Chair’s Corner
Wade Melton (Florida)

A few years ago, one of our colleagues (Ethel Detch from the Tennessee Offices of Research and Education Accountability) wrote an article titled “When I Grow Up, I Want to be a Legislative Program Evaluator." Most kids say that they want to be a doctor, police officer, firefighter, etc., not a program evaluator.

I made a career move to this arena nearly 25 years ago. Not for fame or fortune, but this seemed a better way to find solutions to the problems that state government faces. The job has offered lots of challenges. Most importantly, it has provided me an opportunity to work with some very bright and interesting people. The job has offered me a lifetime of learning opportunities. For this, I feel blessed that I made that career choice.

As a legislative program evaluator, NLPES is your primary professional organization. NLPES was established to help fellow state government evaluators to be more effective. Our mission is to advance the profession of legislative program evaluation and performance auditing and to provide members with relevant training, opportunities for exchanging ideas and information, and recognition for superior performance. Because it is our professional organization, I would encourage each of you to get involved. First, it is easy to join – if you are a legislative employee who does program evaluation, you already are a member.

Second, NLPES offers activities for everyone. Your NLPES Executive Committee has initiated a number of activities that relate to you. We encourage states to nominate individuals to run for the Executive Committee. All members are allowed to vote for candidates. We also offer training sessions at the NCSS Annual Meeting and fall training conference. This year NCSS’s Annual Meeting will be held during August in Nashville, Tennessee and the fall training conference will be held in Park City, Utah at the end of September. We also give awards at the Annual Meeting for Excellence in Evaluation, Excellence in Research Methods, Certificate of Recognition of Impact, and Outstanding Achievement. In addition, NLPES maintains a website, publishes a newsletter, and has a listserv question of the month that provides legislative evaluators and auditors the opportunity to share ideas on methods, research standards, best practices, etc.

Your Executive Committee is also looking into other outreach activities to allow staff who cannot travel to receive training. We are working with this year’s Legislative Staff Coordinating Committee (LSCC), whose membership includes the chairs and vice chairs of the ten NCSS staff sections, to provide training via the Internet. The technology hopefully will soon be affordable so that most of our members can participate. If you have other ideas of improving our organization, please do not hesitate to contact me or any of other Executive Committee members.
The proper handling of confidential information has become an issue that each of our offices are facing more frequently. At my office, in the past two years alone, we have had at least six audits in which confidential information has been collected. In a recent audit, for example, we collected confidential information from a sample of private hospitals on their operating results, and even collected sensitive claim data. In another audit on the placement of sex offenders who have recently been released from prison, we collected information relating to the criminal histories of youthful sex offenders, information which is confidential by state law. Finally, from several of our state departments who buy prescription drugs for their clients, we have had access to confidential drug pricing data. Obviously, the state departments and private organizations that have provided us access to such sensitive information, information that is protected from disclosure under state or federal law, expect that we will diligently protect this information. Because the proper handling of confidential information collected during audits has become such an important issue, the NLPES scheduled a panel on the topic for the Fall Training Conference. For those NLPES members unable to attend last year’s fall training conference in Harrisburg, Pennsylvania, I thought an article on this panel might be helpful.

Three panelists-Martha Carter of Nebraska, Carrie Vibert of Connecticut, and Jan Yamane of Hawaii-discussed how those of us in the audit and evaluation business confront issues of our access to confidential information and how we safeguard the confidential information once we have it in our possession. It was a real eye-opener to learn that every auditor in attendance had been challenged on one audit or another on his or her access to confidential information. So, the panelists shared their experiences on how best to address such challenges from those departments that we audit. The panelists provided the following tips:

- Ensure that your office has developed a consistent approach for taking custody of and properly safeguarding confidential information.
- To calm any fears that the department officials have about the improper disclosure of sensitive information, educate the department under review as to your authority for having access to confidential information and explain in detail the system your office has in place for safeguarding the information.
- Explain to the department that as an auditor, you too have an obligation to protect their information from disclosure, and could be subject to the same penalties as their employees for improperly disclosing confidential information.
- Enter into written memoranda of understanding between the department under review and yourselves as to your access to the information, how you will safeguard its confidentiality, and that the information will only be used for audit purposes.
- Be thoughtful in summarizing confidential information into your final work product. Oftentimes, the confidential information in your working papers, if presented at a summary level or presented without identifying detail in the audit report, is often no longer a problem.
- Finally, and most importantly, when the department under review challenges your access to their information, get the attorneys involved as soon as possible.

