

**DND/CF LA LEVEL 1  
BUSINESS PLAN  
2009-2010**



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OFFICE OF THE DEPARTMENT OF NATIONAL DEFENCE/CANADIAN  
FORCES LEGAL ADVISOR (DND/CF LA)

PART I - INTRODUCTION

**Background**

1. The Office of the Department of National Defence/Canadian Forces Legal Advisor (DND/CF LA) celebrated its 10<sup>th</sup> anniversary in 2008. It was a year of growth and renewal, which included re-organization to enhance the strategic management of the office and of legal service delivery, staffing of vacant positions and focus on the well-being of members of the Office. The priority during the past year has been to position this Office to provide optimum legal services to its DND/CF clients.

2. The Office of the DND/CF LA was created in order to provide the Department of National Defence (DND) and the Canadian Forces (CF) with independent, high-quality legal advice on the most affordable, effective and efficient basis possible.<sup>1</sup> It is a hybrid organization, with reporting relationships within both the Department of Justice (DOJ) and DND, and is staffed by DOJ lawyers, CF legal officers and DND civilians. In co-operation with regional, headquarters and departmental legal services units of the DOJ, the Office of the JAG, the Legal Bureau at the Department of Foreign Affairs and International Trade (DFAIT) and the Privy Council Office Legal Counsel, the Office of the DND/CF LA strives to provide coordinated, seamless and integrated legal services to clients within DND/CF.

3. Legal services are provided by the Office in a number of diverse areas, including the following:

- public law, including human rights, *Charter of Rights*, Aboriginal law, access to information and privacy, conflict of interest, labour and employment law, official languages and employment equity
- national security law
- legal risk management
- law relating to CF health services
- contracting and procurement law
- international arrangements
- environmental and nuclear safety law
- law of financial administration
- law relating to non-public property

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<sup>1</sup> The Office of the DND/CF LA provides a full range of legal services to DND and the CF on behalf of the Attorney-General of Canada, in conjunction with the Office of the Judge Advocate General which is primarily responsible for military law and the superintendence of the administration of military justice.

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- claims and civil litigation (including litigation support, advice on *ex gratia* payment policy and processing of claims by and against the Crown)
- real property law
- intellectual property law
- regulatory and DAOD drafting and review services and legislative support
- aeronautics law
- Legal advisory services on such matters as relations with the Ombudsman, issues relating to Reserves and Cadets and the National Search and Rescue Secretariat.

### **Mission**

4. On behalf of the Department of Justice, the Office of DND/CF LA provides high quality legal services

### **Vision**

5. By 2013, the Office of DND/CF LA will be the best legal services unit in government as a result of the excellence of our work, our commitment to our organization and the quality of our people.

### **Accountability**

6. The DND/CF LA reports to the Deputy Minister of National Defence and is accountable to him for the proper management of the DND's human and financial resources. This includes management of a DND account designated for use in claims settlements and *ex gratia* payments. The DND/CF LA also reports to the Assistant Deputy Attorney General, Business and Regulatory Portfolio of the DOJ, to whom the DND/CF LA is accountable for the proper management of DOJ human and financial resources and for the quality of legal services provided by the Office.

### **Progress Since Last Approval Letter:**

7. During the past year, significant effort was invested in positioning the Office to meet the increasing challenges in delivering both active and pro-active legal services in a very dynamic and high-paced environment. The major initiatives accomplished include the following:

- a. Re-organization: Approval was obtained to re-organize the structure of the Office into 3 main divisions: Public Law Advisory Services, Commercial Law Advisory Services, and Litigation Support Advisory Services. Each of these divisions is now headed by an LA 3A senior manager/general counsel whose focus is the strategic management of legal issues. This provides the Office with

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a more robust capacity to detect and respond to trends affecting the client's legal interests and to horizontally align its efforts on issues involving multiple government departments. Approval was also granted to create three specialist LA 2B positions for three complex areas of practice: Aboriginal law, Non-Public Property law and Claims and Civil Litigation. In order to enhance the responsiveness of the Office to increasing client demands, and to address succession planning requirements, we also staffed nine LA-1 legal counsel positions, and assigned them throughout the Office.

In addition, the Aboriginal law team was moved to the Public Law Advisory Services division, and the Non-Public Property law team was moved to Commercial Law Advisory Services. These moves better align the related subject areas, facilitate effective knowledge management and provide enhanced options and opportunities for development of expertise and succession planning.

- b. Staffing: During the past year, the Office filled most of the vacant legal counsel and support staff positions. Our support staff was transformed from a majority of temporarily engaged personnel to almost entirely indeterminate employees. This will provide a number of efficiencies, including reduction of frequency of turnover and enhanced opportunities to provide for training in the short term and succession planning in the long term.
- c. Classification: Following a classification review, the seven SCY-03 positions in the Office were reclassified to CR-05 positions. As well, six paralegal positions were reclassified (from SI-03 to SI-04 and SI-05 to SI-06 in recognition of the complexity of the work of each of the positions, and of the leadership role played by our senior paralegals). Other classification reviews in respect of the Office's financial, administrative, human resource and records management staff are currently underway.
- d. Accommodations: As additional workspace in our current office location is not available, we have commenced a pilot project of teleworking and office-sharing for those in certain positions where this is feasible. This initiative is also expected to contribute to our promotion of Well-Being of office members by providing flexibility of working conditions.
- e. Official Languages: We conducted an internal survey among our employees to determine both their needs and their aspirations concerning their second language abilities. In response, through the Canada School of Public Service, we have engaged the services of two language teachers to provide instruction tailored to the various needs of our staff. With the language training taking place on site, currently 47% of our overall staff (and 53% of our DND civilian employees) are receiving language instruction on at least a weekly basis.
- f. Performance Measurement: This year, the Office conducted its first DOJ survey of all EX minus 1 level Departmental clients and all Lieutenant-Colonel and

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above CF members to establish a benchmark for client service and performance measurement. The Office also circulated an internal "well-being" survey among our staff. The data obtained from these measures will assist in evaluating economies and efficiencies in the Office's operations and management practices, enable us to take corrective action where required, and will serve as benchmarks for assessing progress in future years. The results of these surveys are outlined in Part VI.

- g. Accountabilities: In order to enhance oversight of the settlement of claims and the making of ex gratia payments in the field and on deployed operations, a letter of understanding was entered into between the DND/CF LA and the JAG as to the process that legal officers engaged in claims activities would follow. This letter was followed up by the issuance of a JAG directive and an enhanced reporting system which assists the DND/CF LA in fulfilling her duties in respect of financial accountability. As well, enhanced training is being provided to legal officers to assist in the proper administration of claims settlement and ex gratia payments.
- h. Vision and Mission: Given that this year marked the 10th anniversary of the Office, following a period of considerable growth and transition, the entire office embarked on an exercise to review the Office's mission and vision. The new statements of mission and vision were recited earlier. The new vision reflects the underlying ambition of the Office to be the best departmental legal services unit in government within the next five years, in terms of both client service and workplace environment. This Office is currently developing its strategic objectives and a strategy map to guide its performance management for the next five years.
- i. Workplace Well-Being: A number of advances were made in the workplace during the past year which are expected to enhance both the level of satisfaction and productivity of our staff. As indicated above, we have enhanced our management structure, filled the majority of vacant positions, conducted classification reviews, implemented formal official languages training, conducted anti-harassment and conflict resolution training, and embarked on a pilot project for teleworking. In addition, a number of other measures are being taken in response to suggestions made in the internal well-being survey to enhance communications within the Office.
- j. Legislative Services: Negotiations with the Legislative Services Branch of the DOJ to set up a trial satellite regulatory drafting section within this Office have progressed to the stage of the staffing process. This initiative will improve services for the client, increase the pool of available legal advisors, and provide broader career opportunities for those employed in this area of the law within the Office.

