

Approved

Stephen R. Cloud 2-5-85
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION

The meeting was called to order by Representative Stephen R. Cloud at
Chairperson

9:06 a.m./~~p.m.~~ on Wednesday, January 30, 1985 in room 522-S of the Capitol.

All members were present except:

Representative Graeber - Excused
Representative Ramirez - Excused

Committee staff present:

Avis Swartzman - Revisor
Carolyn Rampey - Legislative Research Dept.
Julian Efird - Legislative Research Dept.
Jackie Breymeyer - Committee Secretary

Conferees appearing before the committee:

Trudy Racine - Legislative Division of Post Audit
Larry Wolgast - Secretary, Department of Human Resources
Chunk Yunker - American Legion
John Hill - Disabled American Veterans
Barney Aldridge - Veterans of Foreign Wars

The meeting of the House Governmental Organization Committee was called to order at 9:06 a.m. by Representative Stephen R. Cloud, Chairman. Minutes of the January 25 and 28 meetings were approved; January 29 minutes were distributed. The chairman introduced Trudy Racine, Legislative Division of Post Audit.

Ms. Racine was present to give the performance audit entitled, "Personnel Policies and Practices of the Department of Human Resources". (See Attachment A) She stated that most of the Department's written personnel policies and procedures comply with applicable laws and regulations. However, improvements can be made in the Department's personnel handbook, and in the documentation of personnel actions. Two areas in which the Department is not in compliance are the Affirmative Action Plan and failing to correct deficiencies noted on affirmative action field reports. As for the Department's personnel actions being carried out in accordance with state and federal laws and regulations, Post Audit found that the Department is not in full compliance with state regulations and requirements. She cited a comparison of two employee questionnaires which showed that current employees have a slightly more negative attitude toward the Department now than in 1981. She ended her report by stating that the Department will have to improve its communications and relations with employees.

One of the committee members commented that the report looks bad but that there has been a change in leadership. Mr. Wolgast has been in his present position for approximately fifteen weeks.

The chairman stated that there were persons present who wished to respond to Post Audit's presentation entitled, "Staffing and Services of the Veterans' Commission". Mr. Chuck Yunker, American Legion, Mr. John Hill, Disabled American Veterans and Mr. Barney Aldridge, Veterans of Foreign Wars spoke in turn to the effect that the different veterans organizations have a good relationship with the hospitals and are happy with the way the veterans are being administered to. Kansas is looked to as one of the states in the nation that administers so well to its veterans. Each veterans organization serves a slightly different clientele and that is one of the reasons why each organization functions in its particular way with regard to veterans affairs. The chairman thanked each of the representatives of the veterans organizations for speaking. He stated that Mr. Wolgast would begin his response to the Post Audit reports.

Mr. Wolgast commented that he questioned a number of the conclusions brought forth by Post Audit. He knew that they had only a short time frame to conduct the audits but some of the conclusions were suspect and open to interpretation. He directed the committee's attention to different pages in today's audit and then to the back of the audit to the questionnaire answers. As time did not permit Mr. Wolgast to finish the response, he will return to the committee in the near future.

The chairman said that there are four bills to be introduced dealing with the Insurance Commission, Insurance Office, Treasurers Office and Pooled Money Investment Board. After a short discussion Representative Walker moved that the bills dealing with the Insurance Commission, Insurance Office, Treasurer's Office and Pooled Money Investment Board be introduced in Committee.

second and motion carried.

The meeting adjourned at

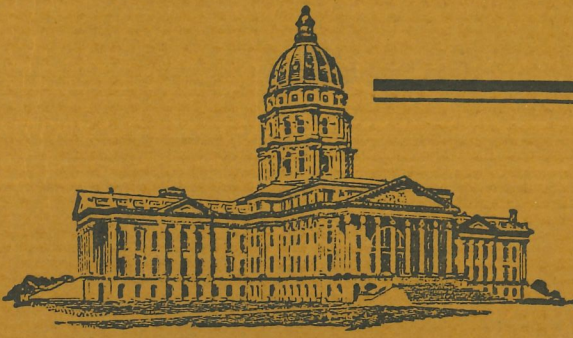
Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

Representative Sughrue gave a

10:00 a.m. Page 1 of 1

SRE

1-30-85



PERFORMANCE AUDIT REPORT

Personnel Policies and Practices of the Department of Human Resources

**A Report to the Legislative Post Audit Committee
By the Legislative Division of Post Audit
State of Kansas**

November 1984

1-30-85
ATTACHMENT A

Legislative Post Audit Committee

Legislative Division of Post Audit

THE LEGISLATIVE POST Audit Committee and its audit agency, the Legislative Division of Post Audit, are the audit arm of Kansas government. The programs and activities of State government now cost about \$3 billion a year. As legislators and administrators try increasingly to allocate tax dollars effectively and make government work more efficiently, they need information to evaluate the work of governmental agencies. The audit work performed by Legislative Post Audit helps provide that information.

As a guide to all their work, the auditors use the audit standards set forth by the U.S. General Accounting Office and endorsed by the American Institute of Certified Public Accountants. These standards were also adopted by the Legislative Post Audit Committee.

The Legislative Post Audit Committee is a bipartisan committee comprising five senators and five representatives. Of the Senate members, three are appointed by the President of the Senate and two are appointed by the Senate Minority Leader. Of the Representatives, three are appointed by the Speaker of the House and two are appointed by the Minority Leader.

Audits are performed at the direction of the Legislative Post Audit Committee.

Legislators or committees should make their requests for performance audits through the Chairman or any other member of the Committee.

LEGISLATIVE POST AUDIT COMMITTEE

Representative Robert H. Miller,
Vice-Chairman
Representative William W. Bunten
Representative Joseph Hoagland
Representative Ruth Luzzati
Representative Bill Wisdom

Senator Neil H. Arasmith
Senator Ross O. Doyen
Senator Tom Rehorn
Senator Ben E. Vidricksen
Senator Joe Warren

LEGISLATIVE DIVISION OF POST AUDIT

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PERFORMANCE AUDIT REPORT

Department of Human Resources: A Review of Personnel Administration

OBTAINING AUDIT INFORMATION

This audit was conducted by Trudy Racine, Senior Auditor, and Curt Winegarner and Cynthia Denton, Auditors, of the Division's staff. If you need any additional information about the audit's findings, please contact Ms. Racine at the Division's offices.

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**PERSONNEL POLICIES AND PRACTICES AT THE
DEPARTMENT OF HUMAN RESOURCES**

Summary of Legislative Post Audit Findings

Do the Department's written personnel policies and procedures comply with State and federal statutes and regulations? The auditors found that most of the Department's written personnel policies and procedures comply with applicable laws and regulations. However, improvements can be made in the Department's personnel handbook, and in the documentation of personnel actions.

There are two areas in which the Department is not in compliance. It has not complied with State affirmative action requirements. It has yet to have a completed, approved Affirmative Action Plan under the current requirements, which went into effect in fiscal year 1983. In addition, the Department has consistently failed to correct deficiencies noted on affirmative action field reports.

Are the Department's personnel actions carried out in accordance with State and federal laws and regulations and its own policies and procedures? The Department of Human Resources is not in full compliance with State regulations and requirements related to posting vacancies, soliciting competition, obtaining approval for voluntary demotions, and reviewing position descriptions. In addition, it does not fully comply with its own internal procedures for filling vacancies.

The Department's practices in such other areas as making approved non-competitive appointments and reclassifying some positions on an apparently selective basis are permitted, but they are apparently carried out at the expense of employee satisfaction and morale. A comparison of the results of two similar employee questionnaires showed that current employees have a slightly more negative attitude toward the Department than their counterparts had in 1981.

Where it is out of compliance, the Department will need to amend its actions to comply with the applicable laws and regulations. In the larger, gray areas--those that are technically in compliance but are perceived so negatively by employees--Department management will need to consider the consequences of its practices and to make concerted efforts to improve its communications and relations with employees.

PERSONNEL POLICIES AND PRACTICES AT THE DEPARTMENT OF HUMAN RESOURCES

The Department of Human Resources administers a variety of labor-related and human services programs. For fiscal year 1985, the Department has a budget appropriation of \$206.5 million. Most of the Department's funding comes from federal sources to operate eight federal programs; only about \$2.3 million of its 1985 appropriation is State general funds. As of June 30, 1984, the Department had 1,051.5 full-time-equivalent positions, 1,039.5 of which are in the classified civil service.

In recent years, the Department of Human Resources has been faced with reductions in a number of federal programs and with the changeover in the federal Comprehensive Employment and Training Act program to the Job Training Partnership Act program. It has also had turnover in several key positions tied to personnel management; since 1982, the Department has had four personnel directors and three Secretaries. This audit was authorized by the Legislative Post Audit Committee at its August 27, 1984, meeting to examine those personnel policies and practices of the Department that most immediately affect individual employees. These include appointments, promotions, grievances, evaluations, and terminations.