**NCSL Sponsors Meeting on Human Resource Management**

NCSL is excited to announce the first-ever national meeting and forum on human resource management and issues in state legislatures. State legislatures offer outstanding career opportunities for talented people who also desire to make a contribution to society and their community through public service. This meeting explores key workplace issues and practices that help support legislative employees and that ensure compliance with important employment laws and regulations. “Human Resource Management in the Legislative Workplace” is designed for state legislative human resource specialists or any staff manager who deals with personnel issues. A complete agenda, online registration, travel information and other meeting details are available now online at the NCSL website.
Nine Easy Steps to Longer Sentences

Are you tired of short, direct, and simple sentences that seem to take forever to fill a page? Are you paid by the word? In either case, you can benefit by increasing the number of words in your sentences and the bulk of your writing. And it’s easy if you just follow nine simple steps, many of which you may already know and practice.

To show how easily you can apply these steps, let’s start with the following ludicrously short and simple sentence and increase its verbiage step by step.

More night jobs would keep youths off the streets.

**Step 1:** Begin to lengthen your statement by referring to studies, even if you’re not aware of any studies. After all, who really cares? And if anyone challenges you, you can protect yourself by weaseling (see Step 5).

Studies have found that more night jobs would keep youths off the streets.

**Step 2:** Replace simple words like more, jobs, night, youths, and streets with multiple syllable words of Latin or Greek origin.

Studies have found that additional nocturnal employment would keep adolescents off thoroughfares.

**Step 3:** Use sophisticated verbs, the more vague the better. The verb found is much too clear and simple, whereas indicate, develop, and identify are excellent multi-purpose verbs with so many meanings that you can use them in almost any context to mean almost anything. What precisely does indicate mean, anyway? If you use identify or indicate, you can further lengthen your sentence by attaching the fact that to it.

Studies have identified the fact that additional nocturnal employment would keep adolescents off thoroughfares.

**Step 4:** Rely on such adjectives as available, applicable, and appropriate to lengthen sentences without changing or adding any meaning. If possible, use various, one of the most meaningless of all the meaningless modifiers.

Various available applicable studies have identified the fact that additional appropriate nocturnal employment could usually keep adolescents off thoroughfares.

**Step 5:** Use weasel words as often as possible. A number of various available applicable studies have generally identified the fact that additional appropriate nocturnal employment could usually keep adolescents off thoroughfares.

**Step 6:** Sprinkle your sentences with classic redundancies.

A number of various available applicable studies have generally identified the fact that additional appropriate nocturnal employment could usually keep juvenile adolescents off thoroughfares.

**Step 7:** Add meaningless “it is” and “there is/are” expressions, not only to lengthen your sentences but also to give them a scholarly ring.

There is no escaping the fact that it is considered very important to note that a number of various available applicable studies have generally identified the fact that additional appropriate nocturnal employment could usually keep juvenile adolescents off thoroughfares.

**Step 8:** For the precision that all good writing deserves, use legalisms, the more redundant the better.

There is no escaping the fact that it is considered very important to note that a number of various available applicable studies have generally identified the fact that additional appropriate nocturnal employment could usually keep juvenile adolescents off thoroughfares, including but not limited to the time prior to midnight on weekends.

**Step 9:** Use foreign words and phrases to lengthen and enliven your sentences. Especially apt are Latinisms and other obscurities whose meanings have long been forgotten if they were ever known.

