their screening; they say, "We screen in, not out." Roughly 80 percent of applicants are determined to be qualified for the positions for which they apply, meaning applicants' chances of meeting minimum qualifications are good. Once SRT screens applications and sends a register, the section's duties are largely complete unless an agency questions the absence of a particular applicant's name on the register.

HR training requirements are minimal

HRD rules do not require training in hiring techniques

The single requirement for HR training is in W.S. 9-2-1022(b)(v), which requires continuous training "as deemed necessary by HRD" for those who conduct performance appraisals. However, HRD has not set in policy what would constitute "continuous training," nor has it established policy on what, if any, training might be advisable for supervisors and managers involved in hiring employees.

Most of the training that HRD arranges is computer-software training.

Exposure to HR-related training could provide the state with additional assurance that agencies are adhering to uniform state hiring practices, but HRD provides little of this specific type of training. We reviewed the numbers and types of trainings put on by HRD from July 2001 through August 2006 and found that of the 1,227 offered, the large majority (822, or 67 percent) related to the use of specific software programs. Only 3 HR-related trainings (therefore potentially related to hiring) were repeated in that same time frame: 16 for new employees, 20 on performance appraisals, and 27 on supervisor/lead worker skills. A few of the remainder were one-time, hiring-related trainings, provided by a variety of vendors.

More than 2,000 state employees are involved in hiring.

HRD does not specifically track which employees in the various agencies have the ability to make hiring decisions. The Division estimates, based on pay band and job title, that 2,088 current employees may have hiring authority. We wanted to determine

At the current rate, it would take years to ensure all of them get training in hiring techniques.

how long it would take to train them in proper hiring techniques, so we reviewed the training required of supervisors who conduct performance appraisals. We calculated that at the class capacity and frequency of training opportunities offered since FY '01, it would take 22 years to train the state's current supervisory personnel in performance appraisals. Applying the same logic to hiring authorities means that at the very least, it would take many years to train them in hiring techniques, and would likely require a significant reallocation of HRD resources.

Agencies differ as to what HR training is required

Agency HR staff were uncertain as to what training was required of their employees.

From interviews, we learned that agency HR personnel generally had little familiarity with whether or not there are training requirements regarding how to hire. Some said they thought the performance appraisal training was mandatory, while others had no idea what is covered in such trainings. Some agency HR personnel said their own training and experience was adequate to guide their agencies. Some responded that new employee orientation covered the bases, while still others contended that the sexual harassment and Equal Employment Opportunity (EEO) training provided periodically through the Attorney General's Office met the needs of HR-specific training. Still other agency HR personnel believed that they themselves were responsible for training agency supervisors and for monitoring hiring processes for compliance with state and federal law.

From these differences, we concluded that any emphasis on training agency personnel in proper hiring techniques, if such an emphasis exists, would have to be coming from an individual agency, as it is not coming from HRD. In all, we found an absence of active guidance on the part of HRD in this area.

HRD does not audit agencies' hiring processes

Agency HR personnel we interviewed stated that the Division does not monitor or oversee their hiring processes and that it does not audit hiring activities in any way. Some mentioned that an HR policy and procedures manual would help standardize the hiring procedure statewide. HRD personnel maintain that hiring decisions are the responsibility of the agencies, that they trust

agency HR personnel to know how to do their jobs, and that agency processes are fair and above-board. SRT views a payroll approval check as the means of verifying each hire. However, that step simply checks such matters as whether an approved position has sufficient funding and whether the person hired was listed on the official register.

HRD believes agencies treat applicants fairly, but has no oversight mechanism to check.

The Division has no record of lawsuits or complaints alleging discriminatory hiring practices having been filed. However, without an oversight mechanism, HRD is unable to determine whether, in the hiring process, applicants experience fair and equitable treatment by agencies. While HRD employs a grievance coordinator, the Division maintains that other agencies (the Department of Employment and the Attorney General's Office) are more properly concerned with enforcement and training in law and policy.

Hiring processes vary by agency

Agency HR practices depend on the self-developed expertise of their employees.

Interviews with agency HR personnel reflect that agencies employ a wide array of techniques to select the most qualified candidate for employment. A few agencies administer examinations but most do not. Some HR personnel sit in on every agency hiring panel while others do not. Some agencies create a weighted scoring matrix to evaluate the applications and interviews, but others depend on impressions gained from applicant presentations, going with their "gut feelings."

We found little to suggest uniformity or consistency among agencies in their hiring practices. The lack of standardized statewide training for supervisory and managerial personnel, coupled with agencies' considerable responsibilities and discretion in this matter, contribute little assurance that the state has a uniform, consistent, and equitable hiring process.

HRD has limited authority to require agency practices

Although HRD has statutory authority to require that managers complete performance appraisal training, this authority does not

Statutes require training only in performance appraisal.

extend to requiring agency hiring managers to be trained in hiring techniques. HRD also cannot sanction an agency for non-compliance with such requirements, should it set them. Consequently, it has not scrutinized those portions of the hiring process outside of its direct involvement. HRD has trusted, without further verifying, that agency personnel are performing their duties in a professional manner and in accordance with laws and rules.

Recommendation: HRD should develop and implement an audit of agency hiring practices.

It need not be a burdensome process for HRD or the agencies.

To meet statutory and rules obligations that ensure equity and fairness in the hiring process, the Division needs to develop a mechanism for evaluating agency hiring practices. It need not be a burdensome process for either the Division or agencies: random checks of interview questions, validation of scoring methods, and interviews with new employees could all be carried out without undue disruption to workloads. This would give assurances to the state that agencies are complying with applicable laws and would also provide the Division additional information on which to base improvements to the system.

Recommendation: HRD should develop a hiring procedures manual and specific HR training of state personnel involved in hiring.

On the front end of the hiring process, the Division should take a more proactive role in ensuring that state employees involved in hiring are well-trained. Wyoming's HR statutes, rules, and policies contain the sometimes conflicting concepts of merit and equity, and hiring has been an agency-by-agency, team-by-team, and announcement-by-announcement mix of practices, based on whatever knowledge and experience agency personnel may have.

Training and a manual would help ensure equity and consistency in state hiring practices.

The Division, in consultation with agency HR personnel, should create a hiring manual for agencies that clearly details both agency and HRD roles, interactions, and procedures. It should provide sample interview questions in line with HRD hiring criteria based on the qualifications of knowledge, skills, abilities and behavioral characteristics HRD intends to implement. It can provide guidance on developing valid scoring rubrics for applicant evaluation.

Finally, HRD should require some specific human resource and management training for state hiring personnel as conditions of their involvement in hiring activities. This may necessitate that HRD expand its own training component, and that it coordinate efforts with existing training programs in the agencies.

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