

PLANNING NEW FUNCTIONS

Creating the capacity to assist
an agency in making decisions

Lessons from others

- Your system is unique.
- To work well, your changes must integrate with existing processes
- Informal aspects of a process may be important to perceptions and results

Process lessons from others – 2

- What you get out of a process depends on what you put into it
- What goes into a process affects the outcome

Critical process lesson:

Every process change will have
unintended consequences

Step 1: Decide what you want the result to look like

- What physical products do you want ?
 - independent final orders?
 - Independent orders, reviewed by director?
 - Director's orders, assisted by advisers?
 - All of the above?

Step 2 – What is needed for the products that you want?

- Consistency?
 - Clear rules, statutes, or decrees, that can be modified in transparent ways
 - Do applicants know the processes for seeking and getting a decision?
 - Do applicants and the deciders know the standards for making decisions and the information that must be given?
 - Records of prior decisions – “orders”
 - Recitations of fact and law in the decisions
 - Consistency in decisions on similar topics
 - Need not be identical (different facts and arguments)
 - May change over time as circumstances change
 - Accessibility of decisions – publication or availability

The Value of Consistency

- **“Predictability is more important to businesses than the actual result.”**
- If the business knows what the “rules” are, it can plan accordingly.
- Regulatory inconsistency creates risks that are difficult to plan for and that can increase costs.

Step 2 – part 2

- Transparency?
 - Limit *ex parte* contact
 - Confine decisions to a record
 - Explain how the record supports the decision
 - Provide a full record for public review
- Customer acceptance?
 - Perceptions of fairness?
 - What other elements produce acceptance?

Step 2 – Flexibility as a product

- Align the processes with the needs
 - A complicated process will bog down a simple request.
 - A simple process may make a complicated question more difficult to answer
- Seek enough flexibility – but not too much
 - Avoid results that defy common sense, but
 - Avoid results that defy law and precedent

Step 3 – Infrastructure needs

- Some changes may require or benefit from improvements in physical or human infrastructure
 - Will agency staff participate in open presentations?
 - If not, record may be inadequate for decision
 - If so, may need independent advisers
 - Can the agency manage the paper flow?
 - Are other resources needed?

Step 4 – Dealing with Change

- Managing change in the U.S. culture
 - Openness contributes to acceptance
 - Participation in discussions of change increases acceptance
 - Persons affected often provide insights that help produce a better product
 - “Outside” facilitators can sometimes help organize discussions
- Your process will reflect culture, needs.

Conclusion

- Approach change thoughtfully
 - Identify the results you want
 - Consider what is needed to achieve the results
 - Plan how to create the needed elements
 - Carefully prepare stakeholders so they are not surprised
 - Implement the changes carefully
 - Be willing to modify as needed

Thank You!

We will be happy to talk with you about concerns that come up, and would like to see your product!