Specifically, the audit addresses the following two questions:

1. Do the Department's written personnel policies and procedures comply with State and federal statutes and regulations?
2. Are the Department's personnel actions carried out in accordance with State and federal laws and regulations and its own policies and procedures?

To conduct this audit, the auditors reviewed the applicable laws and regulations regarding personnel administration, equal employment opportunity, and civil rights. They also reviewed Department policies and procedures and interviewed agency personnel staff and other officials. To evaluate personnel practices, they examined a random sample of personnel transactions and analyzed all employee grievances, evaluation appeals, and dismissals since January 1982. Finally, the auditors administered a questionnaire to 302 Department employees located in a total of 15 offices in four cities. The results of that questionnaire are summarized in Appendix A.

Do the Department's Written Personnel Policies and Procedures Comply With State and Federal Statutes and Regulations?

State and federal laws and regulations governing personnel policies and procedures fall into two main areas: the administration of the civil service system and affirmative action. Both the Kansas Civil Service Act and Department of Administration personnel regulations act to standardize such

procedures as appointments, compensation, and leave that pertain to the classified service. They also provide guidelines within which agencies must operate. Federal civil service requirements do not impose additional restrictions on the agency. As part of its federal grant agreements, the Department agrees to abide by the "Standards for a Merit System of Personnel Administration." However, those requirements appear to coincide with State requirements, and no verification of compliance is done at the federal level.

The auditors' review showed that the Department's written personnel policies and procedures in the area of administering the civil service system appear to be in compliance with the applicable requirements. However, employees are not kept fully informed of those policies. In the area of affirmative action, the Department's written policies are not in compliance with several State requirements.

The Department's Civil Service Policies and Procedures Appear to Comply With Applicable Requirements, But Employees Need To Be Kept Better Informed

The auditors found that the Department's written personnel policies and procedures generally appear to be in compliance with State and federal requirements for the administration of the civil service system. However, information about current personnel policies is not readily available to all employees.

The policies in the Department's personnel handbook, published in May 1982, are not all up to date. In addition, that handbook is difficult to follow because related sections are not cross-referenced. When policies do change, employees are not always informed of the new policy. For instance, the policy now listed in the personnel handbook regarding salary increases for employees who are promoted is no longer accurate.

When an agency's formal record of current policies is incomplete or inaccurate, chances are greater that correct procedures will not be followed. By not keeping employees fully informed about personnel policies and procedures, the Department may also inadvertently foster misunderstanding and poor communication. In response to specific questions on the auditors' questionnaire, 53.3 percent of the 302 employees surveyed said they were either not notified or only sometimes notified of changes in policies and procedures affecting their jobs. About one-fourth of the employees said their supervisors never met with employees to discuss general working conditions and problems. And nearly half of the 88 supervisors responding to the questionnaire described the communication of personnel policies between the Department's personnel office and line management as fair to unsatisfactory.

The Department is Not in Compliance With State Affirmative Action Requirements

All State agencies are subject to a number of State and federal laws, regulations, and executive orders designed to eliminate barriers to equal employment opportunity. The Department of Administration is responsible for implementing and coordinating a comprehensive State Affirmative Action Plan.

In addition, State Executive Order No. 80-47, dated October 21, 1980, sets out requirements for agency affirmative action plans for 64 State agencies, including the Department of Human Resources. Among other requirements, each designated agency is required to establish and annually update an Agency Affirmative Action Plan within the parameters of the State Plan. The auditors' review of documents and interviews with State Equal Employment Opportunity Office staff and the Department's equal employment opportunity officer showed that the Department is not in full compliance with these requirements.

The Department has yet to have a completed, approved Affirmative Action Plan under Executive Order 80-47. It is the only State agency that has not met that requirement. Although the Department was previously subject to other plan requirements, it was first required to submit affirmative action plans in their current form for fiscal year 1983. Each year the Department has prepared a plan, but it has either submitted that plan too late or its plan was too incomplete to be approved by the State Equal Employment Opportunity Office. For example, for fiscal year 1983, the Department did not submit a complete plan until nine months into the fiscal year.

The State Equal Employment Opportunity Office has completed its initial review of the Department's plan for fiscal year 1985. Staff of that Office indicated that the materials submitted by the Department were in good condition overall. However, some corrections are needed, and four additional sections need to be provided in order for the plan to be approved. The Department was informed of those necessary actions by letter on October 23rd. It has not yet responded to that letter.

The Department has not corrected deficiencies noted on Affirmative Action field reports. In addition to reviewing agency affirmative action plans, the State Equal Employment Opportunity Office conducts an on-site, annual review of each agency and prepares an "Affirmative Action Field Review Report." The auditors reviewed those reports for the Department for fiscal years 1982-1984. Their review showed that, out of 35 items covered, the Department had 12 deficiencies during fiscal year 1982, 15 in fiscal year 1983, and 13 during fiscal year 1984. The agency improved in several areas during fiscal year 1984, but all 13 deficiencies noted in the 1984 field report had been present in 1983 as well. Ten deficiencies have been present in all three years. These include the Department's failure to disseminate its equal employment opportunity policy, affirmative action plan, and grievance procedure to employees, or to maintain required documentation for recruitment and advertising efforts.

The Department's equal employment opportunity officer indicated to the auditors that most of these deficiencies involved paperwork documentation, an area which he feels has been overemphasized. He cited several areas in which the agency workforce composition has improved in recent years. For example, he indicated that more than half the local job insurance offices are now managed by women. In addition, there are now five blacks in management, including three office managers. Legislative Post Audit's review of the affirmative action monitoring requirements showed that they do concentrate heavily on paperwork documentation. This is typically true of monitoring requirements. Nonetheless, most of the actions that are required to be

documented for affirmative action purposes--such as maintaining recruitment letters--should be documented in writing anyway. Other requirements, such as the dissemination of the agency's equal employment opportunity policy, seem to be essential if affirmative action policies are to be carried out consistently within the Department.

In sum, although most of the Department's written personnel policies and procedures comply with applicable laws and regulations, improvements can and should be made. By ensuring that updated policy and procedure information is made readily available to all employees, the Department can begin to address employees' concerns that they are not informed of policies that affect them. Disseminating this information will also help bring the Department into compliance with affirmative action requirements. Other compliance issues center on poor documentation. The Department's failure to document certain actions also surfaced as a problem when the auditors reviewed personnel files to compare laws, regulations, and written policies against actual personnel transactions. This subject is treated in more detail in the sections that follow.

Recommendations

1. To ensure that employees are kept fully informed about current personnel policies and that the information is readily accessible, the Department of Human Resources should update its personnel handbook to reflect current practices, and should revise the handbook so that complete information about specific procedures is either presented together or cross-referenced. Employees should be informed of all changes made in the handbook to bring it up to date. Any subsequent changes in policy should be disseminated to all employees as well. Consideration should be given to producing the personnel handbook in loose-leaf form so that it can more easily be kept current.
2. The Department should take the necessary actions to assure that it is in full compliance with the affirmative action requirements of the State Equal Employment Opportunity Office by the end of fiscal year 1985.

Are the Department's Personnel Actions Carried Out In Accordance with State and Federal Laws and Regulations And Its Own Written Policies and Procedures?

Between January 1982 and September 1984, there were 771 appointments to classified positions within the Department. In addition, 16 classified employees were dismissed and two were suspended. A total of 39 employees were demoted, primarily on a voluntary basis to avoid possible layoffs. Other personnel actions included 19 appeals of performance evaluation ratings, 22 written grievances, 11 complaints alleging discrimination, and seven appeals to the State Civil Service Appeal Board.

To determine if the Department's personnel actions during that time period were carried out according to the applicable laws and regulations, the

auditors selected an agency-wide sample of classified permanent positions that had been filled within the past three years. The sample size totaled 126 of the 771 classified permanent appointments made by the Department over the 33-month period.

For each of the 126 positions in the sample, the auditors examined the personnel transactions relating to the following:

- the Department's actions in filling the position, including the recruitment and evaluation of applicants
- the job description and performance evaluation of each person hired, including whether probationary periods were successfully completed
- the actions relating to the separation of the employee who previously held each position, including the status of that employee's evaluation at the time of separation and the reason for the separation.

The results of the auditors' review showed that some of the Department's personnel actions--primarily those related to filling positions--were either not carried out in accordance with applicable laws, regulations, and policies, or there was not sufficient documentation in the files to determine if they were. In certain other areas, the Department's personnel actions may be in technical compliance, but they are not consistently handled in accordance with agency policies, or are handled in a manner that contributes to dissatisfaction among Department employees. The Department's handling of such actions as dismissals, suspensions, and evaluation appeals appeared to be in compliance with all requirements. The auditors findings in these areas are discussed separately in the sections that follow.

