

5-Year Strategic Plan



2023

By: Zachariah D. Tolliver
Executive Director

5-Year Strategic Summary Plan:

Goal 1: Procedures and Website

FY2023

- Update Procedures to better service public employees, agencies, and stakeholders.
- Update forms to legal formatting while ensuring the scope of our form require pertinent information.
- Design and implement standard intake procedures for appeals and complaints.
- Re-design and revamp the website to enhance user experience and accessibility.
- Update the websites automated workflows for the e-filing and online form submission.

FY2024

- Enter the Rulemaking process with the Governmental Rules Review Committee for amending and adding rules to Administrative Code, Title 2, and Ch. 5.1 State Personnel Board.

Goal 2: Statewide Appeals and Complaint Program

FY2023

- Review and evaluate the personnel system for administering appeals and complaints.
- Programmatically design a statewide Appeals and Complaints Program.
- Develop an Inter-Governmental Agreement for use by public entities outsourcing responsibilities and duties to ASPB.
- Develop a marketing and campaign plan to message the program to public localities.

FY2023 to 2024

- Message the Appeals and Complaint Program via the marketing and campaign plan.
- Engage with localities for the Appeals and Complaint Program.
- Onboard localities who opted into the program.
- Continuously improve and develop the Appeals and Complaint Program.

Goal 3: Create and Generate an Outside Revenue Stream

FY2024 to 2028

- Create and generate an outside revenue source.
- Develop a fee structure for the program.
- Create and sustain financial stability and strength
- Sustain a long-term outside revenue source

