

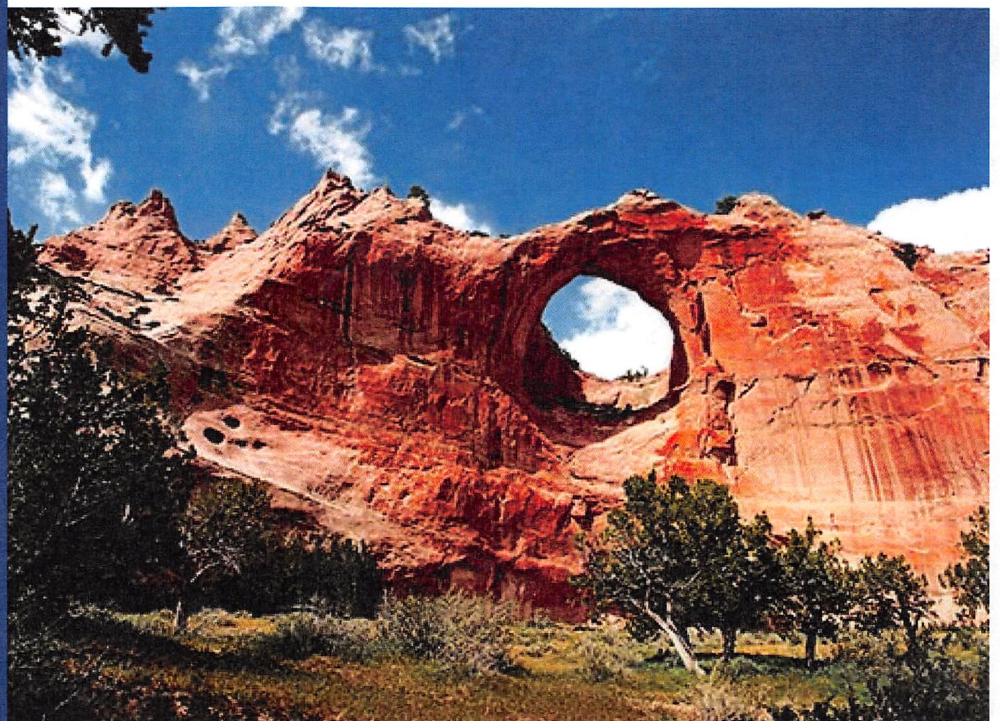
OFFICE OF THE AUDITOR GENERAL

The Navajo Nation

**A Follow-up Review
of the
Assessment of the
Office of Legislative Services
Organizational Structure and Staffing
Corrective Action Plan Implementation**

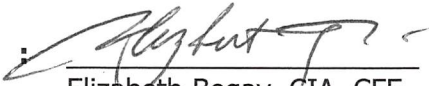
**Report No. 18-32
July 2018**

**Performed by:
Le Compte P.C.**



M-E-M-O-R-A-N-D-U-M

TO : Tom Platero, Executive Director
OFFICE OF LEGISLATIVE SERVICES

FROM : 
Elizabeth Begay, CIA, CFE
Auditor General
OFFICE OF THE AUDITOR GENERAL

DATE : July 23, 2018

SUBJECT : Audit report no. 18-32, A follow-up review of the Assessment of the Office of Legislative Services Organizational Structure and Staffing Corrective Action Plan Implementation

BACKGROUND

In 2015, the Office of the Auditor General performed an assessment of the Office of Legislative Services (OLS) organizational structure and staffing and issued audit report no. 15-21. This follow-up review was completed in conjunction with Le Compte, P.C. auditors to provide information on OLS progress in addressing and resolving the issues noted in the initial assessment of OLS organizational structure and staffing.

OBJECTIVE AND SCOPE

The objective of this follow-up review is to determine the status of corrective action plan implementation based on a six-month review period of October 1, 2017 to March 31, 2018. Our review was based on inquiries, interviews, review of records and audit test work.

SUMMARY

The Office of Legislative Services implemented most of their corrective action plan to resolve 7 (64%) of the total 11 issues noted in audit report no. 15-21, leaving 4 (36%) not resolved. See attached Exhibit A for the detailed explanation of the follow-up results.

CONCLUSION

Based upon our review results, OLS has reasonably addressed and resolved most of the issues. Therefore, we do not recommend sanctions on the OLS in accordance with 12.N.N.C. Section 9.