Some Personnel Actions Were Either Out of Compliance Or Documentation Was Missing to Show Otherwise

Some of the most critical personnel actions involve the appointment of an employee to a position. There are many different types of appointments. For instance, an employee may return to a position from an extended leave of absence, or his or her position may be reallocated to a higher civil service classification. Laws and regulations governing personnel policies give State agencies considerable leeway in filling position vacancies. Most are required to be filled through competitive appointments so that agencies have a pool of qualified applicants to choose from. Filling positions internally through promotion, transfer, or demotion of qualified current employees, through civil service registers, and through promotions or transfers of qualified applicants from other State agencies are the most common methods. Generally, when a vacancy occurs an agency is free to choose whether to recruit applicants only internally or through a combination of methods.

The Department of Human Resources' procedures for filling positions emphasize recruitment from within the agency. Civil service registers may be requested as well, particularly if the internal vacancy announcement is not expected to produce many applicants. The Department seldom recruits from other agencies.

**Sample of Employee Comments on the
Personnel Policies and Practices of
the Department of Human Resources**

**Favoritism and Lack of Fairness
in Hiring Practices**

"...I have observed several individuals receive positions within the Department based on personal contacts and friends rather than selection off of the civil service register..."

"Job openings (Greenies) distributed to local offices do not always give personnel adequate time to apply. Some were received the same day the applications were to arrive in Topeka."

"This Agency is grossly unfair in its personnel policies. Favoritism is the most common practice. There is absolutely no chance for advancement if you are not on the 'most favored' list."

"Agency green sheets are posted as a formality yet all employees know that the actual selection process has already occurred based upon a political alignment or association."

"Certain department opening announcements are suppressed so only the person intended for the job has the opportunity to apply."

"There is a significant amount of discrimination against women and minorities in the selection or hiring process and in promotions. In either case the representation is unfairly low."

The auditors reviewed the Department's actions in filling the 126 positions in their sample. That exercise was complicated by the fact that the Department did not consistently document its personnel transactions. Nonetheless, the auditors were able to determine that the Department apparently filled some positions without obtaining the proper approval, did not post a number of job vacancies, most of which required that competition be solicited, and did not always maintain required interview records. Other areas of noncompliance had to do with the Department's handling of voluntary demotions and its review of employee job descriptions.

Poor documentation of personnel actions made the auditors' review more difficult. In reviewing the Department's personnel files and appointment records, the auditors found that information was often sketchy, scattered, or simply missing. Personnel actions were sometimes documented with handwritten notes that indicated what action was supposed to occur, but provided no reason why. It was frequently necessary to depend on the agency's personnel staff to explain events more fully. In some cases, it was impossible to determine whether expected events had not taken place or were simply not documented. For example, the auditors identified 17 cases where no announcement of a position vacancy was documented. Four of those positions were filled through types of appointments which generally require obtaining a register, so it appears the positions

may have been announced and the documentation lost. In the sections that follow, the auditors have attempted to provide as accurate a description of events as possible, but because of problems with documentation, that description is not always conclusive.

Some positions apparently were filled without the proper approval. When a position becomes vacant and is to be filled, supervisors are required to complete a standardized form and submit it to the personnel office through established channels for approval. This request form also indicates what type of vacancy announcements are to be used.

The auditors determined that 68 of the 126 appointments in their sample should have received this approval before they could be filled. (Positions filled through reallocations, returns from leave, and the like do not need to be approved in advance.) Of that 68, 30 cases (44 percent) had no documentation on file that a request to fill the position had been completed and approved. The absence of approvals may indicate that internal controls on hiring activities are lax, or that documentation of approvals is simply incomplete.

Some job vacancies were not posted as required. Department procedures for filling positions state that vacancies are to be announced on "green sheets" that are posted on bulletin boards throughout the Department. In some cases, civil service registers are requested as well.

This policy is consistent with State regulations requiring all vacancies to be announced to employees and opened for competition except in exceptional circumstances, such as demotions. In addition, the Department is free to develop its own procedures for recruiting for and filling direct entry positions, or those positions for which the Division of Personnel Services does not maintain a list of eligible applicants.

In their questionnaire comments, several employees expressed concerns that the Department's "green sheets" were not consistently made available to all employees, were not posted in a timely manner, were incomplete, or were only a formality because selections had been made in advance.

Out of 67 cases in the sample of appointments for which a vacancy announcement should have been posted, 17 cases (25 percent) had no documented announcement of any kind. It appeared that as many as 10 of these could involve missing documentation. In the remaining seven cases, there was no documented announcement and no evidence that more than one person was considered for the position. These seven appointments included three promotions and four transfers. The absence of both a documented posting and competition strongly implies that these positions were not filled in compliance with applicable laws and regulations.

Complete interview records were not always kept. Department procedures require that a full "packet" of interview records be kept. These records are to include the applications of persons not selected for the position, a summary of the interviews conducted, and a routing slip for approval of the selection by the Department's equal employment opportunity officer, personnel director, assistant secretaries, and Secretary. Interview records are not required by statute or regulation, but they are recommended by the State Equal Employment Opportunity Office. They give the Department's equal employment officer a chance to review hiring decisions, and they help protect the Department in the event one of the applicants appeals a hiring decision.

Out of 64 cases for which applicant interview records should have been kept, the auditors found that 19 cases (30 percent) did not have a complete record. Of those 19, seven had an incomplete record, and 12 had none at all.

Voluntary demotions were not handled in compliance with administrative regulations. K.A.R. 1-6-27(b) states that if a permanent employee voluntarily requests a demotion, the request must be approved by the appointing authority and the director of the Division of Personnel Services. In the case of a voluntary demotion, the employee is not entitled to appeal the demotion to the Civil Service Appeal Board.

In their original sample of 126 positions, the auditors came across three voluntary demotions. None of them had been reviewed and approved by the Division of Personnel Services as required. The auditors then reviewed an additional 10 demotions. Altogether, their sample covered one-third of the 39 demotions that occurred in the Department between January 1982 and September 1984. They found that all 13 demotions were voluntary; none were made for disciplinary reasons or for documented poor performance. Again, none had been reviewed and approved by the Division of Personnel Services as required.

Personnel Actions Relating To Voluntary Demotions

According to K.A.R. 1-6-27(b), all voluntary demotions are subject to approval by the Division of Personnel Services. None of the 13 voluntary demotions reviewed by the auditors had this approval.

Each of those demotions did have a written request from the employee to take a demotion, and those requests were approved by the Department's personnel office. Twelve of the demotions were made either because of a reduction in force in the CETA and Work Incentive programs or for personal reasons. However, in one case the voluntary demotion was solicited.

In this one case, an individual who had been promoted was asked to voluntarily return to his former position. The request was based on an increasing workload in the former unit and concern that a new employee would not be able to keep up. The employee wrote a memo voluntarily accepting the demotion to his former position. Because the probationary period for his new position was not yet completed, the employee took a \$250 a month pay cut as a result.

Seven of the 13 demotions reviewed were taken because of a reduction in force in the Comprehensive Employment and Training Act and Work Incentive programs. By giving employees the option of taking voluntary demotions, the Department was able to avoid layoffs. One demotion was taken in response to a request based on agency need. In this case, the employee was asked to return to his former position because of an increasing workload in that unit. Three demotions were taken for personal reasons including health considerations and an opportunity to obtain better hours. In the final two cases, no reason for the demotion was given.

The auditors found little evidence to suggest that employees saw voluntary demotions as a serious problem. In their questionnaire responses, most employees either thought voluntary demotions were handled fairly or they did not know whether they were, although about 15 percent thought they were handled unfairly. There were also no formal complaints, griev-

ances, or appeals resulting from the 39 voluntary demotions. Because the Department did not obtain the required review and approval for these demotions, however, demoted employees would have retained the legal right to appeal had they decided to do so.

Position descriptions are not consistently reviewed on an annual basis as required. K.A.R. 1-4-6 requires that employees' actual job duties be reviewed at least annually and compared to the responsibilities listed on their position descriptions. If those duties have changed, the position description should be revised to reflect those changes. The revised position description is then compared with the generic position description for that class title prepared by the Division of Personnel Services to determine whether the position is still correctly classified.

The auditors were unable to determine whether the duties and position descriptions for the employees in their sample were reviewed on a timely basis because the current copy of each employee's position description is retained in the local office. As an alternative, they selected two Topeka offices for review. A total of 74 positions were reviewed. Of that number, the auditors determined that 34 positions (46 percent) had not had an annual review as required. (Six of those that did have current reviews were done the day of the auditors' visit. These six individuals had all been promoted within the last month.) In addition, nine position descriptions had not been signed by the employee, as required by K.A.R. 1-4-3, and a position description could not be located for one individual. The majority of the positions that did not have a current annual review had last been reviewed sometime during 1983. The most outdated one had last been reviewed in 1979.