Goal 4: Operational Growth

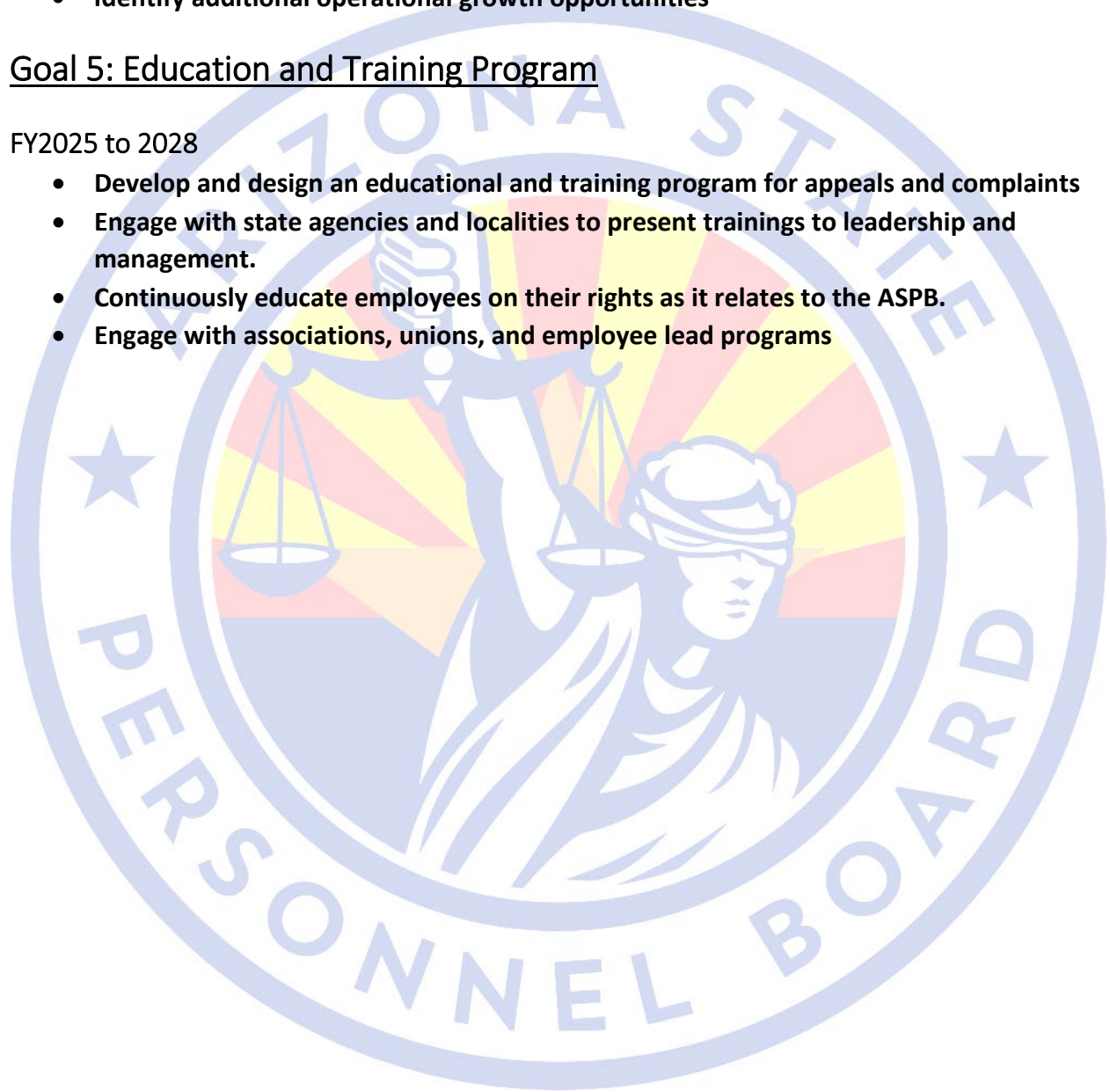
FY2024 to 2028

- **Appeals and Complaint Program**
- **Monitoring Legislation as well as lobbying and advocating for or against Bills.**
- **Identify additional operational growth opportunities**

Goal 5: Education and Training Program

FY2025 to 2028

- **Develop and design an educational and training program for appeals and complaints**
- **Engage with state agencies and localities to present trainings to leadership and management.**
- **Continuously educate employees on their rights as it relates to the ASPB.**
- **Engage with associations, unions, and employee lead programs**



Goal 1: Procedures and Website

Objective

To strengthen and improve internal processes and procedures, as well as improve stakeholder service, experience, and accessibility through re-designing and improving the agency's website.

Key Achievement

The agency will deliver these objectives by further developing and improving the agency's processes and procedures making them more efficient, accessible, and transparent. The website is a critical success factor, and its re-design will focus on stakeholder service through utilization of an educational and interactive delivery model that maximizes efficient and user-friendly technology.

Goal Summary

Processes and procedures are leading indicators of future performance and success, along with evaluating lagging indicators that identify past performance and metrics. Lagging indicators for the Arizona State Personnel Board (ASPB) is maintaining an undynamic process that has not evolved to take advantage of developing technologies and delivery models. The Board cannot remain stagnant and fulfill its responsibilities and duties at an exceptionally high and efficient level that produces an integrity-driven due process procedure for public employees and employers. Moreover, the ASPB enhanced and heighten its processes and procedures to ensure operational integrity and strength throughout the process. In doing so, customer-facing services like providing template forms for notices, requests, and motions, are now in legal format and mirror what a person would see in Superior Court. This alone, is likely to increase trust and confidence in the ASPB process as most people associate such forms with formal courts processes and the use of such forms will assist users in better understanding the process and lead to increased access.

In addition, the ASPB has also revamped in-house procedures for case management and intake of appeals and complaints, including implementing a standard procedure for accepting appeals and complaints. Having intake standards in place, ensures consistency in the performance of the ASPB's due diligence in reviewing every matter accepted and rejected and safeguards the process by setting a clear guideline for screening out frivolous or non-qualifying filings with the Board. Ultimately, the ASPB is serving both the public employees and employer's and it is just as crucial that the Board offers the public employer the same due diligence and security as it does for the employee in providing due process.

Likewise, the ASPB revamped and redesigned its website for better user experience and accessibility. At present, the website satisfies the basics needs for an automated system, providing resources and information. Users currently accessing the website are able to use an interface tool for electronically filing forms and request. The platform, however, is due for an overhaul that enhances automated processes and provides a seamless hybrid workflow. It will offer the user more guidance and information, as well as tools such as forms that assist with navigating the processes. Having a more interactive and informative intake process will limit procedural and process inquiries. Providing more information about the ASPB and its services through an interactive website will provide helpful reference tools for those utilizing the process and better serve stakeholders.

The updated website will include dedicated pages to the appeal and complaint process, in addition to offering a “form” page that will serve as a library of all documents needed for the process. Also, focusing on automating processes as the forefront, will increase customer satisfaction through the provision of all the necessary resources and tools needed to navigate the process. A new feature that will be included on the website is a “Pro Per” package, as part of the “forms” page, which will assist those who represent themselves in the hearing process by providing procedural assistance and the necessary tools to be on equal footing in the hearing process. Ultimately, the website serves as customer-facing operation that is a pivotal success factor as most customers, clients, and stakeholders will interact with the website before even speaking with an ASPB staff member. Producing a successful website is a performance-driver for the success of the agency and will serve to increase user interaction, automate and streamline processes, and continue to serve stakeholders at an exceptional rate.