There is no escaping the fact that it is considered very important to note that a number of various available applicable studies ipso facto have generally identified the fact that additional appropriate nocturnal employment could usually keep juvenile adolescents off thoroughfares during the night hours, including but not limited to the time prior to midnight on weekends.

So there you have it. Following these nine steps, we’ve managed in no time to increase the number of words in this sentence nearly seven fold, well above the level of incomprehensibility. And best of all, we’ve accomplished this feat with little or no change in meaning.
State Profile
Maine Office of Program Evaluation and Government Accountability

Year Established  The Maine Office of Program Evaluation and Government Accountability (OPEGA) was established by statute in 2003. OPEGA actually came to life in January 2005 with the hiring of the Director but was not fully staffed until August 29, 2005, when the last four analysts took seats in their swanky offices. OPEGA conjures up thoughts of OPPAGA because John Turcotte (who, I believe, needs no introduction in this group) was instrumental in helping Maine legislators craft and “sell” the legislation that produced OPEGA.

Governing Body  OPEGA is an independent legislative unit overseen by the Joint Legislative Government Oversight Committee (GOC). The 12-member Committee is bipartisan and bicameral and, at this point, exists solely to oversee the activities of our Office. Although the Committee began meeting in 2004, it did not take on its full role until February 2005. The GOC decides which reviews OPEGA will conduct and receives the results of OPEGA’s work.

Staff  OPEGA has a full staff of seven, including the Director and an Administrative Secretary. We have a mix of individuals with experience from private and public sectors and an intentionally planned diversity of backgrounds including business, anthropology and demography, geography, public administration, education, quality engineering and assurance, finance and economics. The common denominator is that we have all had some audit or evaluation experience.

Work Products  We got into full swing with performing reviews the first of September. Since then we have issued two interim and three final reports for a total of five presentations to the GOC. The State of Maine has several non-partisan legislative staff offices, one focused on policy analysis and the other on fiscal analysis, so OPEGA is primarily focused on performance evaluation. So far, we have been focused on getting reviews completed and reports out to show that we can actually produce as advertised. However, we have recognized the potential need for other types of products and have been experimenting with informational briefs, legislative guides, etc.

Key Challenges in the First Year  From the Director’s perspective, there have been a number of challenges related to this start up operation – some fun, some frustrating and some just plain exhausting. They include:

- **Office design and interior decorating** – creating a pleasant and self-contained office environment for 7 people, plus equipment, out of an empty conference room while spending as little as possible; matching wall colors and panel colors to the existing rug;
- **Getting staffed up** – hiring 6 people who all had “the right stuff” and would form a well-rounded, cohesive team all at once; working through “forming” and “storming” to get to “norm-ing”;
- **Keeping the GOC straight** – assisting the GOC in establishing their own Committee processes; helping them understand how they are different from the other legislative committees with focus on oversight rather than bills; drawing the lines on roles and responsibilities between the Committee and OPEGA;
- **Figuring out OPEGA’s place** – establishing ourselves as part of the Legislature and yet independent of nearly everything (for example, all the other non-partisan offices report to the Executive Director but we do not); determining which “rules” apply to us and which do not;
- **Scoping it out** – taking the GOC’s ideas and concerns and coming up with scopes for reviews that will be valuable — but can be done within reasonable time frames; managing expectations; and,
- **Managing OPEGA’s image and reputation** – assuring that legislators, the media, the public and State agencies have the right impression of OPEGA’s independence, objectivity, professionalism and potential value to the State.

Most Exciting Moments  The “firsts” of everything: first Committee meeting; first day in the new office space; first staff hire; first time we were in the newspaper; first appearance before a Joint Standing Committee; first words of praise; first initiation of a review; first release of a report.
Most Pleasant Surprise  We were thrilled to find that the NLPES not only existed, but also proved to be a group of fun, intelligent and exceedingly helpful peers willing to provide whatever they could to assist us in getting started on the right foot.

Most Quotable Quote  At the GOC meeting where the Committee directed OPEGA to begin its first review, the Committee member who had worked so hard to get OPEGA established expressed “this is like giving birth to a baby.” He happens to be a male.

