Department of
Human Resource Management

HR2HR

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Operational Excellence: A Fresh New Look - Executive Director's Message

Debbie Cragun,
DHRM Executive Director

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By Debbie Cragun

You may be wondering and have questions about Operational Excellence: What is it? Who is involved? Is this a passing fad? etc. As a simple summary, Governor Herbert has set out a bold vision for how state agencies should perform; this "vision" became the Operational Excellence "SUCCESS" framework, an acronym for the following:

S – Set measurable goals and targets
U – Use thinking tools and principles
C – Create your strategy
C – Create your organization
E – Engage staff at all levels
S – Synchronize policy and projects
S – Stay focused

When implemented as a whole, these seven (7) guiding fundamentals of high performing organizations can transform fractured organizations into an integrated system with shared goals, and the ability to achieve them!

Trainings on this framework are now being offered by the Governor's Office of Management and Budget (GOMB). The overall goal of Operational Excellence is to help agencies reach peak performance and improvement targets by sharing tools and skills sets necessary to integrate individual functions into a single system.

You will be learning more about Operational Excellence (OE) and the Success Framework in the coming months, and everyone will need to be involved. As a starting point for what I believe will be a series of articles on Operational Excellence, I thought I would address DHRM's current status.

A few months ago, DHRM volunteered to be one of the lead-out agencies on GOMB's Success Framework plan, Operational Excellence (OE). Since then, the transition to a new permanent executive director has had us in a holding pattern, and we are now falling behind. Kristen Cox from GOMB spoke in the May Cabinet meeting about her new organizational structure (designed to fully support the Success Framework effort), the progress some agencies are making, and the next steps. This got me thinking about how we have moved from "leading out" to "behind the 8-ball".

As a result, I met with Kristen in early May to discuss the challenges DHRM is facing:

- no decision on a permanent executive director;
- training on the Success Framework has not been delivered to most of our management team, let alone our entire staff; and
- we did not start the Success Framework process from the beginning; we started in the middle.

Kristen was very supportive of whichever direction DHRM wanted to take. Because of this offered support, we took a deep breath, took a step back, and started working through the Operational Excellence and the Success Framework from the beginning.

A steering team comprised of DHRM Senior Leadership and Jenny Wakefield and Brooke Baker (representing HR Managers) was put together to go through the process from the beginning. This team will look at high level objectives and goals of the department. From there, we will be able to decide which one of our systems is the right focus for our first Throughput Operating Strategy (TOS). The team met on Friday, May 17, and made great, positive progress. I received feedback that stepping back and starting at the beginning was the right thing to do.

GOMB will be conducting Success Framework training with our management team on Wednesday, June 5, in order for our entire management team to understand what OE and Success will mean for our department and our customer agencies. We will also discuss what our first TOS project will be and next steps for moving forward.

Once we have our department goal and our first TOS selected, I promise to keep all of you educated and informed. Look for more information, progress, training, and individual involvement in the coming months.

What About Bob?

By Bob Thompson, Statewide Employment Labor Relations Director

"For a moment, nothing happened. Then, after a second or so, nothing continued to happen." For those acquainted with the movie, *Hitchhiker's Guide to the Galaxy*, these words may sound familiar. However, they are also relevant when deciding WHEN an event giving rise to an employment grievance occurs.

As many of you may know, *Utah Code Anno* §67-19a-401 provides:

5 (a) An employee may submit a grievance for review under this chapter only if the employee submits the grievance:

(i) within 20 working days after the event giving rise to the grievance; or

(ii) within 20 working days after the employee has knowledge of the vent giving rise to the grievance.

(b) Notwithstanding Subsection 5(a), an employee may not submit a grievance more than one year after the event giving rise to the grievance.

Over past months, I have received several calls regarding what constitutes THE event for purposes of filing a grievance. Specifically, does a grievable event occur when an employee is given notice of disciplinary action, or when the discipline actually occurs? For example, is an employee required to grieve a suspension within 20 days of receiving notice of the suspension, or within 20 days of when the suspension actually occurs?