Strategy Map

- Review and enhance processes and procedures
- Revise and redesign forms to legal formatting
- Design intake standards for appeals and complaints
- Workflow for case management
- Redesign and enhance the website for better service stakeholders
- Enhance user interface tools on website
- Enhance user interaction with educational and informative materials pertaining to processes
- Pro Per Package

Goal 2: Statewide Appeals and Complaint Program

Objective

To build and offer a statewide appeals and complaint program for those localities without an active Personnel Board or Merit Commission and/or seeking to outsource their appeal duties and responsibilities.

Key Achievement

Achieving this will direct statewide appeals for covered and probationary status employees as well as whistleblower complaints to the ASPB. As a result, the ASPB would serve as the Personnel Board for localities opting into the program and wishing to outsource their appeal and complaint responsibilities.

Goal Summary

In March 2023, the ASPB performed a review of the statewide personnel system for administering covered and probationary status employee appeals and whistleblower complaints for three reasons. First, an increase in non-state of Arizona covered status employees filing appeals with the State Personnel Board. Second, the continued rise in calls the ASPB fielded from public entities seeking assistance with administering their appeals program such as procedural assistance, seeking/obtaining hearing officers, and rules. Most significantly, the ASPB performed a review of active Personnel Board’s or Merit Commissions and identified that, of the 15

counties and 98 cities and towns, 91 do not have an active Board or Merit Commission. Of the remaining 22 with an active Personnel Board or Merit Commission, only the City of Phoenix, Civil Service Board, has a dedicated staffer for the sole administration of its appeals program. Otherwise, appeals are administered by human resource departments, with most subscribing to a “hearing officer” model. That Model consists of hiring a hearing officer who supervises and manages the matter before ultimately presiding over and rendering a recommendation on the matter.

This model, however, presents a considerable conflict of interest as the public employer is forced to either have their public attorney hear the matter or retain outside counsel. Administering an appeal program is challenging and full of pitfalls without dedicated resources and staff who have applied practice and knowledge. Executing the program while focusing on the provision of due process can be difficult. With limited models, resources, and applied practice for such appeal programs, the pursuit of due process can be daunting. Moreover, errors of law to include error of construction or misapplication of rules create an unlawful procedure causing a matter to be appealed to Superior Court. Notwithstanding, the cohort and comingling amongst these actors, together with a sole hearing officer, presents substantial risk factors. On average, the standard “hearing officer” Model cost upwards of \$20,000, and that is only serving the hearing portion—the matter will still need to be considered before the Board. In setting out to administer a statewide appeals and complaint program, the ASPB will vastly assist in processes such as appeal and complaint intake, case management, hearings, and Board decisions. This Model presents as more robust and cost effective, and it will allow for each matter to proceed through a process that is consistent across the board and delivers integrity, fairness, and impartialness. By the same token, this affords public employees the assurance of due process, while safeguarding the public employer by mitigating risk and cost that would otherwise be associated with a matter proceeding before Superior Court or beyond.

Moreover, in its current state, the ASPB serves as the default Personnel Board or Merit Commission for the statewide personnel system, if and when, a public entity does not have an active Personnel Board or Merit Commission. Likewise, A.R.S. §38-534 and §41-783 provide ASPB the statewide authority to administer a statewide appeals and complaint program. Additionally, with respect to Title 38 that governs whistleblower complaints, the ASPB is the lone forum equipped to hear and preside over such matters. Given the sensitive nature and complexity of whistleblower complaints, public entities are not structured, nor would it be acceptable for a public entity without an autonomous forum, to hear such a substantial complaint against itself under their own accord. Appropriately, most all public entities defer to the ASPB for whistleblower complaints. This is apparent from reviewing public entity handbooks as you are more likely to see appeal policies, with no reference to whistleblower complaints. As a result, ASPB has served and continues to serve as the sole statewide forum for administrative hearings for whistleblower complaints.