Department employees expressed several concerns about position descriptions in their questionnaire responses. About 17 percent of the employees surveyed said the duties and responsibilities of their positions were not accurately reflected on their job descriptions. Nearly 86 percent said they discussed the accuracy of their job descriptions with their supervisor at least once a year, but 9.6 percent said this was never discussed. Only 50 percent of those surveyed said the classification of their position was based on its level of difficulty, complexity, and responsibility, which is the required basis for classifications. In addition, about 63 percent said they were never or only sometimes asked for comments on proposed changes concerning duties and responsibilities of their positions.

Conclusion

Although State laws and regulations give the Department considerable leeway in filling a position, there are still certain requirements in such areas as obtaining approval and posting job vacancies to solicit competition that the Department must generally adhere to. The Department has written procedures covering these areas, but its procedures were not followed or were not documented at least one-fourth of the time. This lack of documentation not only makes it harder to determine what actually took place, but also leaves the Department more vulnerable to appeals of any of those actions.

**A Number of Departmental Practices May Technically Comply
With Applicable Laws and Regulations, But They Can Contribute
Significantly To Employee Dissatisfaction**

The auditors identified several Departmental practices that, while not prohibited, apparently are viewed negatively by employees. Responses to the employee questionnaire administered by the auditors helped confirm the level of dissatisfaction. For example, almost half of those surveyed felt their opportunity for advancement in the agency was nonexistent, and another 26 percent felt it was unclear.

Many of the employees' negative perceptions centered on hiring and promotional activities. In these areas, non-competitive appointments, interviews for position vacancies, internal objections to appointments related to affirmative action, and reallocations of positions all appear to be contributing to dissatisfaction and low morale. The Department's handling of employee grievances and complaints may also be contributing factors. Significant improvements in each area might go a long way toward addressing employees' concerns.

Non-competitive appointments contribute to low employee morale. K.A.R. 1-6-2(b) exempts agencies from the requirement to notify employees of vacancies in certain cases, including cases where the Director of Personnel Services determines that for good cause such notice is not necessary. These appointments are referred to internally as "non-competitive appointments." In those cases, no announcement of the position vacancy is made, and only one person is considered to fill it. Both the Department and the Division of Personnel Services agree that such non-competitive appointments should be made only in unusual circumstances, when the qualifications of the individual selected for appointment are such that competition becomes moot. All such appointments must be reviewed and approved by the Division of Personnel Services.

The auditors obtained copies from the Division of Personnel Services of all non-competitive appointments requested by the Department of Human Resources since January 1982. That correspondence showed that 12 requests for individual non-competitive appointments had been made. All were eventually approved; to date, 11 have been filled. Of those 11, 10 were non-competitive promotional appointments and one was a reinstatement with a promotion. Seven of the appointments were at salary ranges 28 to 32. These involved four administrative positions, two high-ranking managerial positions and one consultant position. The remaining four non-competitive appointments were for two Manager II positions at salary range 23, one Interviewer II at range 17, and one Secretary III, the personal secretary to the Secretary of Human Resources, at range 16.

Although those appointments were made in accordance with the requirements of the regulations, it appears that the Department's employees view this practice with distrust. In the open response section of the questionnaire, 41 employees (14 percent of those surveyed) commented that the Department's hiring practices were unfair or political in nature. In response to specific

questions, nearly 34 percent of the employees surveyed said that promotions in the agency were seldom or never based on qualifications and ability.

The Department does not follow standardized interview procedures. The Department's handling of interviews may also contribute to employees' perceptions that appointments are not always based on a standardized selection process and on an individual's qualifications and performance. There is no requirement that agencies use standardized interview procedures, and the Department has no policy in this area. However, the State Equal Employment Opportunity Office recommends that an interview team be used and that interview questions and the rating of applicants be standardized. Some state agencies have adopted a policy of using two or more interviewers to help ensure the selection of an applicant for hire is not biased and is not perceived as such. Interviews were conducted in 52 of the 126 appointments in the auditors' sample. Their review showed that at least two interviewers were used only 46 percent of the time. The other 28 cases (54 percent) had no documentation to show there was more than one interviewer. In addition, the Department has no policy about standardized interview questions and applicant ratings.

Equal employment opportunity concerns are often overruled. As part of the approval process for selecting an applicant to fill a position, the Department's equal employment opportunity officer reviews all completed interview records to ensure that applicants' rights were observed and that an affirmative action opportunity is not overlooked. If the officer thinks there may be any problems in these areas, the officer may disapprove the selection. Between January 1982 and September 1984, the officer disapproved a total of 26 appointments.

Personnel Actions Pertaining To Non-Competitive Appointments

Appointing an individual without competition can create dissension in the work unit. The following example clearly illustrates the disruptions that can result.

A Division Director within the Department took a leave of absence which became a retirement. An individual from that Division who met the minimum qualifications for the position was given the acting appointment. In one month's time the individual was asked to return to his former position, and the acting appointment was given to an individual from outside the Division.

This appointment was made permanent eight months later. It was done non-competitively with special approval from the Division of Personnel Services. The appointment was not well accepted by the staff, and five grievances were filed. None of these were heard on the grounds that the appointment was not judged to be a grievable complaint.

All five of these individuals, two of whom were supervisors, had previously received satisfactory evaluations or above. In the following 10 months, one transferred to a position of equal compensation in another area of the agency and two resigned. Based on questionnaire responses from employees in this Division, employees there are still generally unhappy about the appointment.

The auditors reviewed all these cases to determine the nature of the objection and the outcome. The equal employment opportunity officer most frequently objected to the Department overlooking an affirmative action opportunity to hire a qualified protected individual, such as a handicapped or minority applicant. He also objected to the use of discriminatory or prohibited hiring practices.

The officer's recommendation was overruled 58 percent of the time. Because the reasons were not documented, the auditors were unable to tell whether the Department's action in overruling the objection was reasonable. This lack of documentation would appear to leave the Department unprotected if its hiring actions were to be appealed. The officer's recommendation was followed 42 percent of the time. In nine cases the applicant whose hire was advocated for affirmative action purposes was hired, and in two cases an equivalent position was found for the affirmative action applicant. Whatever the outcome, the Department generally does not respond to the officer's objections. It formally responded to only four of the 26 objections.

No compliance factor to have to respond to ~~see above~~ only a recommendation

philosophical
The Department's internal grievance procedure is not uniformly administered and is more restrictive than other agencies' procedures. The auditors reviewed all 22 written grievances filed with the Department between January 1982 and April 1984 (the most recent which had occurred.) Their review showed that the Department's grievance procedure excludes complaints about the selection and hiring of the work force within the Department. This exclusion is interpreted by the Department's personnel staff to mean that the selection and hiring of particular individuals is not grievable, but the process and procedures used in the selection and hiring process are.

The auditors found that the Department's interpretation of this exclusion is not being followed uniformly. They determined that six of the seven grievances found by the Department to be "not grievable" because of this exclusion may in fact have been grievable. Those grievances were appealing the procedures used in the process of hiring, not the selection. In response to the questionnaire, about two-thirds of the employees said they would feel free to go to a higher authority if they were dissatisfied with their immediate supervisor's response to a problem. But 46.7 percent said they thought their supervisor would or might hold it against them if they filed a formal grievance.

To determine whether grievances about promotions and hiring were disallowed in other State agencies, the auditors reviewed the grievance procedures of four additional agencies: the Departments of Revenue, Transportation, Health and Environment, and Social and Rehabilitation Services. That review showed that none of the four agencies excluded any specific type of grievance, other than those for which another, more specific avenue of appeal exists. Within the Department of Human Resources, members of protected classes may file a complaint of discrimination if they feel that promotions and hirings have been unfairly handled. But for employees outside those protected groups, no avenue of appeal exists for their concerns about promotions and hirings.

The auditors' review of employee grievances also showed that in nine cases (40 percent of the total), program directors did not respond within five

days as required. Most of those nine cases were two days to one week late, but one received no response for a month.

Complaints alleging discrimination are not resolved in a timely manner. The auditors reviewed all 11 complaints alleging discrimination that were filed by Department employees from January 1982 to the present. The purpose of the review was to determine the nature of the complaints, whether they were resolved in a timely manner, and how they were resolved.

The 11 complaints were made by 10 individuals in seven different offices. Seven complaints alleged discrimination pertaining to promotions, and the other four alleged harrasment due to race, color, or sex. Nine of the cases were also filed with the Kansas Commission on Civil Rights.

According to the Department's equal employment opportunity officer, his office is obligated to investigate all complaints unless it is named as a party in the complaint. In fact this happened in one case, and in three related cases the officer disqualified himself. One of the remaining seven complaints was withdrawn by the complainant within a week of filing, leaving six cases to be investigated.

The auditors' review showed that only two of those six investigations were completed, and that none of the Department's responses to complaints were timely. One completed investigation took four months and the other took six. Two complaints were referred to other agencies, without comment, three and four months after they were received. The remaining two complaints were received from other agencies in May and June of 1984 and were acknowledged im-

Sample of Employee Comments on the Personnel Policies and Practices of the Department of Human Resources

Performance Evaluations and Job Specifications

"The objectives and performance criteria listed on my evaluation form are much different than the duties I perform for the Agency."