Most Discouraging Comment  After about 7 months of working with the GOC, keeping them very informed about OPEGA’s activities, and providing them with at least eleven scope statements on topics they were considering (which as you know represented a fair amount of effort on our part) — one of the chairs asked us if we were “all trained and ready to go to work yet.” Another expressed that he was unable to answer questions from other legislators about what the GOC and OPEGA had been doing. Ah well!

The Professional Journal of the American Society of Legislative Clerks and Secretaries—Check it Out!

Who among us, while waiting in the dentist’s office and leafing aimlessly through magazine collections full of works such as Modern Anarchism, Southern Garden Sheds, and Celebrity Shy People, hasn’t wondered, “why isn’t there a high quality publication that has information relevant to my life as a legislative staffer?” Well, wonder no more! NCSL does, in fact, have such a publication, the Professional Journal of the American Society of Legislative Clerks and Secretaries. However, most legislative staffers have likely been unaware of the Professional Journal and how to access it.

The Professional Journal is published twice a year and includes articles on a wide variety of topics relating to the legislative process. For example, the Fall 2005 edition contained articles addressing how legislatures can be evaluated (what makes a ‘good’ legislature and how would we know it when we see it?), the use of consent calendars among states, how term limits affect legislative staffing, and how one state has addressed issues relating to video conferencing of committee meetings.

The difference between the Professional Journal and NCSL’s State Legislatures magazine, which most legislative staffers receive each month, is essentially one of depth and space. While State Legislatures contains a lot of information, its focus is on state policy and articles are generally short – often only a couple of pages. In contrast, articles in the Professional Journal are often 10 to 15 pages in length, allowing for an in-depth examination of topics relating to the legislative institution. Professional Journal articles also include bibliographic references, which enable folks interested in getting more information about a topic to readily identify these resources.

The ASLCS Professional Journal committee was created in 1993 and the first edition was published in 1996. While many of its articles have addressed topics related to chamber management, the editors welcome manuscript submissions that would be of general interest to legislative staff, topics such as parliamentary procedures, management and technology. The articles will go through a peer-review process to ensure that they are high quality and of general interest to legislative staff. However, the Professional Journal also accepts letters to the editor that provide a forum for discussion.

You can access the Professional Journal and view back issues via the ASLCS website from the NCSL website. Information about how to submit articles is located on page 3 of each edition. If you have further questions please contact Hobie Lehman, the Journal Editor, at hlehman@sov.state.va.us.

Important Dates to Remember

NLPES Executive Committee Meeting, April 21-22 (Denver, CO) Contact: Wade Melton, Florida OPPAGA

Human Resource Management in the Legislative Workplace, March 30 – April 1 (Denver, CO) Contact: Brian Weberg, NCSL (Denver)

NCSL Spring Forum, April 6-8 (Washington, DC) Contact: Carl Tubbesing, NCSL (Washington DC)

Legislative Staff Management Institute, July 15-22 (Sacramento, CA) Contact: Joyce Johnson, NCSL (Denver)

NLPES Fall Training Conference, September 27-30 (Park City, UT) Contact: Bob Boerner, NCSL (Denver)
Rules or Guidelines: The Effective Use of Auditing Standards

Martha Carter (Nebraska Legislative Performance Audit Section)

Whether auditing standards should be viewed as rules that must be rigorously adhered to or guidelines that can be applied more flexibly was the topic of one of the opening panels at the 2005 NLPES Fall Training Conference in Harrisburg.

Panelist Rakesh Mohan, Director of Idaho’s Office of Performance Evaluations, outlined the most common standards used by legislative performance audit offices: the GAO’s Generally Accepted Government Auditing Standards (also known as the “Yellow Book”); the Joint Committee on Standards for Education Evaluation’s Program Evaluation Standard; and, the American Evaluation Association’s Guiding Principles.

Rakesh explained that these sets of standards have many common features including the requirement that auditors and evaluators ensure that the evidence we use to support findings and conclusions is sufficient and credible; the need for our offices (as well as individual auditors) to be independent and objective; and the need to maintain documentation of the methods we use. He said there are some differences in the standards as well, reflecting the disciplines that developed them.