The enhanced program will offer significant features that will bolster and perform as a driving point in messaging the program to public entities. First, this is an opt-in program, with existing legislation authorizing the ASPB as the default statewide Board. It is not necessary or appropriate to introduce further legislation that would broaden authority. Comparatively, the purpose for the program is to assist smaller localities and those looking to outsource their appeal program duties, as a result, this will be offered and solicited as a volunteer based opt-in program. Second, this is the logical model, given the ASPB’s independence and autonomy from the Arizona Department of Administration and the Arizona Attorney General’s Office, the forum is truly neutral. The ASPB is equipped with the necessary resources, dedication, and tools needed to produce this program at a large scale and maintain its dedication to efficiently and effectively administering the appeals

and complaint program. Most importantly, our current authority and scope affords us the ability to conduct the program on behalf of public entities choosing to opt-in, whilst maintaining its authority and the final binding decision in the matter beyond the Boards decision or recommendation. A.R.S. §41-783 provides, “[t]he agency director or the director’s designee shall accept, modify or reverse the board’s decision or accept, modify or reject the board’s recommendation within fourteen days of receipt of the findings or recommendation from the state personnel board. The decision of the agency director or director’s designee is final and binding. The agency director shall send a copy of the agency’s final determination to the covered employee pursuant to this section.” This allows the public entity to be the final authority in every matter that is produced before the ASPB.

Strategy Map

Two Strategy-Approach:

- Intergovernmental Agreements
- Marketing Plan – Introduction of the Appeals and Complaint Program

The vehicle that will be used in establishing an agreement for public entities wishing to opt-in to the program will be an Intergovernmental Agreement (IGA), effectively permitting the public employer to outsource the administration of the program to the ASPB. Through the use an IGA, the ASPB can shore up several fronts with both the public employer and employees. In part, public entities will need to adopt the Arizona Administrative Code, Title 2. Administration, Ch. 5.1 State Personnel Board, which are the governing rules for the Arizona State Personnel Board. The ASPB will adopt the public employer’s personnel charter or codes affording the ability to cater each program specific to the public entity’s personnel standards for filing appeals. Mainly resulting from the varying rules amongst public employers, for example, suspensions may be appealable at 72 hours for some while others are 40 hours or more. This grants ASPB the flexibility with the IGA for each public entity while keeping the foundation and fundamentals all-inclusive. In addition, employee handbooks will be pivotal tools in serving as the “contract” between the employer and employee that further provides the terms and conditions of the employment. Correspondingly, amending and updating employee handbooks to reflect new policies and procedures for appeal and complaint matters will grant us the employee’s agreement to use the ASPB forum as the outlet for such means.

The mechanism that will be used for rolling out the program is a marketing plan. The ASPB intends to target three areas in soliciting to public entities. First, through the use of email, as part of our review of the personnel landscape we acquired data such as key contacts and employee handbooks. This allows the ASPB to identify those public entities without Boards or Merit Commissions as well as establish contacts for each public entity with whom we should solicit the program to and is the decision maker for outsourcing such services. Second, through the use of an informational pamphlets, along with emails, public entities will be provided with needed information that will better assist in making an informed decision to opt-in to the program. Finally, the most effective way for soliciting and marketing this program will be in-person or virtual face-to-face meetings. This affords the ASPB the opportunity to provide an in-depth presentation on the program and allows for a question and answer period. Adding face-to-face value is invaluable as it grants a true interaction to message the foundation and importance of such a program.

Key Outcome Indicators

Two-Measure Approach:

- The percentage of public entities who establish an IGA with the ASPB to administer their appeal program responsibilities.
- Continued partnership shown through an effective and efficient service.

Goal 3: Create and Generate an Outside Revenue Source

Objective

To generate an outside revenue stream for the ASPB.

Key Achievement

Achieving this would provide the ASPB its first outside revenue source. Also, providing economic value plus long-term financial stability.

Goal Summary

The ASPB is funded through a PRO-RATA revenue source that is generated through the contribution from state employee's paycheck, per payroll period. The pro-rata is a shared fund referred to as the *Personnel Division Fund*. The agencies sharing this fund are comprised of the Arizona Department of Administration, Office of Equal Opportunity, and Arizona State Personnel Board. The pro-rata share is .86% of the states total payroll, and of that .86% pro-rata share, .03% is deposited into a separate sub-account of the personnel division fund for the use by the Arizona State Personnel Board. Annually, ASPB deposits \$25k on average, per pay period, resulting in annual revenue of \$650k. Regardless of, the ASPB's appropriation of \$345k, it incurs a reversion for the difference, amounting to \$305k. Additional reversions occur if the fund exceeds \$500k in generated revenue from the pro-rata revenue source as mandated in statute.