"I would like to see a fairer evaluation system, with the person evaluating knowing or finding out more about the employee's workload and job duties before trying to evaluate."

"Position descriptions are changed and/or upgraded for specific people and do not apply to other people in the same or similar positions."

"Position descriptions are a joke. We have to do what needs to be done."

General Comments

"Not being in the central office is very much a disadvantage to non-management personnel. Our information is 'filtered and fixed up.' There exists a suspicious attitude at times toward management and central office supervisors."

"Managers and above often exempt themselves from training, rules, and procedures. They of all people should not be permitted to deviate."

"I think overall DHR policies and practices are very good. Sometimes it might not appear so, but this is caused by uncontrollable factors, such as budget reductions, etc."

"The Personnel Director is extremely helpful. However, he shouldn't be the only one who can get something done."

mediately. However, at the time of the auditors review in mid-October 1984, neither of those investigations had been completed.

The final outcome of these six cases is dependent upon decisions yet to be made by the Kansas Commission on Civil Rights and the Equal Employment Opportunity Commission. Although complaints referred to those agencies typically require a long time to be resolved, it would appear that more timely actions by the Department--such as speedy referrals--could facilitate the resolution of complaints filed by the Department's employees.

Some positions appear to be reclassified to upgrade salaries or promote employees. In their responses to the questionnaire, several employees expressed concern that positions were sometimes upgraded on a selective basis. Position classifications are required to be based on the level of difficulty, complexity, and responsibility of the work performed. The Department has the authority to classify its own positions, and approximately one-fourth of its classifications are also reviewed by the Division of Personnel Services on a random basis.

The auditors' review of the Department's reclassifications between January 1982 and September 1984 showed that most were accompanied by justifications based on the required sorts of changes in the work. However, there were occasional instances in which the action was apparently initiated because of salary considerations or to achieve a promotion.

In one case, correspondence requesting that an employee's position be upgraded noted that upgrading was the only way the employee could receive a salary increase. It noted further that the employee performed the work well, had been working extra hours without compensation, and deserved a salary increase. The position was subsequently upgraded three salary ranges.

3 level upgrade

In another case, a vacancy occurred at the level II of a job class, and an assistant secretary wanted to promote an employee who had a level I position in the same class. Instead of opening the level II position for applications, the level I position was reclassified to level II and the employee went with it. The required fiscal note funded that reclassification with savings from the vacancy of the original level II position.

Conclusion

The Department's practices in such areas as making approved non-competitive appointments and reclassifying some positions on an apparently selective basis are permitted, but they are apparently carried out at the expense of employee satisfaction and morale. Where it is out of compliance, the Department will need to amend its actions to comply with the applicable laws and regulations. In the larger, gray areas--those that are technically in compliance but are perceived so negatively by employees--Department management will need to consider the consequences of its practices and to make concerted efforts to improve its communications and relations with employees.

**Actions Relating to Employees Who Left Positions
And Other Personnel Transactions the Auditors Reviewed
Appeared to be in Compliance With Laws and Regulations**

The auditors' review of personnel records also showed that individuals met the minimum qualifications for the positions to which they were appointed, and that performance evaluations were completed on a timely basis at least 84 percent of the time.

In addition, in all 51 applicable cases, employees satisfactorily completed their probationary periods. All individuals who received conditional appointments and later took a qualifying test to become permanent passed that test within the six-month period allowed. In addition, three appointments were properly made from reemployment lists following layoffs.

Between January 1982 and September 1984, 16 classified employees were dismissed and two were suspended. In addition, 19 appeals of performance evaluation ratings were filed, and seven appeals were made to the Civil Service Appeals Board.

The auditors' review of all these transactions showed that they were handled in accordance with the laws and regulations governing them. It also showed that the Department did not dismiss any employee on the basis of sustained unsatisfactory job performance during that time period. The 16 dismissals occurred for the following reasons:

- four employees were dismissed when their positions in the Work Incentive program were transferred to another city and they would not relocate
- two part-time employees were transferred from another agency and dismissed during their probationary periods
- two employees were dismissed when they did not return from an authorized leave without pay
- three employees were dismissed for defrauding the agency
- four employees were dismissed for personal misconduct detrimental to the agency
- one employee was dismissed for improper use of leave after a layoff was delayed.

The two suspensions were for three and five days without pay, respectively. In the first case, the employee was suspended for directing profanity at a supervisor and for disregarding an office policy against staring out a window after having received one written reprimand already. The second employee was suspended for falsifying audit reports.

The auditors also reviewed the files of each employee who previously held the positions in their sample to determine what events led to the changes. They found that only 35 of the 126 previous incumbents in their sample actually left the Department. Of those, 19 employees resigned, eight retired, one died, and seven transferred or were promoted to another agency. Reasons given for resignations included job security, better opportunities, and personal reasons. The auditors attempted to compare the Department's turnover and separation rates to those of other State agencies, but were unable to do so in the time

allowed because turnover reports are no longer available through the State's automated personnel system. In the remaining 91 positions, the previous employee stayed in the Department but moved from that position to another because of reallocations, promotions, transfers, and demotions.

Although few problems were identified in this area, the auditors did note that the Department does not make full use of its exit interview program to solicit comments and suggestions from employees leaving the agency.

The Department's exit interview procedures should be improved. K.A.R. 1-9-20 requires agencies to have an exit interview program. Uniform procedures obtaining information from employees who leave the Department can help reduce employee turnover, provide better selection of employees, and improve working conditions. The regulation also spells out what type of information is to be obtained from that process.

The Department's exit interview program consists of mailing a questionnaire to each employee who leaves the agency. Individuals are asked to complete and return that form by mail. The auditors' review showed that the Department's exit interviews were returned an average of only 11 percent of the time over the past three years.

The Department's personnel director and equal employment opportunity officer indicated that exit interviews were not necessarily a good source of information because individuals who were leaving might tend to have stronger feelings about certain aspects of their employment. However, the auditors noted that comments provided on the exit interviews that were returned frequently paralleled those on the questionnaire they administered to current employees. For example, both sets of questionnaires reflected concerns about poor morale and communications, supervisory relationships, and the lack of promotional opportunities.

The auditors reviewed the exit interview procedures of several other agencies to determine if alternative methods might produce increased participation. They found that several other large agencies' procedures involve face-to-face interviews with supervisory or other personnel, as well as an opportunity to provide confidential written comments. Revised procedures within the Department of Human Resources could help increase employee participation in the process and produce more useful information.

The Division of Personnel Services has recently established a Statewide exit interview program. As part of that program, each agency will be required to use a standardized questionnaire including the required questions about affirmative action. However, the use of a Statewide exit information program does not negate an agency's responsibility to develop and administer its own exit interview program in accordance with Equal Employment Opportunity policy requirements.

A Comparative Summary of Questionnaire Results Shows Current Employees Have a Slightly More Negative Attitude Toward the Department Than Their Counterparts Had in 1981

To determine how personnel practices and employee perceptions of those practices have changed within the Department, the auditors compared the results of their questionnaire with a questionnaire administered by the Division of Personnel Services in the fall of 1981. Most questions on the auditors' survey were taken from that original questionnaire. That questionnaire was mailed to 305 Department of Human Resources employees as a part of the Division's Planned Assistance Program. Altogether, 170 responses were received. A second planned assistance review of the Department is scheduled to begin in December 1984. The comparison results (percentages only) are shown in the last two columns of the appendix.

A comparison of the two surveys reveals that several changes have occurred in the Department's workforce in the past three years. Respondents in 1984 tended to be younger, and a higher percentage of them have worked for the Department for five years or more. The percentages of women and minorities have also increased.

There were changes in other areas as well. Although none demonstrated a very dramatic shift, together these changes represent a fairly universal decline in employees' attitudes toward the management and administration of the Department.

The percentage of employees earning \$20,000 or more annually has increased, but so has the percentage of those who have not been promoted for two or more years. More respondents felt uninformed about job opportunities in 1984, although about half felt opportunities for advancement in the Department were almost nonexistent in both years.

Fewer employees now think their job description is accurate, or that the classification of their position is based on the requirements of the job. There was also a slight decrease in satisfaction with supervisors' responses to problems, and fewer employees would now go to their supervisors initially with job-related problems. Slightly fewer employees now say they are notified of changes affecting their jobs, and substantially fewer say they are encouraged to express their ideas and opinions about their employment.

Fewer employees now feel that rules and policies are consistently applied to all employees. Fewer feel free to go to a higher authority if they are dissatisfied with a supervisor's answer, and more think they might be harassed later if they were to do so. A slightly higher percentage feel their immediate supervisor would hold it against them if they filed a formal grievance.

