Recruitment and Talent Management

Five Talent Acquisition Tips for HR Leaders

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Effective recruitment and talent management strategies are critical for HR professionals to master when it comes to ensuring that an agency continues to attract top talent to the public sector. To help public sector HR professionals stay ahead of the changing recruitment landscape that can often make hiring, developing and retaining top talent challenging, this issue of HR News provides some excellent resources on how to better manage these processes.

In this issue of HR News Trish Holliday and E.C. Ricketts with the State of Tennessee Department of Human Resources share their best practices and development strategies for recruiting and retaining top talent to their agency. Additionally, Ian Cook with Visier Inc explores how to track the effectiveness of recruitment processes.

For more recruitment resources, Jonathan Wiersma with CivicHR discusses how to turn job descriptions into performance profiles for better hiring and retention, while talent acquisition expert Crystal Williams shares five talent acquisition tips that all HR leaders should consider.

For more useful resources on better management of top talent, Michael Papay with Waggl discusses how to develop a higher level of trust when managing relationship with employees. And Kevin Curry with ReedGroup shares how to effectively handle employees who may face short-term disability absences.

Also in this issue, our Comp Doctor™ experts are back providing great advice on how to handle salary surveys and Howard Risher provides great insight on Four Decades of the Drive for Pay Equity.

All this and more are in this issue of HR News. If you have any questions about the pieces, please do not hesitate to reach out to use at publications@ipma-hr.org. —

Jenny Chang

Jenny Chang

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The Missing Link in Managing Disability Costs:

Close Gaps in Care

By Kevin Curry

The astronomical cost of disability is not lost on employers. Estimates point to upwards of $28 billion being spent on health care associated with short-term disability absence, sharply impacting the bottom lines of employers, health plans and employees. Many organizations feel as if they have no control over this expense.

Offering hope, a ReedGroup study (http://bit.ly/2pK3V6r) reported at the 2017 Integrated Benefits Institute Annual Forum in San Francisco tied $6.5 billion of annual spending on short-term disabilities to unnecessary and redundant care. Potentially avoidable medical costs make up about 23 percent of the short-term disability spend, with much of that money going to duplicative or needlessly extended care.

When care is managed ineffectively, employees can fail to return to work within expected, appropriate timeframes. Also, the employees’ quality of care and health outcomes may suffer. ReedGroup researchers found that even though the bulk of medical costs are incurred within the first hours and days of the episode that caused the short-term disability, employees continue to incur substantial charges against disability plans for each day they remain out of work. This indicates that employers and employees will spend less when disability absences are managed according to evidence-based guidelines that optimize return-to-activity parameters.

As value-based care gains traction in disability management, stakeholders are increasingly looking for ways to close gaps in care to shorten the return to activity. Gains in areas such as proactive case management, adherence to best practices and increased engagement among physicians and patients help employers control disability costs.

The Benefits of Reducing Time Off for Knee Injuries

The estimate of achievable cost savings emerged from an analysis of more than 885,000 short-term disability claims and 41 million health care records from employers and payers compiled between 2007 and 2014. Researchers identified 1,400 unique diagnoses and established a baseline of avoidable medical costs by comparing charges associated with an optimum duration of a short-term disability episode to charges accrued by the date of actual return to work. Optimum durations were established through data analysis, evidence-based clinical peer-review data and MDGuidelines Medical Advisory Board approval.

As an example of how a particular set of potential cost savings was estimated, consider meniscus disorders. These common knee injuries were experienced by 12,251 patients in the database. They
can be treated nonsurgically with rehabilitative exercise or surgically, usually using minimally invasive arthroscopic techniques. Claims for employees who received a specific surgical treatment—arthroscopic meniscectomy—for this condition, missed 13 to 119 days from work and accounted for between $3,000 and $20,000 in health care costs paid by their employer.

Predictably, the largest share of costs across claims for a meniscus disorder occurred at the beginning of the episode and included charges for emergency room visits, surgical prep and surgery. After that, average daily health care expenses remained relatively steady until the actual return-to-work date. Notably, after adjusting for case characteristics related to both duration and cost, a total of $10.4 million in medical and pharmaceutical costs were incurred after the date an employee was expected to return to work. This means that employers could greatly reduce spending, while also ensuring that employees return quickly and safely, by using evidence-based guidelines to determine optimal treatment and recovery plans tailored to specific patients.

Such findings point to the missing link in managing disability costs, which is the fact that evaluations of traditional episodes do not inform decisions over whether to accept medical charges. Health care privacy laws limit an employer’s ability to understand how expenses are accrued. Yet, knowing how medical costs change through time and how various treatments impact cost trajectories is critical to recognizing and minimizing unnecessary return-to-work delays. While employers have traditionally faced challenges with effectively managing disability costs, the ReedGroup study shows that organizations gain control of those costs by understanding the connection between disability and medical costs and by using duration data and clinical decision support tools to determine the best recovery and treatment plans.

Gaining Control of Costs

The most important takeaway from the ReedGroup study for all stakeholders is that medical expenditures, which are often the largest share of the disability cost equation, are controllable. Developing and implementing optimal return-to-activity plans is a key way to do this. Employers, health plans and providers can significantly improve clinical and financial outcomes by appropriately shortening an employee’s stay on short-term disability by even a few days by offering proactive case management and adhering to evidence-based guidelines.

Using point-of-care clinical decision support tools is also an important way to eliminate variations in care that produce increases in medical costs. Physiological duration tables, analytics and consultative services can empower employers, insurers and providers to successfully improve outcomes. Last, employee wellness programs can be adapted to reduce the potential for disability.

Employers can address cost control—the missing link in their disability management programs—by considering how disability and medical benefits work together. Asking the following questions provides a good starting point for analysis:

- Do employees have access to both inexpensive preventive care and time off for preventive care appointments?
- Are employees incentivized to seek specialty care when appropriate?
- Does the company’s medical plan and/or provider network have an awareness around disability and return-to-work programs?
- Are employees’ health care providers using evidence-based guidelines at the point of care?
- Is the company taking an active role in educating providers on their role in return to work as part of treatment plans?
- Is appropriate evidence-based care available in a timely fashion?

Answering these questions affirmatively points to the availability of proactive case management that reduces time out of work and lowers medical care costs. It also highlights a disability system that is better for employee because they pay less for treatments and return to their normal activities faster. Forward-looking companies that see this larger picture of controlling disability medical costs are best positioned to offer the best care for their employees while minimizing unnecessary costs.

Kevin Curry is the national practice leader at ReedGroup. He can be reached at kcurry@reedgroup.com. 

WWW.IPMA-HR.ORG
WINNING THE TALENT WAR with Learning and Development Strategies for Recruiting and Retaining Talent

By Trish Holliday, Ed.D., SPHR, SHRM-SCP and E.C. Ricketts, Ph.D., SPHR, SHRM-SCP

There is a war going on, but it does not involve weapons, military tactics or geographical boundaries. It is a war for talent. Public and private organizations from all across the globe are scrambling to recruit individuals who possess the knowledge, skills and abilities needed for key positions.

The present challenge to obtain talent will persist into a rapidly changing future. Human resources professionals must rise to this challenge with a sense of urgency if they are to help their organizations equip themselves with a workforce that has the capabilities and capacities to meet business demands.

Several factors have led to the war for talent and ensuing need to develop recruiting strategies. The global workforce is aging, as reports such as those published by the U.S. Bureau of Labor Statistics indicate. In one such report, the share of workers aged 55-64 in the United States was expected to increase by 38.6 percent through 2024, while the share of workers aged 65-74 was projected to increase by 83.4 percent. Other factors include low employee engagement, the mobility and diversity of jobseekers, skill shortages for key roles and anticipated high turnover among millennial employees. Responding to all of these factors requires

Indepth analysis from the HR2020 Shifting Perspectives: A Vision for Public Sector HR Report
developing and implementing clear and aggressive strategies to recruit talent.

Winning battles in the war for talent creates new challenges related to keeping high performers past onboarding and training. Willis Towers Watson reported that more than one-half of all organizations across the globe have difficulty retaining the most-essential and highly skilled employees. Illuminating why, research summarized by eremedia.com indicates that one-third of new hires quit after six months on the job, one-third of new employees know within their first week whether they will stay with the organization and 35 percent of employees start looking for a new job when they do not receive a raise by the end of their first year.

Many strategies focused on recruiting and retention have been proposed, and several are proving successful. Experience shows that it is worth dedicating personnel to recruiting candidates for mission-critical roles, establishing clearly defined career paths and implementing flexible workplace arrangements. Other proven strategies include designing a robust onboarding program and conducting climate, engagement and stay interviews.

Employee development programs have also been shown to increase retention. This, however, is often seen as mere training and not given the attention it demands. Effective employee development that improves retention is driven by organizational leaders to move beyond check-the-box training and toward alignment with organizational goals.

A CPS HR Consulting report indicated that training and development ranked highest among demands from the new workforce, beating out cash bonuses, more vacation and free health care. It seems that what employees want is for their organization to invest in their growth and development as professionals. The remainder of this article details how the State of Tennessee Department of Human Resources (DHR) made such an investment by implementing an employee development strategy focused on recruiting and retaining government workers.

