



SEN. NATHAN LIBBY, SENATE CHAIR
REP. GENEVIEVE MCDONALD, HOUSE CHAIR

MEMBERS:

SEN. LISA KEIM
SEN. DONNA BAILEY
SEN. RICHARD BENNETT
SEN. SUSAN DESCHAMBAULT
SEN. JEFFREY TIMBERLAKE
REP. KATHLEEN R.J. DILLINGHAM
REP. AMY ARATA
REP. H. SAWIN MILLETT, JR.
REP. MARGARET O'NEIL
REP. HOLLY STOVER

MAINE STATE LEGISLATURE
GOVERNMENT OVERSIGHT COMMITTEE

MEETING SUMMARY
April 9, 2021
Accepted April 23, 2021

Call to Order

The Chair, Sen. Libby, called the electronically conducted Government Oversight Committee to order at 9:02 a.m.

Sen. Libby summarized the process for the electronic meeting.

ATTENDANCE

Senators:	Sen. Libby, Sen. Bailey, Sen. Bennett, Sen. Deschambault and Sen. Timberlake Joining the meeting in progress: Sen. Keim
Representatives:	Rep. McDonald, Rep. Dillingham, Rep. Arata, Rep. Millett and Rep. O'Neil Joining the meeting in progress: Rep. Stover
Legislative Officers and Staff:	Lucia Nixon, Director, OPEGA Amy Gagne, Senior Analyst, OPEGA Etta Connors, Adm. Secretary, OPEGA/Clerk, GOC
Executive Branch Officers and Staff Providing Information to the Committee	Kirsten Figueroa, Commissioner, DAFS Heather Perreault, Deputy Commissioner, DAFS Jaime Schorr, Chief Procurement Officer, DAFS Douglas Cotnoir, State Controller, DAFS Fred Brittain, Chief Information Officer, DAFS

Introduction of Committee Members

The members of the Government Oversight Committee introduced themselves.

82 State House Station, Room 104 Cross Building
Augusta, Maine 04333-0082
TELEPHONE 207-287-1901 FAX: 207-287-1906

Summary of March 26, 2021 GOC Meeting

The Meeting Summary of March 26, 2021 was accepted as written.

New Business

- **Discussion of OPEGA's tax expenditure reviews**

Sen. Libby noted that at the last GOC meeting Rep. Millett expressed interest in adjusting how the Committee conducts its tax expenditure reviews.

Rep. Millett said he has had concerns over the years about the assignment of workload and the return on the investment of time and energy, both for the expedited reviews that are in the province of the policy committee, namely the Taxation (TAX) Committee, and the full reviews that OPEGA does. He wanted to see if the Committee could concentrate on reviews that might have some larger impact on, in particular, economic development, when dealing with those that offer a tax incentive for behavior that might entice more jobs and economic activity. He wanted to see if there was a way to focus that effort to give it more of a priority and also to tie it into the 10 year Economic Development Strategy Plan. It is not his intent to eliminate, or scale back, the expedited reviews of the TAX Committee, but he does think there is, at times, an overload of work assumed by that Committee and it may, or may not, always be their priority as they are reviewing and reporting out bills, etc. He thinks Sen. Libby has the longest background on the TAX Committee, noting in the minutes for the last meeting it was incorrectly stated that was in the 126th Legislature when the previous OPEGA Director, Ms. Ashcroft, and he were trying to get OPEGA's statute operational related to the Maine Revenue Services Red Book.

Rep. Millett wanted to see if there is an overload at the policy committee level and whether it involves an excessive amount of staff time by Maine Revenue Services (MRS), Department of Administration and Financial Services (DAFS) and potentially the Department of Economic and Community Development (DECD). That is not his area of expertise so he is going to defer a lot to Sen. Libby and Director Nixon because he does not want to, in any way, presume that he has knowledge, or expertise, in the area of taxation. It is not something he has concentrated on and likes the work that OPEGA has done in the last year on, what he would call, the full reviews of economic development activity. Overall, he wants to see if the huge investment of staff and legislative time could be sharpened a bit and prioritized so that they are not doing work for the sake of meeting an arbitrary schedule, but are completing reviews on tax policy issues, whether they be called expenditures or incentives, toward the outcome end of the spectrum rather than the input.

Rep. Millett said he has learned a lot in just the last few days about tax reviews and probably opened the door on this subject prematurely because he was not knowledgeable about the statutory history. In the last 3 Sessions, amendments have been made that are headed in the right direction. He was not aware of the statute that is in place for DECD to do both tax incentive reviews by independent contract, as well as, research and development activity reviews. He understands that assignment to DECD has been put on hold given the pandemic year and is probably a vehicle for connecting more directly to the 10 year Economic Development Strategy Plan.

Rep. Millett apologized to the GOC members if he got out in front of himself on this matter. He heard some of his colleagues on the AFA Committee, and thinks the TAX Committee, after the briefings they received during committee orientation in the winter from DAFS expressing concerns about workload and overlap of staff time on tax reviews. That was his incentive to steer the GOC toward outcomes rather than simply work outputs.

Sen. Libby noted that the GOC has been joined by Sen. Chipman, Co-Chair of the TAX Committee. Obviously, he is deeply involved in the tax work at the policy committee level and the GOC invited him to listen in and comment if he has items he would like to share with the GOC.

Sen. Libby recapped what he believed Rep. Millett said: he would like to see more emphasis put on outcomes as opposed to input in the full evaluation process; he expressed concern of what has been relayed to him by DAFS, MRS and DECD about the workload that is required for them to be responsive to the items that are needed for OPEGA's tax review process; he would like to focus more on tax expenditures that are economic development incentives, as opposed to tax relief, for the various entities; and he wants to ensure that OPEGA staff expertise and resources are used efficiently, noting that the full evaluations are fairly labor intensive so perhaps there is a question for the GOC to ask of do we need to be spending the length of time that they have been on expenditure reviews or could that be tightened up. He asked Rep. Millett if that was a fair representation of the points he made earlier and Rep. Millett agreed they were.

Sen. Libby was interested in hearing from other Committee members on some of Rep. Millett's suggestions.

Sen. Bennett welcomed Rep. Millett's initiative of sharpening their focus. Some of the tax expenditures are small and he hates to have the attention going to something that, yes maybe there is some issues that they could unveil, but thinks the GOC should put a priority on the largest ones. The tax expenditures that are costing the State the most and presumably providing the most benefits and would like to add that to the discussion as well.

Sen. Keim said she does not think the Legislature takes nearly enough time to step back and look at things in the big picture. They just keep pedaling as fast as they can and continue doing what they do. Everyone is so busy and talking about improving a process is not a discussion that they take time for and she thinks this conversation is valuable.

Sen. Libby referred to the March 12, 2021 meeting materials from Director Nixon because they will give Committee members some sense of the turn around time for the full evaluations. There is a large group that receives no review and the Committee has agreed that it is not a good use of time to engage in that activity because of smaller credits, or credits that have been on the books for 200 years and are never going to go away. Then there is the expedited review that is much briefer. The full review, which is where the GOC focuses most of its, the TAX Committee and OPEGA staff time on. The chart shows their experience to date. He recalled being on the TAX Committee in the 126th Legislature when they were engaged in those conversations and recalled hoping that they could get the full reviews done in a six month, or so, timeframe. Perhaps that was very naïve on his part, understanding now all that goes into the review process. If members looked at the chart they will be able to see what the GOC has been able to do to date, which is about 1 report every 18 months, on average. He is interested in hearing from the Committee about whether this is new information for them and whether this changes their view of perhaps the scope and criteria that they have asked OPEGA staff to investigate. Is it something the GOC should consider when reviewing the scopes of reviews and perhaps think about narrowing their requests because each question adds time and effort to complete the review? Is it on the GOC to limit their scope and is it on the GOC to give the staff some parameters for when reports should be turned around?

Rep. Arata asked if the tax reviews were on schedule or did the GOC fall behind because of other priorities that came up. Director Nixon said there is not currently a schedule set forth for the full evaluations in terms of how many will be completed by year. For the expedited reviews done by the TAX Committee, with input from OPEGA, there is a six year cycle for those and they are on pace. The full evaluations, when first enacted into law in 2015, a plan was set forth to conduct evaluations on a cycle and, while six years was not written into the statute, it was that there would be a set done every year. It is her understanding that it was laid out on a six year cycle and that after several years there was legislation introduced that changed that and shifted it so it would be

a prioritized list of what would happen without a specific number to occur per year. She pointed members to the overview she had provided for this meeting. (A copy is attached to the Meeting Summary.)

Director Nixon said the law regarding the framework and process for the legislative review of tax expenditures was enacted in 2015. It required the GOC to assign tax expenditure reviews into three categories - full, expedited and no evaluation, and to set a schedule for full evaluation and expedited reviews and a six year cycle was initially established. There were annual deadlines for full evaluations and expedited reviews and, after several years of going through this, there was legislation enacted in 2017 to amend the scheduling deadlines. This was based on the experience of what was happening and the finding in initial reviews that the schedule was not realistic to people at the time. The decision was made to take the six year cycle out of the full evaluation given the value of doing it the way it was being done. There is, for full evaluations, not a sense of being behind because there is a list of ranked order that the GOC is going through. What she hears Sen. Libby asking is if the timeline is working or not. That is a question for the GOC.

