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Delivering Justice — With An Aging Workforce

How does a leading organization, recognized for its innovation and performance, maintain that leadership when up to 75 percent of its managers and executives are eligible to retire within the next 10 years? How does it transfer knowledge to and otherwise prepare its leaders of tomorrow while maintaining performance today? How does it do all this while it is going through tremendous structural change in other areas?

These are the challenges faced by the State of California Judicial Branch (the Branch), one of the largest and most diverse court systems in the world. The Branch's 20,000 employees serve the state's 35 million citizens by handling civil and criminal cases (from mundane traffic tickets to media-circus murder trials) through a network of more than 400 court facilities. Although the Branch has earned a reputation for legal and administrative innovation and for excellent service to its many constituents, the aging of its workforce is an issue that grows in importance year after year.

This article describes how the Branch assessed and prepared for the challenges of an aging workforce while maintaining its high standards of performance, innovation and service.

Phase One: Setting Objectives to Fit the Organization

In 2003, senior leaders in the Branch embarked on an ambitious initiative to better understand and prepare for the challenges of managing its aging workforce. What the leaders already understood was that a significant percentage of managerial and executive staff was eligible to retire in the next five years — up to 75 percent in the next 10 years. What they needed to better understand was the level of risk these percentages represented to the Branch and how organizational and workforce factors might affect that risk.

Despite the compelling reasons for the Branch to get a firmer handle on the risk level it faced, at the time there were organizational reasons to take no action. During the prior two years, the Branch had completed the unification of two previously separate court systems across 58 counties, and it had centralized its approach to facilities management. It was continuing to work with courts, counties, and the legislature to stabilize and improve budget and funding processes. Employees needed time to adjust to these significant changes in court processes and administration. Therefore, Branch leaders needed to address the challenge of the aging workforce while minimizing any "change disruption" to the court's daily work routines.

To respond, the Branch first appointed a Steering Committee made up of senior line and support organization leaders. The heads of Education and of Human Resources (HR) served as sponsors. A crucial early decision was to focus broadly on Workforce Management and Development, which affected the effort's overall objectives:

Rather than focus only on retirement risk, achieve improved workforce capabilities and performance overall including:

- increased employee commitment and delayed departure of aging workers;
- improved support to employees throughout their employment;
- more effective monitoring and tracking of employee performance, proficiency levels, and skill gaps across the entire workforce; and
- increased efficiency in specific roles and use of resources.

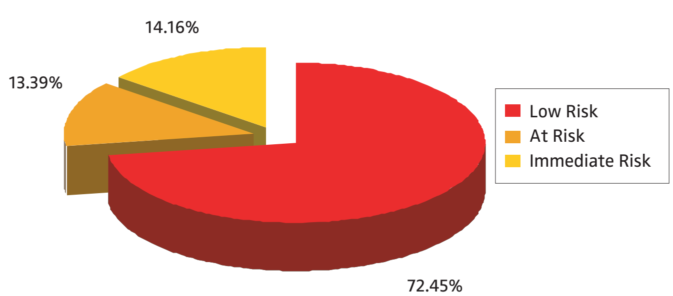
Focus on leadership continuity and improved knowledge sharing including:

- transfer of knowledge, skills and relationships from aging workers to their successors;
- a pool of qualified workers ready for roles vacated by retirees;
- data collection and planning for departures to minimize loss of critical knowledge.

With these objectives in mind, the Branch first conducted a risk analysis that included a statistical review of workforce age, tenure and retirement eligibility, broken out by position, location and organizational unit. Results were divided into three categories:

- Immediate Risk: Employees who are age 60 or older today, and employees who are age 55 or older with more than 10 years of service today.
- At Risk: Employees who will be in the "immediate risk" category in the next five years.
- Low Risk: All other employees.

The figure below shows the breakdown of the percentage of employees in each category for the Branch overall. Results were calculated separately for each position, location and Court unit.



Next, the Branch identified a few critical positions that would receive priority attention. Critical positions were defined as those with a significant percentage of employees in either the Immediate or At Risk categories, and as Mission Critical; that is, central to operations or strategically crucial to organizational performance.

In this initial stage, the three positions identified as Mission Critical and At Risk were the CEO (or Court Executive Officer), Senior Courtroom Clerk and Court Operations Manager. Concentrating on only three positions allowed the Branch to build understanding and support of its objectives without tackling the whole organization at once. These positions were used to develop and pilot test the workforce tools and approaches that could later be applied to many more positions throughout the organization.

Phase Two: Understanding What Drives Retirement Risk

Next, the Branch needed to understand more about the factors underlying its retirement risk and what would be required to successfully address that risk. Focus groups with incumbents in the three positions identified — Court Executive Officer, Senior Courtroom Clerk and Court Operations Manager — were used to collect data such as:

- Employee retirement intentions and the personal and work factors affecting their retirement decisions;
- Knowledge and competencies required to replace those retiring workers; and
- Management and development processes already in place to retain and motivate a high-performing workforce.

Most focus group participants reported being happy in their positions with no plans to retire when they first become eligible. However, they do plan to retire at a point when doing so would optimize their personal, financial and lifestyle situation. Many employees would be willing to work part-time to achieve that optimization, but only if doing so did not adversely affect their pension benefits. Opportunities to learn and develop further professionally were cited as attractive incentives to stay in the workforce. Most prospective retirees also thought it important for them to have the time and resources available to help prepare their successors before they retired.