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### **Assumptions for the Next 3 Years:**

8. In planning to ensure that our Office is responsive to the needs of the client in the coming years, a number of assumptions have been made. These include the following:

- The current operational tempo of the CF is expected to continue, perhaps even to grow.
- DND will be recapitalizing and modernizing its infrastructure and equipment at an accelerated pace, as per the Canada First Defence Strategy. Legal assistance related to the establishment and management of the pertinent contracts will continue to be required. Challenges from unsuccessful bidders for defence contracts will also continue to require legal management.
- Military personnel policies will be reviewed and revised to meet the challenges of the operational posture of the CF, including those related to universality of service, support to families and care of those wounded in action.
- Specific trends observed over the past few years will continue, including robust public and media interest in defence issues and the increase in class-action and mega-case lawsuits against the government;
- Issues related to national security will continue to increase and diversify as developments in defence science and technology, information sharing and communication technologies raise concerns that require resolution consistent with interests in privacy, intellectual property and civil liberties, and as individuals and groups bring legal challenges to national security-related legislation and government activities. (These are all areas in which the DND/CF LA provides specialized legal services.)
- Certain recurring issues will continue to have prominence within DND/CF, including those related to Aboriginal Peoples' claims, human rights, labour relations, Official Languages, occupational health and safety, health services, environmental and species at risk and issues related to intellectual property.
- Both the Government and the public will expect continuing improvement in both accountabilities and efficiencies on the part of federal departments and agencies.

9. As outlined in paragraph 3, this Office provides a wide range of legal services and the types of trends and issues referred to above will impact significantly on the demand for these services, in terms of both volume and complexity. With the advances made in Office transformation during the past year, we expect to be in a position to respond to these demands in a timely and effective manner. The very few gaps that, at this point, are

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apparent, are identified below in Part IV – Risk Analysis and Part VI – Human Resource Plans and Challenges.

## PART II - CONTRIBUTION TO CORPORATE PRIORITIES

### Strategic Objectives

#### *DOJ Strategic Outcomes:*

10. A strategic outcome of the DOJ, to which the Office of the DND/CF LA contributes, is that the federal government is supported by effective and responsive legal services. The Office of the DND/CF LA aims to achieve this outcome by:
  - a. ensuring that its legal advisors are well-trained, highly motivated, and sensitive to the unique needs of the DND/CF;
  - b. working with the Office of the JAG to provide legal services to DND/CF that are tightly co-ordinated and finely integrated;
  - c. prioritizing the delivery of legal services in the manner that best contributes to the advancement of Defence priorities; and
  - d. striving to ensure that all legal services are delivered in a timely and effective manner.

#### *DND/CF Strategic Outcomes:*

11. Achievement of the DND/CF's four strategic outcomes (Acquire, Readiness, Conduct Operations and Mandated or Enabling Non-Core Activities) is supported by the Office of the DND/CF LA in a number of fundamental ways:
  - **Acquire:** Legal services are provided in respect of contracting, procurement, international arrangements and memoranda of understanding, real property administration, science and technology, intellectual property and environmental issues. As well, the Public and Labour Law Section provides advice on personnel policies, such as those relating to recruitment, retention and release.
  - **Readiness:** Legal advice from the Office of the DND/CF LA assists in the maintenance of readiness in a variety of ways, particularly in areas providing legal support to the generation and sustainment of forces, environmental sustainment of training areas, procurement of equipment, development of infrastructure, as well as research and development.

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In addition, the Office of the DND/CF LA has renewed its efforts to contribute to the risk management in Defence initiatives. In particular, the Office is actively engaged in the development of the Corporate Risk Profile initiative, and has commenced working with Level 1 organizations to assist them in identifying their key legal risks and in the development action plans to manage them.

- **Conduct of Operations:** Operational and mission success in deployed theatres of operations, such as Afghanistan, is dependent upon both direct and indirect support. Legal advice from DND/CF LA in such areas as the development of personnel policies, the acquisition of materiel, contracting for goods and services, the acquisition of infrastructure leases and licenses, the management of claims, *ex gratia* payments and litigation related to the deployment, the provision of national security legal advice, the provision of legal advice on non-public property activities and other morale and welfare related issues, and the ongoing development of and improvement to the DND/CF's legislative and regulatory framework, all contribute to the overall efficacy of the mission. Other mission-related activities are as follows:
  - Our National Security Section is regularly engaged with other government departments, such as Canadian Security Intelligence Service, Public Safety and Emergency Preparedness Canada -, Transport Canada, Customs and Border Security Agency, DFAIT and Communications Security Establishment in matters involving national security, as well as in boards and commissions of inquiry. It also provides dedicated legal support to the Marine Security Operations Project, an interdepartmental group lead by DND whose mandate is to help detect, assess and support a response to any threat to marine security on the Atlantic and Pacific coasts that could affect the safety, security, environment or economy of Canada, as well as dedicated legal support to the Great Lakes MSOC. This Office will also provide a member to the DOJ Information Sharing Initiative working group.
  - The Claims and Civil Litigation Section has actively supported operations through its timely and effective legal services in relation to the processing of *ex gratia* payments made in respect of injury, death and damage to property caused by the CF or incurred while working with the CF in Afghanistan.
  - In addition, military legal officers posted to the Office of the DND/CF LA regularly deploy on international operations. During the past year, two of this Office's twelve military legal officers were deployed to Afghanistan, and one to the Congo, to provide operational legal advice, and another embarked on a Technical Assistance Visit related to Rule of Law enhancement in Afghanistan. Although these activities present the obvious

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personnel challenges in terms of the absences for both the requisite training and the deployment, the DND/CF LA is committed to continuing to support the CF missions in this manner. Indeed, with the increased focus on development in the 3D approach to Afghanistan, the Office of DND/CF LA may be well-positioned to provide further support to Rule of Law initiatives.

- ***Mandated / Enabling Non-Core Activities:*** The Office of the DND/CF LA is actively involved in a number of areas required for the effective operation and administration of the DND/CF. For example, the Office provides legal advice concerning the financial control framework and measures to ensure compliance with the governing legislation, such as the *Financial Administration Act*, the *Federal Real Property and Federal Immovables Act*, the *Canadian Environmental Protection Act*, the *Canadian Environmental Assessment Act*, the *Federal Accountability Act*, the *Access to Information Act* and *Privacy Act*, the *Official Languages Act* and the *Public Servants Disclosure Protection Act*. The Office of the DND/CF LA provides specialist legal advice in the law pertaining to conflicts of interest.

As well, members of the Office provide training to clients, in order to promote more effective management of legal issues through DND/CF. For example, clients of the Commercial Law Advisory Services division, both in the NCC and on CF establishments in the field are provided with training to assist them in avoiding legal problems related to contracting, procurement, intellectual property, non-public property and the environment. The Public and Labour Law Section provides legal training to the Directorate of Access to Information and Privacy personnel on solicitor and client privilege issues and to the Office of the JAG in respect of military legal officer training in administrative law. The Legal Advisory Services Section provides clients with legal training in areas related to non-public property and health services, and the Claims and Civil Litigation Section provides training in field offices, and to JAG officers prior to deployment, on the administration of claims against the Crown. As well, DND/CF LA counsel continue to provide an innovative interactive course on Legal Risk Management to military and civilian clients. Over the

past five years, more than 6,000 persons have completed the course. The course is now also available on-line via the DND/CF intranet.

### **PART III – STRATEGIC PLANNING PRIORITIES**

12. To assist DND/CF in achieving the Canada First Defence Strategy goal of building an integrated Defence Team as a core element of a whole of government approach to meeting Canada's security requirements, this Office will focus on measures that will continue to enhance the professional capabilities of its civilian and military personnel and that will facilitate networking and consultation with key stakeholders.

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13. ***Renewal of the Office and Client Focus:*** The main priority of the Office over the next year will be to consolidate its transformation activities, and to leverage them with a view to positioning the Office to be the most effective departmental legal services unit within the next five years. Having re-organized the Office, enhanced its senior leadership cadre, and staffed vacant legal counsel and administrative support positions, we will focus our efforts on two inter-related priorities:

- The delivery of highly effective legal service to clients; and
- The cultivation of a working environment that both challenges and rewards its employees and that promotes both their well-being and their productivity.

To do so, the Office will continue to place renewed emphasis on human resources and business management, and on identifying both financial and process-related efficiencies.