Also, in 2017, statute was enacted related to the requirements for DECD to do independent evaluations of R&D and economic development incentive programs and incentives or investments were specifically defined to include tax expenditures. There is in law a statutory requirement that DECD contract out for independent evaluation of R&D and economic development incentives and the first report for that would have been due in February of this year. It is her understanding that due to several issues that DECD is confronted with, including the pandemic, that report has not occurred. She pointed that out because in reference to Sen. Keim's mention of the big picture, she thinks it is also important that the Committee has the big picture of what the statute says about evaluation in different parts.

Sen. Libby said the tax expenditure statute was enacted around 2014-2015 saying we hope to do these full evaluations on a six year cycle. After a couple of years there was conversation with the GOC, staff and TAX Committee about perhaps a six year cycle was not realistic, so that was scrapped and the idea was that staff would continue as they had been, producing the evaluations, even if it took 18 or 24 months. He thinks with a few more years passing, his feelings have evolved a bit and that perhaps they should try to put some boundaries to that, including considering reducing the scope of work to try to get the full evaluations done more quickly, within six to nine months.

Sen. Libby said Committee members interested in having further discussion on this matter, can join Rep. Millett, staff and himself to try to put some of these thoughts on paper so that they can bring it back to the Committee for further discussion.

Sen. Bennett said a lot of the information is new to him, and thanked the Chair for taking on the task with Rep. Millett because he thinks it will be useful. He thoroughly subscribes to Sen. Keim's comments and would encourage the Chair and others to look at what the GOC needs to change so that tax expenditure works because these are precious resources in OPEGA, and elsewhere, and he would like the time being devoted to this work to be as impactful as possible.

Unfinished Business

• Report back from Department of Administrative and Financial Services (DAFS) regarding request for review of Workday Maine

Sen. Libby reminded the Committee that from their discussion at the last meeting the Chairs drafted a letter to the Department of Administrative and Financial Services (DAFS) requesting information. DAFS has provided the GOC a written response and a significantly large volume of documents.

Commissioner Figueroa presented her information to the GOC regarding Workday Maine. (A copy of the Commissioner's presentation is attached to the Meeting Summary.)

Sen. Timberlake said without having the information provided by DAFS before him as the Commissioner referenced it, it was difficult to follow along. He thought the Committee should have received the information from DAFS before the meeting because needed time to review it.

Sen. Libby noted that Director Nixon received an email yesterday with a link to access the materials the Committee requested. The number of documents is over 25 with some documents having more than 125 pages. OPEGA attempted to get the documents transmitted to the Committee in several different ways, but were unsuccessful. The documents are now posted on the GOC/OPEGA website under Documents. Sen. Timberlake said he would have liked to have received the documents 3 or 4 days prior to the meeting.

Sen. Bennett found the Commissioner's testimony to be extraordinary and, like Sen. Timberlake said, the Committee needs to look at the details. He needs to review in detail all of the referenced items before the GOC has another session with the Commissioner in order to ask the questions that are germane to the GOC's work. He had to leave to attend another meeting, but wanted to be sure before he left, to see if the Committee will have the opportunity to ask questions at a later time.

Sen. Libby said the GOC Chairs are open to having an additional session with enough intervening time for members to review the materials sent to them.

Sen. Bailey asked if she understood the Commissioner to say that while the ongoing contract dispute with Workday Professional Services is going on that she will not be pursuing another implementation partner.

Commissioner Figueroa said DAFS will be pursuing options they have and will be having to coordinate the documents that they will use to have their competitive bid process, but they need to finalize this one before being able to officially start the other, but there will be an overlap. DAFS will not wait to do the prep work. Sen. Bailey said that is what she wanted clarification on – that DAFS has a parallel track and as a follow-up to that asked if DAFS has an estimate from the Attorney General (AG) Office as to the worst case scenario in terms of how long this contract dispute might go on.

Commissioner Figueroa does not believe that DAFS has that kind of time estimate. She believes they are in the stages of working it out and will be able to work it out. She hears Sen. Bailey's point and she may have misstated. They would have to understand how they would be able to continue working that through and still be able to move forward with the project. They probably could have two implementors at the same time, the one that is being phased out and the one DAFS is starting to work with. Commissioner Figueroa will update that information for Sen. Bailey. Sen. Bailey said she is trying to understand the planning going forward and ensuring that there is planning going forward. She would appreciate the Commissioner clarifying that.

Commissioner Figueroa apologized for the technology problems, but DAFS had huge documents they tried to transfer. They used the DAFS SharePoint with the documents being shared with OPEGA at 11:15 a.m. yesterday. DAFS needed to get the permission of Workday for some of the documents being provided, which DAFS received on Wednesday. It was a huge document request and they did their best to get the information to the GOC within the two weeks that they learned of the request. The Commissioner said DAFS would be happy to come back to a meeting once the members have had the opportunity to review the documents provided.

Sen. Libby said he appreciated Commissioner Figueroa's willingness to come back to a GOC meeting and knows she appreciates the Committee's position of trying to understand the complexities of this big project and feeling that they do not have all of the reference points that she has. He knows the Commissioner would avail her staff to OPEGA's staff to help guide them in orienting the 46 documents to help the GOC expedite their review work.

Rep. Arata asked if there is litigation pending or ongoing as of this time? Commissioner Figueroa said it is not litigation, it is that they need to agree formally and officially that Workday Professional Services will no longer be the State's implementation partner. DAFS hopes that does not become litigious, they will just have to work through that similar to how the previous Administration worked through it with the Infor vendor.

Rep. Arata asked if DAFS was hoping for the return of \$22 million and if that is something they are in the process of working on. Commissioner Figueroa made that as a request of Workday Professional Services. Rep. Arata said Workday thinks the State of Maine owes them money and the State thinks Workday owes them money. Commissioner Figueroa said DAFS is still working out the details of those discussions, but the State of Maine has the statement of work and the contracts they entered into and the requirements outlined in those contracts. Workday Professional Services has not met the terms of those contracts so the State is in the spirit of needing to move to a successful HRMS Workday system, they need to engage in a new implementor and have that implementor help guide them. In the meantime, the State needs to finalize the details of the relationship that they once had with Workday Professional Services.

Rep. Arata said because there is a possibility of litigation, asked if any of the documents or communications been withheld from submission to the GOC? Commissioner Figueroa said there had been a FOAA request and while DAFS was responding to the FOAA request they had to ensure that Workday was okay with the response and had to sign off. DAFS just received their sign off and so no, everything that went out was approved by Workday and the GOC got copies of what was in the FOAA request.

Rep. Arata said, by implementation, does the Commissioner mean database work, training, etc. or is it much more complex. Is it that there is specific programming that will have to be done to meet the needs of the State of Maine, but otherwise is it mostly data entry and training? Commissioner Figueroa said it is everything. It is having the agreement with the Workday product and then how do you turn that product into the thing that the State of Maine can use with all of the complexities that it has as they outline with all the different payrolls. It is getting that product on line, testing that the product will work by doing parallel testing. She referred to Mr. Brittain to add any information to Rep. Arata's question.

Mr. Brittain said there are a number of elements. First there are multiple systems that have data that has been compiled together over many years. Some of the details coming together at points where various agencies have their own systems so there are a lot of data conversions. There is a lot of connections between systems that will have to be duplicated. Such things as connections out to banks, insurance carriers, other service benefits systems, third-party systems that have to be duplicated and tested heavily. Through all of it there is the ongoing data conversions as DAFS's existing system has to keep functioning and they have challenges around when is the right time to cut over because there are fiscal year changes that have big impacts, there are tax year changes when they start thinking about W2's. Those are a number of elements that occur. The testing is absolutely key and that is where DAFS discovered that they had a lot of problems. When the parallel payroll testing, when they ran hours through an old system asking what would this person get paid and then they did it again in the new system there was a lot of discrepancies, a lot of data issues. It is programming, it is heavy configuration of a system and that is where they look to a point implementation partner for a lot of guidance on how to do that. Commissioner Figueroa said it also included communication and training of the staff who will use the system.

Ms. Perreault said in addition to all of the technical things that DAFS has to address, one of the most basic things they have to start with on the project, is figuring out what do they do now, what do they need to do and how can they use this new tool to do it better. That is part of the business process mapping sessions that the Commissioner referenced as currently going on. DAFS did some of this work at the beginning of the project, but as they found, by the assessment by IJA strategies, there were some gaps in that work and that is what they are trying to fill in now.

Sen. Libby asked if Workday Professional Services was hired in 2018. The Commissioner said it was. Sen. Libby said prior to signing that contract, did DAFS have a sense of what other state governments had hired Workday Professional Services for the same scope of work as Maine had. Commissioner Figueroa said, as a reminder, in 2018 she was not at DAFS so did not sign that contract, and referred to Ms. Schorr to answer the question.

Ms. Schorr said Workday was in other states and there was a process at that time whereby some key stakeholders within DAFS flew to a couple of different states to see what Workday was doing. She would try to recall which states, but believes it was Ohio, Maryland, there was one that was already implemented and there was one that was in the process of being implementing. The Commissioner said Colorado was the other state that had Workday.