In the seminal decision of *Taylor v. Utah State Training School*, 775 P2.d 432 (Utah 1989), the Utah Court of Appeals answered this very question, holding that the "'event' giving rise to an appeal is the actual action once taken, not some prior indication that an action will be taken in the future." The court held that such an approach was necessary for consistency purposes, and to assure the existence of an actual "case or controversy", an element required before any matter can be litigated.

Bob Thompson
Statewide Employment
Labor Relations Director

While *Taylor v. Utah State Training School* is a bit dated and involves a non-disciplinary grievance relating to the cessation of hazard pay, the holding is still apposite today in determining when a disciplinary event occurs. The key is when an event happens. Not when someone tells you it is going to happen.

In our suspension example above, the answer is simply that it depends. If the notice imposing suspension indicated the suspension was to occur sometime in the future, then no grievable event has arisen. If the suspension was simultaneous with the notice, then that would be the actual event giving rise to a grievance and the time period to file a grievance would begin to run immediately.

As said in *Hitchhiker's Guide to the Galaxy*, until something happened, "nothing continues to happen".

Bob Thompson serves as a liability resource for the HR team and customer agencies. Bob is available to consult and provide insight with employee grievance issues and staff training on employment law regulation and trends. Bob can be reached at 801-538-3047 or bthompson@utah.gov

Recruitment System Update

By Shannon Casias, HR Consultant

I have been working with DTS and Purchasing regarding a new recruitment and applicant tracking system. Through the RFP process we have selected NEOGOV. Implementation for the new recruitment and applicant tracking system kicked off on May 2, 2013 and we anticipate a "Go-Live" date of October/November 2013.

As the project moves forward, the implementation team will update you with its progress. Phases of the project are:

Phase 1 - Initial Set-up:	May 2nd
Phase 2 - System Training:	Ongoing
Phase 3 - System Configuration:	June 3rd
Phase 4 - Integrations:	June 17th
Phase 5 - Insight Go-Live:	October/November 2013

The main points of contact for the implementation of the system are:

- Shannon Casias - Implementation Lead
- Matt Romney - Project Lead
- Wendy Peterson - Recruitment Director/Team Lead
- Winston Inoway - Communications Director,
- Will Clark - Comp/Benefits Analyst
- Kay Defa - IT Manager

Whistleblower Summary and Update

By Akiko Kawamura, CSRO Administrator

The Utah Protection of Public Employees Act (commonly known as the Whistleblower Act), protects an employee who reports wrongful employer conduct. During the 2012 legislative session, the Whistleblower Act was amended in several key respects, including: 1) it allows executive branch state employees to file whistleblower grievances with the Career Service Review Office (CSRO); 2) it expands what constitutes wrongful employer conduct; and 3) it allows employees several avenues to report wrongful employer conduct.

Previously, the CSRO's jurisdiction was limited to grievances from career service employees regarding: dismissals; demotions; suspensions; reductions in force; disputes concerning abandonment of position; wage grievances from employees not placed within their current salary range; violations of the Utah State Personnel Management Act; and the equitable administration of certain benefits. *Utah Code* §67-19a-101. Now, the CSRO's jurisdiction extends to "a complaint by a reporting employee that a public entity has engaged in retaliatory action . . .." This means that any employee of an executive agency, whether career service or not, may file a grievance with the CSRO if he or she qualifies for whistleblower protection.

Three things must occur for an employee to trigger whistleblower protection. First, the employee must report that the agency engaged in either: the waste or misuse of public money, property or manpower; a violation or suspected violation of a law, rule, or regulation; gross mismanagement; abuse of authority; or unethical conduct. Second, that report must be made (not necessarily in writing) to one of the following: a person in authority over the alleged wrongdoer; the Attorney General's office; law enforcement, if the conduct is criminal; the State Auditor's office; the President of the Senate; the Speaker of the House of Representatives; the Governor's Office; the state court administrator; or the Division of Finance. Third, the employee must be subjected to "retaliatory action"[1] after making that report.

In summary, executive agency employees may now file whistleblower claims either in the district courts or the CSRO (the employee must select one of those forums). Formerly, only the district courts had jurisdiction over whistleblower claims. Notably, in a CSRO whistleblower grievance, the agency must establish, by "substantial evidence," that the imposed discipline was both based on good cause and unrelated to the report of wrongful employer conduct. In comparison, in district court, the burden of proof lies with the employee to establish his or her claim by a "preponderance of evidence."