Tennessee faces many of the challenges to obtaining top talent mentioned above. Though the percentage of baby boomers in the state government workforce is beginning to decrease, older employees still make up a significant part of the workforce. More critical than mere numbers is the institutional knowledge that could be lost as boomers retire. In 2017, some 30 percent of the roughly 42,000 Tennessee state government workers are eligible to retire because of their age.

While the recruiting of millennials has increased, retention of that age group has proven challenging. Many new hires leave state employment within the first year. Considering that achieving proficiency to perform many state government jobs requires 6-12 months, and that technical training saddles agencies with significant expenses, such rapid turnover has large negative financial impacts.

Work culture also had to be addressed. Certain civil service practices instituted with the intent to benefit employees evolved into entitlements while fixing antiquated business processes and leading to inconsistent investment in workers’ growth and development.

In April 2012, the Tennessee Excellence, Accountability and Management Act was signed into law. The civil service reform revamped employment practices, making “Recruit, Retain and Reward” the formula for helping Tennessee state government become an employer of choice. Leadership development emerged as a focal point, but the challenge was how to create a learning environment within state government.

A multipronged strategy was pursued. First, programs were designed and implemented to prepare employees to assume vacated leadership roles because an impending leadership vacuum had to be filled. This resulted in services for often-neglected middle managers. Whereas previously, many employees were promoted to managerial positions due to their technical skills, they were rarely provided opportunities to gain the knowledge and interpersonal skills necessary to be successful leaders of people.

The DHR began tackling these concerns by establishing programs that would be sustainable across changes in administration. The five-step process involved diagnosing an expressed need as being mission-critical, demonstrating the urgency of the need, building a support structure throughout the enterprise, developing the necessary programs and evaluating the programs to collect and analyze data for continuous improvement.

To accelerate the investment in employees’ development and growth, several leadership programs were implemented:

- LEAD Tennessee, an internationally recognized and award-winning leadership development initiative, takes approximately 130 current and emerging leaders through a 12-month competency-based program, imparting the knowledge and skills required to assume key vacated roles.

...what employees want is for their organization to invest in their growth and development as professionals.

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The Tennessee Government Executive Institute and the Tennessee Government Management Institute, which were developed in partnership with the University of Tennessee Institute for Public Service, were revised to include a focus on relevant competencies.

The Accelerated Leadership Institute was implemented to invest in those who showed high potential as leaders but had not yet had leadership experience.

A program prepares state government HR professionals to move away from being solely transactional in how they serve their departments and start to act as strategic partners.

The DHR manages the various competencies taught in each program to create a unique learning experience for participants.

At launch, the leadership development programs could accommodate only about 250 total participants a year. This would not have the overall impact needed for an organization with more than 41,000 employees. Therefore, the DHR consulted with agency executive leaders and created leadership academies customized to meet the leadership needs of each agency. Taking this approach encourages adoption of a grow your own philosophy when it comes to preparing future managers.

To further address the professional development needs of middle managers, the DHR designed and implemented a four-level certificate program dubbed the Management and Leadership Learning Pyramid. Starting with a focus on the knowledge and skills every manager in state government needs, the pyramid builds through workshops in which participants gain increasingly higher levels of leadership competency. The intents of certification are to equip the state’s 7,000-plus managers with a baseline of fundamental management skills and to instill a shared understanding of what leading others entails across the enterprise.

The war for top talent will continue into the foreseeable future, requiring organizations to develop strategies that address recruiting, retaining and rewarding employees who themselves are focused on investing in the development and growth of the workforce in order to meet organizational goals. With participation in its leadership and certification programs increasing each year, and a culture of continuous improvement as a learning organization emerging, the State of Tennessee believes it is succeeding in investing in the development and growth of employees. The goals are to attract top talent, increase retention rates, produce a high-performing workforce and gain a reputation that the state is an employer of choice among the next generation of employees.

Trish Holliday, Ed.D., SPHR, SHRM-SCP, is a taskforce member of the HR2020 Shifting Perspectives: A Vision for Public Sector HR Report where she focuses on the area of talent. She is also the assistant commissioner and chief learning officer for the State of Tennessee Department of Human Resources. While providing overall curriculum focus for and developing all statewide leadership programs, Holliday creates and leads learning efforts aimed at achieving the mission and goals of a customer-focused government and building a common culture of business and leadership skills. You can reach her at Trish.Holliday@tn.gov.

E.C. “Ernie” Ricketts, Ph.D., SPHR, SHRM-SCP, is the talent management administrator for Tennessee’s human resources department. Ricketts collaborates closely with Holliday to assist agency leaders in implementing talent management strategies that align with the governor’s initiatives and support the state’s workforce planning efforts. You can reach him at Ernie.Ricketts@tn.gov.
Five Talent Acquisition Tips for HR Leaders

By Crystal Williams

Human resources professionals must navigate numerous challenges on the path to successful recruitment and retention. In the public sector, these realities include competition for talented individuals who are often drawn to Silicon Valley-esque cultures more easily found in large private-sector organizations, underqualified candidates who may be considering new careers following a downturn in their preferred industries, and limited abilities to conduct extensive candidate searches or to offer top salaries and comprehensive benefits.

Such difficulties are far from insurmountable. Public sector HR teams that follow the latest best practices will find themselves able to identify and attain top talent more quickly and efficiently than they imagined. In the latter part of 2017, five of those best practices for HR professionals are the following.

Monitor ‘Silver Medalist’ Candidates
Too often, organizations reinvent the wheel with each job posting. They overlook previous applicants who may not have been a perfect fit for the position they originally sought, but they are A-listers in every other respect. Not only should organizations circle back to these candidates when relevant opportunities open up, but they should also proactively communicate with them to keep them engaged. This can be achieved with relatively little effort and expense by sending regular email updates on organizational achievements and appropriate new job opportunities.

Ditch the ‘Beer Test’
Over the past few years, recruiters have had a laser focus on cultural fit. A good reason for this is that employees are more connected than ever before. Individuals who cannot get along with co-workers are destined to fail and hamper the organization’s achievement of goals and missions. In striving to ensure cultural fit, however, many recruiters make the critical error of assuming that the candidates most likely to thrive are those who are most like existing employees—the ones current workers would want to have a beer with, metaphorically or literally. Sticking with this mentality for too long can produce a homogenized workforce, which is a known hindrance to innovation and problem-solving. Perhaps what is worse, recruiters who prioritize workplace culture can overlook much better indicators of how well a candidate would perform if hired. To counter this, HR professionals should rely more on behavioral interviewing techniques to assess candidates’ emotional intelligence and seek to temper gut instincts about who will get along with the team.

Show. Don’t Tell.
Any organization can verbally tout its inclusive culture or
employee-first philosophy. Without the evidence to back that up, however, claims are meaningless. Videos can illustrate such intangible benefits. A camera phone and a bit of personality allow a team of any size to diversify recruitment tools and address candidates’ concerns. This is increasingly necessary because research shows that YouTube reaches more 18-34-year-olds than any cable network and that the vast majority of millennials rely on videos to make critical decisions ranging from buying their next car to choosing their next employer.

**Bring All Hands on Deck**

When it comes to an effective talent acquisition strategy, human resources cannot—and should not—operate in a vacuum. One of the easiest ways to maximize limited recruiting and onboarding resources is to turn to other departments for expertise and insight. Have a new job posting? Encourage current employees to share it with their networks. Reviewing résumés? Pass a few blind copies (i.e., names and contact information removed) to top performers to get their opinions on whom to interview. Since the HR team will not be as familiar with the daily responsibilities of the open position, incumbents are likely to identify success factors HR professionals would not. And even when no open position exists, engaging existing talent as brand ambassadors pays dividends. Create an incentive system to encourage current employees to share positive company updates with hundreds of potential recruits on social media.

**Optimize With Data**

Organizations that are willing to invest a bit more in the front end of their talent acquisition strategies have the opportunity to dramatically improve their effectiveness at identifying top talent. For example, some organizations have developed a method for predicting a candidate’s performance at his or her first annual review based on the candidate’s responses to interview questions. Objectively matching candidate responses to employee behaviors lets HR teams articulate the most direct indicators of success on the job while also identifying and removing biases that skew the hiring process. While this is one example that allows HR professionals to optimize their interview processes, teams have also successfully leveraged data to improve candidate pools and enhance candidate engagement by testing different keywords and messages in job postings.

Crystal Williams, PHR, is the talent acquisition manager for CompleteRx. With more than 12 years of experience in recruiting and retaining talent in pharmacy and health care, Williams assists in developing talent acquisition strategy and manages recruiting, onboarding and retention training for pharmacy leaders.

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**Pre-Conference Workshops Open for Registration**

**Workforce Succession Planning**

September 16-17, 8:30AM – 4:30PM

This two-day workshop will prepare HR professionals to address short-term and projected staffing needs. Participants will learn how to develop an effective framework for a viable, effective workforce and succession planning program.

Intended Audience: Human Resource professionals and senior management tasked with managing the momentous transition of workforce and succession planning; and who want to learn the “Ins and Outs” of the process.

