



MCC INDONESIA CONTROL OF CORRUPTION PROJECT:

HUMAN RESOURCE MANAGEMENT CONSULTANT REPORT

24 MAY- 10 JUNE 2007

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This publication was produced for review by the United States Agency for International Development. It was prepared by Ms. Myra Shiplett of Blue Law LLC, working under subcontract to Chemonics International Inc.

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EXECUTIVE SUMMARY

The consultant, Ms. Myra Howze Shiplett, lead a baseline assessment of existing personnel systems within the Indonesian Supreme Court and subordinate courts. She engaged in detailed coordination and information sharing at the Human Resource expert level with other existing donor-funded anticorruption, rule of law, and court reform projects with Human Resource reform components operating in Indonesia. She assisted in detailed planning of Activity 1c, Job Descriptions and 1d Court Personnel Staffing Assessment activities with the Court Administration Advisor, Mr. Ralph DeLoach and Court Human Resources Management Expert Ms. Judhi Kristantini. The consultancy took place in Jakarta, Indonesia from 24 May – 10 June 2007.

INITIAL PROGRESS ON SCOPE OF WORK

Survey of Job Descriptions

The MCC Indonesia Control of Corruption Project (MCC ICCP) Human Resource team, lead by Court Administration Advisor Mr. Ralph DeLoach, met with the Supreme Court Human Resource (HR) Director and others on his staff to discuss the entire project including the work on position descriptions. The HR Director was forthcoming regarding promising access to key subordinate leaders and said that he was willing to work with us on this and other HR tasks as required. The Director provided a copy of the most recent organization structure of the Supreme Court, which included the names and positions of those in key positions within the structure, as well as those positions which were currently vacant.

We also met with the BoozAllenHamilton (BAH) team handling similar requirements for the Anti-Corruption Court and the Commercial Court (IN-ACCE). BAH had not begun their assessment of position descriptions but stated they would be addressing the position description issue during the summer of 2007. The purpose of discussions with BAH was to learn from their experience, and if appropriate and possible to assure that the Supreme Court and other courts would be getting a similar, if not identical, position description structure and approach. Since BAH had not yet begun this work, we were not able to review any position description template that they might have created.

A third important meeting was with the Director General of the General Courts and three key members of his leadership team. The meeting purpose was identical to that of the meeting with the HR Director of the Supreme Court: introduce the project, the project team, and begin establishing a working relationship. We specifically focused on the job description activity in this introduction. As with the HR Director of the Supreme Court, the Director General of the General Court and his staff were receptive and promised cooperation.

BAH provided us with a copy of the *Bench Book III, Guidelines for Organization and Administration of the Supreme Court*. This publication provides a functional description of each segment of the Supreme Court, and of each type of position within the Supreme Court. As such, it provides invaluable insight into the current structure, functions, level of authority and other key components of Supreme Court function and authority, and is an excellent point of departure in understanding the current structure of the Supreme Court.

All these elements are fundamental ingredients for developing position descriptions as required by the ICCP Statement of Work. A thorough review of the *Bench Book* also provided initial insight into the current thinking of the Supreme Court about its work structure, functions, delegations of authority and other key elements essential for understanding what would be involved in the substantive aspects of working with the Supreme Court to develop position descriptions.

Through review of the *Bench Book III*, and the current organization structure chart provided by the HR Director of the Supreme Court, we have information about the current structure, functions, delegations of authority of each component of the Supreme Court, and equally valuable, were able to understand, at least from the

content of this formal document, the similarities and differences of structure, function and authority of positions in the Supreme Court. Thus, an essential component of this activity was achieved – we know the official government statement of function, authority, responsibility and organization structure within the Supreme Court. These are the fundamental ingredients for structuring position descriptions. What was not possible during this first two weeks was to assess the degree to which what exists in actual practice is what is reflected in the formal information found in the *Bench Book III*.

Other key documents which provide useful context and insight for the project generally and the HR tasks specifically include:

- *Policy Paper on Judicial Personnel Management Reform*, the Supreme Court of Indonesia, 2003.
- *Blueprint for the Reform of the Supreme Court of Indonesia*, the Supreme Court of Indonesia, 2003
- *Blueprint and Action Plan for the Establishment of Anti-Corruption Court*, the Steering Committee on the Commercial Court and Preparations for the Establishment of the Anti-Corruption Court, 2004.
- *Blueprint and Action Plan for the Development of Commercial Court*, the Steering Committee on the Commercial Court and Preparations for the Establishment of the Anti-Corruption Court, 2004.
- *Technical Assistance to the Republic of Indonesia for the Improvement of Administration of the Supreme Court*, Asian Development Bank, TAR INO 37037, December 2003.