In regard to the Department's personnel office, 23.8 percent of current employees have never contacted the personnel office. Of those who have, a lower percentage now describe the general service provided as excellent. The percentage of supervisors who describe the personnel office as "very responsive" and "very helpful" has decreased. Supervisors' perceptions of the provision of qualified candidates for vacant positions, the timeliness of personnel actions,

and the communication of personnel policy and procedure are also less positive now than they were in 1981.

Conclusion

The survey results provide evidence that employee's perceptions of the Department's personnel management have deteriorated overall during the past three years. Nonetheless, few formal actions are taken or grievances filed by employees. Such personnel matters as employee dismissals and suspensions appeared to be handled in accordance with all requirements. To address this decline in employee satisfaction, the Department will need to make significant improvements in its personnel practices and procedures. It is hoped that the Department of Human Resources can use this audit, including the recommendations that follow, as part of its effort to make the needed changes.

Recommendations

1. The Department of Human Resources should request approval from the Director of the Division of Personnel Services for all voluntary demotions as required by K.A.R. 1-6-27(b).
2. The Department should monitor and enforce compliance with K.A.R. 1-4-6 regarding annual reviews of position descriptions and K.A.R. 1-4-3 regarding employee signatures. *J.P. memo 7/5/81 June 30*
3. The Department should provide appropriate and reasonable notice of all vacancies to employees prior to filling them, unless specifically exempted by K.A.R. 1-6-2(b). The agency's green sheets should be used and documented for the posting of all vacancies. Approval of the Director of Personnel Services for non-competitive appointments as provided for in K.A.R. 1-6-2(b) should be sought sparingly, and the Department should consider the impact on employee morale when doing so.
4. In response to employee concerns that not all vacancy announcements are received in each office on a timely basis, the Department should consider revising its procedures for those announcements. Revisions could include use of a consolidated vacancy list to be posted in all departments on a weekly basis. That listing might also be provided through the agency's computer network. If two or fewer applicants apply, posting the vacancy for a second week could be considered.
5. The Department should consider improving its interview process through the use of an interview team and through standardized interview questions and rating procedures.
6. Position reclassifications should be initiated as a result of changes in the duties of the position as required by K.A.R. 1-4-7(a), not to provide salary increases or promotions. *pg. 14 JP*

7. Personnel transactions should be consistently documented, including the reasons actions occurred. *Agreed P. u r - e*
8. Steps should be taken to enhance communication between all levels of the Department. These should include eliminating the exclusion of hiring and promotions from the grievance procedure, and consistent administration of that procedure. In addition, concerns related to affirmative action and equal employment opportunity should be handled in a responsive and timely manner. *we intend to do that.*
9. The Department should modify its exit interview procedure, in accordance with applicable guidelines, so that it can make better use of the opportunity that process might provide to learn about possible improvements in the agency.

Committee of 10/11/85.

APPENDIX A

Department of Human Resources Personnel Questionnaire Results

This appendix contains the results of two employee questionnaires. A comparative summary of those questionnaires is included in the audit. The questionnaire administered by Legislative Post Audit in October 1984 consisted primarily of questions that were obtained from the Department of Administration's Division of Personnel Services. Most of those questions were taken from a survey that was administered to Department of Human Resources employees in the fall of 1981 as part of the Division's Planned Assistance Program. A second planned assistance review of the Department will be conducted during the next few months, and the longer survey will be administered again by the Division as a part of that review.

DEPARTMENT OF HUMAN RESOURCES PERSONNEL QUESTIONNAIRE

	1984 Auditors' Questionnaire		1981 Planned Assistance Questionnaire
	No.	%	%
1. What is your age bracket?			
___ 1. under 25	20	6.6	4.7
___ 2. 25-35	58	29.1	24.1
___ 3. 36-55	127	42.0	45.3
___ 4. over 55	66	22.0	25.9
___ No response	1	0.3	0.0
2. How long have you been employed by the Department of Human Resources?			
___ 1. 0-2 years	47	15.6	15.3
___ 2. 2-5 years	63	20.9	25.9
___ 3. 5-10 years	83	27.5	23.5
___ 4. Over 10 years	109	36.0	35.3
3. What is your sex?			
___ 1. Male	143	47.4	54.7
___ 2. Female	158	52.3	44.0
___ No response	1	0.3	0.6
4. What is your race?			
___ 1. Black	23	7.6	3.5
___ 2. White	252	83.4	91.8
___ 3. Hispanic	12	4.0	2.4
___ 4. Asian/Oriental	4	1.3	0.0
___ 5. Other	9	3.0	0.6
___ No response	2	0.7	1.8
5. What is your annual salary?			
___ 1. \$4,000-\$7,999	13	4.3	3.5
___ 2. \$8,000-\$10,999	26	8.6	12.4
___ 3. \$11,000-\$15,999	70	23.2	24.1
___ 4. \$16,000-\$19,999	48	15.9	21.8
___ 5. \$20,000-\$24,999	58	19.2	31.2
___ 6. \$25,000 up	76	25.2	
___ No response	11	3.6	7.1

	1984		1981
	No.	%	%
6. What is your employment status?			
___ 1. Classified, part time	25	8.3	85.9
___ 2. Classified, full time	266	88.0	
___ 3. Unclassified	3	1.0	3.5
___ 4. Uncertain	5	1.7	6.5
No response	3	1.0	4.1
7. How many different positions have you had with the Department of Human Resources?			
___ 1. one	91	30.1	NOT ASKED
___ 2. 2-4	174	57.6	
___ 3. 5-7	31	10.3	
___ 4. 8-10	5	1.7	
___ 5. more than 10	1	0.3	
8. How long has it been since you have been promoted?			
___ 1. Less than 1 year	45	14.9	17.6
___ 2. 1-2 years	47	15.6	20.0
___ 3. 2-3 years	43	14.2	7.6
___ 4. Over 3 years	93	30.8	27.1
___ 5. Never promoted	72	23.8	25.3
No response	2	0.7	2.4
9. How have you been advised of job opportunities which are available to you?			
___ 1. Supervisor	25	8.3	7.6
___ 2. Personnel Office	25	8.3	15.9
___ 3. Other employees	14	4.6	1.8
___ 4. Official communication (memo, newsletter)	185	61.2	70.0
___ 5. Not informed	31	10.3	4.7
No response	22	7.3	
10. What is your opportunity for advancement in this agency?			
___ 1. Almost non-existent	149	49.3	53.5
___ 2. Unclear	79	26.2	22.9
___ 3. Good	63	20.9	20.6
___ 4. Excellent	7	2.3	1.2
No response	4	1.3	1.8

		1984		1981
		No.	%	%
11. Which of the following represents the most likely possibility of promotion?				
___ 1.	Upgrade of present position	116	38.4	39.2
___ 2.	Promotion to vacant position within this agency	83	27.5	36.3
___ 3.	Promotion and transfer to another agency	58	19.2	17.0
___ 4.	No opportunities in the State Civil Service	17	5.6	5.3
___ 5.	Expansion of present division or bureau	7	2.3	2.3
	No response	21	7.0	
12. Do you feel that members of racial minority groups are treated fairly in being selected for promotions and in assignments of work in your agency?				
___ 1.	They are given more opportunities than others with similar qualification	98	32.5	36.5
___ 2.	They are given the same opportunities as others with similar qualifications	125	41.4	39.4
___ 3.	They are given fewer opportunities than others with similar qualifications	20	6.6	5.3
___ 4.	I don't know	58	19.2	18.2
	No response	1	0.3	0.6
13. Do you feel that women are treated fairly in being selected for promotions and in assignments of work in your agency?				
___ 1.	They are given more opportunities than men with similar qualifications.	44	14.6	15.9
___ 2.	They are given the same opportunities as men with similar qualifications.	146	48.3	52.4
___ 3.	They are given fewer opportunities than men with similar qualifications.	50	16.5	14.7
___ 4.	I don't know	60	19.9	12.9
	No response	2	0.7	4.1

	1984		1981
	No.	%	%
14. Do you feel promotions in this agency are based on qualifications and ability?			
___ 1. Always	14	4.6	NOT ASKED
___ 2. Usually	150	49.7	
___ 3. Seldom	88	29.1	
___ 4. Never	14	4.6	
___ 5. Do not know	30	10.0	
No response	6	2.0	
15. Are the duties and responsibilities of your position accurately reflected on your job description?			
___ 1. Yes	239	79.1	84.7
___ 2. No	52	17.2	11.8
___ 3. Do not know	6	2.0	0.0
___ 4. Have never seen a job description of my position	5	1.7	2.4
No response			1.2
16. When do you and your supervisor discuss the accuracy of your job description (which describes your duties and responsibilities)?			
___ 1. Once every 6 months	95	31.4	39.4
___ 2. Once a year	164	54.3	48.2
___ 3. Once every 2 years	9	3.0	1.8
___ 4. Never	29	9.6	8.8
___ 5. Not aware of the existence of a job description	2	0.7	0.6
No response	3	1.0	1.2
17. Are promotions in your office filled through competition? (Are vacancies posted, and more than one applicant considered, if available?)			
___ 1. Always	85	28.2	NOT ASKED
___ 2. Usually	126	41.7	
___ 3. Sometimes	48	15.9	
___ 4. Seldom	20	6.6	
___ 5. Never	16	5.3	
No response	7	2.3	