**Workshop Instructor:** Richard Heil, IPMA-SCP

**Leveraging the Power of Employee Engagement in Government**

September 18, 8:30AM- 4:30PM

This highly-interactive two-part workshop will prepare participants for developing and improving upon employee engagement strategies, with a focus on engagement in the unique environment of government. Research tells us that organizations with highly-engaged employees outperform those with low employee engagement, including in government. Despite the link to organizational performance, a 2012 IPMA-HR/ADP/ Governing survey on employee engagement found that only 30% of organizations conduct employee engagement surveys.

Intended Audience: Senior-Level — of most benefit to those in state and local government

**Workshop Instructor:** Fagan Stackhouse, IPMA-SCP

For more information on pre-conference workshops, please go to: http://bit.ly/2oVrd8Z
Organizations large and small are experiencing unprecedented degrees of turnover, competition, uncertainty and other types of obstacles to achieving their goals. In this volatile climate of high stakes and low margins for error, collaboration, creativity and coordination have become more critical than ever, and solid teamwork is absolutely essential to achieving anything of real significance.

The most important element for all high-performance teams is trust. In fact, you cannot have an effective team—or any enduring relationship, for that matter—without it. Trust is not optional or merely nice to have. Nor is it something that can be delegated to human resources. Trust is a core value that needs to be cultivated as an essential component of every major strategic initiative an organization undertakes.

In a pulse survey of hundreds of U.S. businesses and HR representatives, Waggl found that 37 percent of respondents said that they did not trust their immediate supervisor to make decisions with their best interest in mind. In contrast, 76 percent of the participants responded that they do trust their co-workers to follow through on their responsibilities and to keep the team’s best interests in mind. Further, 84 percent said they trust and believe in the mission of their organization, and 81 percent reported that their company trusts them to work autonomously and do their job well.

It is interesting to note that supervisor trust levels were highest in the nonprofit industry (80 percent) and among the youngest participants, ages 26–40 (74 percent). They were lowest in the advertising/marketing industry (40 percent) and among participants 41–55 years of age (55 percent). Trust levels were relatively equal for men (82 percent) and women (73 percent).

Waggl also asked, “What could my organization do to inspire higher levels of trust?” Distilled into representative responses, the top three answers were

- Become more transparent. Conduct direct and candid conversations rather than message indirectly through others.
Upskill “people” managers with the skills and knowledge needed to empower their people and lead by example and by taking more of a coaching role than an old-fashioned “boss.”

Remove unnecessary hierarchy, communicate more clearly and be more honest about things we get wrong and what we are doing about them.

As these responses indicate, there is ample room for improvement in management relationships with employees. But what is the larger significance of these results? Stated directly, in our current era of continual work disruption and organizational change, cultivating a high level of trust is a must for remaining agile and achieving growth.

The best path to developing trust between individuals is committing to communicating openly and transparently. Doing this will foster authentic relationships between employees, their immediate supervisors and the larger organization.

In order for all members of an organization to trust the leadership, they need to have visible influence on decisions as they are being made and be informed about the reasoning behind decisions. Engaging in open two-way dialogue makes this possible. Creating forums for transparent communication also builds connections, alignments and collaboration across the organization.

No culture of trust develops entirely on its own. Trust needs to be carefully cultivated and manifested in every decision and activity. Trustworthiness and transparency must be in the organization’s DNA as the oil for the high-performance engine, and open communication is the key to encoding them. If communication does not happen frequently and effectively, the engine will run rough due to the heat and friction of constant misunderstandings. An organization that places a high priority on transparency will be on the right path to cultivating trust, which is the greatest asset to help an organization thrive in turbulent times.

Michael Papay is CEO and co-founder of Waggl, a San Francisco Bay Area company that provides a simple, cloud-based solution to help organizations listen to people, distill insights and improve. Papay’s 15-plus years of experience building and leading software as a service businesses with a focus on human capital management, organizational learning and employee engagement convinces him that mutual respect and active listening lead to more meaningful relationships and productive organizations, and that candor and transparency lead to a more connected and engaged workforce. He can be reached at (415) 399-9949 or papay@waggl.com. –N

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The Association conducted the first part of the 2017 member satisfaction survey, which showed a continuing high rate of satisfaction among the 367 members who responded to the survey. 90.5 percent of the respondents indicated they valued their IPMA-HR membership and plan to remain members as long as the association continues to meet their needs.

Of the survey respondents:
- 68 percent work in local government/17 percent in state government
- The most common job title is HR director (44 percent of respondents)
- 38 percent have bachelor’s degrees/41 percent have graduate degrees/4 percent have doctoral or post-doctoral degrees

The top 3 reasons for joining IPMA-HR were:
- To learn about developments in the Human Resources field – 66 percent of respondents
- To network and collaborate with industry professionals – 43 percent of respondents
- To stay up-to-date on training/certification opportunities – 37 percent of respondents

Three-quarters of respondents learned about IPMA-HR from a workplace colleague or supervisor. Another 12 percent heard about the association through print or online ads. There were 53 percent of the respondents who said that IPMA-HR is their primary HR professional association. Two-thirds of the respondents believe they receive the right amount of communications from IPMA-HR.

The top rated programs/products/services are:
- Reputation for representing public sector HR professionals
- Publications
- Government Affairs
- Certification

Subsequent surveys will examine specific programs, products, and services in more depth. For additional information about the survey, please contact Neil Reichenberg, IPMA-HR executive director at nreichenberg@ipma-hr.org.
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**Checklist**

- Get key card from IT
- Change email password
- Set up desk
- Fill out company profile
- Register license plate

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**My Tasks**

**My Evaluations**

**Active Evaluations & Overdue Tasks**

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When it comes to your community, you want the best. This, of course, means hiring and retaining the best staff for local government. To identify the most qualified, motivated and results-oriented candidates, you need to start by establishing the criteria that defines the ideal hire. Organizations with the greatest hiring success have learned to articulate the qualities, experiences and qualifications needed to produce the best outcomes. To paint such a picture, organizations must promote their open positions using more than job descriptions. They need performance profiles.

**Local Government Recruitment Challenges**

Local governments face greater pressure than ever to hire highly qualified candidates and retain valuable employees. Competition from private sector employers with bigger budgets and salary offers has made meeting these goals difficult for municipalities across the United States. The private sector is also attempting to attract younger candidates with promises of exciting and innovative opportunities in burgeoning industries that do not seem available to millennials in the public sector.

In addition, an impending silver tsunami of retiring baby boomers is poised to reduce the public sector workforce by more than a quarter over the next 5-10 years. These realities have local governments strategizing how to recruit and hire new employees for public service.

**Local Government Employee Retention Challenges**

According to Business.com, a survey conducted by Totaljobs found that 17.1 percent of human resources professionals’ time was spent on operations management and administrative work, while only 2.6 percent was spent on personnel management. While it may have been accepted in the past that municipal HR managers needed to spend significant time doing transactional functions, local government leaders are now looking to their HR teams to lead employee development initiatives that will help produce the best individual outcomes and encourage employee retention.

**Hiring and Retention Advantages**

As hiring and retention pressures mount, municipal HR leaders are searching for ways to attract and groom high-performing employees. Fortunately, even despite lean budgets and shrinking staffs, local governments have distinct hiring and retention advantages over the private sector.

Municipalities are typically able to offer competitive benefits, generous retirement packages, comprehensive health coverage, accommodating work schedules and—most importantly—the ability for employees to make a difference in the communities in which they live and work. Once prospective job candidates, particularly younger millennials and members of Generation X looking for fulfilling careers with the potential for personal development.
and professional growth, realize such opportunities exist in the public sector, they will be more likely to seek local government employment.

Performance Profiles as the Key to Hiring and Recruitment

Communities with successful recruitment and hiring strategies have learned that effective recruitment communications include more than job descriptions. Performance profiles attract high-quality talent and, when used as the foundation for annual performance evaluations, enable quality benchmarking, spur employee growth and foster retention.

Job Descriptions vs. Performance Profiles

Job descriptions attract individuals who want to accomplish tasks. Performance profiles attract individuals who are motivated to achieve goals. Where job descriptions attract transient job seekers who are likely to move on if they do not enjoy the position, performance profiles attract committed individuals who are likely to become tenured staff.

Another main difference between the two types of recruitment tools is that performance profiles set proper expectations for outcomes. This helps HR managers identify and hire the most-qualified candidates. Further, job descriptions tend to use stiff, legal jargon that stresses the job role and tasks, while performance profiles are written to generate enthusiasm and inspire interest in the position.

Performance Profiles as the Key to Recruitment

Performance profiles help to identify higher-quality talent because they set expectations for the types of employees the organization desires. A job description that simply lists assigned tasks will attract process-oriented individuals who meet only the minimum qualifications and are interested only in completing assignments. Candidates looking to carry out routine job requirements and who have little interest in how the work they do contributes to the greater good of their community, or in how their performance could help them grow personally and professionally, are attracted by job descriptions. While competent, task-oriented individuals can perform their duties proficiently, they lack the kinds of motivations that set the most-desirable candidates apart.