For example, the Yellow Book standards, which grew out of the GAO’s financial accounting experience, emphasize compliance and documentation. In contrast, the Program Evaluation Standards and AEA Guiding Principles, which were developed from educational and social science disciplines, place much more emphasis on stakeholder involvement and the evaluation’s impact on public welfare.

Rakesh explained that his office views auditing standards as guidelines. He emphasized the importance of following the spirit of the standards—that is, making the standards meaningful and relevant to your work. He also noted that his office has added a clause to its consultant contracts that requires the consultant to follow one of the three performance audit/program evaluation standards. He has found that this improves both the consultant’s understanding of the expectations on his or her work and the quality of the resulting end product.

Panelist Dot Reinhard, a manager in the Performance Audit Division of the Arizona Office of the Auditor General (OAG), gave the audience the perspective from a state that views the Yellow Book standards as rules, not guidelines. The OAG includes both financial and performance audit divisions, so using those standards provides consistency across the office’s work, regardless of the type of audit.

While Arizona continues to believe in the value of strict adherence to the standards, Dot posed several questions for the audience to consider. For example, because the Yellow Book is heavily oriented to process and documentation, are there times when strict adherence to those standards constrains an office’s work by requiring that certain activities be done in each audit? Dot also said her office is discussing the amount of time it takes them to document and organize the evidence affiliated with each report. She said Arizona is weighing the value of those tasks, especially if they delay the release of the report.

Moderator/panelist Martha Carter, a performance auditor in Nebraska’s Performance Audit Section, explained that in the past Nebraska viewed the Yellow Book standards as guidelines but is now going to consider them rules and officially claim compliance with them. Martha said that the major difference for Nebraska would be the need to meet the Yellow Book’s continuing education requirements (80 hours per auditor every two years) and to have a peer review in three years.

Those requirements seem to be significant for several other states that otherwise follow the Yellow Book. Martha said that of 23 states that have a workload of at least 50% program evaluation/performance audit, 10 claim full compliance with the Yellow Book standards. Of the remaining 13 states, several follow the Yellow Book generally, but have not undergone a peer review.

<table>
<thead>
<tr>
<th>Number</th>
<th>List</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>California, Colorado, Georgia, Hawaii, Kansas, Michigan, Nebraska*, Nevada, New Hampshire, and South Carolina</td>
</tr>
<tr>
<td>13</td>
<td>Florida, Idaho, Indiana, Minnesota, Missouri, New Mexico, Ohio, Pennsylvania, Tennessee, Utah, Virginia, Washington, and Wyoming</td>
</tr>
</tbody>
</table>

* Effective July 1, 2005; had not yet undergone a peer review.

Members of the audience posed several questions about the Yellow Book’s peer review requirements. Concerns were expressed about the potential cost of a peer review, which can be especially onerous for relatively small offices. Panelists indicated that the Yellow Book does not dictate whom a peer-review team must consist of and encouraged smaller offices to consider selected NLPES members and even local auditors to conduct a peer review.
The Adventures of Aldric of York: Medieval Auditor

In the year 1159, beginning the fourth year of his apprenticeship, Aldric received a commission from his master stating, “Thou art to visit the Royal dairy farms to determine if the Inspector’s Guild is properly ensuring public health in its actions.”

Aldric set off immediately to tour the farms, to observe inspectors, and to examine Guild records. He noted approvingly that the Guild was following the latest scientific techniques in testing samples of dairy products. At each farm, the inspectors would slaughter a cow to weigh its pancreas, bleed a sample of peasants, and count the number of flies that sank to the bottom of milk barrels. Alas, he also found practices with which he found fault. For example, at one farm the inspectors did not comment upon the large number of cows that could not be accounted for (although the farm servants seemed to be unusually well-fed), while at another farm, the inspectors did not cite a milk barrel that was apparently also used to cart sludge to the garden.