Sen. Libby asked if Colorado had fully implemented using Workday Professional Services? The Commissioner referred to Mr. Cotnoir to see if he could provide any information. If not, they will have to get back to the GOC at the next meeting.

Mr. Cotnoir said Colorado had not fully implemented their system. They had fully selected and engaged the contracts, but they were in the process of working on their project at that time.

Sen. Libby said what he is trying to get is a sense of whether Maine was one of the first states to engage Workday Professional Services on implementation or were there other states who had gone through that process. From the Commissioner's testimony it obviously seems like the service provided by Workday Professional Services were grossly inadequate. He was wondering what signals there were, prior to signing that contract, from other states that this was a good company to work with or not.

Ms. Schorr said that was part of the scoring methodology during the refresh bid that Utah performed and as the Commissioner mentioned, the evaluation committee looked at 80 plus proposals during the refresh and Workday scored in all 4 categories from costs, technical capabilities, their qualification and experience, etc. and the evaluation committee felt strongly that Workday met all of the criteria set forth in the RFP. In addition, there are a number of other states that have signed "participating addendum" to be able to sign contracts with Workday based on their references and experiences. So just like Maine was participating in the Utah RFP, other states signed on and utilized that process as well. She thinks it is more than 43 states that have participated in that solicitation. To answer Sen. Libby's questions, Ms. Schorr said there was a level of due diligence that was performed and there were other references that were checked. Workday Maine is one of the top 2 or 3 vendors in the country that provide the HRMS, the SaaS (Software as a Service) product and the professional services.

Sen. Libby said the similar name gets confusing so he is using the term Workday Professional Services to describe the implementation services. He noted that Ms. Schorr said Workday Professional Services was one of the top ranked providers in the country? Ms. Schorr said the Workday SaaS product is one of the top 2 or 3 HRMS cloud solutions SaaS products in the country. Part of that SaaS offering, like a menu is offered, they have their professional services among other things that they have offered to various states as part of the solicitation at a discount and professional services is one of those categories. Yes, other states have utilized Workday Professional Services in conjunction with the HRMS SaaS software product. The specifics of the various states that Sen. Libby is asking about, Colorado, Maryland, etc. is the information they can get further details on for the GOC at the next meeting.

Sen. Libby said he is interested in the states that have employed the Workday implementation services. Who we knew about before signing the contract, and if DAFS is able, who has signed up with Workday post contract signing because it appears DAFS is committed to the software product, the challenges are with the service provider who is going to be implementing the service.

Sen. Libby said it appears that March 2020 was the first point where the communication appeared to be breaking down and the relationship appeared to be breaking down. Commissioner Figueroa agreed. He asked, if at that time, there was a disagreement on the April 1st go live date between the State and the contractor. The Commissioner agreed. He asked if at that time the State responded, using the Commissioner's words, "to completely redefine the statement of work" which is like the scope of work. Commissioner Figueroa agreed. He asked if the vendor then responded by switching out the team, or recalling the team, that they had deployed. The Commissioner referred to Ms. Perreault to answer and asked if Sen. Libby could restate his question. Sen. Libby said he was trying to confirm the different pieces of the timeline. March 2020 was the disagreement between the State and the vendor on the go live date, that has been confirmed. It was at that point that the State "completely redefined the statement of work" – and we have concurred that took place, then the vendor took some action to recall their team, or step up any work. He wants to make sure he has the order of the events correct. Commissioner Figueroa also wanted to say that DAFS has not finalized that complete rewrite. That is the piece of paper that has gone back-and-forth for plus times. Ms. Perreault agreed with the Commissioner and said it was in March or April 2020 that DAFS started to try to redefine that statement of work and that is a big piece of what they have failed to come to agreement on. DAFS did ask for a change in project management from Workday Professional Services at that time. They changed a couple of the leadership positions and it was in May 2020 that they withdrew their entire team for a period of time.

Sen. Libby asked when was the last payment made to the vendor for the implementation services? Ms. Perreault believes it was in March 2020. Was the recall of the team related to the stoppage of payments? Ms. Perreault said no. Sen. Libby asked what was the rationale given for the recall of the team by the vendor? Ms. Perreault said it was related to the fact that DAFS did not have an agreed upon project plan and statement of work to move forward with. Commissioner Figueroa referenced back to the fact that DAFS had, over the course of several months, been trying to come up with a revised statement of work and that piece of paper that had gone back-and-forth 40 times, whatever stage it was in at the time, became more than 40 after the walk off. Ms. Perreault said Workday Professional Services withdrew their staff based on the fact that they said they were working at risk because there was not a new statement of work in place. DAFS stressed to them the fact that they needed to be a partner with them and that is why there were terms to the project. But, as the Commissioner referenced, DAFS continued to go back-and-forth on trying to define a new statement of work and have not been successful.

Sen. Libby asked if DAFS would say that the source of the dispute has more to do with the details of the scope or more to do with the vendor requiring additional money and the State perhaps not wanting to pay anything else, or both? Ms. Perreault believes it is for both of those reasons. DAFS has been clear that they feel that Workday has an obligation to complete the deliverables that were defined in the contract and it was a fix contract based on those deliverables. Commissioner Figueroa noted of which they have not delivered. The relationship that they were working out in trying to get to a place where they come to a different document that clearly outlines how they are going to get to what was originally agreed to in 2018, they never got there and because they never got there, there was never additional movement on Workday Professional Service's ability to move the State further with the implementation. The Workday Maine staff, as indicated, have continued to be able to do work, data conversion, business process mapping, etc. but they can't move forward on implementing the Workday SaaS without the implementor doing the things that the implementor agreed to do. So, Sen. Libby's previous comment about the State having determined that Workday SaaS is the right product, that the implementation partnership is not, is accurate and is where DAFS is now.

Sen. Libby said he is trying to get a sense of how close the State is to completing this project. He asked if the Commissioner could give him a percent of completion as of today. Are they 80% there, higher or lower. Commissioner Figueroa did not know if they had a sense of how close they are to completing the project. She would like to answer the question, so would ask that her team have the opportunity to think and talk about it. One of the things that they know is that they thought, based on information that they were receiving from their implementor that maybe they were a little bit further along with their data conversion and then they tested the data and it was, as mentioned earlier, more than 50% fail rate. She thinks that an evaluation now of where they

thought they were in the project according to the implementor and where they are now, those percentages are different. There are so many different components to it, there are parts that are closer to 90%, but there are probably other parts that are less, so what is the average. That is an interesting way to answer and talk about the project and she would like the opportunity to be able to do that off line and present the information back to the GOC.

Sen. Libby was trying to get a sense, since the GOC is not on the inside as DAFS is, how close the State is to go live. He thinks carrying this project 8 or 10 year history is a point of frustration for everyone and getting a sense of how close the finish line is a helpful reference. Commissioner Figueroa said some of that information was given to DAFS by the IJA Strategies which, she is not sure, is one of the downloads, but if she might refer to that, more outlines concisely the requirements traceability matrix, which is fancy language, but basically is what the original deliverables were and here is how far we would say you are with those. That would give information to how far along DAFS is. She is not sure that answers the exact percentage of what they have left, but they can do that work and report back to the Committee.

Commissioner Figueroa said DAFS continues to have a goal of 2022, but needs a qualified partner implementor to help them with whether that is a good solid goal. Before you even embark on something, as you heard from the testimony, from 2012 to 2015 it was a lot about how would we even go about doing this project, how would we even decide to do it, what should they be thinking about first. None of that is wasted time. It feels like forever, but it is all valuable lessons learned on what do they think would be the right direction for the State. Although they want to have a goal and want to transition off of the mainframe system that nobody uses anymore, for good reason, more important than having a date, and meeting that date, is making sure that when they flip the switch they are processing payroll and time sheets and the information for State employees is accurate.

Sen. Timberlake asked if there was some point in time that the GOC should have Workday give their side of the story, where they are and where they believe we could be headed, or what they believe could be accomplished.

Sen. Libby said he was opened to hearing from a stakeholder like that in this conversation.

Sen. Keim asked if Ms. Schorr is the only one at the meeting who has been here throughout the process. Ms. Schorr said Mr. Cotnoir has also been here throughout the process and actually longer than she has.

Sen. Keim wanted to confirm that IJA did an independent review of the process and that is what they were hired to do. The Commissioner agreed. Sen. Keim said when IJA did that review, were they also looking at the organization within DAFS itself and trying to see if there were issues in how the organization and the people in the organization were working themselves with the implementor to try to look at relationships, or was it simply more looking at data.

Ms. Perreault said IJA was not only looking at data, but were looking at how the system was being configured and how Workday and the State of Maine worked taking care of their responsibility for that. They were able to identify gaps to methodology. Commissioner Figueroa would refer the Committee to the IJA assessment because they talk about what their specific engagement was and what they found. It was about understanding where the State was in the deliverables of the project.

Sen. Keim asked if it was DAFS's understanding that IJA would have also looked at individual roles, both the implementing team on the Maine State side and the roles each were suppose to be fulfilling. The Commissioner said it was the overall project methodology. Sen. Keim asked how long IJA's review took. Ms. Perreault believes it took about 2 ½ months.

Sen. Libby asked what the GOC would like to take for next steps on the Workday Maine item.

Sen. Timberlake thinks one of the things the Committee needs to do is review the documents provided by DAFS and also would like to see if Workday would be willing to participate in a discussion with the Committee. After the Committee has had a change to review the information, that the Committee have a meeting just to discuss this topic.