Performance profiles that outline expected outcomes of the position are equally likely to dissuade unmotivated employees as they are to attract high achievers. Any local government looking for the type of employee who feels a deep desire to achieve results, develop improved methods and make a difference in the community is well-advised to use a performance profile to capture that person's attention.

Performance Profiles as Performance Evaluation Tools

Unlike job descriptions, performance profiles set expectation for the results they will achieve. While a job description might focus on the quantity of events, a performance profile will address the quality of work processes and products.

An employee's performance review can consist of walking through the performance profile while offering quantitative and qualitative feedback. An achievement-minded employee will not be satisfied if the annual performance review simply confirms whether tasks were completed. He or she will want to point to effective outcomes and results and to collaborate to set goals for the future. Such discussions are essential to keeping goal-oriented employees satisfied and ensuring they do not look for more-rewarding employment elsewhere.

For example, if the performance profile for the manager of the parks and recreation department sets the expectation that he or she should plan and execute eight community education events each year, the supervisor can ask what challenges resulted in only five events being held and to two of those being poorly attended. Ideas for meeting the educational event goal next year can also be discussed.

CONTINUED ON PAGE 36
A key takeaway from the Boston Consulting Group’s CHRO Summit in New York City in September 2016 was John Berisford and Paul Bianchi’s insistence that “now, more than ever, the corporate strategy for large companies hinges on the people strategy.”

Implementing such a strategy puts pressure on talent acquisition teams to find the best candidates, bring on the most-promising new employees before competitors do and predict new hires’ long-term success. With recruiting budgets swelling to meet these demands, it is important that outcomes justify expenditures. To get there, organizations need to improve the way they track the effectiveness of their recruitment process.

*The Demand for Data-Driven Talent Acquisition*, a study from people strategy platform provider Visier, found that although organizations spent more money than ever on recruiting during 2016, 61 percent of hiring managers reported that they find it difficult to measure the long-term impact of the overall recruiting process.

Furthermore, 71 percent of hiring managers said that their organization’s HR team needs to improve the recruiting process in order to increase the quality of the people who get hired.

The study involved a survey of 200 hiring managers at U.S. companies with annual revenues of $1 billion or more. The hiring managers were asked about their views on the talent acquisition process at their organizations, and the results reveal significant frustration over the lack of ability to measure long-term impact.

The challenges faced by hiring managers extend from the day-to-day decisions they need to make to their ability to make long-term hiring plans. Key findings not yet highlighted include the following:

- 52 percent of hiring managers are unable to predict the long-term success of new hires.
- 66 percent of hiring managers agree that when hiring for a role, it is difficult to get an accurate estimate of how long it will take to secure the hire.

By Ian Cook
55 percent of hiring managers agree that hiring plans were not as effective as they could be due to difficulties in getting accurate hiring and turnover projections.

70 percent say that improving long-term business impact will require recruiting programs at their organization to be more data-driven or fact-based.

Hiring managers also expressed their need to access more information about both the talent acquisition process and the candidates they were considering. In particular

95 percent say they need to know why good candidates are lost during the hiring process.

82 percent say it is important to track and ensure equity during the hiring process.

“With hiring managers unable to determine the long-term success of half the candidates they hire, hiring is reduced to a coin toss,” said Dave Weisbeek, Visier’s chief strategy officer, in a Dec, 12, 2016, press release. “This highlights the critical need for organizations to improve the way that they measure the effectiveness of their talent acquisition.”

3 Barriers to Recruiting Success

Without developing better solutions and making all employee data available in a single system, recruiters will be hard-pressed to deliver the optimal headcount needed to deliver on organizational goals. The three biggest problems to solve are the following.

Existing Technology Is Flawed
Applicant tracking systems (ATS) can be great for sorting through applications, moving candidates through the hiring process and getting data such as time-to-fill and cost-of-hire. However, an ATS’ usefulness to recruiters stops at the point of hire.

Data on hired employees are kept in other systems, making it difficult to get a big picture view of the long-term success of hires. Data inaccessibility also limits the recruiting team’s ability to identify the attributes of high-performing employees and, subsequently, find candidates who also possess those attributes. In fact, some ATS may even eliminate suitable candidates from the pipeline when the candidates’ job experiences do not exactly match what is stated in a job description.

Data Is Siloed
As mentioned, the valuable data recruiters need exist across several unintegrated—often incompatible—systems. The time required to collect and organize all the relevant information can seem too much, but there really is no other way to tell if the recruiting process is working effectively—or why it is or isn’t. Delays in data analysis can lead to losing some great employees, and neglecting to do data analysis definitely will result in losing one or more.

Forecasting Ability Is Limited
Recruiters must share a clear vision of what the hiring process should achieve and a detailed plan for determining the right time to hire talent. Plans should be based on historical data and optimize the spend on recruiting.

Addressing these three problems by, in part connecting disparate HR systems into one solution, will help recruiters and hiring managers gain insights from the full employee lifecycle and answer critical questions to improve the impact of recruiting on organizational performance, justify recruiting costs, and identify and hire quality talent faster and more effectively. Now is the time to talk to your peers, search for new technologies and refine your recruiting processes to be more data-driven so you can be prepared for a better talent acquisition future.

Ian Cook is head of workforce solutions at Visier Inc., where he provides critical workforce domain and product expertise. Cook can be reached at (415) 624-8530 or visier@sparkpr.com. —

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Question: When my organization conducts salary surveys, they tend to look at cities and counties in our immediate area, some of which I know pay less than we do. However, my cousin works for an organization up North and he says their salary surveys include not only local organizations but some of the better paid larger cities throughout the country. Would my pay benefit increase, if my organization took a broader view of organizations to survey?

CompDoctor™: You have a very good question and one that has several answers, depending on what you are trying to accomplish when conducting a salary survey. Because you have asked this question from a personal standpoint, we will try and answer it for you in that same context. But frankly, the answer would apply just as well to the organization itself. Let’s talk about the various factors that go into deciding who to survey.

First, most organizations want to look at the labor market(s) in which they must compete for personnel. It really doesn’t do anyone any good to look at markets where you are not competing. Whether the market is for labor, cars, groceries, furniture or housing. It only makes sense for an organization to understand what it will cost them to hire people. While knowing that a job pays a certain amount in New York City is interesting, it is irrelevant if you are trying to hire someone to do the same job in Anchorage Alaska unless the ONLY place that you can find the person or persons you are seeking happens to be in the Big Apple. As with any commodity, and whether we like it or not, labor is a commodity and employers need to understand that they need to be competitive in the market(s) in which they must compete. Do you look at house prices in Seattle if you want to live in the Arizona desert? Probably not. Organizations also may consider internal equity or alignment, along with external labor market conditions. Your employer may be attempting to balance these two, and occasionally competing factors. When internal equity is considered, some jobs may end up being paid slightly above market, while others may be paid slightly less than market.

Second, each organization is probably competing in multiple labor markets. There is a local market for jobs that are traditionally considered to be hourly or FLSA (for those who have been living under a rock, that is the Fair Labor Standards Act) Non-Exempt since most jobs at that level tend to be filled locally. There may be specific occupations or jobs that would be exceptions, but for most jobs, we find this to be a consistent practice throughout the country. While an organization may receive applications for positions for jobs at this level from individuals outside the local market, those individuals tend be looking for a job in the specific location and are already looking to relocate there. While there are always exceptions, the labor market for jobs at this level tends to be more local. For professional and mid-management jobs, the market may be a bit wider. The market for jobs at this level could be regional or statewide and it may even include an industry component. The market for jobs that are unique to a specific industry and require specialized expertise will vary depending on the number of potential candidates within a region or state.

For executive level jobs, the geographic market tends to get wider and may be regional or even national. However, at that level, the size and scope of the comparator market will tend to be more narrowly defined. As a general rule, we tend to focus on organizations that are no smaller than half the size of the client organization or more than twice the size of the client organization using variables such as local population, number of employees, services provided, and economic comparability/tax base. The rationale for limiting organizations by size at this level is simply that you want the market to be looking for the same pool of candidates that you are looking for. To be overly dramatic, the City of New York is not looking for the same person to be its police commissioner that a mid-sized city in middle America is seeking given the differences in experience and skill sets that each would typically be looking for in their candidates.