What was not possible to assess, at this early stage, was the level of effort and difficulty that exists in establishing solid working relationships at the Court. However, it is fair to say that the early signs were quite promising.

In summary, through these initial meetings, we began the process of establishing the needed working relationships with two key components of the Supreme Court and the leadership team of those two components.

Design of Surveys

As part of the outline of workflow and a relatively detailed work plan, with dates, times, responsible parties, which is further described below, we proposed an opening workshop of two to three days. The purposes of the workshop would be to:

- Involve all the key stakeholders in the HR tasks for this project in an early initial discussion of the HR tasks.
- Solicit their insights and suggestions on how best to proceed with developing the position descriptions, performance standards, merit promotion, remuneration proposal and other related tasks and issues.

- Learn any potential stumbling blocks, as well as their suggestions on how those might be overcome.
- Seek a common understanding among those whose participation, cooperation and understanding is essential to successful completion of the HR tasks.
- Have an opportunity, through the workshop, to understand and either begin to build, or further establish, solid working relationships essential to successful task completion.

Among the issues to be addressed in this workshop would be the proposed surveys and samplings needed to proceed with the position descriptions and other work products. The MCC ICCP HR team will develop draft documents and proposed approaches to surveys and samplings for discussion by the participants. Our initial thinking is that this participative approach can result in:

- All the key players hearing the same thing at the same time which should help deal with the need to assure that those involved have a common understanding.
- The MCC ICCP HR Team refining its design and approach to the HR work in the most effective and efficient way, which is critical given the Supreme Court and Government of Indonesia desire to have all of the HR work completed during the first year of the MCC ICCP contract.
- Begin the essential process of building understanding and support which are critical components of successful task completion and ultimately implementation of the solutions developed.

Template Creation

Ms. Kristantini and I discussed possible options for the position description templates and I provided her copies of positions that I had developed for the Palestine Social Security Administration which addressed some, but not all, of the position description components required for the Supreme Court. We agreed that we would, of course, closely examine what was currently in use within the Supreme Court to see if that template provided a viable point of departure, or if a wholly different approach was needed. In addition, the results of a two to three day workshop will also provide input in to the most effective ways to structure position descriptions with their standardized qualifications and performance standards.

The template will be a work in progress through the workshop, or similar activities. As a general rule, we decided that we would develop the position description template, as well as templates for other HR activities and test these instruments in appropriate ways before making any final decisions on the correct structure and format. Testing is an essential design component to assure that the instruments and templates used are properly designed and adequately address the requirements for the efficient and effective collection and or recording of information.

While this approach may add a small amount of time on the upfront planning for the project, it will pay major dividends on the back end because we will have tools are assured of meeting the need. Given the timeframes within which these HR tasks must be completed, there is little room for a major design flaw, or a major redesign effort.

Outline Workflow

Using the May 28, 2007 *Indonesia Control of Corruption Project: First Year Work Plan, April 2007 to April 2008, and Performance Monitoring Plan* prepared by the Chemonics Acting Chief of Party and her initial site team, Ms. Kristantini and I developed a more detailed work plan for the **entire timeframe, tasks, and deliverables** for all HR activities.

As part of the planning process, we identified desired dates and contractually required dates for deliverables and then worked backwards to identify the critical path for all associated actions and activities. An essential component of this draft work plan was to assure that we understood, as clearly as possible at this early stage of project development, the specific steps required for each of the HR activities, the relationship of these to each other, and the interrelationship between the HR activities (position descriptions, performance standards, merit promotion, staffing allocation assessment, etc.) and other Judicial Reform related activities of Task 1, such as budget development and judicial ethics training.

In developing this initial draft work plan, we were conscious of balancing the requirements and relationships of the specific HR activities, the need to have each step within each activity, and then the relationships between and among sub tasks build a solid foundation for moving forward with each individual activity, and with the project as a whole. Because Indonesian subcontractors are a critical component of successful completion of the HR tasks, it is essential that the subcontractor key action items and deliverables be integrated into the overall HR work plan.