Sen. Libby said looking ahead, the next meeting is April 23rd. The Committee will have a report back from the ACF Committee on the Wild Blueberry Commission request, along with some tax expenditure discussions so they could potentially schedule the Workday folks for April 23rd. The GOC could wait until May 14th for the DAFS's team to come back to a meeting or could schedule a special GOC meeting if that is what the Committee would like to do.

Rep. Arata said looking at all the documents that have been uploaded, that is a lot to go through. She does not think any members were concerned about the choice of Workday and the vetting that was done, but really wants to know about the breakdown of the relationship between Workday Professional Services and the State of Maine. Maybe OPEGA staff would be able to compile the relevant information regarding this for the Committee.

Sen. Libby wanted DAFS to know the Committee was not complaining about the volume of documents. In fact, on its face, it appears they have responded to the GOC's request and they appreciate their response.

Sen. Libby thinks that OPEGA staff will be working on an analysis of the documents and can provide the Committee with some summaries of key documents, as well as, highlight the areas in the list of documents to draw their attention to. GOC members will not be on their own for reviewing of the documents.

Sen. Keim said the Commissioner mentioned that in March 2020 there was a change in the scope of work, or an attempt to change the scope of work, but then also mentioned where Maine is at now with Workday. Workday has not made good on the deliverables of the contract on the work they agreed to deliver. In her mind the scope of work and the deliverables go hand-in-hand and asked how you differentiate between the two. Commissioner Figueroa said DAFS was not changing the scope of work, they were trying to better articulate the statement of work. The scope was, and continues to be, the deliverables that were in the contract signed in 2018 and would enable the State to have a functioning HRMS system with the caveats that were outlined by the previous Administration in that contract, including some of the things talked about - labor cost distribution, the ability to process payroll 100%. The statement of work is who does what, when, and how do they know that "the who" has done "the what" appropriately such that they can all move on to the next step to ensure that there is real progress being made towards those deliverables. Because the State decided to not go live, and that was against the recommendations of the implementor, and the State was right because you can't process 50% of the payroll correctly, it was clear that there was some work that needed to be done. How do they make sure that they are all in alignment when they have to come to these decisions because the implementor and the customer should not be at odds about the next step. So, it was the statement of work that they were trying to revise so that it would feel like a more compatible, and frankly, moving forward process. It was stuck and not moving forward appropriately, there was the back-and-forth of the document and they couldn't even get to who was supposed to do what and when. It was not the scope of work. The scope of work continues to be the same.

Sen. Keim said when the Commissioner says who does what, when, asked if the work shifted from the State to the implementor or vice-versa. Did they feel like the State was asking them to do more than they originally intended or not? Commissioner Figueroa said they are the implementor. The State is the customer that was buying a product and was told it would have the following components and the implementor makes the agreement and signs the contract that says we will get you there, we have the expertise, we are the professionals, we will bring in best practices and we will get the product implemented and working in the way we said we would. The State of Maine was saying wait a minute, we are hearing something, but it is not jiving with what we are seeing so let's relook at the statement of work so we can more clearly define it so we all feel comfortable.

Rep. Millett said based on the next two GOC meeting dates, wondered if it would be more productive for OPEGA staff to do the analysis of the data and give the Committee their condensed version of what we all need to know at the next meeting, and give the GOC an opportunity to explore further conversation with the DAFS's Commissioner and staff and any other Workday representatives at the later meeting in May.

Sen. Libby said Rep. Millett's proposal is to ask OPEGA staff to do analysis of the documents provided by DAFS, invite the Commissioner and her team back on April 23rd and invite the implementors on May 14th. Rep. Millett agreed. Sen. Libby said he was opened to that schedule of events. He also understands that the implementors have hired representatives in Maine to represent them before the Legislature so if they are listening to the meeting, wanted to let them know they are welcomed to submit, in writing to the GOC, their comments on today's discussion of Workday. He wanted to let the implementors know they can submit any written materials for the GOC. He said he is open to Rep. Millett's proposed meeting schedule and asked other members of the Committee if they agreed. Committee members were in agreement.

The members of the Committee thanked Commissioner Figueroa and her team for being at the meeting to discuss Workday Maine.

Report from Director

• Status of projects in process

Director Nixon noted the Work Plan has been updated to reflect the decisions made by the GOC at their last meeting.

OPEGA continues to move along on the **Maine Citizen Initiative Process** report and getting it out to the Committee by the end of the second quarter of this year. OPEGA is activity working on the **Seed Capital Investment Tax Credit** and doing the second phase of the **Maine Commission on Indigent Legal Services** work on Indigency including a survey of judges and interviews with screeners. Hopefully, OPEGA will soon begin the planning of the survey for the **Child Protective Services Frontline Workers**. The Committee has received by email two proposed tax expenditure parameters - the **Credit for Rehabilitation of Historic Properties** and **Research Expense Tax Credit**. At the meeting on April 23rd OPEGA will present those parameter documents and the GOC will take stakeholder input. She noted that OPEGA is scheduling for the end of May the first quarterly report back from MCILS in response to the Part I OPEGA report on MCILS.

OPEGA is keeping track of active legislation in policy committees related to their reviews. There are several bills right now in the TAX Committee related to tax expenditures that are in the midst of hearings and work sessions related to the Seed Credit and the R&D Credit and there was already a bill that was voted on for the Historic Property Rehab Tax Credit. OPEGA is working with the policy committee and the GOC as needed on those bills. She thinks there is also a MCILS bill in the Judiciary Committee.

Planning for upcoming meetings

Sen. Libby said on April 23rd the Committee will review, and hopefully, approve the evaluation parameters for the Rehabilitation of Historic Properties and the Research Expense Tax Credit and will receive stakeholder input at that time. Additionally, for April 23rd the Committee is planning on a report back from DECD on Pine Tree Development Zone questions that the GOC posed to them and will also receive a report back on the ACF Committee on the Wild Blueberry Commission review request. In addition, they would like to invite the DAFS's Commissioner and her team back to that meeting for further discussion once Committee members and staff have had a chance to review the materials that DAFS forwarded to the GOC. For the May 14th meeting the Committee will have, hopefully, a continued conversation around tax expenditure evaluations. He noted that Rep. Millett was

having internet connection problems, but let him know that he volunteered himself and Rep. Millett to work with OPEGA staff and other interested parties in between the two meetings to try to put on paper some adjustments that can be discussed at the meeting. May 28th the GOC will have a report back from MCILS.

Next GOC meeting date

The next GOC meeting is scheduled for Friday, April 23, 2021 at 9:00 a.m.

Adjourn

The Chair, Sen. Libby, adjourned the meeting at 11:57 a.m. on the motion by Sen. Timberlake, second by Sen. Keim, unanimous.

Overview of Tax Expenditure Review Legislation Enacted Since 2014
Government Oversight Committee - April 9, 2021

Year	Title	Summary	Notes on Intent from Sponsor's Testimony
2013	Supplemental and Biennial Budget Bill – Part S (PL 2013, c. 368, Part S)	<ul style="list-style-type: none"> • Established Tax Expenditure Review Task Force to examine and evaluate tax expenditures in Maine law, review tax expenditure review procedures in other states and best practices, develop a process for on-going evaluation of tax expenditures and recommend the repeal or reduction of tax expenditures to achieve a savings of at least \$40,000,000 in fiscal year 2014-15. • Required to submit report by December 4, 2013. 	n/a
2014	Resolve, To Develop a Process for Tax Expenditure Review (Resolve 2013, c. 115, LD 1463) Sponsor: Rep. Margaret Rotundo	<ul style="list-style-type: none"> • Directs OPEGA to develop a proposal for implementation of a process for ongoing review of tax expenditures by the Legislature and submit the proposal to the GOC and Taxation Committee by 3/1/2015. 	n/a
2015	An Act To Improve Tax Expenditure Transparency and Accountability (PL 2015, c. 344, LD 941) Sponsor: Sen. Paul Davis	<ul style="list-style-type: none"> • Establishes requirements, framework and process for legislative review of tax expenditures under 3 MRSA §§998-1001, based on OPEGA proposal (Res 2013, c. 115). • Requires GOC to assign each tax expenditure to a review category: (A) full evaluation, (B) expedited review, (C) no evaluation • Requires GOC to establish a schedule for ongoing review of expenditures in categories (A) full evaluation and (B) expedited review (<i>6 year cycle was initially established</i>). • Sets annual deadlines in the evaluation process for full evaluations and expedited reviews. • For (A) full evaluations, conducted by OPEGA: <ul style="list-style-type: none"> ○ 1/31 deadline for GOC to approve evaluation parameters for evaluations scheduled for that year. ○ 12/31 deadline for OPEGA to submit its report to GOC and Taxation Committee (TAX) on the full evaluations scheduled for that year. • For (B) expedited reviews (conducted by TAX): <ul style="list-style-type: none"> ○ 7/1 deadline for OPEGA to submit materials to TAX for expedited reviews scheduled that year. ○ 12/1 deadline for TAX to submit report to Legislature on expedited reviews for that year. • Authorizes the GOC to submit any legislation it considers necessary to improve the process or availability of data for the review of tax expenditures. 	<ul style="list-style-type: none"> • "...will provide Maine policy makers with objective evidence needed to make better informed decisions about economic development tax incentives and other types of tax expenditures" • "Regular, rigorous, independent evaluations can help determine which tax expenditures are working, which are not, and how to improve the effectiveness of these policies" • "As policy makers we want tax expenditures to provide the best possible outcomes for our money."