In conclusion, we wish to thank the OLS staff for assisting in this follow-up review.

xc: Lorenzo Bates, Speaker
NAVAJO NATION COUNCIL
Pete Ken Atcitty, Chief of Staff
OFFICE OF THE SPEAKER

Review Results
 Navajo Nation Office of Legislative Services
 Corrective Action Plan Implementation-Audit report no. 15-21
 Review Period: October 1, 2017 to March 31, 2018

Audit Issues	Total # of Corrective Measures	# of Corrective Measures Implemented	# of Corrective Measures Not Implemented	Audit Issue Resolved?	Review Details
1. <u>A-1 and A-2.</u> A more efficient organizational structure is needed to provide effective supervision of staff members. The job responsibilities reflected in the job classifications do not always align well with the OLS functions.	5	5	0	Yes	Attachment A
2. <u>B 1.</u> Committees and sub-committees are not always adequately staffed and supported particularly if the Legislative Advisor or Legislative Reporter typically assigned is not available.	1	1	0	Yes	
3. <u>B-2, B-3 & B-4.</u> Reporters and Advisors assigned to same committee are not working as collaboratively as needed. Adequate arrangements and structure is not in place to respond to information requests from the public. Storage of legislative files and records is not consistent or easy to access due to the lack of a Records Clerk position within OLS.	3	3	0	Yes	

Review Results
 Navajo Nation Office of Legislative Services
 Corrective Action Plan Implementation-Audit report no. 15-21
 Review Period: October 1, 2017 to March 31, 2018

Audit Issues	Total # of Corrective Measures	# of Corrective Measures Implemented	# of Corrective Measures Not Implemented	Audit Issue Resolved?	Review Details
4. <u>C-1 through C-6.</u> The process for moving legislation through the system is outdated and relied on people physically moving paper through a time consuming and inefficient work process.	6	6	0	Yes	Attachment A
5. <u>D-4.</u> The Legislative Clerk Supervisor position is classified as a Non-Exempt employee although other OLS supervisors are classified and treated as Exempt employees.	1	1	0	Yes	
6. <u>D-6.</u> There are inconsistencies with how certain human resource items are handled and who is handling them.	1	1	0	Yes	
7. <u>E-2.</u> Ineffective communication within OLS and between OLS and other departments hampers the OLS' ability to work efficiently and collaboratively.	1	1	0	Yes	
8. <u>D-1.</u> There are significant delays in completing journals and committee reports. Journal completion and timeliness is a key metric for OLS,	1	0	1	No	Attachment B

Review Results
 Navajo Nation Office of Legislative Services
 Corrective Action Plan Implementation-Audit report no. 15-21
 Review Period: October 1, 2017 to March 31, 2018



Audit Issues	Total # of Corrective Measures	# of Corrective Measures Implemented	# of Corrective Measures Not Implemented	Audit Issue Resolved?	Review Details
however, the percentage of journals completed on time continues to be quite low.					
9. <u>D-2 and D-3.</u> Employee Position descriptions do not reflect duties, responsibilities or minimum requirements. Also, there is confusion regarding the experience and education substitutions and qualifications.	2	0	2	No	
10. <u>D-5.</u> There is no onboarding process for new hires to ensure they are being properly trained.	1	0	1	No	Attachment B
11. <u>E-1.</u> There appears to be a strong need for various types of training at all staff levels. Management training plus advanced technical and technological skills training are not routinely offered to staff and supervisors.	1	0	1	No	
TOTAL:	23	18	5	7-YES 4-NO	

WE DEEM CORRECTIVE MEASURES: **Implemented** where the department provided sufficient and appropriate evidence to support all elements of the implementation; and **Not Implemented** where evidence did not support meaningful movement towards implementation and/or where no evidence was provided.