Once the organization has defined the labor market(s) that it feels appropriate for its use, the other part of the equation is whether or not they want to geographically adjust the data to reflect the economic differences or costs of labor throughout the country. For the same reasons one would need to evaluate sales tax rates in different locations when looking to purchase a commodity to determine if it was less expensive to buy it from one vendor in another city or state, most organizations need to assess how they compare to the market when the market is adjusted to reflect the differences in the cost of labor. Geographic differentials also reflect that most people, when looking for or considering accepting a new position, are also taking into consideration the geographic location of the position, relative to their current location or employment. Various questions are asked such as will I need to relocate, how expensive will housing be in that location, what are the options for other family members in terms of employment, and so forth. However, it is important to note that when the Department of Labor initially proposed its rule to change the salary test for FLSA exemption, they used a fixed rate that did not consider geographic differences throughout the country. When the final rule was issues, the threshold amount was based on the lowest cost area in the country and applies equally to rural America and the largest cities in the nation.
While there are organizations that do not geographically adjust market data, we have found that those organizations approach the definition of market a little differently. They may use a market definition focused on ten larger and ten smaller organizations or some other criteria that, when all of the data is aggregated, will give them a reasonable representation of the overall market. The bottom line is that determining market compensation is tied to compensation philosophy and different organizations will define market in different ways. This, we believe, should explain why your cousin’s employer approaches the subject differently than your employer. Simply stated, different employers with different situations and different economic issues to deal with will come to different decisions even with the same market data. Whether you would be paid more or less is not a simple yes or no situation. And when it is all said and done, if you believe that your cousin’s employer is more to your liking, you are certainly free to apply for a position with that organization.

The Comp Doctor™ is the team of Jim Fox and Bruce Lawson of Gallagher Human Resources Consulting (formerly Fox Lawson & Associates), a compensation, benefits and human resources consulting firm that specializes in assisting governments in fixing their compensation, benefits and classification systems. You may find them on the Web at www.foxlawson.com. If you have a question, you would like to have them answer, please write to them at jim_fox@ajg.com, or bruce_lawson@ajg.com. They will try to include it in the next issue of Comp Doctor™.

—X

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IPMA-HR Recognizes New Members

IPMA-HR would like to recognize the following individuals and agencies for recently becoming members.

**New Agency Members**

City of Murrieta
Murrieta, Calif.

Rachael King
Wentzville, Mo.

Linn Livingston
Santa Ana, Calif.

Danielle Mazza
Coconut Creek, Fla.

**New Individual Members**

Brynna Bryant
Roseville, Calif.

Lisa Cabrera
Fort Worth, Texas

Dana Canzone
Beachwood, Ohio

Rasheka Christian
Highland Park, Mich.

Angela Evans
Austin, Texas

Angela Gamboa Rivas
Los Angeles, Calif.

Elizabeth Kennington
San Diego, Calif.

Sonya Key
Enid, Okla.

**Member News**

Matt Graham is the HR administrator at the Martin County, Florida Board of County Commissioners. He worked previously for the City of West Palm Beach, Fla. He serves on the South Florida Chapter Board of Directors.

Michelle Williams, IPMA-SCP, has retired. At the time of her retirement, she was the Chief, Personnel Programs Division, Air Force Research Laboratory, Wright Patterson Air Force Base. She served on the IPMA-HR Executive Council and is a past-president of the Dayton chapter and the Central Region. In recognition of her contributions, the Dayton Chapter named its scholarship after Michelle.

The following awards were presented at the Western Region conference:

- Muriel M. Morse Achievement Award – Jennifer Fairweather, IPMA-SCP, HR director, Jefferson County, Colo.
- Agency Award for Excellence (Small Agency) – City of Wheat Ridge, Colo. and City of Buckeye, Ariz.
- Agency Award for Excellence (Medium Agency) – Yolo County, Ariz.
- Outstanding Chapter Award – Northern California Chapter
Certification Corner

Congratulations to these newly certified individuals!

Eliza Adcox, IPMA-SCP
HR Consultant
City of Austin
Austin, Texas

Sylba Everett, IPMA-SCP
Municipal Civil Service Administrator
City of Austin
Austin, Texas

Justine Giacalone, IPMA-SCP
Staff Services Analyst
Merced County Probation
Merced, Calif.

Mary Beth Hartleb, IPMA-SCP
CEO
Prism Global Management Group, LLC
Henderson, Nev.

Glendy Martinez, IPMA-CP
Program Analyst
City of Long Beach
Long Beach, Calif.

Emily Reaves, IPMA-CP
Administrative Tech
City of Virginia Beach
Virginia Beach, Va.

Debbie Schindler, IPMA-SCP
Human Resources Manager
Bank of the San Juan
Pueblo West, Colo.

Megan Shannon, IPMA-CP
Human Resources Technician
Town of Danville
Danville, Calif.

Mary Lee Williams, IPMA-SCP
Director of Administration
City of Bristol
Bristol, Tenn.

MEMBERSHIP MATTERS

Executive Council Meets in Alexandria

The IPMA-HR Executive Council held its first 2017 meeting on March 11th in Alexandria, Va. IPMA-HR president Mary Rowe, IPMA-SCP, chaired the meeting. The Executive Council discussed a number of issues including:

- Membership
- Restructuring of the Agency Membership
- HR 2020 Report
- Regional Activities
- Government Affairs
- Professional Development
- Certification
- International Activities
- IPMA-Canada
- 2016 Financial Results

The next meeting of the Executive Council will be held in San Antonio, Texas on September 16th. The meeting will be held in conjunction with the IPMA-HR International Training Conference. For additional information on the Executive Council meeting, please contact Neil Reichenberg, IPMA-HR executive director, nreichenberg@ipma-hr.org or by phone at 703-549-7100.

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On Oct. 24, 2016, thousands of Icelandic women left work at 2:38 pm to protest the gender pay gap. That roughly 30 percent reduction in the typical 9-to-5 workday represented the pay gap between female and male workers in the country, suggesting that women worked for free for almost two and a half hours each day. Five months after the work stoppage, Iceland’s government announced its intention to become the first in the world to make all employers with more than 25 staff members prove that they offer equal pay for work of equal value regardless of an employee’s gender, ethnicity, sexuality or nationality.

In the United States, the National Committee on Pay Equity designated April 4, 2017, Equal Pay Day. The committee formed 38 years ago when federal law on the matter was limited to the Equal Pay Act of 1963. That law had minimal impact on salary management, in part because its provisions only apply when women and men work in the exact same jobs but not when they perform jobs of equal value.

When the pay equity issue resurfaced at the dawn of the Reagan Era, the field of salary management had seen no new ideas since shortly after World War II. Throughout the 1980s, however, the demands of advocates triggered an explosion of interest in new approaches to what the private sector calls job evaluation and government agencies often refer to as job classification.

The refinement of new approaches continued until the 1990-91 recession prompted employers to become more responsive, reduce costs and eliminate bureaucratic practices. Over the next few years, formal mechanistic job evaluation practices were discarded. Recent surveys show the old approaches are now used by a small minority of organizations, and job evaluation has become a simplified, far more-subjective process that is best described as whole job ranking.

At the same time, the focus on internal equity has been replaced by a concern with being competitive for talent. The newer practice is referred to as market pricing, which involves setting salary ranges based on surveys of salaries at peer organizations. Paying people in similar jobs different salaries within a fixed range is defensible because federal law has not changed in more than half a century, except for enactment of the Lilly Ledbetter Fair Pay Act in 2009, which only makes it easier to file claims for gender-based pay discrimination.

All this while, women have increasingly moved into occupations formerly dominated by men. In many respects, the world of work is very different today than it was in 1963, the 1980s and even 2009. Despite this obvious progress, the wage gap persists. Different analytical methods and different data sets produce different gap estimates, but a Pew Research Center analysis showed that in 1980 all working women age 18 and older were paid roughly 65 percent of the average hourly wage for men. In 2015, the women earned 83 percent of what men did.

The United States ranked 45th on the World Economic Forum’s 2016 listing of countries with gender wage gaps. Iceland had the smallest difference in average earnings between men and women, followed by the Scandinavian countries. Germany ranked 12th, and the United Kingdom 20th. Last on the list of 144 countries were Syria, Pakistan and Yemen.

Those estimates, of course, reflect pay differentials across all sectors of the economy and are dominated by business employers. At the federal level, the U.S. Office of Personnel Management determined in 2012 that women in the white collar federal workforce were paid 13 percent less than similarly situated men. Similar gaps no doubt exist across state and local government.
The Core Issue: Salary Management Is an Allocation Problem

Closing the gender wage gap will take years.

Salary management is always an allocation problem. Payroll is, with the exception of a few agencies, the largest budget item for public employers. As long as the funds available for pay increases are limited—and that is unlikely to change any time soon—organizational leaders will have to decide how the funds are allocated across job families.

The textbook practice is to increase salaries and salary ranges annually to maintain the planned alignment with competitive market pay levels. Doing this involves identifying benchmark jobs that are similar to those in one’s own organization, collecting and analyzing salary survey data, determining the pay gaps and, then, calculating a weighted average gap based on headcounts in the jobs. The increase in the payroll budget is then the amount needed to close the gaps. This process is simple and normally makes sense.

In contrast, a few employers, now almost exclusively in the public sector, ignore market pay rates and rely on annual cost of living allowances. Over the past 20 years, however, COLA adjustments have been lower than market increases.

Another problem is that when only a few jobs like IT specialist or environmental lab director command premium pay increases, or when there are only a few incumbents in high-demand jobs, the weighted average increase will not be competitive. For example, if the average market increase for administrative assistants is 2 percent but 6 percent for computer engineers, an increase of 4 percent for each is not the right answer for either.

The Current Barrier: The Staffing Crisis

Public employers have entered a staffing crisis. Keeping key jobs filled has to be a priority, but an aging workforce, a shrinking bench and a tradition of gendered jobs and tight budgets will combine to make closing the gender pay gap difficult.