Overview of Tax Expenditure Review Legislation Enacted Since 2014
Government Oversight Committee - April 9, 2021

Year	Title	Summary	Notes on Intent from Sponsor's Testimony
2017	An Act to Implement the Recommendations of the GOC to Improve Efficiency and Effectiveness of Legislative Reviews of Tax Expenditures (PL 2017, c. 266, LD 1572) Sponsor: Rep. Anne-Marie Mastraccio for the Government Oversight Committee	<ul style="list-style-type: none"> Amends the law governing the schedule and deadlines for full evaluations of tax expenditures. Amends "schedule" to "prioritized schedule." Amends "schedule the review of expenditures with similar goals during the same year" to "group the review of tax expenditures with similar goals together." Removes annual deadlines for full evaluations, specifically the 1/31 deadline for the GOC approval of evaluation parameters and the 12/31 deadline for OPEGA submission of report on full evaluations. 	<ul style="list-style-type: none"> "This bill is intended to get statutory requirements and expectations more in line with what has proved to be realistic and ensure that OPEGA can produce a quality result for the Legislature." "OPEGA would have at least two evaluations in progress at any given time, with one of the evaluations being given priority until it is complete."
2017	An Act To Implement the Recommendations of the GOC To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development (PL 2017, c. 264, LD 1217) Sponsor: Rep. Anne-Marie Mastraccio for the Government Oversight Committee	<ul style="list-style-type: none"> Combines separate requirements for DECD to have independent evaluations of (a) R&D activities and (b) economic development incentive programs, into a single requirement for a comprehensive evaluation of "economic development investments." Defines "economic development investments" to specifically include <i>tax expenditures</i> for R&D and economic development incentive programs. Establishes evaluation objectives, including assessing the extent to which the economic development investments align with and support the state's strategic economic improvement plan. Changes the evaluation cycle from every 2 to every 4 years. 	n/a
2019	An Act to Amend the Tax Expenditure Review Process (PL 2019, c. 161, LD 1069) Sponsor: Rep. Ryan Tipping	<ul style="list-style-type: none"> Changes the date for Taxation Committee's submission of reports on the expedited review of tax expenditures, from December 1 to March 1, and the corresponding dates for OPEGA's submission of materials to the Taxation Committee in advance of their reviews, from July 1 to December 15. 	<ul style="list-style-type: none"> "This adjustment is to make the committee's work align better with the schedule of the Legislature's calendar, and this will facilitate a more efficient review of all tax expenditure provisions"

**Testimony of Kirsten LC Figueroa, Commissioner
Department of Administrative and Financial Services**

**Before the Joint Standing Committee on
Government Oversight
April 9, 2021**

Introduction

Senator Libby, Representative McDonald, and Honorable Members of the Committee on Government Oversight:

I am happy to be acquainted with many of you. For those of you whom I have not yet had the pleasure of meeting, and for the record, let me introduce myself: My name is Kirsten Figueroa, and I am proud to be the Commissioner of the Department of Administrative & Financial Services or “DAFS.” Thank you for the opportunity to be here today.

As I understand it, the goals of today’s session are informational in nature, an exchange about our statewide Human Resources Management System (or “HRMS”) project. DAFS, as the department that oversees all aspects of human resources, is responsible for everything HRMS.

Your intuition that this is a crucial and intricate effort that must be proactively, efficiently, and strategically managed is spot on. I share those beliefs – as does my senior leadership team at DAFS and this entire Administration.

Alleged Misconduct

That said, before we commence speaking about the *project* itself, let me first address a separate issue:

A Legislator, as part of a supplemental budget vote in the Joint Standing Committee on Appropriations & Financial Affairs, on March 4th of this year, alleged what he characterized as “probable sexual misconduct” on the Workday HRMS project. This public announcement was the first time we had been made aware of the alleged impropriety. This Administration and DAFS takes these allegations seriously and, after learning of the public pronouncement, we launched a full and complete investigation.

The Bureau of Human Resources is working with the Office of the Attorney General on this matter. We are not able to discuss the details of this ongoing investigation. But, to be exceedingly clear: Any form of harassment may be reported by any personnel, regardless of whether an employee or a contractor is a recipient of harassment, a witness, or otherwise aware of harassment.

Complaints of this nature may be filed by contacting any of the following individuals:

- The immediate supervisor,
- Any supervisor/manager in the chain of command,
- Departmental Equal Employment Officer designee,
- Departmental Human Resources Director,
- Any Human Resources professional,
- The Assistant State Equal Employment Coordinator, and /or
- The State Equal Employment Coordinator

Human Resources contacts are clearly visible within all State work facilities, such as in break rooms or on the Bureau of Human Resources' website, and we have included a full list in Appendix B 01 as well – replete with email addresses and phone numbers.

Let me take a moment to thank the members of our human resources team, who handle such matters with professionalism, care, and in strict confidence.

Additionally, this team has been responsible for two extensive surveys of State workers in just the past 12 months. The intention was to ascertain a pulse of the State workforce, including contract workers, as they navigate many cultural changes amid the pandemic, including the deployment to telework for the vast majority. Those surveys had impressive participation rates, capturing approximately 7,000 of the State's approximately 11,000 executive branch employees, and results are publicly available on the Bureau of Human Resources' website, and have been provided today in Appendix B 02 and Appendix B 03, respectively.

Future surveys are planned. In fact, DAFS' Bureau of Human Resources is currently beta testing, with a few of our smaller departments, a baseline diversity, equity, and inclusion culture survey. Possible next steps include: training on cultural diversity and awareness, unconscious bias, and bystander intervention, in addition to listening sessions and focus groups. Subsequent surveys will be administered after program implementation to track effectiveness and identify gaps. This would be in addition to the compulsory trainings on harassment for all State employees, including the already more stringent requirements for supervisors.

These are challenging times and our Human Resources team remains available to any member of our workforce who has any concern whatsoever.

We have also increased the visibility of our already quite visible employee benefits – including our Living Resources Program, free to all employees and their families, and offering access to mental health, legal, and other professionals. This program takes care of everything from setting up the appointment to paying the bill – and is an invaluable and, frankly, underutilized tool available for those who are struggling.

I cannot stress this enough: We recognize the dignity of each individual and the right of individuals to work in an environment that is free of intimidation and harassment. HR matters of this gravity are handled with the utmost professionalism and in confidence, and under the full bounds of State and Federal labor law, our HR employment policies, and any union agreements.

Thank you.

Government Oversight Committee Request

Part and parcel of this Administration's strong interest in ensuring that employees are supported, valued, and treated as the professionals they are, we will now pivot to the nuances of the HRMS project, which will be integral for improving employee communication and access, and is the true basis of your request.

The request from this Committee is to provide a "review of the Workday Human Resources Management System," which we are thrilled to do. As you may or may not be aware, a professional goal of mine, which I outlined in detail to DAFS' primary committee of jurisdiction, the Joint Standing Committee on State & Local Government, at the onset of this Legislative session, is to 1) be forthcoming about challenges – some new and some longstanding – that compromise our ability to accomplish the objectives tasked to us by law, and 2) to be a transformative steward of the State's infrastructure: fiscal, human, physical, and technical.

As the central nervous system of State government, to describe the positive impact that DAFS is capable of making, we borrow on the concept of technical debt. Technical debt reflects the implied cost of ignoring deficiencies or electing short-term fixes, rather than addressing problems at their root and investing in long-term solutions. Technical debt is not carried on the State's balance sheet, but inevitably manifests as a very real financial liability on which interest has accrued.

All in all, we do a great job. But when we neglect infrastructure, we do run into problems. Some examples of technical debt include:

- Human resources challenges that make certain efforts and projects more difficult, such as:
 - Vacancies that stretch existing staff thin;
 - Turnover that requires constant training or loss of institutional knowledge and expertise; and
 - Underfunded projects and/or underpaid staff, which causes low employee morale and burnout.

- Significantly out of date computer systems, that make for:
 - Inherently inefficient processes;
 - Incompatibility with supporting systems;
 - Technology no longer supported by vendors and/or using computer languages that are no longer taught;
 - Vulnerability to cyber-attacks and/or technical failure, both of which would seriously jeopardize operations and the data of State agencies and citizens alike; and
 - Much more intensive replacement projects when the system being replaced is so far out of date, has not been maintained, and/or does not integrate with modern technologies.

It is DAFS' responsibility to highlight the critical importance of preserving these infrastructures, to ensure stewardship of all State resources, and to evaluate, design, and implement sustainable solutions.

DAFS is undertaking several inventory projects to highlight the erosion of our infrastructures and developing roadmaps to catch up, keep up, and build up.

For instance, we are currently conducting a Statewide inventory of computer systems and applications: part of the reason we cannot respond to newer technologies is because our systems and the patchwork that has been created over time are not compatible with newer technologies.