<p>◆ 2018 STATUS</p>	<p>Issue A-1 and A-2: A more efficient organizational structure is needed to provide effective supervision of staff members. The job responsibilities reflected in the job classifications do not always align well with the OLS functions. RESOLVED</p>
<p>OLS has adopted a new Organizational Chart which provides for a Legislative Tracking Section, a Legislative Process Section, and an Administrative Support Section and each section is headed by a supervisor who directly reports to the Executive Director. As opposed to the previous organization structure where 14 out of 23 employees reported to the Executive Director directly, only 4 out of the current 24 employees report to the Executive Director directly under this new structure and Organizational chart. This reorganization provides for a more efficient line of supervision and smooth flow of work between employees and the departments within the OLS which facilitates more accountability and productivity over time. As a part of this process of reorganization, OLS has created a Legislative Manager position and reclassified the Legislative Secretary I to a Legislative Secretary II position which has strengthened the performance of an electronic and comprehensive legislation review process in accordance with Title II requirements.</p>	
<p>◆ 2018 STATUS</p>	<p>Issue B-1: Committees and sub-committees are not always adequately staffed and supported particularly if the Legislative Advisor or Legislative Reporter typically assigned is not available. RESOLVED</p>
<p>OLS has cross-trained the advisors and reporters to cover additional committees besides their primary assignment. Accordingly, for the Navajo Nation Council and the five major committees, OLS has identified and designated a team of well-trained primary and secondary reporters as well as primary and secondary advisors who will act as substitutes when required. The resolution of this matter was determined based upon our review of the related supporting documentation for a judgmentally selected sample of 5-10 items for each category of the issues covered under this section.</p>	
<p>◆ 2018 STATUS</p>	<p>Issue B-2, B-3 & B-4: Reporters and Advisors assigned to same committee are not working as collaboratively as needed. Adequate arrangements and structure is not in place to respond to information requests from the public. Storage of legislative files and records is not consistent or easy to access due to the lack of a Record Clerk position within OLS. RESOLVED</p>
<p>Under the new Organizational Chart, the Legislative Manager is in charge of supervising and working with all committee staff including the Legislative Advisors and Reporters and this has facilitated collaboration between all committee staff as recommended by the audit report. Also, a standard response mechanism to meet public information requests has been established and the Legislative Tracking section staff are responsible for meeting such requests within the required 90 days (2 N.N.C. SECTION 88(F)). However, OLS has an internal departmental goal to honor such requests within 10 business days. A Records Clerk position has been established and charged with the responsibility of record storage and transmission to the Navajo Nation Records Management on a periodic basis. Records Management Procedures have also been developed and adopted to act as a standard reference and guide to facilitate this function. The resolution of this matter was determined based upon our review of the related supporting documentation for a judgmentally selected sample of 5-10 items for each category of the issues covered under this section.</p>	

<p>◆ 2018 STATUS</p>	<p>Issue C-1 through C-6: The process for moving legislation through the system is outdated and relied on people physically moving paper through a time consuming and ineffective work process. Standard process or template for preparing committee reports, preparing agendas, requesting information and tracking audio recordings is not in place. The manually processed signature review sheet used by the Office of the Speaker creates a bottleneck and impacts the timeliness of legislation moving through the system. A number of key processes depend upon one person and if that person is unavailable, then the entire process is held up. Data received from the Office of the Legislative Counsel was being manually retyped and at times, mistakes were found after a legislative number had been assigned to the legislation. RESOLVED</p>
<p>Since the beginning of FY 2018, the legislative work flow process has been automated with the OLS website: WWW.DIBB.NNOLS.ORG and all the steps involved in this process are being handled by the Legislative Tracking section staff as well as the Executive Director. This has provided for a more efficient and timely flow of the legislative process, Legislative Process Policies and procedures have been adopted and are being implemented in areas such as committee reports, preparing agendas, requesting information and tracking audio recordings. The Legislative Intake and Review Process has been standardized and is being implemented since June 2017. Also, the Office of the Legislative Counsel's attorneys currently share their draft legislations electronically with the OLS Legislative Process section staff which has obviated the need for physical input and retyping as noted by the audit, and a quicker work flow process is in place. Finally, under the DIBB system currently in use, legislation numbers are electronically issued by the DIBB System immediately after the approval from the Office of the Speaker and prior to the transmission of the Draft Legislation to the IT section for posting on the Navajo Nation Council website, which has reduced the chances for mistakes and consequent reassignment of legislation numbers. The resolution of this matter was determined based upon our review of the related supporting documentation for a judgmentally selected sample of 5-10 items for each category of the issues covered under this section.</p>	
<p>◆ 2018 STATUS</p>	<p>Issue D-4: The Legislative Clerk Supervisor position is classified as a Non-Exempt employee although other OLS supervisors are classified and treated as Exempt employees. RESOLVED</p>
<p>On February 18, 2016, OLS had the Department of Personnel Management reclassify this position to Exempt status.</p>	
<p>◆ 2018 STATUS</p>	<p>Issue D-6: There are inconsistencies with how certain human resource items are handled and who is handling them. RESOLVED</p>
<p>The OLS Administrative Assistant is in charge of performing all personnel related functions such as handling leave requests, time sheets/time keeping for both Exempt and Non-Exempt employees, overtime accountability, background checks and other related issues. The resolution of this matter was determined based upon our review of the related supporting documentation for a judgmentally selected sample of 5-10 items for each category of the issues covered under this section.</p>	
<p>◆ 2018 STATUS</p>	<p>Issue E-2: Ineffective communication within OLS and between OLS and other departments hampers the OLS' ability to work efficiently and collaboratively. RESOLVED</p>
<p>OLS management has been conducting internal staff meetings on a monthly basis to improve communication and positive exchange of thoughts and ideas on how OLS operations can be improved and strengthened for the benefit of the Navajo Nation and Navajo public as a whole. Also, OLS management works closely with the Office of the Speaker and the Office of the Legislative Counsel and maintains a good working relationship with other departments such as the Office of the Controller, Office of Management and Budget, and Department of Personnel Management. This inter-departmental communication and interaction is regular, ongoing and dictated by factors, such as reason and necessity.</p>	