14. ***Relationships:*** Because many of the legal matters affecting DND/CF are, increasingly, those which involve a number of government departments and agencies (for examples, environmental, national security, procurement, research and development, Aboriginal, and information sharing issues), further efforts will be made to network both internally within government, and externally with other stakeholders.

15. ***Knowledge Management:*** In the increasingly complex and fast-paced environment within DND/CF, efficient and reliable access to knowledge, and its effective transfer, are critical to the provision of timely and accurate legal services. Consequently, more emphasis will be placed on professional development, training, leveraging information technology and mentoring junior personnel.

16. ***Legal Risk Management:*** Renewed efforts are being made to assist clients in achieving their strategic objectives by helping them to identify strategic legal risks and to develop plans to manage and mitigate them. To do so, our senior legal counsel will ensure greater focus on this aspect of their clients' interests, and we will re-allocate resources within the Office in order to provide a full-time legal counsel solely on legal risk management. This includes individual meetings with clients to identify risk, the suggestion of mitigation strategies, and to assist clients in determining resource implications resulting from risk management for inclusion in the Level 1 Business Plans.

### **PART IV – RISK ANALYSIS**

17. This Office is not an OPI for any of the strategic risks identified in the Corporate Risk Profile Risk Assessment, although it is involved in their management.

18. There are however, challenges in the management of a legal services unit that may be identified as requiring risk management. They are as follows:

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- **Attraction and Retention of Employees:** *Risk:* As experienced by both public and private sector employees, competition for highly skilled and motivated employees is increasing for a variety of demographic and economic reasons. As a result, the Office of the DND/CF LA may have future difficulties in attracting the most desirable candidates and in retaining its personnel. *Mitigation Strategy:* Enhancement of work-place well-being through a variety of measures (e.g.: introduction of a compelling vision for the Office, flexible working arrangements, maintaining appropriate levels of staffing and classification, effective succession planning and knowledge transfers, staffing strategies to increase internal opportunities for career advancement professional development and training opportunities, and effective leadership and management.)
- **Reduction in Resources through Strategic Reviews:** *Risk:* The DOJ is currently undergoing a Strategic Review and the DND/CF will likely be subject to this process in the near future. A possible outcome is that this Office may be asked to reduce its budget to permit a re-allocation of resources. *Mitigation Strategy:* The Office will identify efficiency measures that may be taken to offset a reduced resource allocation and will negotiate with clients which services may need to be reduced or eliminated. Our proposal in respect of a reduction required following a Strategic Review of DND/CF is outlined in Part VIII.
- **Significant Unforeseen Surges in Service Demand:** *Risk:* A single event or emerging issue may have a huge impact on the demand for legal services and may overwhelm existing resources. This was seen in the months immediately following 11 September 2001, and is also seen in the resource implications resulting from investigations and other legal actions relating to the transfer of detainees in Afghanistan. *Mitigation Strategy:* Complete Service Standard Agreements with clients and identify and agree on priorities.

## PART V – PERFORMANCE MEASUREMENT

19. As this Office forms part of a DOJ legal portfolio, rather than a unit or element of the DND/CF, it has not historically managed its performance measurement in full alignment with that of the DND/CF. However, it does possess a number of performance measurement tools and employs these to determine whether we are meeting priorities, to evaluate the economy, efficiency and effectiveness of our practices, to discover deficiencies and to rectify them, and to quantify achievements. A summary of our measures, and what they currently indicate, is as follows.

- **Department of Justice Services Satisfaction Survey:** In September 2008, the DOJ surveyed federal departments and agencies as part of its overall planning and performance management agenda. The purpose of the survey was to obtain baseline feedback on the degree to which DOJ legal services respond to client

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needs and expectations. The survey asked questions about the use of services, types of services performed, frequency of services and the level of satisfaction with services by the Office of the DND/CF LA to all of its DND/CF clients. It was sent to all DND civilians at the EX minus 1 level and to all military officers of the rank of lieutenant-colonel and above.

At the time of writing, only very preliminary results from the survey have been released by DOJ. These results are very positive. They indicate that the overall and composite scores for all legal services (legal advisory services, legislative drafting, regulatory drafting, non-criminal litigation services and dispute resolution services) provided by the Office surpass the DOJ target score. As well, they indicate that just over 60% of legal service users reported having a "good" or "very good" understanding of the key legal risks facing DND/CF, while another 29% report having a "fair" understanding, indicating that the Office has been effective at identifying and communicating legal risks to its clients.

More complete results of the survey will be available in November 2008. It is expected that the results will provide a meaningful baseline against which to measure the Office's progress towards its vision of being the best legal services unit within five years.

In addition to these collective results, this Office also gathers feedback from clients on their level of satisfaction in respect of the individual lawyers assigned to provide legal services their organizations. This feedback is considered in the preparation the annual performance evaluations of legal counsel and in their debriefings with their supervisors.

As a relatively new (10 years) DOJ legal services unit, the Office is interested in ascertaining whether there are parts of DND/CF that are still under-served by the Office and the results of the survey will be used to focus outreach efforts to ensure that the available legal services are both better known and more accessible to potential clients.

- **DND/CF LA Well-being Survey:** In May 2008, the Office carried out an internal Well-Being survey that canvassed the input of all staff concerning the environment in which they worked. The survey was completed by 56% of staff members.

The Well-Being survey indicated that relations among staff and supervisors in the Office are positive (95% responded that their colleagues treated them with respect and 93% responded that their supervisors treated them with respect) and that most are able to achieve appropriate work life balance (84% responded that they are able to balance their personal, family and work needs.) It also indicated some areas that require greater focus, particularly the management of human resources issues. In particular, a significant number of respondents expressed concern about their opportunities for advancement and promotion, having regard to their skills

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and experience, and about the selection process used in staffing. As well, a significant number considered that they did not receive adequate training for the work they are doing.

A committee was created to look into these issues and to make recommendations. Following their report, a workplan to address the concerns raised was been developed and communicated to employees. One of the solutions to the issues related to human resources was the identified need for more human resource and office management capacity within the Office. In particular, the staffing of an AS-05 level business/human resource manager would provide enhanced strategic management of human resource issues (including the adoption of more sophisticated and comprehensive succession plans and training programs). This need is discussed in more detail in Part VI.

- **ICase:** ICase is a web-based integrated case management, timekeeping, document management and reporting application developed by DOJ to support the practice of law and the delivery of legal services to the government. Its reporting capabilities provides the DND/CF LA with the ability to identify trends in the demands for services, the types of legal issues demanding attention, as well as track access to information and privacy requests and the amount of time staff are dedicated to each client and file.

As noted in last year's Business Plan, the implementation of ICase reporting is relatively new, so that sufficiently reliable comparative data is not yet available. The Office will continue to develop a meaningful performance measurement system, based on ICase, however, it is realistic to expect that this will only be fully operationalized over the next two years. A working group of senior managers has been established to review and strengthen performance measurement and performance management in relation to our new mission, vision and related strategic objectives.

- During the past year, the DOJ has been developing a generic Service Level Agreement, as well as generic Service Standards, that the Office of DND/CF LA will be customizing and implementing with its DND/CF clients. The Agreement and Standards will provide an additional means of measuring the Office's performance in its service to its clients.

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**PART VI – HUMAN RESOURCES PLANS AND CHALLENGES**

20. In the next year, the main efforts in terms of human resources will be to:
- Effect change management aimed at aligning resources in strategic groupings designed to achieve the new vision and related strategic objectives;
  - Maintain current staffing levels;
  - Re-allocate human resources to enable greater focus on:
    - a) national security law issues, given the clearly emerging trends; and
    - b) legal risk management co-ordination across DND/CF;
  - Enhance the Office's internal business and human resource management capability by the staffing of an AS-05 level business/human resources manager;
  - Establish a total of four new support staff positions at the CR-05 and AS-01 levels to reflect the reorganization and growth of the Office over the past few years; and
  - Continue to ensure that employees' positions are appropriately and fairly classified.

21. As indicated in Parts I and III, the focus of the Office is on completing its transformation and positioning itself to providing optimum legal services to its clients. In completing transformation, two important requirements have emerged: the need for a senior legal counsel to manage our national security law team and a small increase in our support staff to balance recent re-organization efforts.