Of course, the inherent danger in highlighting the holes is the expectation of fixes. That is why the development of the roadmaps will be as critical as the assessments. To show not only that we have a comprehensive understanding of the issues, but to create methodical, sustainable, thoughtful solutions that will hopefully get us to a place where we can preserve our systems and maintain them at appropriate levels going forward.

You will hear more about this in a bit, but one example of our work in this area is the Project Management Office within MaineIT, a division of DAFS. The Project Management Office was decommissioned during the previous Administration in an effort to reduce employee headcount, and was reestablished just about a year ago by our Chief Information Officer; ensuring a higher degree of success in technology projects will ultimately save the State time and money as well as allow us to avoid "fits and starts" and heartache.

We have also vastly improved project communications and access to subject matter experts, which you will also hear me discuss, and are slowly but surely improving the reporting and funding structure for many of these projects.

The elimination of the State's technical debt is one of my strongest professional passions – and I hope that you will consider this presentation a paradigm shift as we make progress toward those goals.

And it is at this point that you may wonder when we will get to Workday ... Do not worry, we will. There is a long history with the State's HRMS efforts, and since you have asked for that detail as well, that is where we are headed now.

As we describe the State's history with the HRMS effort, you will note that it is full of bumps. Sharp corners. Some crashes even. Many of these incidents pre-date me but, frankly, bumps are to be expected in any effort of this magnitude. In the approximately two years of our tenure, I am proud that we have been able to keep the current Workday Maine effort on track and, when it has veered off course, or there have been bumps, we have been able to get things back on track and to advocate for and ensure the State's interests along the way.

That said, as I already mentioned: Your intuition that this HRMS effort is crucial and intricate – and that it must be proactively, efficiently, and strategically managed is spot on – and, maybe it is strange to be elated by an invitation from an investigative committee of the Legislature ... but ... your concerns are part and parcel with our interests, and I am appreciative to have your time for this conversation. Thank you.

DAFS' Goals

DAFS' goals for today's hearing are as follows:

First and foremost, we aim to be responsive, informative, and transparent, to offer our expertise and knowledge to fill in any gaps and to help the State continue to move forward with the HRMS effort in a proactive manner. We know that you share those goals and are our partners to that end. Thank you.

Second, we intend to provide context, including the business case for why an HRMS is so badly needed and an overview of the effort to date, which goes all the way back to 2012.

Third, we will hone in on Workday specifically – and speak to the State's engagement with Workday both as a vendor of HRMS software *and* as a vendor of professional services for the implementation of the software. Workday has played both roles in the effort – we can make that distinction for you and provide full and complete information on that front.

Fourth, we will summarize for you much of the information that has already been shared in public hearings, with the Joint Standing Committees on State & Local Government and Appropriations & Financial Affairs for instance, outlining the investment and approach necessary to bring this HRMS effort to the finish line.

And, finally, we are prepared to answer your questions. I have asked members of my senior leadership team to join me today – and they may assist. Let me take just a moment to introduce them now:

- Heather Perreault, as DAFS' Deputy Commissioner of Finance, oversees all of our Bureau of Human Resources and Financial Service Center teams who are integral to this effort, and is this Administration's Executive Sponsor for the Workday Maine effort, a role we are grateful she took on as part of her appointment, as of about 18 months ago;
- Anya Trundy, Director of Operations, is DAFS' Legislative Liaison and should be the connecting link on any follow-up from today's hearing;
- Fred Brittain runs MaineIT as the State's Chief Information Officer, celebrating his second anniversary of employment this month, in fact; MaineIT is home to this Administration's Project Management Office – CIO Brittain is an important member of the Workday Steering Committee and has decades of experience deploying complex technology efforts across organizations;
- Doug Cotnoir is the State Controller, a division within DAFS that manages all aspects of employee payroll, a key member of the current Steering Committee, and, the longest-tenured member of the HRMS effort – around back in 2012 through to today, and privy to many of the bumps and pivots since then; and
- Jaime Schorr, our Director of Procurement Services, a team that has been instrumental in defining the contracts entered for many of the iterations of this effort – including the contracts signed in the fall of 2018 with Workday – for both the software and the professional services.

We see today's presentation as a partnership – and look forward to the discussion.

What is HRMS? Why HRMS?

What is the HRMS replacement project and why is it needed? Again: HRMS stands for Human Resources Management System. The State of Maine's HRMS effort pre-dates many of us sitting here today and existed long before I became Commissioner of DAFS.

Beginning back in 2012 – with a different approach and multiple different vendors mind you – it was not until just before the change in Administrations, in the late fall of 2018, that the State of Maine engaged with and signed contracts with Workday. While I will not account for 2012 to present month by month, my testimony today does provide a relatively granular timeline of each of the HRMS iterations between then and now. I will briefly touch on each of these pieces as “past is prologue” as they say, and being aware of all the work and investment in this effort to date has informed our leadership of this project.

This HRMS initiative, as I said, started back in 2012 as an effort to replace what was *then* an almost 30-year-old mainframe payroll-only system. The programming language for the mainframe system was even out of use back then, and had been for decades.

I cannot, of course, speak to the motivations of the previous Administration in initiating the effort. But, I will state, that our assessment, at the onset of this Administration, led us to prioritize the replacement effort of the current HRMS in the same way the previous Administration had done. This despite the intricacy, cost, and difficulty of doing so. The business risk of not doing so, to put it lightly, is: incredible.

We prioritized this project for a number of reasons:

First and foremost: Our current HRMS, if you want to call it that, is significantly out of date. Replacing this outdated system was long overdue. The LePage Administration made a determination to move away from our mainframe-only system, which we all agree with. The current mainframe system lacks almost all of the functionality of a newer system, meaning many of our business processes are still paper-based, which can cause delay and inaccuracy, and the mainframe itself is being held together with duct tape and paperclips, running in a computer code – COBOL circa 1968 – that is no longer taught. Not only is there a significant cost to keep this system propped up, there is also a real potential for failure of the payroll system because there are few programmers who understand or can use this programming language – the State employed two, one of whom has just retired and one who is close to retirement.

Additionally, this old system makes for:

- Inherently inefficient processes;
- A patchwork of multiple legacy software systems that have limited or no integrations with each other, therefore requiring frequent manual and duplicative data entry in multiple systems;
- Incompatibility with subsidiary systems that are no longer supported by vendors and/or using computer languages that are no longer taught;
- Considerable administrative burden and/or cost for the upkeep and functionality of these legacy systems;
- Risk of catastrophic failure; and
- Vulnerability to cyber-attack and/or malfunction.

I was not exaggerating when I said that the existing mainframe is held together with duct tape and paperclips. Our ability to manage the various pay, benefit, training, and other personnel support functions for our more than 13,000 State employees is in jeopardy and literally on the verge of failure.

Enter: A modern HRMS. A modern HRMS integrates all information used by human resources – as well as managers and supervisors across all facets of an organization – for decision making and offers benefits that lead to improved HR function and ability to act more strategically instead of being bogged down in minutiae. Not only would a modern HRMS ensure that we can track employee time and issue 13,000 payroll checks biweekly, it will also bring additional functionality to replace paper-based, time-intensive processes that are, by nature, prone to error and slow.

Modern HRMS functionality that one could expect from a new system, and is severely lacking within our current operations, includes:

- Employee data management: This will be the most impactful benefit of a modern HRMS, meaning that we can track and store demographic details such as employees' name and address, as well as information on benefits in one comprehensive system – for example, tracking leave time earned and used, and benefit enrollment and status changes, and more effectively administer payroll deductions for such items as retirement contributions, health insurance premium contributions, et cetera. Additionally, we will be able to manage employee data in such a way that will correctly allocate personnel costs to Federal grants in order to obtain reimbursement – removing much of the manual function and allowing us to more closely monitor the financial viability and effectiveness of our programs.
- Employee self-service: A modern HRMS will enable employees to update personal data without having to involve HR for simple tasks, for example income tax withholdings, beneficiaries, direct deposit, address changes, and more.
- Central storage: Because data is stored in one place, this means reporting can be more efficient. It makes access of compliance records simple. It also means there is a central location for documents such as employee handbooks and policy and practice manuals.
- Fewer systems to manage: We can integrate HRMS to include payroll, training, other financial software, accounting systems, ERP systems, and intranets, for example.
- Management and tracking of recruiting data such as applicant and resume management.
- On-demand reporting: One of the major benefits of a modern HRMS is that customized reporting can be done “on the fly.” For example, a manager could query employees by location without having to contact Human Resources for a manual report that can currently take multiple hours or days to compile.

Allowing managers and other leaders and decision makers to access timely information about the employees – as related to employee development, performance improvement, and wage detail (as appropriate) for example – would vastly improve our operations.

I will also note that *most* modern HRMS operate on a software-as-a-service model, or “SaaS.” This means that in addition to buying the software, you subscribe to the software for any updates and patches. For instance, if the Federal withholding form is changed or labor law now requires a new calculation for sick time, or any number of updates or modernizations that happen in the HR space, your HRMS is automatically up-to-date and compliant. This reduces business risk of being out-of-conformity and also eliminates the need for computer programmers and/or policy analysts to create one-off patches for your system, or the disruption to staff and employees of reverting to a paper process. The Workday SaaS HRMS includes this functionality.