<p>◆ 2018 STATUS</p>	<p>Issue D-1: There are significant delays in completing journals and committee reports. Journal completion and timeliness is a key metric for OLS, however, the percentage of journals completed on time continues to be quite low. NOT RESOLVED</p>
<p>Based upon a review of Journals prepared and submitted to standing committees in the last six months, OLS performance in this area still needs improvement. Preparation and submission of Committee reports has improved since the last audit. However, preparation, submission, and adoption of Council Journals has not been done and remains delinquent for a long time due to the absence of a specific requirement for the formal adoption of such journals under Rule 6 of the Navajo Nation Council Rules of order. OLS is in the process of making the necessary modifications to Rule 6 as well as hiring a transcriptionist to record all Council proceedings on a real-time basis. OLS management expects to have a transcriptionist on board in about three months so the process of documentation of Council session proceedings on a real-time basis could become a reality.</p> <p>Navajo Nation Council Rules of Order, Rule No: 6 defines and provides for the various items of businesses to be conducted at each Council session but this list of items does not include the submission and adoption of journals of the previous Council session. Thus, Rule No: 6 needs to be modified in order to accommodate the submission and adoption of journals as a matter of custom and a routine business agenda for each Council session. Until this modification of Rule 6 is in place, OLS cannot include Review and Adoption of Journal as one of the items in the Council session agenda and efforts are underway to resolve this issue as explained in the previous paragraph.</p> <p>According to Standing Committee Journal Procedures adopted by OLS, with Office of Legislative Counsel approval, standing committee journals shall be placed on the next regular meeting agenda of the concerned committee for review and adoption. Weighed against this criterion, the journals for NABI, LOC, HEHSC, and RDC are delinquent for only the month of May 2018 but the journals for BFC are delinquent from June 2017 to May 2018 (12 Months).</p>	
<p>◆ 2018 STATUS</p>	<p>Issue D-2 and D-3: Employee Position descriptions do not reflect duties, responsibilities or minimum requirements. Also, there is confusion regarding the experience and education substitutions and qualifications. NOT RESOLVED</p>
<p>OLS has prepared a revised and comprehensive Job Descriptions handbook, which outlines the various details such as duties, responsibilities, qualifications, and key competencies by Position classification. However, this handbook is still in its draft form and is undergoing revision and changes, and after this process is final, OLS employees will be orientated and trained on its substance and contents. As a measure of quality control, OLS is planning to hire a Human Services Specialist to review this Job Descriptions handbook for its adequacy and completeness before it is formally adopted for implementation.</p> <p>According to the established Navajo Nation Personnel Policies and Procedures, approval from the Department of Personnel Management (DPM) needs to be sought and obtained before the implementation of this Job Descriptions handbook and it would be unwise to act on the assumption that such approval from DPM is either redundant or could be side-stepped. Given this stipulation, OLS should have chosen the direct path of working within the confines of the established DPM policies and procedures to get the necessary changes made to the Job Classifications/Job Descriptions by submitting the prescribed Position Classification Questionnaires (i.e., PCQ's) and we advise OLS to pursue this course for the resolution of this matter.</p>	

 2018 STATUS	Issue D-5: There is no onboarding process for new hires to ensure they are properly trained. NOT RESOLVED
<p>OLS has developed an onboarding process for new hires that provides for educating and training them about the OLS structure and functions; however, the implementation of this process is yet to begin. The timeline for implementation per Corrective Action Plan was September 15, 2016 and thus, resolution of this issue has been delayed for almost two years.</p>	
 2018 STATUS	Issue E-1: There appears to be a strong need for various types of training at all staff levels. Management training plus advanced technical and technological skills training are not routinely offered to staff and supervisors. NOT RESOLVED
<p>OLS management is currently working towards developing individual training plans (short-term and long-term training) for all OLS staff and supervisors and implementation will follow once these plans are in place. Migration toward automation and the process of training all employees to meet the challenges of automation is a slow process due to the varying skills and computer proficiency levels of the OLS employees currently on board.</p>	