First, with its aging workforce, the loss of knowledgeable employees to retirement is unavoidable. As IPMA-HR Executive Director Neil Reichenberg told Governing for a Feb. 17, 2016, article, “You can delay retirement, but you can’t delay aging.” Sooner or later, everyone has to retire.

Since the number of millennials entering the labor force over the next several years will be smaller than the cadre of remaining baby boomers, all employers may have trouble keeping headcounts up. Then, in not too many years, Generation X employees will begin retiring. Again: That is unavoidable.

It is also true that many high-demand, short-supply jobs like those in skilled trades and engineering are still dominated by men. Many other government jobs like public school teacher, counselor and social services coordinator are dominated by women.

There are already reports of shortages in a few job families. As with any imbalance of supply and demand, it affects prices—here, wages. For job families with shortages, larger-than-average pay increases are inevitable. Employers have little choice but to either pay higher salaries or hire less-qualified individuals. On-the-job-training is a possibility, but it is always possible that a public sector employee will leave for a better-paying private sector job after completing his or her training.

Job Classifications Perpetuate Past Inequalities

Using the phrase “job value” in conjunction with traditional job evaluation and classification systems further complicates the problem of pay equity. References to job value go back at least half a century and now feed the argument since relative pay is often interpreted as a measure of value. A $100,000 salary is great until you learn peers are paid $125,000. But neither salary would be a measure of job value. Value, like beauty, is a construct that is in the eyes of the beholder.

As with setting prices for products and services, the balance of supply and demand for talent determines market salaries. It is also what explains public-private pay differences, and it is an issue that drives the gender pay gap.

Creating job classifications is technically unrelated to pay and depends heavily on developing verifiably accurate job descriptions. That second characteristic makes it concerning that a growing number of public sector employers do not have the specialized staff to administer the process properly.

All approaches are based on an accepted hierarchy of jobs. The hierarchy employed for federal jobs was formalized in 1949, and it has been rigidly administered for nearly 70 years. Salary relationships across federal agencies continue to reflect the largely clerical workforce that existed post-World War II. When the Factor Evaluation System (FES) was developed in the 1970s, its planners replicated the existing job hierarchy.

The existing hierarchy of federal jobs makes it difficult to accommodate market rates for high-demand professionals. The federal government authorizes special rates for certain positions, but the jobs and locations placed on the special list are steadily growing.

The problems with the hierarchy become particularly evident whenever an employer tries to move to a new salary structure. Then, some jobs move to higher salary ranges and other jobs move to lower ranges. Job incumbents who do not move up are always disappointed, if not angry. It is often politically easier to live with an antiquated salary program.

Relying on point factor job evaluation systems, however, is superficially defensible when it involves measuring generic factors like skill, effort, responsibility and working conditions. But the measures are ordinal, not interval or ratio, and job-related decisions are subjective. Also, the point values, without exception, are arbitrary. This includes the ones used for the FES. Since the points have no intrinsic value, money only becomes an issue when a job is assigned to a salary range based on its score.

Pay Equity Studies Are Not Without Problems

Pay equity studies rely on incomplete data, and they sometimes reveal little more than generally accepted truths. Also, regardless of the facts uncovered, the analyses always generate equations that most people find difficult to deci-
Seventh Circuit Finds That Title VII Protects Against Sexual Orientation Discrimination

The Seventh Circuit Court of Appeals on April 4, 2017, issued a landmark decision in reversing a lower court’s decision to grant an employer’s motion to dismiss an employee’s claim of sexual orientation discrimination in violation of Title VII of the Civil Rights Act of 1964. The appellate court’s opinion that sexual orientation is, in fact, a protected characteristic is unique and sets the stage for a U.S. Supreme Court review (Kimberly Hively v. Ivy Tech Community College of Indiana, No. 15-1720, Apr. 4, 2017).

The federal Equal Employment Opportunity Commission (EEOC) has repeatedly demonstrated its support for extending Title VII protections to sexual orientation and has affirmatively stated that discrimination based on sexual orientation is inextricably linked to discrimination on the basis of sex. The Second and Eleventh Circuits, however, held in recent cases that they were bound by precedent to find that Title VII does not prohibit discrimination based on sexual orientation.

The case decided by the Seventh Circuit started when Ivy Tech refused to promote an openly gay professor. The professor sued the college, claiming that Ivy Tech discriminated against her because of her sexual orientation. The district court granted Ivy Tech’s motion to dismiss, and a three-judge panel of the Seventh Circuit initially affirmed the dismissal. Following the affirmance, however, the appellate court vacated its decision and granted the professor an en banc rehearing. The review of the issue by all Seventh Circuit judges led to the determination that Title VII protects against discrimination based on sexual orientation.

The en banc court cited two reasons for reaching this conclusion. First, discrimination on the basis of sexual orientation constitutes prohibited sex stereotyping. Second, discrimination on the basis of sexual orientation is a form of associational discrimination based upon sex.

With respect to sex stereotyping, the Seventh Circuit relied on the U.S. Supreme Court’s decision in Price Waterhouse v. Hopkins, 490 U.S. 225, in which the High Court found that discrimination based on an employee’s failure to adhere to the stereotypes of his or her sex constituted sex discrimination under Title VII. In that case, the employee argued that her employer discriminated against her and other women who did not exhibit stereotypically female characteristics and who were, subsequently, viewed by the employer as being “too masculine.” The Seventh Circuit referenced that principle from Price Waterhouse in concluding that the professor’s lesbianism “represents the ultimate case of failure to conform to the female stereotype …: she is not heterosexual.” Under this logic, Title VII protects against sexual orientation discrimination in the same that it does against any other sex-based discrimination claim.

The Seventh Circuit came to a similar conclusion using an associational discrimination theory. The judges again looked to and relied upon Supreme Court decisions related to the topic, specifically cases in which the Supreme Court found that placing marriage restrictions on individuals because of race is unconstitutional. It reasoned that a prohibition on interracial marriages effectively means that changing the race of one individual to the relationship would change whether the marriage itself was prohibited under the law, rendering such a distinction inherently race-based and, therefore, impermissibly discriminatory under law. The same holds true for discrimination based on sexual orientation. In the present case, if the sex of professor or her partner changed, Ivy Tech would not have allegedly discriminated against her.

The Seventh Circuit rejected all arguments that the omission of the term “sexual orientation” from the text of Title VII indicates congressional intent to exclude such a protection. It reasoned that there are many legal theories of protection such as sexual harassment and hostile work environment that are not expressly stated in the text of Title VII but are recognized as sustainable legal theories and rights. While sexual orientation is not expressly mentioned in the statute, it still constitutes discrimination because of sex.

N.D. Illinois Holds That Pregnant Chipotle Employee May Pursue Title VII Claim Following Promotion Denial


The plaintiff had worked as a Chipotle crew member, and she received positive reviews and feedback during the first year of her employment. Despite this, she was denied a manager promotion on three separate occasions. In order to be promoted to manager at Chipotle, an employee’s crew members must nominate him or her to be a kitchen manager in training, or KMIT. Following an eight-week training period, the nominated employee may be selected by his or her peers to be a kitchen manager, and the final decision must be approved by the general manager.
When the plaintiff’s crew members first nominated her to be a KMIT, she completed the training with another female co-worker. Following the training, the crew members chose the female co-worker as the recipient of the management promotion. The second time the plaintiff’s crew members nominated her, she completed the training with a male co-worker. The plaintiff was selected by the crew members to receive the management promotion, but the general manager promoted the male candidate instead. The third time the plaintiff was nominated to receive the management promotion, the general manager removed the employee from the training after only four weeks. He explained that he did not want to “stress [her] out” while she was pregnant.

The plaintiff made a complaint to Chipotle’s workplace hotline and requested a transfer to a different location. About one month later, she called the hotline again to determine the status of her transfer request. There was no movement on her transfer request, but she learned that her general manager recently became aware of her complaint. The plaintiff alleged in court filings that the general manager began to treat her unfairly and in a discriminatory manner once he learned of her complaint. Soon thereafter, a co-worker informed the plaintiff that there was a rumor that Chipotle planned to fire her. She felt compelled to call the hotline once more, and she also sent an email to Chipotle informing the company that she had been subject to discrimination and retaliation. Chipotle terminated the employee four days later.

The court boiled down Chipotle’s arguments for summary judgment to whether the plaintiff had engaged in protected activity and whether there was a causal connection between the termination and the alleged report of discrimination and retaliation. Chipotle claimed that the plaintiff called the hotline simply to request a transfer and did not mention the alleged discrimination or retaliation. The hotline attendant’s notes, however, indicated that the plaintiff was “uncomfortable at her current location.” In light of this, the court found a triable question based on the plaintiff’s testimony that she informed the hotline attendant that the general manager removed her from the third training session because she was pregnant.