A new HRMS is especially relevant for government, as we are a unique HR case study. Public sector leaders are faced with this issue often: Because governments are a single entity that contain multiple types of businesses, all with different HR and payroll requirements, modern HRMS are especially important, and their deployments particularly sensitive. Instead of just one business vertical, our HR team manages multiple business models: from transportation crews to State hospitals, from lab scientists to professional services, and from home- and community-based workers to policy analysts and public safety professionals. Additionally, our HRMS effort, unlike most other State efforts, spans all three branches of government, meaning it will integrate various HR policies and more than 13,000 employees from more than 140 different entities, four labor unions and seven bargaining units within the executive branch, one labor union and four bargaining units in the judicial branch, and two labor unions and two bargaining units within the legislative branch – not to mention: hundreds of salary schedules; various stipends; and dozens of nuanced special pay types.

And the list goes on –

In short: There is resounding agreement that we must move State government into the modern technology world... for efficiency, for accuracy, for less paper, and to get the payroll processing off a system that is literally on its last legs.

The benefits of a modern HRMS are vast and it is a pleasure to be at DAFS at this time, and to be the leader of the team that is on the verge of – and will make – a modern HRMS a reality for State government. You are also part of that team, and I speak for all State employees when I say “thank you” for the support the Legislature has offered to this important – transformative – initiative over the course of the last nine years.

Overview of Effort to Date

Now, let me outline for you our approach to this HRMS effort:

As I have touched on briefly already, new technology projects are challenging no matter the context and skillset of the implementors and, historically, even more so within State government and other public institutions. As a longtime public servant and leader within State government, I have borne witness to the difficulty of deploying technology projects in this environment. This is due to many factors:

- The various business models in operation under one roof – as I’ve already outlined.
- Lack of funding: Technology projects in State government are notoriously under-resourced due to budget constraints and, at least in previous Administrations, often spearheaded by an already over-tasked manager or a subject matter expert rather than a project management expert.
- Additionally, and I cannot stress this enough, there is a chasm between “off the shelf” and the reality of the way the work is actually performed, or the reporting that is needed, or the details required for federal compliance.
- An “off the shelf” product does not usually work well for the multiple business lines and intricacies of an organization so complex. Let’s use an example, such as Quickbooks. You might buy that software and install it and use it for your pizza shop, but you are not going to run a multi-faceted food production and distribution warehouse and retail company on Quickbooks. That chasm between the available products and the real needs, and how it is identified, discussed, managed, and triaged, is the make or break of a successful system replacement.

Bridging this gap is something I am passionate about – and, hopefully, part of our eventual legacy here at DAFS.

For all of these reasons outlined, there is no doubt that an HRMS effort within this organization will require a real rigor – which is to say: nuance, expertise, and attention to detail. This is compounded even more so because the State has been attempting to mitigate the risk of the old system and deploy a new HRMS for almost a decade. Basically, trying to bail water and patch a leak at the same time.

Let us review the detailed timeline:

As part of what I have entitled the “Pre-Work” phase, the State created a Steering Committee in 2012 to determine a strategy for the HRMS, and contracted with a professional services vendor for same. The following year, in 2013, the State contracted with a subsequent vendor for additional planning, such as calculating total cost of ownership for an HRMS, and outlining service delivery.

This led to the determination to pursue an HRMS coupled with outsourced business support, and that Request for Proposal (RFP) was issued in 2014. Ultimately, that RFP process closed without an award, the scope was tightened, and a subsequent RFP was issued in 2015 requesting both a SaaS HRMS and implementation services.

That RFP was conditionally awarded in February of 2016 to a vendor named Infor Public Sector, and – because a contract of this magnitude does often take months to work through – the contract was officially signed in June of 2016. Work commenced on what was officially known as the “SOMER Project” (that’s S-O-M-E-R) and a go-live date of December 2017 was announced.

As work on the SOMER Project was proceeding, the go-live date was delayed to December 2018. In March of 2018, a number of deficiencies were identified by the State, communicated with the vendor, and – after a months-long remediation period and subsequent contract dispute – the State canceled *for cause* the SOMER Project contract in June of 2018.

The financials for these efforts, as we have been able to pull them together over the last two weeks, are outlined in Appendix E; I will review the financials in detail shortly.

Meantime, let me again mention that a member of my senior leadership team at DAFS, Doug Cotnoir, the State Controller, is here with me today. As the subject matter expert on payroll processing and other enterprise systems, he has been – and remains – highly involved in the HRMS effort since its inception, a member of the Steering Committee, an invaluable member of the team – and functions as my de facto resident historian. If you have questions about the historical nuances of the Infor effort, Doug Cotnoir may be able to speak to those.

With the SOMER Project off-the-table, I want to give the previous Administration props for what they did next. In concert with the Director of Procurement Services, Jaime Schorr, also here with us today, realizing it had no time to lose, seeing the duct tape and paperclips falling off the old mainframe, the State quickly pivoted to another HRMS vendor.

This time, the State looked to its industry partners and utilized NASPO ValuePoint: the National Association of State Procurement Officials’ cooperative contracting consortium – meant to facilitate the competitive vetting and bidding process for the benefit of state departments, institutions, agencies, and political subdivisions, as well as other eligible entities including cities, counties, special districts, community colleges, universities, and some quasi-governmental and nonprofit organizations. Maine has been successfully participating in this cooperative purchasing program for some time, thanks in large part to Jaime Schorr’s leadership. In addition to Maine, NASPO membership is comprised of the Chief Procurement Officials from the 49 other states, Washington D.C., and the U.S. Territories.

NASPO ValuePoint uses first-class procurement methodologies to enter into master agreements.

Those master agreements are competitively solicited by a team that is comprised of a lead state alongside multiple state procurement representatives and subject matter experts, meant to leverage the expertise and buying power of the many states and other participating entities.

In the past, Maine has been the lead state, though, in this instance, the State of Utah was the lead, and, in concert with NASPO ValuePoint, released an RFP in December of 2015 entitled “NASPO ValuePoint Cloud Solutions” and ultimately received 58 valid proposals. The proposals were scored on: cost, business information, organization and staffing, and technical requirements (in this case, technical requirements included strong data security, a minimum expectation that the software product run in cloud environments, and mandated a threshold for meeting National Institute of Standards and Technology (or “NIST”) criteria). The evaluation committee scored multiple proposals, of which 38 received scores that met or exceeded the minimum point requirements outlined in the RFP, and those vendors were offered master agreements.

Some of those 38 vendors offered HRMS and others offered other cloud technology. Some were SaaS, while others were Platform as a Service (PaaS) and Infrastructure as a Service (IaaS). This effort is highly regarded within the procurement industry for having competitively vetted and facilitated a number of quality technology solutions for use by public entities.

In 2018, the State of Utah performed a refresh bid on the 2015 RFP. Eighty proposals were received, and an additional 33 bidders were offered master agreements. The State of Maine was a participating entity, including sending individuals from the Maine Office of Information Technology to Utah to participate in the evaluation sessions.

One of the entities that was awarded a master agreement was Workday and, in fact, Workday was the only vendor in the SaaS category that offered an HRMS.

Thanks to this NASPO partnership, from what I understand, in what might be considered record time by State standards, just four months after cancelling the previous contract on the SOMER Project, by October of 2018, the State of Maine had completed its due diligence on the NASPO ValuePoint procurement – including participating in the competitive scoring process and deploying to various public entities to investigate the efficacy of Workday – and had inked two separate contracts with Workday: one for the HRMS SaaS and another for the professional services implementation.

Those two initial contracts with Workday – one for the SaaS software and another for the professional services implementation – are included in Appendix C 01.

A process that had previously taken nearly a year was condensed to a quarter of that, and in November 2018, two months before the transition to a new Administration, the new project, now referred to as “Workday Maine,” commenced.

The LePage Administration announced a deployment date of January 1, 2020 and signed a \$15 million contract with Workday for a combination of professional services implementation and SaaS licensing fees.

Understandably, considering there were just a few months remaining for that Administration, planning took place, but it really was not until January 2019 that Workday Maine got off the ground.

Workday Maine

And it is here that I must pause only briefly to talk jargon. I have been saying all along that Workday is two things, but it is really three:

- We call the HRMS project Workday Maine
- One component of the Workday Maine project is the technology we are deploying: an HRMS software-as-a-service, also known as Workday
- Another component of the Workday Maine project is the implementation partner, which is a professional services firm meant to lead the effort to deploy the technology; in this instance, at least so far, the implementation partner is also Workday – and when I refer to this component, I will try to remember to say “Workday Professional Services”.

With the new Administration in place effective January 3, 2019, there have been a full 26 months of Workday Maine under my watch.

My assessment at the onset of this Administration was that Workday SaaS HRMS was the appropriate choice. Ranked among the top two HRMS SaaS offerings nationally, I do believe that Workday is the correct product for the State. As with all large efforts, there is certain functionality we are evaluating, and we will look to our implementation partners as we consider the nuances.

Workday SaaS will provide vastly increased functionality and information. In addition to time tracking and payroll, it will support many human resources functions that are currently done manually or in a variety of systems that either do not communicate with one another or are themselves outdated. These include: recruitment and hiring; employee onboarding; ability for employees to view and manage retirement and health benefits; ability for employees to view and manage vacation and leave balances, and electronically submit time off requests; self-service capabilities for employees to make address changes and changes to dependent information; electronic funds disbursement; direct deposit and withholding; ability for managers to view organization structures, personnel, and position information; ability for supervisors to manage their employees' schedules and time off requests as a team to ensure operational coverage; and tracking employee licensing and certifications.