22. **National Security Law Senior Counsel:** Following 11 September 2001, legal issues related to national security increased dramatically throughout DND/CF, and indeed, across government. Issues related to such matters as information sharing, innovations in defence science and technology, legislative initiatives (and resultant interpretive questions), and national security-related litigation, including hearings and inquiries, will continue to generate demands for legal advice from this Office in a number of the areas in which it specializes, such as privacy, intellectual property, litigation support, human rights and civil liberties.

23. In response to the growing demand for legal services in respect of national security issues, this Office has built a small team of legal counsel dedicated to providing service in this field. However, for the past seven years, leadership of this team has been provided by a senior counsel whose position, and whose duties, did not formally include

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responsibility for this area, he fulfilled this function essentially on an *ad hoc* basis while also leading in our services in respect of legal risk management. However, both the national security and the legal risk management portfolios have grown in both volume and complexity such that it is no longer possible to provide effective services in this manner.

24. Consequently, this Office has identified the need for a full-time senior counsel to manage the National Security Law Section at the LA-2B level. In order to minimize its funding requests, this Office will seek to establish this position by internal re-organization, rather than by requesting funding for a new position.

25. **Support Staff:** As indicated earlier, the past year has been one of significant transformation within the Office. This has included the creation of two new Senior General Counsel (LA-3A) positions to lead reconfigured divisions, and the staffing of nine junior legal counsel (LA-01) positions to provide for succession planning and to ensure that each area of legal service is more than "one deep", in order to enhance both service delivery and the well-being of staff members. This reorganization has necessarily increased the demands on our support staff who are routinely required to work on highly detailed and sensitive matters, under tight deadlines, and in a generally high-paced environment. Consequently, a need has been identified to create two new CR-05 positions and one AS-01 administrative support position for each of the two new Senior General Counsel, for a total of four new positions.

26. Currently, there is no dedicated support staff for the National Security Law section, which consists of five legal counsel. Those counsel share the services of one AS-01 and one CR-05 with the eleven legal counsel and one paralegal within the Public and Labour Law Section. The workload among this total of 16 lawyers and one paralegal is such that the allocation of one CR-05 is inadequate to ensure both timely and accurate administrative support. The proposed solution is to provide one additional CR-05 to be shared among these two sections. It is also proposed to provide the support of one additional CR-05 to the Claims and Civil Litigation section. That section consists of 13 legal counsel and 8 paralegal positions, all of whom are currently sharing the services of one AS-01 and two CR-05's. This section currently manages about one thousand active files, including a number of significant class action law suits, and is responsible for responding to the majority of this Office's access to information requests and Ministerial correspondence. The prudent management of the high volume and tight deadlines of these inquiries and other files requires that this additional support be provided to this section.

27. As indicated in paragraph 25, two additional AS-01 positions are required to provide administrative support to the two new General Counsel positions created in order to provide this Office with a greater capacity for strategic management of legal issues.

28. **Business/HR Manager – AS-05:** As referred to earlier, the internal Well-Being Survey indicated that employees had concerns about the staffing process, the adequacy of their training for their duties, and about their opportunities for advancement. These

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results confirmed our senior management team's assessment that there is a need for a greater capacity in strategic business and HR planning and management within the Office. Currently, the Office consists of approximately 119 positions, comprised of DOJ lawyers, DND civilian staff and military lawyers. This configuration requires sophisticated management, given the differing employment rules and processes and financial provisions that apply to each group. As well, there is no staff member currently responsible for the on-going business planning and performance measurement in the Office. The most senior administrative officer position in the Office is currently an AS-04.

29. In order to provide a stronger capacity for business and human resource management within the Office, we are proposing to create an AS-05 Business/HR Manager position. This initiative is considered cost neutral for the next fiscal year, and may result in only incremental costs at the most in future years. This is because if this position is created, we will not staff the existing AS-04 position (which is currently filled on an acting basis) in the future. As well, we are currently assessing our requirement to staff both our FI-03 and FI-02 positions. If we establish a position for a Business/HR Manager with a requirement of an adequate financial background, we anticipate being able to operate effectively with only one of the two FI positions.

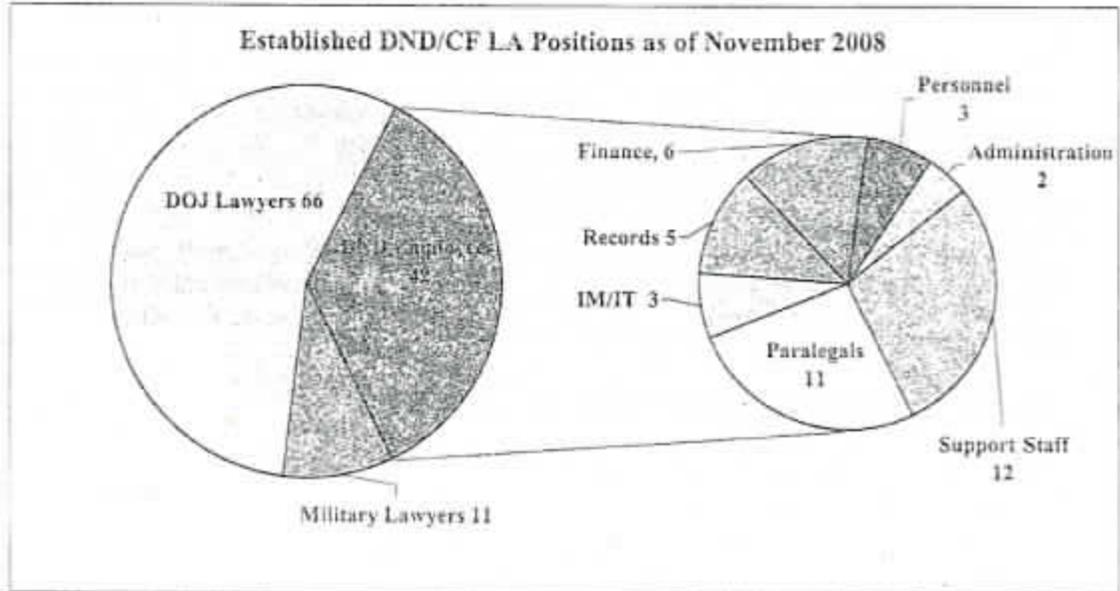
See Annex 4 for DND/CF LA Human Resources Plan

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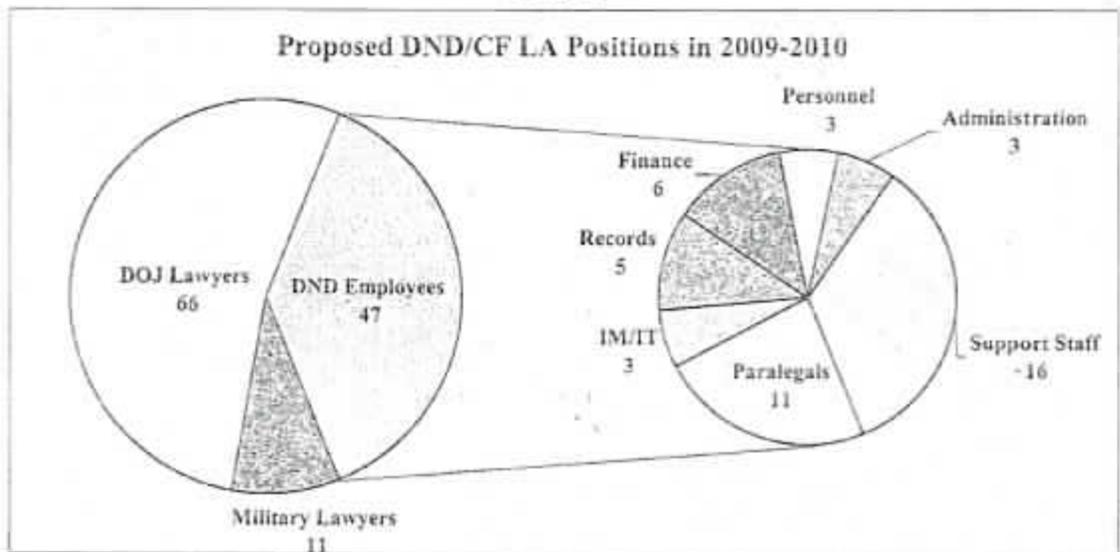
**PART VII – RESOURCES ASSIGNED TO ACHIEVE RESULTS**