Chipotle’s claim that it terminated the employee because of a bad attitude was determined to be unfounded and incapable of supporting an award of summary judgment. The “bad attitude” justification for termination was deemed especially untrue given that the plaintiff had been nominated for manager by her peers at least three times and had received consistently positive performance reviews. Furthermore, the plaintiff’s testimony that the general manager informed her that he removed her from kitchen manager training because he did not want to stress her out during her pregnancy, if true, constituted direct evidence of discrimination.

Court Finds That Making the Withdrawal of an EEOC Charge a Condition for Getting Rehired May Constitute Retaliation

The plaintiff continued to work while receiving cortisone shots to relieve her symptoms. Then, in January 2012, the plaintiff’s doctor informed her that she required surgery for a tear in her rotator cuff that was one of her work-related injuries. The plaintiff’s doctor authorized her to return to work with certain restrictions prior to the surgery date. The school district, however, refused to make the accommodations, informing the plaintiff that its policy did not allow employees to work with any restrictions. Thus, the plaintiff was forced to go back on workers’ compensation leave.

The plaintiff eventually underwent rotator cuff surgery and subsequently informed the school district that she could return to work with certain restrictions. The school district reiterated that the plaintiff could not return to work if she had any restrictions on what she could do.

On Feb. 13, 2013, the plaintiff provided the school district with another doctor’s note that, again, stated she could return to work with restrictions. That same day, the plaintiff received a termination notice from the school district in which the district explained that its workers’ compensation policy allowed it to end an employee’s employment if he or she could not return to work without restrictions after taking an injury-related leave of absence lasting a full year.

The plaintiff subsequently filed a charge with the EEOC, claiming that the employer did not allow a reasonable accommodation under the ADA. The school district offered to let the plaintiff return to work upon release to full duty and on the condition that she withdraw her EEOC charge.

The court determined that, at the motion to dismiss phase, it could not determine whether the school district’s conditional rehire offer amounted to an adverse employment action. It found instead that given the pleadings and evidence at this early stage of the case, it was possible that evidence uncovered through the discovery process could show either that the plaintiff could not perform the essential functions of her previous bus driver’s assistant job, which would mean that the school district would not have had the
began, the CO began making comments to the teacher that made her uncomfortable. In particular, the CO told the teacher that God had informed him that his wife would die soon and that the teacher would be his new wife. The teacher also alleged that the CO emailed her, stalked her classes and informed co-workers of his plans to marry her. The teacher eventually complained to her supervisor and obtained a protective order against the CO.

While the correctional facility was aware of the CO's inappropriate behavior, it failed to take corrective action. Rather than discipline the CO or conduct a full investigation, the correctional facility transferred the teacher's classes to a less-preferable location. The plaintiff alleged that this classroom change was made in direct retaliation for making a complaint against the CO.

In addition, after the CO allegedly started spreading rumors that the plaintiff was romantically involved with an inmate, the correctional facility opened an investigation into the alleged relationship. This caused the plaintiff's health to deteriorate, she claimed. Once she depleted her sick leave, the correctional facility terminated her employment.

The court rejected the CO's claims that his conduct was not so hostile as to allow for a Section 1983 claim, adamantly stating that the CO's conduct was sufficiently severe and pervasive that a reasonable jury could find that he created a hostile work environment. Of particular significance, according to the court, was the undisputed testimony that the CO persisted in leaving her notes and sending her emails and text messages after the plaintiff informed him that she found his attention and statements to be annoying and unwanted.

The CO also violated the protective order multiple times by appearing at the plaintiff's home to inform her that she was violating God's plan. The court noted that such behavior was threatening, alarming and supported the conclusion that there were disputes as to material facts stated by the plaintiff and the CO.

The court came to a similar conclusion with respect to the plaintiff's retaliation claim. It determined that a reasonable jury could find that the classroom change and inmate relationship investigation were materially adverse employment actions taken against the plaintiff for making a complaint against the CO.

Contact David B. Ritter, partner at Barnes & Thornburg LLP, either by email at david.ritter@btlaw.com or by phone at (312) 214-4862. Contact Laura Luisi, Associate at Barnes & Thornburg LLP, either by email at laura.luisi@btlaw.com or by phone at (312) 214-4582. More information is available at www.btlaw.com. Follow our blogs at www.btcurrentsemployment.com and www.btlaborrelations.com. —
The Answer From the 1980s
The new approach to job evaluation that emerged in the 1980s was based on multiple regression equations. Models that focused on salary grades rather than estimates of individual salaries were used to determine the appropriate salary grade for each job. The process was very efficient and solidly consistent.

Job information was collected from incumbents with structured questionnaires. Regression models used to evaluate all jobs were developed for male-dominated jobs, and internal statistical analyses specifically excluded incumbents’ race and gender while including a wide array of other individual factors. There was no chance of discrimination.

It is not worth much today, but I developed the prototype approach. It was marketed by what was then the Wyatt consulting firm. Each major consulting firm subsequently developed its own version, adding bells and whistles for marketing.

However, widespread reliance on this kind of job evaluation diminished rapidly after recession hit the U.S. economy in 1990. Companies worked to simplify program management. Even before then, a candidate for a job with top compensation was likely to express discomfort with the salary the model produced. This tended to force a reversion to more traditional approaches to setting a salary. The lesson is that the products of black boxes are rarely accepted uncritically.

Today’s Answers
The world of work has seen dramatic change since the pay equity issue resurfaced. “Strong back” jobs have been replaced by knowledge jobs. More women are in college than men, and Pew reports that women now have a stronger commitment than men to successful careers. Yet pay discrimination—as well as other forms of discrimination—persist due, in part, to the actions of supervisors and managers. This makes it the responsibility of human resources professionals to identify problems and initiate corrective actions.

Here are several steps to avoid pay discrimination problems.

■ Offer advice, be available for counseling and monitor for fairness and equity all personnel actions that involve the pay of women, including hiring, promotions, performance ratings, annual increases and cash awards.

■ Review and, if necessary, rewrite all job descriptions to de-emphasize education and experience and to replace those criteria with job-specific statements related to knowledge, skills and expected work results.

■ Conduct an annual statistical analysis similar to a pay equity study to identify outliers whose pay is above or below expected levels.

■ Communicate policies, plans and responsibility related to compensation management regularly so managers and employees know what to expect, and what is expected of them.

If the program involves a market pay analysis, an internal task force of employees covered by the program could be tasked with guiding the analysis. This is a common practice in higher education. If a policy or practice is to be reviewed, an employee group could also be assigned to do that. The goal should be to ensure that everyone understands and accepts the program as fair.

Howard Risher, PhD, is a private consultant and frequent author on pay and performance issues. He has experience in every sector, including federal, state and local governments. He can be reached by email at h.risher@verizon.net. —N
BONUS SUNDAY KEYNOTE
Curt Coffman, Employee Engagement Expert
Sunday, September 17 | 5:00PM

Curt Coffman is an international authority and leading pioneer in employee engagement. He is the New York Times Bestselling Co-Author of “First, Break all the Rules,” “Follow This Path,” and “Culture Eats Strategy for Lunch.” He spent 22 years as Global Practice Leader for employee and customer engagement at The Gallup Organization, and is an Executive Fellow at the Daniels School of Business at the University of Denver. Curt has spent more than three decades studying millions of employees and customers from hundreds of companies, and today, as Chief Science officer of The Coffman Organization, consults with organizations of all sizes and industries to help them bring out the best in their employees.

OPENING KEYNOTE
Courtney Elizabeth Anderson, Workplace Relationship Expert
Monday, September 18 | 9:30AM
Session: Be an HR Hero

HR HEROES! These are the unsung heroes that ensure that public sector organizations achieve and sustain maximum human capital competitive advantage! In this opening event, Courtney will address how to take ownership of your individual HR career. Anxiety? Budget issues? Layoffs? Technology? Overwhelmed by change? This session is for you. Our pragmatic, problem-solving, program will reignite your passion for HR!

Courtney Elizabeth Anderson, J.D., M.B.A., M.S., is “The Workplace Relationship Expert,”™ practicing the “Joyful Art of Business”™ around the world! An author, humorist, speaker, and innovator, Anderson has advised various domestic and international entities on workplace relationship policy.

TUESDAY AFTERNOON KEYNOTE
Heidi Musser
Tuesday, September 19 | 11:00AM
Session: Everything Must Change. Including You!

Heidi Musser has spent over 30 years leading and advising businesses on designing new operating and engagement models to drive digital transformation and achieve enterprise agility. Her passion is ‘managing the soft side of technology’ – through the adoption of fundamentally different ways of working, thinking and being. Heidi is recognized by industry peers for her contributions and thought leadership on the topics of agile, design thinking, and diversity. She recently delivered a TED Talk at TEDxSan Antonio on ‘agile is change’. She has been at the forefront of championing women in technology and speaks frequently about women in STEM.

CLOSING KEYNOTE
Ron Holifield, Government Thought Leadership Expert
Wednesday, September 20 | 11:00AM
Session: Making a Difference (Even When No One Notices)

It is easy for HR professionals and team members to lose sight of the role they play in front line service delivery because we work behind the scenes. But the reality is that excellent HR systems and support directly and profoundly impact whether citizen services are delivered with excellence, even though the role HR plays is often taken for granted. Join this dynamic session, where Ron will focus on the role HR plays in the noble calling of public service, even when you are taken for granted, and will help you inspire your team to continue delivering on a mission of excellence even when no one notices.