In addition, the Branch collected data from its own subject matter experts (in functions such as Education and HR areas) on the effectiveness of current workforce management and development processes. Strengths and weaknesses were identified in: workforce planning, recruiting and hiring, education and development, performance management, knowledge management, succession planning, and retirement and benefit programs.

This assessment provided the Branch with a current baseline and an ability to prioritize its corrective actions. For example, the assessment identified opportunities to:

- Help individual Courts prepare for succession planning;
- Strengthen partnerships with universities that offer master's degree programs in Judicial Management, to prepare future leaders;
- Better document the key knowledge of employees in critical positions; and
- Use the strong reputation of the California Judiciary to enhance recruiting.

Based on its review of findings from the assessment, the Steering Committee authorized a set of development and pilot-testing activities. In particular, the Committee chose succession planning and knowledge management as their first priorities for this development and pilot phase.

Phase Three: Developing Practical Tools and Solutions

Succession planning is a high-impact activity because it focuses on critical staff and is a highly visible catalyst for improving awareness and workforce development. Since succession planning had previously been inconsistent, or even non-existent, in the Branch, a new process was developed.

This process included the use of knowledge and competency profiles, an assessment format, a talent review, and a methodology for planning future actions and development for participants. To test these new tools, the Branch piloted the process in a mid-sized Court, applying the tools with the Court Operations Manager position, which performs the crucial middle management work for all Courts.

In the pilot, this Court started by providing training on the new succession planning process to its senior leadership team. The team identified approximately a dozen high-potential staff members who were candidates for a range of Court Operations Manager positions in the future. Senior Court staff met individually with these candidates to tell them they had been identified to participate in the pilot, and each candidate and their manager completed and discussed the self- and manager assessments.

Next, the team met in a "talent review" session to discuss each candidate and identify professional development and succession planning actions for each person and the group as a whole. During the session:

1. Candidate A's manager presents the results of the self- and manager assessment of Candidate A's strengths and development needs.
2. Other managers add their experience/feedback regarding Candidate A.
3. After a 15- to 20-minute discussion about Candidate A, the process is repeated for each of the other candidates.
4. The results of each candidate's review are recorded for use in development and succession planning.
5. The candidate group is discussed as a whole with an emphasis on the actions necessary to develop individual and group capabilities.

As a result of this session, some candidates were encouraged to rotate into different jobs for a certain period of time (e.g., into civil court from criminal). Other participants were encouraged to complete the requirements for their bachelor's degree, to improve computer skills or to get involved in the budgeting process. Several candidates have already been promoted or have accepted new assignments.

Besides the succession planning pilot, several knowledge management tools were developed and piloted. These included a "Knowledge Profile," which identified key knowledge and competency requirements for each of the critical positions. Court Executive Officers also used "Plotting Incumbent Critical Knowledge" (PICK), a spreadsheet analytical tool, to prioritize knowledge and identify what would most need to be transferred to successors. Finally, the Branch expanded awareness of "TROPHY," a best practices knowledge sharing tool, which had been developed in a single Court but not yet used more broadly across the Branch.

A final accomplishment was the development of recommendations in areas such as retirement eligibility policy, performance management and position classification. Most of the recommendations involve complex areas and require education and involvement of numerous stakeholders (e.g., union, legislature) before they can be implemented. Therefore, the combination of tools for immediate use (e.g., succession planning, knowledge transfer) and recommendations for mid- and longer-term action provide the Steering Committee and Branch leadership with a multi-faceted solution that can be implemented over time.

Phase Four: Demonstrating Success and Winning Advocates

The succession-planning pilot was particularly well received and provided "real world" stories about the enthusiasm and impact it generated among the candidates. For example, participants reported:

- Feeling very "honored" to be selected as a candidate for succession planning;
- Strongly appreciating the Court's interest in their career and personal development; and
- They learned a lot during the process.

Participating senior leadership found:

- Increased visibility into a wider and more diverse range of candidates; and
- They feel better prepared to plan for and fill future positions.

These findings were very important since they came from a successfully functioning mid-sized Court. They showed that "line" leaders and employees are ready to help solve the aging workforce issue when engaged through a practical and effective succession planning process.

In addition, meeting the challenge of the aging workforce initiative helped to develop and motivate a range of subject matter and functional experts in areas such as HR and Education. They gained additional insight and ownership for expanding the implementation of these tools and recommendations to specifically address the aging workforce challenge.

Throughout all phases of this initiative, the Branch worked to promote awareness and communication. This included the use of tools such as newsletters, a Web Site and management conferences. The Branch identified an effective workforce as an important organizational objective to be addressed in the strategic planning process. A one-day conference was also conducted to orient a larger group to the findings and tools developed so far and to prepare them for additional pilots and implementation activities across more Courts.

Conclusion

Like any important organizational objective, addressing the challenges of the aging workforce is not a one-shot initiative but rather an ongoing commitment. This recognition is reflected in the Branch's strategy to integrate its approach into existing workforce processes, strategic planning, education and communications. California's Court system is committed to remaining a leader in providing justice for all of its constituents. The Branch's proactive approach to workforce management and development has positioned it to accomplish this mission despite the aging of its many talented employees.

This project was completed as a joint effort between California Judicial Branch and Buck Consultants. Dr. Bruce Barge was the Buck Project Leader.