30. The following tables outline the human resources of the Office of the DND/CF LA.

**Table 1**



**Table 2**



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**PART VIII – PLANNED SPENDING LEVELS AND APPORTIONED ALLOCATIONS**

31. **Summary of Funding Issues:** The Office's new funding requirements for fiscal year 2009/2010 may be summarized as follows:

- funding for two new AS-01 and two new CR-05 positions, as explained in Part VI, and to staff six currently vacant DND civilian positions; this represents an additional SWE (Fund L111) of \$547,640; it should be noted that while we are seeking funding for four new positions, we are not seeking funding for 5 existing positions.
- the additional O&M (Fund L101) requested is \$811,785; this represents funding for 59 of our 66 DOJ lawyer positions, as they are paid as consultants rather than through SWE, as per arrangement with DOJ;
- funding to cover the reclassification this year of our SCY-03 (to CR-05) and our SI positions, and the proposed reclassification of several human resource, administrative, financial and records support positions (amounts set out at Appendix 3);
- See Annex 1 for detailed funding requirements, Annex 2 for detailed funding pressures, and Annex 3 for Risk Map.

32. **Client Funded Positions:** In the 2008/2009 Business Plan, we indicated that a part of our funding pressures last year were due to the fact that the majority of our several "client funded" positions were not in fact being funded by the clients, as had originally been anticipated. During the past year, we have formally requested the appropriate clients to commit to funding the applicable positions. At time of writing, some have responded positively. In respect of those that do not respond positively, we will necessarily reassess whether dedicated resources can be assigned to those clients into the future.

33. **Strategic Review:** Level 1's have been asked to identify the lowest priority activities for potential re-prioritization of funds and to identify at least 5% of the operating budget for possible re-allocation. As solely a legal service provider to DND/CF clients, this Office does not operate programs, and does not manage capital projects or have infrastructure or equipment holdings through which savings or re-allocation could be effected. Further, in-house DOJ counsel at the Office of DND/CF LA are paid for on the basis of a Treasury Board policy, rather than as salary and are included in the Office's O&M budget. The following brief outline of the components of our operating budget will demonstrate that the vast majority of it is comprised of salary, rather than other operating expenses:

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- DND civilian staff SWE: \$1,751,074
  - DOJ in-house counsel: \$5,567,868
  - Other operating costs: \$657,132
- Total: \$7,976,074

34. As a consequence, a reduction of 5% of the Office's complete operating budget (including DND SWE and DOJ counsel salaries) would result in a reduction of \$398,803. Such a reduction could only be managed with a significant reduction in staff. This would necessitate negotiating with the clients which legal services could be reduced or eliminated to reach the appropriate re-allocation target.

35. On the other hand, if only the portion of our O&M budget that does not relate to DND SWE or DOJ counsel salaries is considered for the 5% reduction (ie, \$657,132 in other operating costs), this would result in a reduction of \$32,857. That amount would be managed through enhanced efficiencies, including providing more training in-house, rather than paying for office members' attendance on formal courses.

DND/CF LA LEVEL 1 BUSINESS PLAN 2009/2010*Annex 1*

## Appendix 1 – Financial Requirements

DND/CF Legal Advisor  
2009/10 Business Plan  
Financial Requirements

	2008/09 Notional	2009/10 Requirement	Surplus/ (Shortfall)
SWE (Salary & Wage Envelope) Budget	1,751,074	2,298,714 <sup>1</sup>	(547,640) <sup>2</sup>
O&M Budget			
Regular O&M	657,132	657,132	
Provision of Legal Services by DOJ (Lawyers)			
DND Notional	6,471,103	8,345,091 <sup>3</sup>	
Less: Client Funded	(903,235)	(669,661) <sup>4</sup>	
Less: DOJ A-Base		(1,295,777)	
	5,567,868	6,379,653	(811,785)
Total O&M	6,225,000	7,036,785	(811,785)
C125/Corporate Account Budget	13,118,070	13,118,070	-
Total	21,094,144	22,453,569	(1,359,425)

**NOTES:**

<sup>1</sup> See Appendix 2 for detailed Civilian Salary Requirements

<sup>2</sup> See Appendix 3 for details of additional funding request

<sup>3</sup> See Appendix 4 for details of DOJ O&M Requirements

<sup>4</sup> See Appendix 5 for details of Client Funded Positions

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## Appendix 2 – DND Civilian Salary Requirements

Section	Position #	Position Title	Classification	Total
Finance	255402	Finance Assistant	AS-01	
	273557	Finance Assistant	AS-02	
	295064	Financial Officer	FI-02	
				<b>176,939</b>
Claims and Civil Litigation	166765	Administrative Assistant	CR-05	
	166779	Paralegal	SI-04	
	166786	Paralegal	SI-03	
	166797	Administrative Assistant	CR-05	
	299475	Administrative Assistant	AS-01	
	319478	Paralegal	SI-06	
	319520	Paralegal	SI-06	
	319585	Paralegal	SI-04	
	319590	Paralegal	SI-04	
	319981	Paralegal	SI-04	
	320051	Paralegal	SI-04	
	Proposed New	Administrative Assistant	AS-01	
	Proposed New	Administrative Assistant	CR-05	
CF LA	320770	Administrative Assistant	AS-01	
	326852	Executive Assistant	AS-03	
				<b>101,940</b>
Deputy Legal Advisor – Military	166784	Administrative Assistant	AS-01	
Personnel & Admin	166808	General Admin. Clerk	CR-04	
	233921	HR & Administrative Coordinator	AS-02	
	306843	Training Coordinator	AS-01	
	Proposed New	Office/Business Manager	AS-05	
			<b>219,824</b>	
IM/IT 34328A	280350	Junior Project Officer	CS-03	
	290870	Technical Officer	CS-02	
	304880	Case Administrator	AS-01	
				<b>196,408</b>
Legal Advisory Services	235132	Administrative Assistant	CR-05	
Public Law Advisory Services	279993	Administrative Assistant	AS-01	
	166763	Administrative Assistant	CR-05	
	286951	Paralegal	SI-03	
	295290	Paralegal	SI-04	
	Proposed New	Administrative Assistant	CR-05	
			<b>247,988</b>	

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Legislative & Regulatory Services	166762	Administrative Assistant	CR-05	[REDACTED]
	255152	Legislation Project Coord	AS-06	
				<u>124,611</u>
Records Management	166813	Records Clerk	CR-03	[REDACTED]
	242601	Records Systems Analyst	AS-03	
	244809	Records Clerk	CR-03	
	251623	Records Clerk	CR-04	
				<u>178,690</u>
Commercial Law Advisory Services	166793	Administrative Assistant	CR-05	[REDACTED]
	166832	Administrative Assistant	CR-05	
	Proposed New	Administrative Assistant	AS-01	
				<u>138,316</u>
Overtime, Leave Payout, 1 FSWEP Student & Reclassifications <sup>1</sup>				<u>47,000</u>
<b>Total Civilian Staff SWE Requirements</b>				<b>2,298,714</b>

<sup>1</sup> Overtime \$10K, Leave Payout \$5K, FSWEP \$8K & Reclass \$24K

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## Appendix 3 – SWE Funding Increase