Furthermore, in the ASPB's 45-year of operations, it has yet to generate an outside revenue source beyond the pro-rata funding. This will be the first time an outside revenue source is being introduced to add economic value and financial perspective to the Arizona State Personnel Board. Creating and sustaining an outside revenue source will establish a robust agency that grants the ASPB additional full-time equivalents, increased outside training opportunities, expanding the hearing officer roster, not to mention providing the ASPB with the capabilities to become more technology efficient and driven for a more sophisticated sound process. Overall, achieving an outside revenue source affords the ASPB long-term financial strength, with the opportunity to explore operational and process upgrades and, most of all, provides financial stability with the revenue to support a long-term robust agency.

Strategy Map

One-approach strategy:

- The Appeals and Complaint Program.

In generating the outside revenue source, the APSB will use the Intergovernmental Agreement (IGA), effective between the ASPB and public entities who will opt-in to the program to outsource their appeal program duties to the ASPB. As part of the IGA, a fee structure per matter will be included for compensation of matters heard. The developed fee structure would allocate a \$2,500 base revenue stream per matter, the base fee is due to not every matter going to hearing. This ensures the ASPB recoups an administrative fee for the intake and handling of the case regardless of outcome. For appeal and complaint matters that span the entire process, an administrative fee of \$5k will be charged, in addition to a pass-through cost structure for the hearing officer services, assuring the public entity covers that cost for the totality of the process.

Public entities subscribing to the hearing officer Model on average spend \$15k to 20K for a single matter, resulting from the public entity relying solely on the hearing officer to facilitate and manage the matter and hearing. On average, this Model affords hearing officers to spend upwards of 50-hours per matter, which results in a high cost. Costs aside, additional resources are still needed such as securing and training Board members and retaining outside counsel. In contrast, the ASPB's per matter cost amounts to only \$5k to \$7k, resulting from its dedicated agency, staff, Board, and structure that allows us to cut costs and limit expenses so we are cost effective in every matter. Be it that the ASPB has dedicated resources and staff, it is able to monitor and manage the process to ensure it is meeting target timelines and limiting hearing officers billable with an aggressive hands-on approach. On average, the ASPB hearing officers expend 20-hours per matter, with the bulk of the 20-hours dedicated to the hearing and writing the recommendation.

Key Outcome Indicators:

Two-measure approach:

- The ASPB's ability to generate an outside revenue source.
- The ASPB's ability to consolidate a target rate of 70% obtainment of public entities in the statewide personnel system.

Goal 4: Operational Growth Opportunities

Objective

To identify operational growth opportunities

Key Achievement

Achieving this affords the ASPB operational growth within its scope of business through identifying opportunities or legislation. The ASPB is dedicated to its operations and continuing to serve the personnel system as an administrative court and body by seeking operational growth that expands its duties and responsibilities.

Goal Summary

Be it that the scope of services the ASPB offers is niche, there is limited growth and expansion opportunities for the Board to gain. Moreover, the State Personnel Board's primary purpose is serving as an "administrative employment law court", as a result, the services the Board can offer will be limited to employment law matters. Appropriately, this limits the expansion for further responsibilities and duties in conjunction with current legislation that provides specific authority to the State Personnel Board. Correspondingly, that same legislation grants the ASPB operational growth opportunities like that of the Appeals and Complaints Program, remaining within the scope of the Boards authority. Beyond that, additional legislation will be needed to provide any further authority, in addition to responsibilities and duties.

Strategy Map

- Appeals and Complaint Program
- Monitoring legislation and lobbying efforts

Through the appeals and complaint program, the ASPB is able increase operational bandwidth by the outsourcing of appeal programs from public entities to the Board. The current landscape of the personnel system for administering appeals, as well as the increased assistance and filings the ASPB incurred from localities assists in growth. This is the only logical and viable option for the Board to incur operational growth. Proportionately, there are many underlining reasons and causes for such a program to exist as the administrative hearing "court" for employment appeals. However, the most salient is a forum that hears these matters in a fair and impartial way and is constructed to do so with respect to the integrity due process. The objective of the program is to fill a void the ASPB identified while using its dedicated resources, staff, and knowledge to administer a program with the necessary bandwidth to maintain an efficient and effective process in filling the void.