The amendments went into effect May 14, 2013. This information is not legal advice and cases should always be evaluated individually.

[1]"'Retaliatory action' means to do any of the following to an employee in violation of Section 67-21-3: dismiss the employee; reduce the employee's compensation; fail to increase the employee's compensation by an amount that the employee is otherwise entitled to or was promised; fail to promote the employee if the employee would have otherwise been promoted; cause the employee to resign by subjecting the employee to conditions that a reasonable person would consider intolerable; or threaten to take [any of the above] actions."

In the recent Whistleblower webinar, participants raised a number of questions, including:

Q: What training or notice should State employees receive regarding these amendments?

A: DHRM is currently preparing a written notice which will be distributed and should be posted by each agency office in a conspicuous place.

Q: Should DHRM change its disciplinary notices to employees to incorporate these changes to the Whistleblower Statute?

A: Not generally. Disciplinary notices should continue to focus on the employee's conduct or performance.

Q: Can a supervisor be subjected to the $500 civil fine for violating a whistleblowing employee's rights even if he or she was merely following a directive from his or her own supervisor?

A: This is unlikely. Neither the courts nor the CSRO should assess a fine to an individual without giving that individual an opportunity to defend themselves. Ideally, a supervisor who acts on a directive will not be fined.

Q: What is the difference between "substantial evidence" and "preponderance of the evidence?

A: The chart below compares the substantial evidence standard of proof to other commonly known standards of proof.

No Evidence
No trace of evidence

Scintilla of Evidence
Any evidence at all. Even the smallest measurable amount of evidence.

Substantial Evidence
Evidence that a reasonable person would accept as adequate to support a conclusion.

Preponderance of Evidence
More likely than not. The greater weight and value of the credible evidence, taken as a whole, belongs to one side. The preponderance of evidence standard is applied in most civil cases.

Clear and Convincing Evidence
Evidence must be highly and substantially more probable to be true than not. The clear and convincing evidence standard is applied in certain kinds of cases, including paternity and *habeas corpus* cases.

Evidence Beyond a Reasonable Doubt
Evidence that leaves no plausible reason to believe otherwise. The beyond a reasonable doubt standard applies in criminal cases

ERIC Training Center

By Bart Olsen, HR Manager (ERIC)

For those of you who are unfamiliar with ERIC's Training Center, I would like to take the opportunity to introduce this organization to DHRM employees.

By September 2012, ERIC had been open for a year. We carefully analyzed the activity data at our one-year mark. One of the items that emerged was that we had a turnover rate of about one staff member per month, and that was pretty consistently sustained over the entire year. Our personal experience managing that turnover was difficult: when turnover is that high, it becomes more and more difficult to cover the workload that is left behind while new staff members are being recruited and trained.

Therefore, in October 2012, we made the decision to replace the five (5) part-time payroll positions hired due to HB 80 (and required to process extra payroll) with full-time training center positions. These positions were created in order to hire groups of two (2) to four (4) full-time trainees at a time, and guide them through a formal, 8-week modular training program. Tina Sweet became the supervisor of the Training Center and the coordinator of all Training Center activities. The main idea behind this center is to have trainees who, at the end of the training program, could be placed in ANY one of our six (6) ERIC functional teams (Intake, Onboarding, Payroll, ePAR, Retirement, or Verifications of Employment & Unemployment Claims). If a vacancy opened up on any of those teams, we would have a fully trained person ready to step up and hit the ground running.

We have now graduated four (4) Training Center groups and the results have been terrific. Customer service ratings no longer fluctuate with our staffing levels, performance is more accurate and consistent, and staff members give glowing reviews about the training they receive. We are grateful for the high caliber of new hires we are getting in ERIC as well! It's a great place to be.

HRE Enhancements

By Matt Romney, Business Analyst

The HRE workgroup is pulling together great ideas from across DHRM to make HRE a great system that fulfills our needs. Prioritizing enhancements is always challenging but the process is rewarding and all staff involved are great to work with making it rewarding and fun.