Total SWE Funding Increase Requested	<u>547,640</u>
<b><u>Additional Requirements:</u></b>	
<b><u>New Positions</u></b>	
AS-05	0
AS-01	46,656
AS-01	46,656
CR-05	45,030
CR-05	45,030
	<u>183,372</u>
<b><u>Reclassifications in 08/09 (No funding was requested in 2008/09 Business Plan)</u></b>	
SCY-03 to CR-05 (7 Positions)	11,116
SI-03 to SI-04 (4 Positions)	24,132
SI-05 to SI-04 (2 Positions)	14,420
	<u>49,668</u>
<b><u>Proposed Reclassifications 09/10</u></b>	
AS-01 to AS-02 (Personnel)	3,558
AS-02 to AS-03 (Personnel)	3,735
CR-04 to CR-05 (Personnel)	1,744
CR-03 to CR-05 (Records) - 2 Positions	9,572
CR-04 to CR-05 (Records)	1,744
AS-01 to AS-02 (Finance)	3,559
	<u>23,913</u>
<b><u>Staffing Current Positions</u></b>	
Of the 11 vacant positions, the office requires funding in order to staff 6 of those positions: AS-02, SI-03, SI-06, AS-01, CR-05 & the new AS-05 which will combine the several vacant positions. The current notorials provides funding to cover approximately 70% of the current 42 DND civilian positions.	<u>290,687</u>
<b>Increase in Funding Total</b>	<u><u>547,640</u></u>

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## Appendix 4 – DOJ Legal Services Requirements

Section	Position #	Position Title	Classification	Total
Claims and Civil Litigation	LONCR7273C	Director CCL	LA-2B	
	LONCR7320C	Lawyer	LA-2A	
	LONCR7352C	Lawyer	LA-2A	
	LONCR7398C	Lawyer	LA-01	
	LONCR7405C	Lawyer	LA-2A	
	LONCR7502C	Lawyer	LA-2A	
	LONCR7582C	Lawyer	LA-01	
	LONCR7588C	Lawyer	LA-01	
	LONCR7591C	Lawyer	LA-2B	
	LONCR7594C	Lawyer	LA-3A	
CF LA	LONCR7253C	DND/CF LA	LA-3B	
	LONCR7297C	Special Advisor	LA-2A	
				<b>352,875</b>
Legal Advisory Services	LONCR7267C	Lawyer – Cadets	LA-2A	
	LONCR7333C	Lawyer – Health Services	LA-2B	
	LONCR7533C	Lawyer – Aeronautics	LA-2A	
	LONCR7589C	Lawyer – HS	LA-01	
				<b>547,300</b>
Public Law Advisory Services	LONCR7282C	Nat'l Security Advisor	LA-2A	
	LONCR7395C	LRM Advisor	LA-01	
	LONCR7414C	LRM & NS Director	LA-2B	
	LONCR7543C	MSOC Advisor	LA-2A	
	LONCR7584C	LRM Advisor	LA-01	
				<b>647,322</b>
Legislative & Regulatory Services	LONCR7296C	Lawyer	LA-2A	
	LONCR7336C	Lawyer	LA-2A	
	LONCR7368C	Lawyer	LA-2A	
	LONCR7457C	Lawyer	LA-2A	
	LONCR7522C	Lawyer	LA-2A	
	LONCRXXXXC	Director LRS	LA-2B	
				<b>872,195</b>
Commercial Law Advisory Services	LONCR7067C	Lawyer	LA-2A	

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	LONCR7266C	Lawyer	LA-2A	
	LONCR7268C	Lawyer	LA-2A	
	LONCR7272C	Lawyer	LA-3A	
	LONCR7275C	Director MERP	LA-2B	
	LONCR7279C	Lawyer	LA-2A	
	LONCR7281C	Lawyer – Finance	LA-2B	
	LONCR7342C	Lawyer – NPP	LA-2A	
	LONCR7396C	Lawyer	LA-2A	
	LONCR7452C	Lawyer – Nuclear Law	LA-01	
	LONCR7458C	Lawyer	LA-2A	
	LONCR7515C	Lawyer – Bus and Contract Law	LA-2B	
	LONCR7538C	Lawyer	LA-2A	
	LONCR7539C	Lawyer	LA-2A	
	LONCR7542C	Lawyer – Env. Law	LA-2A	
	LONCR7593C	Lawyer – NPP	LA-2B	
	LONCR7598C	Lawyer – Real Property	LA-01	
	LONCR7599C	Lawyer – NPP	LA-01	
				2,564,050
Public Law Advisory Services	LONCR7274C	Director PLL	LA-2B	
	LONCR7278C	Lawyer	LA-2A	
	LONCR7283C	Lawyer	LA-2A	
	LONCR7284C	Lawyer	LA-2A	
	LONCR7289C	Lawyer	LA-2A	
	LONCR7294C	Lawyer	LA-2A	
	LONCR7337C	Lawyer	LA-2A	
	LONCR7408C	Counsel	LA-01	
	LONCR7422C	Counsel	LA-01	
	LONCR7514C	Lawyer – HR Employ Law	LA-2B	
	LONCR7547C	Lawyer	LA-2A	
	LONCR7553C	Counsel – Aboriginal	LA-01	
	LONCR7592C	Lawyer – Aboriginal Law	LA-2B	
	LONCR7595C	Lawyer	LA-3A	
				1,975,133
Total DOJ Legal Services Requirements				8,345,091

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**Appendix 5 – Client Funded Positions**

Position Title	Position #	Section	Classification	2009/10 Budget	Details
Lawyer – Health Services	LONCR7333C	Legal Advisory Services	LA-2B		Letter sent in September, but no response to date.
LRM Advisor	LONCR7584C	Public Law Advisory Services	LA-01		MOU in progress
MSOC Advisor	LONCR7543C	Public Law Advisory Services	LA-2A		MOU in place
Lawyer – NPP	LONCR7342C	Commercial Law Advisory Services	LA-2B		Agreement from NPP to fund this position
Lawyer	LONCR7284C	Public Law Advisory Services	LA-2A		\$100K transferred each year to CFLA

Total Committed Funding	505,661	s.19(1)
Uncommitted Funding	164,000	
<b>Total Client Funding</b>	<b><u>669,661</u></b>	

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*Annex 2 – Funding Pressures*

Level 1	Description of Pressure	Risk ID # (Annex G)	Vote	Fund	BL/IY	FY 09-10	EPB (20%)
CFLA	4 new support staff positions	2	1	L111	BL	\$ 183,372	\$ 36,674
CFLA	Funding for past reclassifications, proposed reclassifications and additional funding to staff 6 of the current vacant positions.	3	1	L111	BL	\$ 364,268	\$ 72,854
<b>TOTAL</b>						<b>\$ 547,640</b>	<b>\$ 109,528</b>
<b>Total Pressures FY 09/10</b>						<b>\$</b>	<b>657,168</b>

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*Annex 3 – Risk Map*

**L1 ORGANIZATION: CFLA**

Risk ID	Risk Description	Risk Level	Affected Program Activity Executive and Corporate Services	Risk Mitigation Strategy	Comments
1	Reprioritization of 5% of Operating Budget.	Medium	100%	Mitigate	
2	4 New Support staff Positions	Medium	100%	Mitigate	
3	Funding for 6 current vacant positions and proposed reclassifications.	Significant	100%	Mitigate	

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*Annex 4 – Human Resources Plan*

**DEPARTMENT OF NATIONAL DEFENCE/CANADIAN FORCES LEGAL  
ADVISOR (DND/CF LA)**

**HUMAN RESOURCES PLAN – 2009/2010**

**Introduction**

The Office of the DND/CF LA is a hybrid organization providing legal services to DND/CF on a wide range of legal issues. It is comprised of Department of Justice (DOJ) lawyers, military lawyers and DND civilian staff. This Plan deals only with the DND civilian staff, although in certain instances, the other staff are referred to in order to provide a context to the issues discussed.

There are a total of 42 civilian DND positions within the Office, made up of employees within the following classifications: FI, AS, CR, SI and CS. (In the 2008/2009 Business Plan, it was proposed to reduce this number through the transfer of our paralegal CE (formerly SI) positions to the Department of Justice so that they could be part of the larger family of paralegal practice in the federal government. However, due to the DOJ Strategic Review, the transfer was aborted and the positions will remain with this Office.) The work performed by the civilian staff includes all the administrative, secretarial and clerical, financial, informatics technology support and paralegal work, needed to sustain an extremely busy legal office of approximately 70 lawyers.

Our key Public Service Renewal challenges relate to recruiting, retaining and developing qualified personnel, and providing a sufficiently graduated workforce position structure to provide for effective succession planning and career development. These are areas on which we have focused a number of efforts in the past year and have made considerable advances, as outlined in the Business Plan and below.