Aldric also noted that the amount of milk produced for the King at some farms seemed below normal production for the number of cows maintained (less than one gallon of milk per month per animal).

Aldric returned from his trips and wrote his report, which was quickly reviewed and approved for publication. Based on his contacts with the Royal Council from prior projects, he knew that at least five members would be very interested in his findings. Accordingly, he directed the scribe to send individual copies to each of these members.

The next day, Aldric was summoned to his master’s office and questioned about his actions. “Explain this invoice!” the master demanded. “Knowest thou that the scribe charges extra for additional copies of a report. Money grows not on trees. Always we must be an example of frugality. Our policy has been to send only a single copy of our reports to the Council.” Aldric stammered that he had known that his report was of interest to many Council members. “Should not we attempt to make it easy for our message to be received by stakeholders? The scribe charges only a few pence for each of his copies. Our project had a total budget of over $11.00. Is it verily frugal to worry about the 3 cents of extra copying charges if it ensured that the $11.00 project added value to the Realm?” Aldric also explained that by sleeping in barns during the trips his travel costs were lower than expected, thus the budget was secure. “A point thou may have,” admitted the wise master. “Mayhap we should think more about the marketing of our products and help ensure that they are read by those whom we serve.” After instructing Aldric to seek permission next time, the wise master retired to his suite to contemplate this matter over a glass of vintage port. Aldric retired to his cell and celebrated with a cask of ale, resolved to see such successes again.

Office Happenings

Kansas

The 2005 Kansas Legislature directed its audit staff, the Legislative Division of Post Audit, to conduct a “professional cost study analysis to determine the costs of delivering the kindergarten and grades 1 through 12 curriculum, related services and other programs mandated by state statute in accredited schools.” The Legislature subsequently directed that the Division essentially do two cost studies using different approaches.

Completing those two studies between June 2005 and the start of the current legislative session in 2006 consumed the audit resources of the entire 26-person office, including the 5 new staff the Legislature authorized for school-related work. The finished report totaled more than 300 pages and has been presented, in whole or in part, more than a dozen times since its January 9 release. Although not every legislator and school official loved what the report had to say, most praised the Division for completing a difficult assignment in a thorough and professional manner.

Texas

The Texas State Auditor’s Office welcomed a new addition in December. Kelly Furgeson-Linder is one of Texas’s foremost experts on Medicaid and CHIP issues. She previously worked for twelve years with the Legislative Budget Board and served as the manager over Health and Human Services for much of that time. Kelly joined the State Auditor’s Office as Federal Funds Audit Manager.

Wisconsin

Paul Stuiber, a Program Evaluation Director with the Legislative Audit Bureau since 1998, has been promoted to the newly created position of Deputy State Auditor for Program Evaluation. The Bureau also welcomed four new Program Analysts in 2005: Cara Coburn, Phoebe Scheel, Allison Schill, and Natalie Wallleser.
More From Maine

(Front Row, seated) Lorna Pelkey, Administrative Secretary. (Back Row, L to R) Susan Reynolds, Analyst; Scott Farwell, Analyst; Jennifer Reichenbach, Analyst; Wendy Cherubini, Analyst; Beth Ashcroft, Executive Director; and Diana Friou, Principal Analyst

From the Editor

The November 2005 issue of Governing magazine contains an article by Katherine Barrett and Richard Greene, regular contributors to the magazine, which states that performance auditing and evaluation is “one powerful management tool that has been used more frequently and to better effect on a steady basis over time.” Barrett and Greene note that “in an ever-growing number of states, the auditor’s office, the legislature or another group now has the capacity to carry out reviews of various operations and, in that way, help government agencies deliver services as efficiently and effectively as possible.” The article specifically mentions several NLPES member offices, such as Colorado’s State Auditor’s Office, Michigan’s Office of the Auditor General, and Florida’s Office of Program Policy Analysis and Government Accountability.

It’s certainly refreshing when others outside of our NLPES family recognize the roles that our offices play in improving government and shaping public policy for our states’ citizens.

James Barber