Currently there have been several HRE enhancement requests that are in different stages of production. Some of these are being vetted through the HRE Users Work-Group. The workgroup has met twice and will continue to meet as needed or as possible to continue figuring out how to continually make HRE better. Right now we are working on the service tab determining how and what to track to best serve our customers' needs. We have made great progress and I am sure the end result will be the best possible situation for all users.

Another exciting enhancement that has involved the HRE Users workgroup is the removal of MPR. We hope to have this project complete prior to the implementation of NEOGOV. There are many details that still need to be worked out to ensure that all the information that has been stored at MPR will end up in the best place, but the process is underway.

Both of these enhancement ideas originated in the field and will make huge improvements to the functionality of HRE. We appreciate your continued input, patience, and support. Git 'er done!

Utah Leadership Institute
Department of Human Resource Management

Training and consultant services are available through the Utah Leadership Institute (ULI). Agencies have access to over 20 providers who have already been approved through the State purchasing process.

Contractors can provide everything from individual coaching to workgroup facilitation to customized training workshops.

Contact us for assistance in taking advantage of these services.

For a complete list of services available visit the ULI website at http://www.dhrm.utah.gov/training/ULI

Open Enrollment Ends on June 14, 2013

Debra Valentine, HR Consultant

The one time of year when State employees are able to make changes to their medical, dental and vision plans is quickly winding down. During this time, we recommend that you take a few minutes to review your current coverage, even if you are not planning to make any changes.

Two benefits that may require action on the employee's part are:

- Flexible Spending Accounts: Annual open enrollment is the only time employees can elect to put aside tax-free money into their flex accounts, up to $2,500, for medical expenses.
- Hyatt Legal: This is a voluntary benefit that can be accessed only during open enrollment. If employees are currently enrolled in the plan, it will continue unless the employee actively terminates coverage.

To review your coverage or make changes, log into your account on PEHP's website at www.pehp.org.

For assistance with navigating open enrollment, PEHP has put together a *2013-2014 Open Enrollment Guide* that can be found by logging into the Employee Gateway and clicking on "open enrollment guide" on the left side of the home page.

Fiscal Year End and 1% General Increase and/or Bonus

By Billie King, HR Consultant

The FYE Team, comprised of Kay Defa, Lyle Almond, Paul Morley, Joel Chibota, and myself have been doing our best to make sure we are ready for HRE and fiscal year end automatic processing. The following dates are a reminder of the timelines we are working under:

- 05/31/2013: Deadline for return of the excel tracking report that was sent out to all HR field office managers, indicating the non-benefited IN's and TL's that will be receiving the 1% general increase and/or bonus. These increases can be automatically processed down to org level.
- 6/20/2013: All ePARs with an effective date of June 22nd and earlier must be entered and submitted to ERIC by 5:00 p.m. Thursday, June 20th.
- 06/21/2013: HRE will shut down Friday at 11:00 a.m. in order to accommodate fiscal year end processing.
- 06/24/2013: HRE actions for June 22, 2013, and earlier MUST be entered and approved in HRE prior to HRE shutting down Friday, June 21 at 11:00 a.m. The 1% general increase will be applied after all other actions for 06/22/2013 and earlier are entered and approved.
- All ePars entered with effective dates of 06/23/2013 and later will be DELETED. These actions will need to be re-entered when the system is back up on Monday, June 24, 2013.
- The first paycheck date for FY2014 is Friday, July 19, 2013.
- One-time bonuses will be paid on the July 19, 2013 paycheck.

Quick Review on how the 1% General Increase and/or Bonus will be applied:

- The 1% salary increase is provided to eligible employees. There will be no adjustments to salary ranges; eligible employees will move up in their current job salary range.
- Certain employees who are at the maximum, above the maximum, or in longevity of their salary range, will receive a one-time bonus equivalent to the calculation of a 1% yearly salary increase, or a combination of a salary range increase and bonus equal to 1%. (*For more detail as to how the 1% general increase and/or bonus will be applied, please refer to the DHRM Total Compensation Bulletin located on the Employee Gateway*).

If you have any questions about fiscal year end processing and/or the 1% increase that haven't been answered, please contact Billie King, Joel Chibota or Paul Morley.