**Business Goals**

This HR Plan is developed in accordance with the assumptions outlined in Part I of the Business Plan, and additionally, with a view to the current climate of economic uncertainty. As a result, it is a conservative plan in which only very few, and the most imperative, increases in resources are requested. It is primarily a plan that seeks to consolidate and build upon the significant advances made during the past year.

2008-2009 marked a significant milestone in the life of the Office of DND/CF LA, being the 10<sup>th</sup> anniversary of its establishment. This provided an excellent vantage point from which to reflect on past history, celebrate current successes and launch into the future with

## DND/CF LA LEVEL 1 BUSINESS PLAN 2009/2010

a renewed vision, mission and strategic priorities. Our overriding Public Service Renewal goal as an Office is outlined in our new vision statement, developed with the participation of our entire staff:

**By 2013, the Office of DND/CF LA will be the best legal services unit in government as a result of the excellence of our work, our commitment to our organization and the quality of our people.**

In order to deliver the optimal legal services to our clients, our focus will be the cultivation of a working environment that both challenges and rewards our staff and that promotes both their well-being and their productivity.

### **Planning Priorities**

As outlined in the Business Plan, the Public Service Renewal priorities in respect of this Office's 42 DND civilian personnel include the following:

- Effect change management aimed at aligning resources in strategic groupings designed to achieve the new vision and related strategic objectives;
- Maintain current staffing levels;
- Enhance the Office's internal human resource management capability by the staffing of an AS-05 level business/human resources manager;
- Establish a total of four new support staff positions at the CR-05 and AS-01 levels to reflect the reorganization and growth of the Office over the past few years; and
- Continue to ensure that employees' positions are appropriately and fairly classified.

### **Civilian Support to CF Operations in Theatre**

As the Office's civilian staff provide support to a Department of Justice Legal Services Unit within the national headquarters, no requirements are identified in terms of skills and competencies in respect of civilians assigned in theatres of domestic and international operations. A number of our support staff are, however, directly involved in supporting current CF operations, and particularly the mission in Afghanistan. For example, the paralegals assigned to the Claims and Civil Litigation Section provide services in respect of claims and *ex gratia* payments arising in that theatre of operations. More indirectly, the entire Office support staff provides essential support services to both the DOJ and military lawyers working on legal issues related to CF operations.

## DND/CF LA LEVEL 1 BUSINESS PLAN 2009/2010

### **Large Scale Workforce Changes - Organization/Classification Issues**

This Office does not expect to undergo further large scale reclassification and organization issues during the next few years. However, we do still have a few matters to address resulting from our recent re-organization efforts. These issues, while not perhaps significant from the perspective of a large Level 1 organization, are important in the context of the Office of DND/CF LA. The Public Service Renewal issues for 2009-2010 are as follows:

**Positions Required to Complete Transformation:** As indicated in the Business Plan, the Office has been undergoing significant transformation in order to respond to the increased tempo, volume and complexity of the demand for legal services. Most of the transformation efforts have been completed, however two important elements remain to be implemented: 1) the staffing of an AS-5 Business/Human Resource Manager; and 2) the addition of two AS-01 and two CR-05 positions, the rationale for which is outlined in the Business Plan. Briefly, the AS-05 position is required in order to provide the Office with an enhanced capacity for strategic business and human resource planning. (This position would replace the existing AS-04 position and would not result in an increase in civilian staff.) The additional AS-01 positions are necessary as a result of the restructuring of our office into three main divisions, each with a General Counsel Manager. The requirement for the additional CR-05 positions reflects the increased volume and pace of legal demands, and their complexity, and the requirement to balance these demands with the well-being of our staff.

**Information Management/Information Technology Personnel:** The departmental IM rationalization initiative, under which this Office's IM/IT staff would be transferred to ADM (IM), has been delayed. The new timetable for the transfer is not clear at time of writing.

**Reclassification:** During the past year, following a classification review, the Office's seven SCY-03 positions were reclassified as CR-05 positions. As well, four formerly SI-03 level paralegal positions were reclassified to SI-04, and two SI-05 positions were classified to SI-06. The following positions are currently under review: one AS-02 (human resources and administration co-coordinator), one AS-01 (training co-coordinator), one AS-01 (finance), one CR-04 (general administration clerk), two CR-03 (records management clerk), two CR-04 (records management clerk). This Office remains committed to ensuring that its employees are appropriately and fairly classified in respect of their duties and functions.

**Paralegal Transfer:** It was expected that during 2008/2009, DND/CF LA's SI paralegal positions would convert to EC positions, in accordance with a Public Service-wide reclassification decision. This has not yet occurred. It was also expected that these paralegals would be transferred from DND to the DOJ. Due to the Strategic Review at

## DND/CF LA LEVEL 1 BUSINESS PLAN 2009/2010

the DOJ, the proposal to transfer was declined by DOJ and is unlikely to be re-opened in the near future.

**Staffing Progress:** In last year's HR Plan, it was noted that 66.7% of the Office's civilian DND positions were staffed as either casual or Agency/Temporary Help. This presented challenges in terms of turnover and lack of continuity, and reduced the ability to provide professional development and training in necessary areas to a significant proportion of our workforce. During the past year, a major focus was placed on staffing and, as a result, all but one of the Office's DND civilian positions (other than the 5 currently vacant) are now staffed with indeterminate employees. As well, through the considerable efforts of the human resources administrative staff, the Office has achieved an 89% staffing level, which is significantly above last year's level.

### **Recruitment and Retention Challenges**

The high number of entry level positions among our support staff and the relatively few opportunities within the organization for career advancement for administrative staff have presented challenges to both recruitment and retention. However, there are three initiatives that we anticipate will alleviate these difficulties. First, with the reclassification of positions that has already occurred, and the classification review activity underway, it is expected that the Office will have more positions beyond entry level and will be able to provide more opportunities for career advancement. Second, as indicated earlier, we will focus on enhanced strategic business and human resource management within the office, and as such, will be developing more sophisticated training programs and succession planning. Third, we will continue with our major focus on workplace well-being, described more fully later, which we anticipate will make ours an Office of choice for employees.

A summary of anticipated action in respect of the staffing of vacant positions and creation of new positions is provided at Annex A.

### **Employment Equity Planning**

According to data provided by ADM (HR-Civ), the Office of DND/CF LA has no current gaps in any of the four designated groups. However, departure rates will be monitored and recruitment action undertaken, as necessary, to retain or exceed the representation levels. When needed, the Statement of Merit Criteria (SOMC) will target the EE shortages through staffing processes.

The 2005 Public Service Employee Survey – Organizational Report indicates that of the 19 DND/CF LA civilian DND employees who responded to the survey, 100% either strongly agreed or mostly agreed with the statement: "In my work unit, every individual, regardless of race, color, gender or disability would be/is accepted as an equal member of the team." This is a result of which we are extremely proud and which we will continue to work hard to maintain.

## DND/CF LA LEVEL 1 BUSINESS PLAN 2009/2010

### **Official Languages**

This year, the Office conducted an internal Official Languages training questionnaire, seeking the input of all employees with respect to their aspirations for second language training. As a result of the survey, the Office has engaged the services of two language instructors, through the Canada School of Public Service, to provide ongoing, on-site training in both Official Languages. Currently, 53% of our DND civilian employees are receiving at least weekly training in either English or French, in a class tailored to their needs and level.

Currently, 67% of our DND civilian staff have a language profile of BBB or better in their second Official Language, and 97% meet the language profile for the position they occupy.

Individuals are encouraged to use the language of their choice in meetings and in other oral and written communications. Employees, for the most part, communicate in their language of choice. Information as it pertains to *Official Languages* is communicated in both Official Languages to ensure that employees are fully cognizant of their linguistic rights and obligations. Employees in CF LA generally understand what is required of them to comply with the federal *Official Languages Act*. We will use town-hall meetings to remind people of best practices in working in a bilingual workplace.