Ron Holifield, is CEO and founder of Strategic Government Resources (SGR), the largest private sector training company that specializes in leadership, management and customer service for local governments in the nation. He is a frequent speaker at state and national conferences and remains high profile in the city management profession.

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Director of Operations
Washington State Auditor’s Office
Olympia, Wash.
Salary Range: Up to $123,000 per year

**Job Description:** The State Auditor’s Office (SAO) is established in the state’s Constitution as part of the executive branch of state government. Washington voters elect the State Auditor to four-year terms. As an agency led by an elected official, SAO has the independence to perform audits and investigations objectively. The audits are designed to comply with professional standards and to satisfy the requirements of federal, state and local laws.

Through law established by the Washington State Legislature and more recently by citizen initiative, the State Auditor has the statutory authority to audit every government in the state. The audits look at financial information and compliance with state, federal and local laws on the part of all local governments, including schools, and all state agencies, including institutions of higher education.

In addition, the State Auditor’s office:
- Performs special investigations of fraud and Whistleblower cases and referrals from the Citizen Hotline.
- Conducts performance audits of state agencies and local governments.
- Produces several annual reports addressing state, local and federal matters.
- Provides training and technical assistance to government organizations and has an extensive program to coordinate audit efficiency and to ensure high-quality audits.

The Director of Operations is a member of the Executive Team, reports to the Deputy State Auditor, and oversees 34 staff responsible for Information Technology, HR and Financial Services.

The Director of Operations leads the agency’s administrative functions which include HR, training, financial services, facilities, contracting and information technology. The position provides primary oversight to SAO’s non-audit and administrative functions which is critical to meeting the agency’s mission and goals. SAO has nearly 400 employees and a biennial budget of $84 million.

**Essential Duties:**
- Oversees Information Services, Human Resources and Financial Services.
- Serves as the agency Risk Manager.
- Coordinates on-going work and reporting on the agency strategic and operations plans.
- Manages the Continuous Improvement program agency-wide.
- Serves as the executive sponsor of the Project Steering Committee to oversee and prioritize projects.
- Represents SAO at state agency Deputy Director meetings.
- Sponsors improvement projects with agency-wide or multi-team impact.
- Reviews and monitors agency budget reports and financial activity.
- Leads, mentors and coaches the Chief Financial Officer, Chief Human Resources Officer, Chief Information Officer and Continuous Improvement Coordinator.

**The Ideal Candidate**

The State Auditor’s Office is seeking a decisive, proactive and collaborative senior leader with an inclusive style and action orientation. The successful candidate will possess a demonstrated ability to effectively articulate and implement strategic financial, IT and HR plans. Candidates should have a proven record of success as a senior leader in a large organization. Significant prior experience interpreting and implementing complicated policies and procedures, managing large budgets, and ensuring compliance with applicable laws and regulations is essential.

**Core Competencies**
- Sound Fiscal Management: Knowledge of principles and practices of public sector accounting, auditing and financial reporting standards. Understanding of current and emerging federal and state laws, policies, regulations, methods and procedures with regard to governmental accounting, budgeting and purchasing principles, theories and concepts.
- Strategic, big-picture thinker with the ability to set up SAO to be an employer of choice, responsive to the workforce demands of the future.
- Inspiring and Courageous Leadership: Ability to inspire, persuade, engage, speak straightforwardly about complex financial issues, make tough decisions and take difficult actions. Display balanced thinking that combines analysis, wisdom, experience and perspective. Produce data-driven decisions that withstand the “test of time.”
- Creativity and Innovation: Ability to generate new, innovative and visionary approaches that are effective and responsive. Bring a perspective on emerging and leading trends and best practices.
- Build a Talented, Effective Team: Hire, mentor, develop, retain, and manage a diverse staff. Assemble and reinforce a cohesive, dedicated, highly effective inter-disciplinary team. Ability to lead a team through change processes.
- Business and Management Acumen: Ability to strategically manage human, financial and information resources. Streamline and remove processes that do not bring value. Measure success based on data and results. Set high standards of performance, using accountability measures and benchmarks to track progress.
- Partnering: Build alliances and collaborate across boundaries to create strategic relationships. Inspire action without relying solely on authority. Perceive the complexity of situations quickly.
- Values: High level of integrity, ethics, transparency and responsiveness.

**Live and Work in a Great State**

Washington State is a great place to work, play, and be a part of a community. Washington offers a quality of life that is unsurpassed. From the high-energy urban center of Seattle, one of the nation’s top-ranked cities, to the more relaxed pace of our rural communities, Washington’s distinctive Northwest lifestyle blends a progressive, creative culture with a casual nature. As an employer, Washington State offers a total work/life package of pay, benefits, flexibility and workplace opportunities to help you get the most out of your career and out of life.

The position is located in Olympia, the Capital City of Washington State. Olympia is a vibrant city with a small-town feel conveniently situated between two major cities, Seattle and Portland. Mount Rainier and the rugged Cascade Mountains provide majestic scenery, while Washington’s Pacific Coast is just an hour’s drive to

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the west. Olympia enjoys the benefits of an engaged and educated community and a well-supported school system.

**Job Requirements:** A Bachelor’s Degree in accounting, business administration, public administration, human resources, financial management or related field and five years of increasingly responsible experience leading a professional staff. A Master’s degree is a plus. Experience with Washington State financial, personnel and technology systems is preferred.

**To Apply:** Persons interested in this position must submit a cover letter, salary history and a current resume.

If you have questions regarding this announcement, please call Marissa Karras at 360-956-1336. The position will remain open until filled; however the screening process will move quickly. Please submit your application materials as soon as possible but no later than June 12th, 2017 by visiting [www.karrasconsulting.net](http://www.karrasconsulting.net) and clicking on “view open positions.” The maximum salary for this job is $123K. The starting salary for this job may be less than the maximum amount.

The State of Washington is an equal opportunity employer and is strongly committed to enhancing the diversity of its workforce. We will provide assistance in the recruitment, application and selection process to applicants with disabilities who request such assistance.

Profiles CONTINUED FROM PAGE 21

**Developing Performance Profiles**

Follow these guidelines to convert existing job descriptions into performance profiles:

- Define clear goals and objectives in terms of outcomes.
- Establish quantitative and qualitative measures for expected outcomes.
- Focus on daily, monthly, quarterly and annual results that need to be achieved in the role.
- Start with a sentence that inspires and motivates instead of leading with traditional, legal terminology.
- Draw on the knowledge and best practices of top performers to help draft performance profiles specific to job groups or functions.

Retaining the right employees begins with hiring the right candidates. The way local government organizations describe and define their ideal employees will set expectations at the time of hire and guide annual performance reviews. Performance profiles are tools that help identify high achievers and keep such employees continually motivated, which will make a community well-positioned to accomplish its overarching goals year after year with the support of exceptional staff.

Jonathan Wiersma is the general manager for CivicHR, which works to help HR professionals in local governments overcome challenges to recruiting, identifying and hiring the best talent. He has more than 15 years of experience in software research and development, process improvement, client service, product implementations, sales and marketing. You can reach Wiersma at wiersma@civicplus.com or 888-228-2233 x153. -N

CALENDAR 2017

| June 4–7 | Central Region Conference  
Minneapolis, MN  
For more information, visit ipmahrcentral.org/2017Conf/ |
| June 4–7 | Eastern Region Training Forum  
Saratoga Springs, NY  
For more information, visit ipma-cr.org/ |
| Aug. 22–Dec. 26 | Public Sector HR Essentials Program  
For more information, visit http://bit.ly/1oXOCoz |
| Aug. 31–Nov. 16 | Developing Competencies for HR Success  
For more information, visit http://bit.ly/1LKo855 |
| Sept. 16–20 | International Training Conference & Expo  
San Antonio, TX  
For more information, visit ipma-hr.org/itc2017 |
The Only Police Interview System You’ll Ever Need

IPMA-HR’s innovative Police Officer Structured Interview System (POSIS) allows you to assess entry-level candidates’ levels of maturity and motivation, and their decision-making, communication and interpersonal skills in a face-to-face setting. Everything you need to conduct a successful interview process is included.

“Our department is very happy to have discovered POSIS. The training and instructions are clear and concise, and every form you could possibly need is supplied. Part of the training is a series of videos of mock candidates, which were particularly helpful to us. They provided our panel members with an in-depth understanding of each interview question and how to score in a consistent way — a very important feature given that we use several different panels in our interview process. POSIS is a welcome addition to our assessment process; it really helped in our selection of the right candidates. We'll definitely be using it again!”

—Bruce Henry, Public Safety HR Director, Indianapolis Metropolitan Police Department

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Or call 1-800-381-TEST (8378)
Public Safety Compass is a job board that provides users with a response rate up to four times better than the leading national job board. You can reach millions of active and passive job seekers monthly across the internet on local, niche, and vertical job sites, as well as on leading aggregator sites and social networks, from one place.

Learn more at: www.publicsafetycompass.com.