HR Certification Credentials

We would like to recognize the following individuals within DHRM who have worked to both earn and maintain either their SPHR (Senior Professional in Human Resources) or PHR (Professional in Human Resources) Certification by completing the appropriate training hours.

SPHR Certification:

Debbie Cragun, Admin	Jean Barber-Mills, Admin
Jennifer Krell, Admin	Wendy Peterson, Admin
Alan Lake, DHS	J.J. Acker, Admin
Rick Hughes, Admin	Carlos Rodriguez, UDOT
Cassandra Opheikens, DOH	Rosanne Ricks, Tax

PHR Certification:

Jenny Wakefield, UDC	Larene Wyss, DAS
David Rodemack, USOE	Susan May, USOE

2013 Managers Conference

By J.J. Acker, HR Manager

On May 16, 2013, DHRM partnered with the Division of Risk Management and the Utah Certified Public Manager Society to sponsor the 16th State of Utah Managers Conference. This event, with nearly 300 attendees, represented the kinds of efforts DHRM engages in to increase management capacity. Opening remarks were delivered by Lt. Governor Greg Bell, who praised Utah's fine government managers that stand out as national models. Keynote speaker Rebecca Pace kept the audience roaring in her humorous approach to addressing conflict and negativity in the workplace. Breakouts featured experts in addressing conflict, communication, drug-free workplace and mental health issues in the workplace. This annual event is a highlight for many managers' development efforts.

Keynote Speaker: Rebecca Pace

Save the Date: September 4th for the 2013 Summer Meeting

Wednesday, September 4, 2013, will be DHRM's Annual Summer meeting! The organizers this year are Rosanne Ricks and Jenny Wakefield, with the support of Caroline Updike. Additional information will be forthcoming in the near future. Stay tuned & we will git 'er done!

Firework Safety Tips

The National Council on Fireworks Safety offers these common sense safety tips for using consumer fireworks in hopes that injuries to consumers can be greatly reduced this season:

- Know your fireworks; Read the warning labels and performance descriptions before igniting.
- Have a designated shooter to organize and shoot your family show.
- Alcohol and fireworks do not mix. Save your alcohol for after the show.
- Parents and caretakers should always closely supervise teens if they are using fireworks.
- Parents should not allow young children to handle or use fireworks.
- Fireworks should only be used outdoors.
- Always have water ready if you are shooting fireworks.
- Obey local laws. If fireworks are not legal where you live, do not use them.
- Wear safety glasses whenever using fireworks.
- Never relight a "dud" firework. Wait 20 minutes and then soak it in a bucket of water.
- Soak spent fireworks with water before placing them in an outdoor garbage can.
- Never attempt to alter or modify consumer fireworks and use them only in the manner in which they were intended.
- Report illegal explosives, like M-80s and quarter sticks, to the fire or police department.

The National Council on Fireworks Safety urges Americans to follow common sense safety rules in their holiday celebrations.

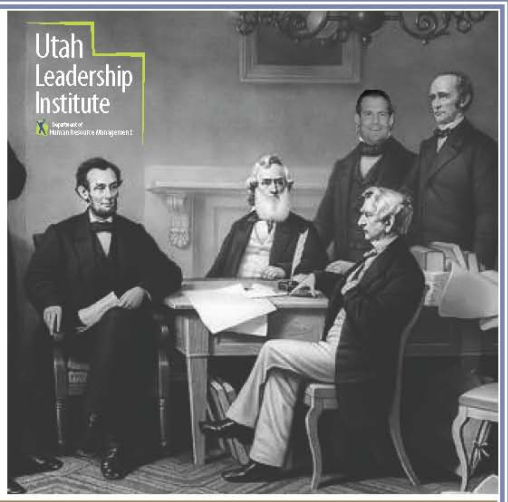
A full list of consumer fireworks safety tips and a safety video, please visit www.FireworksSafety.org.

Leadership Skills for Supervisors

LEADERSHIP SERIES

Dates: **June 13, 20, 27 , 2013**
Location: Various Salt Lake locations
Time: 8:30 a.m. – 3:30 p.m.
Presented by: Dan Chase, MPA, Ph.D. (candidate) DHRM / ULI

In this session supervisors will learn why interpersonal effectiveness is so critical in developing and maintaining professional relationships that allow organizations to flourish. Also, participants will learn how to develop emotional competencies that allow them to maintain credibility as leaders and to manage conflict so as to produce the best possible results for their teams.