	1984		1981
	No.	%	%
18. On which of the following do you feel the classification of your position is based?			
___ 1. How well I perform my assigned duties	67	22.2	21.8
___ 2. How much work I do	17	5.6	3.5
___ 3. The level of difficulty, complexity, and responsibility	151	50.0	60.0
___ 4. How well I get along with my supervisor and co-workers	18	6.0	2.9
___ 5. None of the above	38	12.6	11.8
No response	11	3.6	0.0
19. Who would you contact if you felt your position was not properly titled or classified?			
___ 1. My supervisor	206	68.2	78.2
___ 2. My personnel officer	30	10.0	6.5
___ 3. State Division of Personnel Services	11	3.6	2.9
___ 4. Head of the agency	3	1.0	3.5
___ 5. I don't know	43	14.2	7.6
No response	9	3.0	1.2
20. Have you received satisfactory explanations for problems you have taken to your supervisor?			
___ 1. Always	92	30.5	30.6
___ 2. Most of the time	145	48.0	56.5
___ 3. Seldom	35	11.6	7.1
___ 4. Never	4	1.3	2.4
___ 5. Have never taken problems to my supervisor	20	6.6	4.1
No response	6	2.0	
21. If you had problems with working conditions or job assignments, who would you initially contact?			
___ 1. Supervisor	264	87.4	95.9
___ 2. Personnel Office	11	3.7	0.6
___ 3. State Division of Personnel Services	1	0.3	0.0
___ 4. Co-workers	10	3.3	1.8
___ 5. Would not contact anyone	12	4.0	
No response	4	1.3	1.8

	1984		1981
	No.	%	%
22. On an average, how often does your supervisor explain what he/she considers adequate performance for the duties and responsibilities of your job?			
1. Yearly	123	40.7	39.4
2. Every 3-6 months	91	30.1	35.9
3. Monthly	23	7.6	5.9
4. Weekly	24	8.0	5.3
5. Never discusses	36	11.9	10.6
No response	5	1.7	2.9
23. Do you feel you have been fairly evaluated in past performance evaluations?			
1. Yes	247	81.8	81.2
2. No (too low)	42	13.9	16.5
3. Never evaluated	7	2.3	0.6
No response	6	2.0	1.8
24. If you feel you have been unfairly rated, how would you appeal your evaluation?			
1. Call your personnel office	41	13.6	14.7
2. Tell your supervisor	159	52.6	64.1
3. Write the Civil Service Board	5	1.7	3.5
4. Call State Division of Personnel Services	8	2.6	2.4
5. Write your appointing authority	18	6.0	13.5
6. Would not appeal	48	15.9	NA
No response	23	7.6	1.8
25. Are you notified in advance of changes in policy or procedures which will affect your job?			
1. Yes	138	45.7	48.8
2. No	40	13.2	11.2
3. Sometimes	121	40.1	36.5
No response	3	1.0	3.5

	1984		1981
	No.	%	%
26. Are you asked for your comments on proposed changes concerning duties and responsibilities of your position?			
___ 1. Yes	109	36.1	44.1
___ 2. No	101	33.4	24.7
___ 3. Sometimes	89	29.5	27.1
No response	3	1.0	4.1
27. Are you doing the type of work you enjoy?			
___ 1. Yes	214	70.8	71.8
___ 2. No	9	3.0	3.5
___ 3. Sometimes	77	25.5	21.2
No response	2	0.7	3.5
28. Are you given enough work to keep you busy most of the time?			
___ 1. Yes	284	94.0	90.0
___ 2. No	16	5.3	3.5
No response	2	0.7	6.5
29. Do you feel work rules and policies are consistently applied to all employees?			
___ 1. Yes	106	35.1	40.6
___ 2. No	125	41.4	31.8
___ 3. Sometimes	60	19.9	18.2
___ 4. Don't know	10	3.3	7.6
No response	1	0.3	1.8
30. Are you given too much work to do?			
___ 1. Yes	31	10.3	4.1
___ 2. No	126	41.7	39.4
___ 3. Sometimes	115	38.1	42.4
___ 4. Just enough	26	8.6	6.5
No response	4	1.3	7.6
31. Is the work load of your unit equally distributed?			
___ 1. Yes	167	55.3	57.1
___ 2. No	95	31.4	26.5
___ 3. Don't know	38	12.6	11.8
No response	2	0.7	4.7

	1984		1981
	No.	%	%
32. Are vacancies in your work unit usually filled with present state employees (promotion from within)?			
___ 1. Yes	149	49.3	50.6
___ 2. No	29	9.6	11.8
___ 3. Don't know	36	11.9	14.1
___ 4. Sometimes	83	27.5	20.6
___ No response	5	1.7	2.9
33. If you talked to your immediate supervisor concerning a problem and were dissatisfied with his/her answer, would you feel free to go to someone of higher authority?			
___ 1. Yes	193	63.9	68.2
___ 2. No	43	14.2	12.4
___ 3. Only if my supervisor approved	16	5.3	11.2
___ 4. My supervisor would not let me	2	0.7	1.2
___ 5. Yes, but I might be harassed later	42	13.9	3.5
___ No response	6	2.0	3.5
34. Does your supervisor encourage you to express your ideas and opinions about important aspects of your employment (working conditions, work procedures, assignments, etc.)?			
___ 1. Always (several times a month)	104	34.4	48.2
___ 2. Usually (few times each 6 months)	98	32.5	31.2
___ 3. Seldom (once a year)	47	15.6	12.9
___ 4. Never	49	16.2	4.7
___ No response	4	1.3	2.9
35. How often does your supervisor hold meetings where employees under his/her supervision can discuss general working conditions and problems?			
___ 1. Weekly	68	22.5	31.8
___ 2. Monthly	65	21.5	20.0
___ 3. Every 6 months	52	17.2	14.7
___ 4. Once a year	18	6.0	8.8
___ 5. Never	83	27.5	21.2
___ No response	16	5.3	3.5

	1984		1981
	No.	%	%
36. If you filed a formal grievance, do you believe your immediate supervisor would hold it against you?			
1. Yes	74	24.5	18.8
2. No	85	28.1	32.9
3. Maybe	67	22.2	21.8
4. I don't know	73	24.2	22.9
No response	3	1.0	3.5
37. Are you able to find out the things you need to know about promotions? (Such as job openings, ways of being considered, experience, training requirements, etc.)			
1. Yes	229	75.8	78.8
2. No	46	15.2	14.7
3. I am not interested in a promotion	16	5.3	4.1
No response	11	3.7	2.4
38. Is your supervisor able to give you satisfactory answers to your questions about leave, promotion, classification, training and other personnel matters?			
1. Always	97	32.1	33.5
2. Usually	145	48.0	47.6
3. Sometimes	38	12.6	11.2
4. Seldom	16	5.3	2.4
5. Never	3	1.0	0.6
No response	3	1.0	4.7
39. Within the past 12 months, approximately how many times have you contacted the personnel office in your agency for information, advice or assistance?			
1. 1 to 5 times	141	46.7	49.4
2. 6 to 10 times	20	6.6	4.1
3. 11 to 15 times	2	0.7	4.1
4. 16 or more times	11	3.6	11.8
5. Never contacted personnel office	125	41.4	28.2
No response	3	1.0	2.4

	1984		1981
	No.	%	%
40. Do you feel that voluntary demotions and transfers are handled fairly?			
___ 1. Yes	64	21.2	NOT
___ 2. No	45	14.9	ASKED
___ 3. Usually	40	13.3	
___ 4. Do not know	149	49.3	
___ No response	4	1.3	

41. On the basis of your contacts with the personnel office in your agency, how would you describe the service in general? (This service would include answering general questions, providing information on programs affecting you and assisting you in obtaining help or answers to questions pertaining to personnel matters.)			
___ 1. Excellent	32	10.6	21.8
___ 2. Very good	77	25.5	21.8
___ 3. Satisfactory	95	31.5	27.1
___ 4. Poor	22	7.3	2.9
___ 5. I have never contacted the personnel office	72	23.8	22.9
___ No response	4	1.3	3.5

ANSWER THE FOLLOWING QUESTIONS ONLY IF YOU ARE A SUPERVISOR. IF YOU ARE NOT A SUPERVISOR, SKIP TO QUESTION NUMBER 47.