Respectively, the ASPB is dedicated to aggressively monitor and lobby for legislation that would have an impact on the agency. Moreover, continuous efforts to monitor bills during legislative sessions will be required, as well as, speaking with Senate and House members to provide education and information on the impact of said legislation will have on the agency. Further, be it that the ASPB serves the personnel system, staying in communication and corresponding with stakeholders, employee associations, and Board members on such impactful legislation will aid in the lobbying and support for the agency's advocacy for or against legislation. Correspondingly, the ASPB is dedicated to providing seamless customer service, due process, and integrity in maintaining an efficient and effective agency. In any light, the ASPB is dedicated to lobbying for legislation that will not adversely impede the right to due process for the appeals and complaint processes. Duly, the ASPB is committed to keeping integrity at the forefront and safeguarding the fair and impartiality of the ASPB.

Goal 5: Education and Training Program

Objective:

To design and implement a training program for both public employees and employers.

Key Achievement

Achieving this will enhance and increase public employees and employer's knowledge about the appeals and complaints program. Producing an educational and training program that will be specific to both public employees and employers will ultimately serve the process in reinforcing and supporting employees and employers with respect to their position in the process.

Goal Summary:

Respectively, the State Personnel Board is not a regulatory, compliance, or enforcement agency, thus, training and education are limited to areas of appeals and complaints. There are two primary educational and training areas of focus that align with such a program existing in relation to the scope of services offered; preventive and proactive. Gearing the education and training program towards preventive and proactive curriculum will support both public employees and employers with respect for their positions in the process. Furthermore, establishing such a program will further enhance and reinforce the agencies processes, procedures, and goals with public employees, employers, and other stakeholders.

For public employees, proactive education and materials will be the direction for establishing curriculum. Implementing a training program would be counterproductive as most employees do not train for these circumstances, alternatively, they are able to be proactive to the circumstances. Thus, designing educational materials and presentations that focus on employee rights in respect to appeals and complaints, as well as, procedural and process materials for assistance. This equips the employees with the necessary tools and baseline information for their appeal and complaint rights and how to proceed. Overall, proactive education will benefit employees in understanding their rights and the process, so if appeals or complaint matters arise they're able to be proactive in the matter.

On the other hand, for public employers, education and training curriculums in both preventive and proactive education and training, is warranted. Provided the complexity of whistleblower complaints, being preventive and proactive is prudent for public employers as prohibited personnel practices can be detrimental to an agency. Therefore, a more in-depth training plan for agency leadership and mid-level management on preventive and proactive education and training for appeals and complaints is essential for heightening awareness for these matters and reinforcing good habits and practices when encountering an appeal or complaint matter. In all, having agency leadership that is knowledgeable in the area of appeals and complaints will always provide the agency with additional due course as they're trained in matters of this scope and can proceed accordingly being equipped to make correct judgements from the education and training.

Strategy Map

- Programmatically design specific education and training programs both public employees and employers

- Implement and introduce the training to public employers
- Implement and introduce the education to public employee
- Engage with public employees and employer agencies, departments, organizations, associations, union, etc. in presenting education and trainings programs

In programmatically designing a specific education and training program for public employees and employers the ASPB intends to use past education and training curriculum, in addition to developing new curriculum that is reflective of current practices and procedures. Equally, both programs with bolster pertinent and relevant information that will provide insight, familiarity, and recognition for appeal and complaint matters.

Appropriately, offering education and training to both employees and employers allows the ASPB to maintain its neutrality while providing seamless customer service and support. Duly, the ASPB's only interest is to serve the personnel system within the services offered at its highest abilities. In part, is educating stakeholders in respect to our services. Beyond that, providing stakeholders an understanding of the Board will further assist with matters when they arise, if all stakeholders have a sound understanding of the process.

Similar to the ASPB's marketing plan for the appeals and complaint program, the ASPB will introduce and market the program through a pre-existing contact list and establishing new contacts, in addition to identifying employee lead organizations, associations, union and committees. Ensuring all stakeholders are aware the ASPB is conducting education and trainings for appeal and complaint matters, the ASPB intends to present and solicit the program to those members of the appeal and complaint program as well. Correspondingly, the goal is to educate and train as many public employees and employers as possible; foster ongoing communication in the form will continue to assist with changes; and update processes, procedures, and legislation.

Key Outcome Indicators

- The development and implementation of an educational and training program
- The ability to engage and present to public employers and employees