Interpersonal Effectiveness

The **Leadership Skills for Supervisors** program consists of the following four monthly sections:

June	**Interpersonal Effectiveness**
July	Communications
August	Performance Management

Each section will be taught once a week for a month at different locations across the Wasatch Front.

Attendees can sign up for courses at the following link:

https://hreventure.dhrm.utah.gov/utc

Utah Leadership Institute
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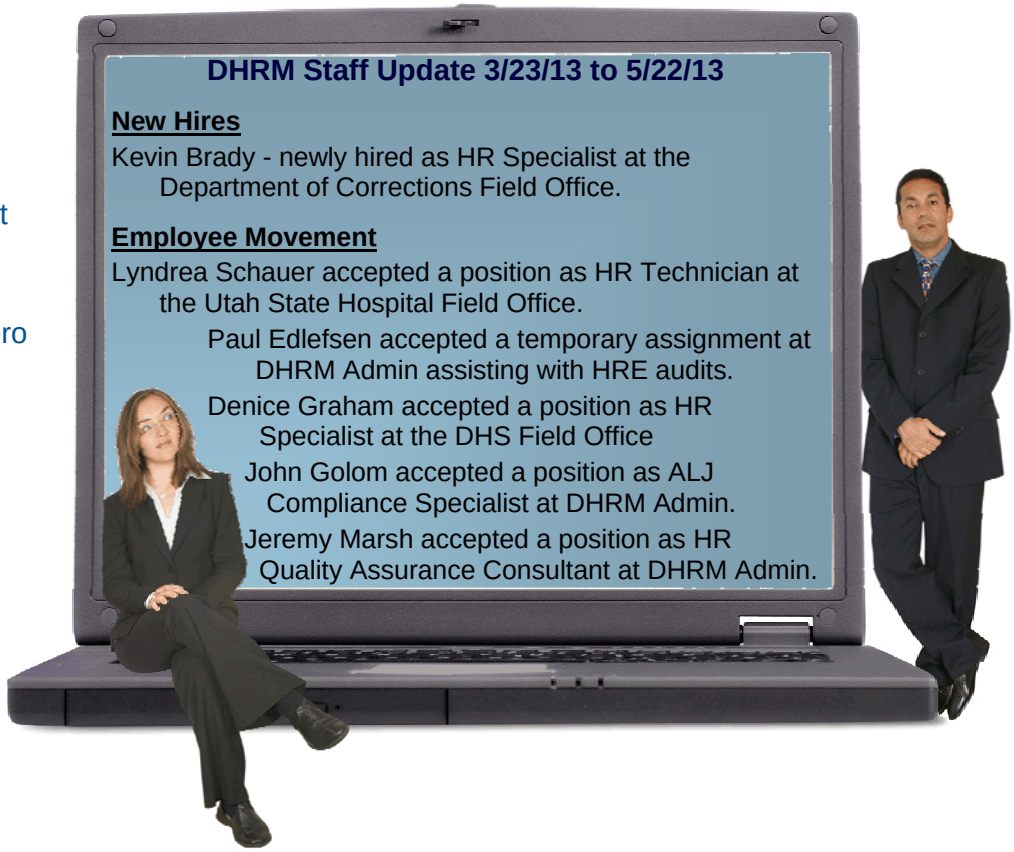

DHRM Staff Update 3/23/13 to 5/22/13

New Hires

Kevin Brady - newly hired as HR Specialist at the Department of Corrections Field Office.

Employee Movement

Lyndrea Schauer accepted a position as HR Technician at the Utah State Hospital Field Office.

Paul Edlefsen accepted a temporary assignment at DHRM Admin assisting with HRE audits.

Denice Graham accepted a position as HR Specialist at the DHS Field Office

John Golom accepted a position as ALJ Compliance Specialist at DHRM Admin.

Jeremy Marsh accepted a position as HR Quality Assurance Consultant at DHRM Admin.

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