A key component of the work plan was deciding when I would return to Indonesia so that I could be present for key events. At the time of writing this report, the proposed times are:

- August 2007 – to be present after the subcontracts are in place and work with all appropriate parties to assure that the HR activities for well-planned, complete in content, and in execution strategy and plan.
- Two weeks in November 2007 – to be present when initial position description and remuneration plans are coming to fruition.
- Two weeks in January 2007 – when the majority of the substantive work is well toward completion.
- Up to six week from mid-March thru late April 2008 when all HR final products are to be delivered.
- In addition, we have proposed a certain number of days of work to be done in the U.S., when I could review drafts, provide input and expert advice and

similar activities as the HR task planning, data collection, data analysis and other critical events are occurring.

A key consideration in developing the HR work plan was assuring that those responsible for related task areas – e.g. budget, ethics training – would be available and present in Indonesia at times when all functions needed to work together.

Ms. Kristantini has continued to further refine the work plan based on events as they are evolving in Indonesia. She will share the document with me so that I can provide input.

Staffing Assessment Planning

The specific actions and activities associated with this task are incorporated in the draft MCC ICCP work plan. Completion of the position descriptions with their associated performance standards and qualification requirements are an essential element of this task. Equally important will be coordination with the team addressing the budget issues of the Supreme Court. Our planned approach includes such activities as:

- Using the position descriptions as key information documents.
- Developing a methodology for sampling work volume and complexity.
- Determining a methodology for assuring reasonable accuracy for the sampling and for using the sampling results as a basis for projecting current and anticipated workload.
- Establishing a set of checks and balances that can help the GOI and the Supreme Court have confidence in the results over time.
- Assuring that those leaders and employees of the Supreme Court who are involved in this activity have an opportunity to contribute their ideas and insights into the staffing model design, its planned execution, and the periodic application and maintenance of a viable and reliable staffing assessment methodology.

This activity and its associated actions would be an item of discussion at the proposed workshop discussed above in Task 1.

As with other the other HR activities, those working on the budget components of this project are critical players in the successful completion of this activity. Every successful staffing assessment model and methodology has a strong budget planning, executive and evaluation component.

During this consultancy, meetings were held with:

- Director of Human Resources, Supreme Court of Indonesia, and three of his key managers.

- Director General of the General Court and three of his key managers.
- The Acting Chief of Party for the BoozAllenHamilton project to provide similar HR assistance to the Anti-Corruption Court and the Commercial Court.
- The Supreme Court Reform Team
- Indonesian Society for Transparency (MTI) and Hay Associates

The meeting with the Supreme Court Reform Team was for Mr. DeLoach and Ms. Kristantini to introduce the newly arrived HR and Budget Consultants: Ms. Myra Howze Shiplett, the human resources consultant, Mr. Joseph Bobek, budget consultant and retired New Hampshire Supreme Court Chief Justice Joseph Nadeau, ethics training consultant. The Reform Team provided their overview and insights about what was required for the Human Resources activities, ethics training and the budget activities. Each consultant provided a brief summary of approach, timeframes, issues and concerns.

ASSESSMENT OF TASKS AND RISK IDENTIFICATION

With the exception of the remuneration task, none of the HR tasks are inherently complex or risky. They represent standard, appropriate activities that any well functioning public organization should undertake periodically. However, when taken as package to be accomplished within a twelve month timeframe, the risk level of these activities increases. We will be asking individuals and institutions who have done business in a particular way for many years to change behaviors and work methods quickly.

This approach is most likely to be successful if the following conditions exist and apply:

- Those who are affected are kept well informed of what is occurring and why it is occurring.
- Those who are affected have an opportunity to participate and to understand the purpose of what is being done as well as the actual details of what is being done, and can see how it will impact their daily work lives and their livelihoods.
- Those who are in leadership positions are held accountable and hold their subordinate responsible for activities and accomplishments.

All of this must take place within the context of the Indonesia Supreme Court structure, the desire for reform, and culture of Indonesia.

A key ingredient of success will be the ICCP team's ability and the responsible Indonesia Supreme Court leaders' ability to answer the employee question of: What is in this for me?

The above points bear repeating and emphasis because the work required of MCC ICCP will directly affect the way the departments of the Supreme Court and the individual employees of the Supreme Court go about accomplishing their work within a very compressed timeframe.