42. How helpful has the Personnel Office in your agency been in solving your supervisory problems such as getting job replacements or correcting job descriptions?			
___ 1. They are very responsive to my needs and very helpful	30	34.1	45.8
___ 2. They are responsive but not very helpful	14	15.9	8.3
___ 3. Somewhat helpful	15	17.0	18.8
___ 4. No help	5	5.7	6.3
___ 5. No contact with them in the past year	22	25.0	18.8
___ No response	2	2.3	2.1

	1984		1981
	No.	%	%
43. How effective do you feel the Personnel Office in your agency is in supplying qualified candidates for vacant positions?			
___ 1. Excellent	6	6.8	10.4
___ 2. Good	36	40.9	41.7
___ 3. Fair	27	30.7	35.4
___ 4. Poor	15	17.0	6.3
___ 5. Unsatisfactory	0	0.0	2.1
No response	4	4.6	4.2
44. How would you evaluate the timeliness of personnel actions such as filling vacancies or promotions?			
___ 1. Excellent	5	5.7	6.3
___ 2. Good	29	33.0	43.8
___ 3. Fair	21	23.8	31.3
___ 4. Poor	22	25.0	10.4
___ 5. Unsatisfactory	6	6.8	4.2
No response	5	5.7	4.2
45. Do you feel the classification specifications for the employees under your supervision reflect the work being done?			
___ 1. Yes	62	70.4	66.7
___ 2. No	19	21.6	18.8
___ 3. Do not know	3	3.4	0.0
No response	4	4.6	14.6

	1984		1981
	No.	%	%
46. How would you best describe the communication of personnel policy and procedure between the Personnel Office in your agency and line management?			
___ 1. Excellent - all policy and procedures concerning personnel management are fully explained on a timely basis	10	11.4	10.4
___ 2. Good - most policy and procedures concerning personnel management are fully explained on a timely basis	35	39.8	50.0
___ 3. Fair - major changes are explained but the majority of personnel management policies are not well defined	30	34.1	29.2
___ 4. Poor - few policies and procedures concerning personnel management are explained	9	10.2	4.2
___ 5. Unsatisfactory - no explanation of personnel management policies and procedures are ever given	1	1.1	0.0
No response	3	3.4	6.3

47. Are there any additional comments you would like to make about the Department of Human Resources' personnel policies and practices?

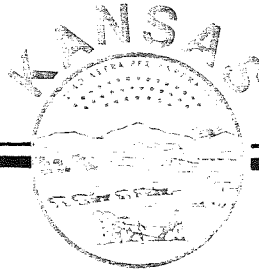
- 41 comments expressed concerns about the Department's hiring practices. These included comments that the Department's hiring or promotional policies were unfair, political, or preferential in nature, or that green sheets were only a formality.
- 12 positive comments were made about the agency or its personnel policies and practices. These included comments that overall improvement had occurred, that the Department compared favorably with other State agencies, and that the respondent was happy with his or her job or supervisor.
- 7 comments expressed concerns that specific groups of employees such as minorities, women, or older employees were treated differently.
- 62 expressed other negative concerns about the agency or its Personnel Department. These included concerns about personnel or other policies, communication, morale, salary, position reclassifications, and agency management.
- 19 expressed more general concerns about Statewide personnel practices, including nine comments about the lack of merit pay.

APPENDIX B
Agency Response

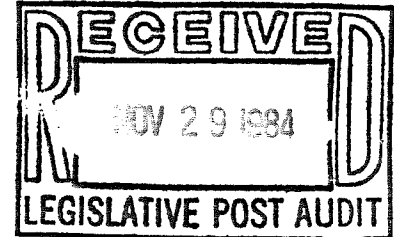
John Carlin, Governor

Larry E. Wolgast, Secretary

DEPARTMENT OF HUMAN RESOURCES



OFFICE OF THE SECRETARY
401 Topeka Ave.
Topeka, Kansas 66603
(913) 296-7474



November 29, 1984

Mr. Meredith Williams
Legislative Post Auditor
Legislative Division of Post Audit
109 W. 9th., Suite 301
Mills Building
Topeka, Kansas 66612

Dear Mr. Williams:

The Department of Human Resources has completed its review of the draft performance audit of our Personnel Policies. Enclosed is our response. The Department's personnel staff and I are available for consultation if any questions or explanation of our response is desired.

Thank you and Representative Miller for the invitation to the Legislative Post Audit Committee meeting on December 5. The Department will be represented.

I also wish to compliment your staff on the professional and courteous manner in which this audit was conducted. I feel many of their comments and observations will be very useful in the administration of this agency.

Sincerely,

A handwritten signature in cursive script that reads "Larry E. Wolgast".

Larry E. Wolgast, Ed.D.
Secretary of Human Resources

Responses to the recommendations

1. K.A.R. 1-6-27 (b) is no longer enforced by the Division of Personnel Services. The Director of D.P.S. delegated this authority to the agencies several years ago.
2. The Department agrees and has initiated action to fully comply with K.A.R. 1-4-6 and K.A.R. 1-4-3.
3. The Department strives to strike a balance between adequate and timely notice of vacancies to employees and expediency in filling those vacancies. Due to the nature of our work and the public demand for services, we cannot always afford the luxury of allowing employees a couple of weeks to think about applying for a different job.

In general the Department agrees that vacancies should be posted but that there are legitimate exceptions, for example a part-time custodial worker in the Goodland Job Service Center would not warrant agency-wide recruitment.

The Department feels that 12 out of 771 appointments demonstrates that it seeks approval for non-competitive appointments sparingly as provided for in K.A.R. 1-6-2 (b) and the impact on employee morale is considered.

4. Please refer to the Department's response to #3 above. Additionally, the Department does post its vacancies on its state-wide computer network.

The Department strives to provide an interviewer with at least five qualified applicants from which a recommendation for an appointment can be made.

5. The Department agrees and has initiated action to implement this recommendation.
6. Position reclassifications in the Department are a result of changes in the duties of the position as required by K.A.R. 1-4-7 (b). The Division of Personnel Services audits position reclassifications quarterly and no exceptions have been found.
7. The Department agrees and has initiated action to implement this recommendation.
8. The Department publishes a monthly employee newsletter and will continue to strive to improve communications between all levels of the Department.

The Department contacted the referenced agencies that allow grieving of appointments. The Department was informed that no appointment in any of the agencies allowing this procedure has ever been reversed due to a grievance. The Department will keep an open mind on this subject but does not wish to modify its policy at this time.

The Department fully agrees with the comments and recommendations relative to affirmative action and equal employment opportunities.

9. The Department will modify its exit interview program by implementing the new procedures recently developed by the Division of Personnel Services for all agencies.

Responses to recommendations on Page 4

1. The Department is in full agreement with this recommendation, and will proceed immediately to implement it.
2. The Department agrees with this recommendation.

APPENDIX C
Civil Rights/Discrimination Cases

CIVIL RIGHTS/DISCRIMINATION CASES¹
Involving Current or Former Employees of the
KANSAS DEPARTMENT OF HUMAN RESOURCES
Filed or Settled Since January 1982

Craig D. Butler

vs.

Case No. 80-4151²

Harvey Ludwick, Secretary of
Kansas Department of Human Resources, et al.
PRAYER: \$50,000.00 plus attorney fees and costs
SETTLEMENT: \$1,250.00 Settlement date: 10-10-84

Mary Lewis and Jane Young Vines

vs.

Case Nos. 81-4002
81-4003

State of Kansas, Department of Human Resources,
Division of CETA; Dr. Harvey L. Ludwick;
Fred Ramirez; Marion Culver; and
Richard Hernandez

PRAYER: \$250,000.00 each plus attorney fees and costs
SETTLEMENT: \$5,500.00 each Settlement Date 6-6-84

Doralee Hermocillo

vs.

Case No. 82-4216

State of Kansas, Department of Human Resources,
Division of CETA; Dr. Harvey L. Ludwick;
Bob Molander and Glenn Fondable

PRAYER: In excess of \$10,000.00

J. Sam Hermocillo

vs.

Case No. 82-4217

State of Kansas, Department of Human Resources,
Division of CETA; Dr. Harvey L. Ludwick;
Greg Jacquis; Dan Stuart; and Glenn Fondable

PRAYER: In excess of \$10,000.00

Civil Rights/Discrimination Cases
Page 2

Ellen M. Logan

U.S. Dist. Ct.
Case No. 83-4321

vs.

State of Kansas, Department of Human Resources,
Harvey S. Ludwick; Jim Richardson; Steve
Goodman; Alan Abramovitz; Jerry Shelor; and
Judy Shively; Individually and in their official
capacity

Ct. of Appeals
10th Circuit
Case No. 84-1909

PRAYER: \$750,000.00

Clarence Scroggins

vs.

Civil Action No. 81-4055

State of Kansas, Department of Human
Resources, Division of CETA, et al.

PRAYER: \$1,000,000.00

- 1 All seven cases are federal civil rights actions brought under the Civil Rights Act.
- 2 The first two digits of the case number are the year of filing.