The 2005 Public Service Employee Survey – Organizational Report indicates that 96% of the employees who responded to the survey were of the view that the materials and tools, including software and other automated tools, provided for their work are available in the Official Language of their choice. In our recent internal Well-Being survey, 82% of respondents indicated that they either strongly or mostly agreed with the statement that they can express themselves in the language of their choice at the Office of DND/CF LA.

Although the Office of DND/CF LA is above average in providing bilingual services, it regularly reviews and adjusts its bilingual requirements in order to enhance the organization's ability to communicate effectively in both *Official Languages* and meet operational requirements.

A performance measurement system will be established to accurately monitor DND/CF LA's ability to consistently provide bilingual services, leadership and instruction (training and education) when and where required by the Act.

### **Learning and Professional Development**

Within the group of employees required to complete a Personal Learning Plan, 96% have completed their current plan. This represents a 30% increase over last year's figure. Managers are periodically reminded to ensure that their DND Civilian employees have completed learning plans. It is anticipated that the Office will achieve the desired 100% completion rate for Learning Plans within the next fiscal year.

## DND/CF LA LEVEL 1 BUSINESS PLAN 2009/2010

- It is also anticipated that the achievement this year in the staffing of permanent positions will provide greater opportunities for individuals to pursue their training. As well, as indicated above, the development of more proactive training programs will be a focus of human resource management within the next year.

### **Retention and Well-being**

*Well-Being Survey:* In May, the Office circulated its first internal Well-Being survey to all Office employees in order to obtain a greater understanding of issues facing our Office as we transform, and to establish a baseline against which to measure future progress. As outlined in our Business Plan, some very positive information emerged, such as the fact that 95% either strongly or mostly agreed that their colleagues treat them with respect and 93% either strongly or mostly agreed that their immediate supervisor treats them with respect. In respect of work life balance, 84% responded that they either strongly or mostly agreed with the statement that they are able to balance their personal, family and work needs.

However, an area that did appear to be of concern was in respect of career aspirations. Only 38% indicated that they strongly or mostly agreed that they had opportunities for career advancement, only 36% indicated that they strongly or mostly agreed that they had a fair chance of getting a promotion, given their skills and experience, and only 63% strongly or mostly agreed that they receive adequate training for their work. These figures appear to confirm the results of the 2005 Public Service Employment Survey - Organizational Report which indicated that one area for improvement included workplace satisfaction, particularly as it relates to classification, staffing, advancement opportunities/succession planning, and workload distribution. These issues are ones we will be addressing in the coming year through a number of strategies, as outlined above.

Included in our overall Well-Being plans are the following initiatives, some of which have been outlined either earlier in this HR Plan or in the Business Plan:

- Enhanced focus on business and human resource management by creation of an AS-05 Business/HR manager position (including renewed focus on succession planning and training programs);
- Implementation of a pilot project for teleworking and consideration of other flexible working conditions;
- Continuing review of classification of positions;
- Reorganization changes to enhance opportunities for succession planning and equitable work distribution;

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- Institution of an Office Newsletter, periodic retreats and other office gatherings to increase internal communications;
- Continual enhancement of tools and work instruments;
- Renewal of vision and mission statements, in which all staff participated;
- Continuation of individual and team recognition honors and awards program and celebration of our collective successes.

### **Gap Analysis**

We have been successful in overcoming many challenges of the previous year. The remaining gaps are few, but important in this small Level 1 organization. We need to enhance business and human resource planning capabilities with the staffing of an AS-05 Business/HR manager; and we need to make a small increase in our support staff (two AS-01 and two CR-05 positions) to reflect the reorganization and growth of the office over the past few years. The risk in not addressing these issues is that we will not be able to recruit, professionally develop and retain our DND civilian staff and, as a legal office, the retention of a professional and motivated staff is crucial in meeting the needs of our DND/CF clients.

### **Performance Measurement**

Performance measurement tools for measuring and reporting HR performance results include the following:

- Public Service Employee Surveys;
- Internal Office Well-Being Survey;
- Data collected in respect of Official Languages and Employment Equity;
- Data collected in respect of Personal Learning Plans and the Office Training Plan;
- Data collected in respect of staffing levels and classification of positions.

### **Civilian HR Funds**

The Office of DND/CF LA does not currently use ADM (HR-Civ) corporate funds.

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Appendix 1

Template 1 - Civilian Strategic Intake Plan FY 2009-2010, FY 2010-2011, FY 2011-2012

Fiscal Year	Organization			Occupational Group			Indeterminate (I) or Term (T)	Program Activity Architecture (Sub-sub-activity) Code	Intake Requirements				
				Group	Subgroup	Level			Replacement Intake (Vacancies)	New Intake (Growth) Due to Changes in Business Activities			Total Intake (Replacement Intake and New Intake)
	L1	L2	L3	(e.g. PG)	(e.g. ELR)	(e.g. 03)				Count	Unfunded	Funded	
2009	CFLA			AS		5	I	Executive & Corp Svcs		1		1	1
2009	CFLA			AS		2	I	Executive & Corp Svcs		1		1	1
2009	CFLA			SI		3	I	Executive & Corp Svcs		1		1	1
2009	CFLA			SI		6	I	Executive & Corp Svcs		1		1	1
2009	CFLA			AS		1	I	Executive & Corp Svcs		1		1	1
2009	CFLA			CR		5	I	Executive & Corp Svcs		1		1	1
2009	CFLA			AS		3	I	Executive & Corp Svcs	1			0	1
2009	CFLA			CR		4	I	Executive & Corp Svcs	1			0	1
2009	CFLA			AS		1	I	Executive & Corp Svcs		1		1	1
2009	CFLA			AS		1	I	Executive & Corp Svcs		1		1	1
2009	CFLA			CR		5	I	Executive & Corp Svcs		1		1	1
2009	CFLA			CR		5	I	Executive & Corp Svcs		1		1	1
2010	CFLA			CR		5	I	Executive & Corp Svcs		1		1	1
2010	CFLA			SI		4	I	Executive & Corp Svcs		1		1	1
2011	CFLA			CR		5	I	Executive & Corp Svcs		1		1	1
<b>TOTAL</b>									<b>2</b>	<b>13</b>	<b>0</b>	<b>13</b>	<b>15</b>

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Template 2 - Civilian Strategic Intake Plan (New, unfunded intake - Additional Information) FY 2009-2010, FY 2010-2011, FY

Fiscal Year	Organization			Occupational Group			Indeterminate (I) or Term (T)	New intake (Growth) Due to Changes in Business Activities <sup>1</sup>				
				Group	Subgroup	Level		Unfunded <sup>2</sup>				
	L1	L2	L3	(e.g. PG)	(e.g. ELE)	(e.g. 03)		Count	Cost (\$)	Proposed Funding Source <sup>3</sup>	In-Year Funding or Baseline Increase <sup>4</sup>	Name of initiative or project (as described in BP substantiation).
2009	CFLA			AS		5	I	1	73,719		Baseline	Funding request for approved positions
2009	CFLA			AS		2	I	1	50,084		Baseline	Funding request for approved positions
2009	CFLA			SI		3	I	1	56,852		Baseline	Funding request for approved positions
2009	CFLA			SI		6	I	1	80,829		Baseline	Funding request for approved positions
2009	CFLA			AS		1	I	1	45,749		Baseline	Funding request for approved positions
2009	CFLA			CR		5	I	1	45,830		Baseline	Funding request for approved positions
2009	CFLA			AS		1	I	1	47,456		Baseline	Additional support staff due to growth of legal staff
2009	CFLA			AS		1	I	1	47,456		Baseline	Additional support staff due to growth of legal staff
2009	CFLA			CR		5	I	1	45,830		Baseline	Additional support staff due to growth of legal staff
2009	CFLA			CR		5	I	1	45,830		Baseline	Additional support staff due to growth of legal staff
2010	CFLA			CR		5	I	1	45,830		Baseline	Additional support staff due to office growth
2010	CFLA			SI		4	I	1	64,833		Baseline	Additional support staff due to growth of legal staff
2011	CFLA			CR		5	I	1	45,830		Baseline	Additional support staff due to office growth
<b>TOTAL</b>								<b>13</b>	<b>\$696,128</b>			