Because Workday is a software-as-a-service product – going forward, we will always have an up to date, supported, modern system. That's the beauty of SaaS and subscription.

Once implemented and online, the system will be continually updated and current as part of our subscription.

Initially in 2018 and then again this year, in 2021, Gartner, the most well-known and respected information technology research and advisory company worldwide, ranked Workday and Oracle at the highest end of cloud HRMS software suites for organizations with 1,000+ employees.

In short, the Workday HRMS will give us a modernized approach for managing our workforce and allow for more effective and efficient management of our most valuable resource, 13,000 State employees across all three branches of government; and, will allow us to more effectively and efficiently execute the programs and services so critical to Maine people and so reliant on the expertise of State employees.

Now let's talk **implementation** of the Workday SaaS.

As I have said, this Administration inherited a contract with Workday for both the SaaS and the professional services implementation.

With our knowledge of the HRMS bumps in the road – and with a penchant for improving the deployment of these kinds of efforts within State government and knowing how delicate these implementations are anyhow – we have been monitoring and managing the professional services implementation side of the house quite closely.

And we went into the effort with eyes wide open. Not only with full view of a long history, but also with the knowledge that these projects are *hard* -- and not just here in Maine. Nationally, in 2015 only 58 percent of technology implementations of this nature – with complex human resources functions across an enterprise – were considered successful. Through more disciplined planning and recognition of challenges, that has increased to 88 percent in 2019.

Lack of project planning is the number one failure of these types of systems. Planning must include a full range of business process needs prior to product selection.

Like many projects of this nature, there are three components of the effort:

1. The Executive Sponsor, typically a high level executive who makes decisions, and other State actors, such as the Project Management Office and Executive Steering Committee
2. The implementation partner – usually a contractor procured via a competitive process, in this case, Workday Professional Services
3. A number of State employees and contract workers hired to complete our portion of the project work

These three teams have formed over the 26 months of my tenure, which has involved the following:

- First, obviously, a new DAFS Commissioner. It did take me some time to get up to snuff and to conduct a review of this effort. I am sure you can appreciate that, given the crash course I am presenting to you now.
- Second, I have relied heavily on carryover executive leadership in State Controller Cotnoir and Chief Procurement Officer Schorr to get new executive leadership at DAFS settled in on the project – including a new CIO, Deputy Commissioner of Finance, and new Director of Human Resources, all of whom have been and remain crucial to this effort.
- As I have already mentioned, this Administration reestablished the Project Management Office under the direction of the CIO, which has been critical in our ability to advocate for and ensure the State’s interests. While still in the maturation stage; research shows that mature project management provides the following for technology projects:
 - 28 percent improvement in projects completed on time;
 - 24 percent improvement in projects completed in budget;
 - 22 percent improvement in projects meeting original goals;
 - 18 percent improvement in projects avoiding scope creep;
 - Nine percent improvement in project failure rates; and
 - 10 percent improvement in budget lost when a project fails.
- We identified an Executive Sponsor for the Workday Maine effort who can effectively liaise between the Project Management Office, subject matter experts, our professional services vendor (Workday), and the business needs of HR and all of State government to lead and deploy this effort – that person is Deputy Commissioner Heather Perreault.
- When I hired Deputy Commissioner Perreault, a few months into my tenure, I asked her to rely heavily on a Steering Committee of executives – and to compile a large group of subject matter experts, primarily from the Bureau of Human Resources and the State Controller’s Office, who can serve as resources for this effort – and to work strategically, deliberately, and methodically to acclimate the team to a professional services vendor and project that was, at that point, very new.
- The Executive Steering Committee is composed of:
 - Heather Perreault, Executive Sponsor, Deputy Commissioner of Finance
 - Breena Bissell, Director of the Bureau of Human Resources
 - Fred Brittain, Chief Information Officer
 - Doug Cotnoir, State Controller
 - Doug Birgfeld, Director of the Project Management Office

- In addition to the contracts with Workday, the State also entered into contracts with consultants to assist with specific areas of the project: Kainos, for design and execution of certain parts of testing; Premier Data Systems, for assistance with data transformation and migration; and Panorama Consulting, a firm that specializes in providing Independent Validation and Verification (IV & V) for large implementation projects.
- Throughout the project, at the end of each project phase, Panorama Consulting would conduct a review of the implementation effort and present their results to the Executive Steering Committee. Despite identifying some of the same issues that were later found by a separate third-party assessor, Panorama consistently recommended moving to the next project phase, downplaying the significance of many of the problems.
- Workday Professional Services began leading the State of Maine project team through the planning stage of implementation in late fall of 2018. In mid-January 2019, Workday Professional Services moved the State team into the next phase of the project, to define business processes and gain understanding of configuration requirements.
- Unfortunately, early on, in February of 2019, Workday Professional Services confirmed that it could not support the Labor Cost Distribution required by the State, which would break down employee time and benefits costs by department or agency, and allow us to track and obtain reimbursement from various funding sources, including significant federal grants. This was a baseline requirement for our business model and Workday Professional Services had previously characterized, in August of 2018, that the product could fulfill this need. When we flagged this issue and engaged with Workday Professional Services to remedy, they agreed to fix this by offering what was basically a free upgrade of our SaaS to include limited functionality within their Finance module as a work-around for the length of the initial SaaS contract with Workday (through FY23).
- In November of 2019, the Executive Steering Committee, in agreement with Workday Professional Services, decided to delay the initially announced go-live date of January 1, 2020, due to a number of concerning areas for which configuration was not complete, including Labor Cost Distribution, Compensation Plans, Fair Labor Standards Act (FLSA) compliance, and Time Tracking (especially for 24/7 operations such as Public Safety and our State hospitals). Based on Workday Professional Services' assessment of the remaining effort required, a new go-live date of April 1, 2020, was announced. Panorama Consulting, the IV & V vendor, concurred that the new go-live date was "realistic and achievable."

- Following the decision to delay the go-live date, and as advised by Workday Professional Services, we evaluated and expanded the scope of the project plan. A Change Order in the amount of \$1.25 million was signed, adding additional testing phases due to the complexity of our payroll, adding support for data conversion, and increasing post-production support services.
- As part of the project plan, testing of payroll functionality occurred in early 2020. The results of these tests, when compared to how payroll was calculated in our existing system, showed a more than 50 percent error rate. We were in touch with Workday Professional Services repeatedly to check in on this and other issues and to finalize the go-live plan.
- In early March of 2020, as we were inching closer to the deployment date of April 1, 2020, the Workday Professional Services team continued to indicate that we were on target to meet the launch date. Our team, managing the project closely and highly involved, had growing concerns. Because of these concerns, and the failure of the payroll testing, the Executive Steering Committee decided to again delay the go-live of the software – against the recommendations of Workday Professional Services.
- It is at this point that we engaged with the Workday Professional Services team to address our concerns regarding approach and process. We requested that Workday provide more experienced staff to assist in overcoming the challenges the project was facing. You will find many of our concerns itemized in correspondence – over the course of many months – between myself, Deputy Commissioner Perreault and Workday Professional Services executives in Appendix D.
- And now it is mid-March of 2020 and, frankly, the COVID-19 pandemic sweeps us off our feet for a bit. As a reminder, DAFS, as the central nervous system of State government, is responsible for technology, buildings and grounds, human resources, procurement, budget, revenue forecasting, and tax collection. All of these were significantly impacted by the pandemic.

DAFS:

- Transitioned staff to remote work;
- Followed the Federal government’s shifting of tax filing and payment dates (more than once!);
- Provided personal protection equipment to State employees, while procuring said for Maine’s CDC stockpile for our State’s healthcare network and for our K-12 school districts;
- Managed federal relief funds and reporting requirements;

- Made infrastructure improvements such as cubicle changes, plexiglass installation, signage, as well as increased high touch area cleaning to keep our onsite employees safe;
- Created a plan upon a reforecast of State revenues and processed a more than \$200 million budget curtailment;
- And more.

All on top of the normal activities performed by DAFS' fewer than 1,100 employees. State government has not stopped during the pandemic. We continue to provide the services (and more!) that Maine citizens expect and are relying on more than ever.

Our human resources professionals and IT teams have been phenomenal – led by Breena Bissell at DAFS' Bureau of Human Resources, who would have liked to join us today but is otherwise committed, and CIO Brittain at DAFS' MaineIT. The expertise and experience of Director Bissell, CIO Brittain, and their respective teams have been integral to the success of Workday Maine – and those same teams are now also dealing with:

- Ramping up communication around safety, telework, and facilities with employees and the multiple labor interests;
- Administering the employee side of the Federal Families First Act legislation, as well as sick and other leave options for employees, all of which involve a high degree of tracking and reporting;
- Authoring and deploying standard operating procedures for a confirmed case of COVID-19 among State workers;
- Creating and implementing new Work Rules for distancing and face covering, among other things;
- Working through the nuances of multiple new pay types;
- Scaling up technology operations for the Department of Labor's call center and the Maine Center for Disease Control & Prevention's contact tracing;
- Not to mention supporting our workforce as we telework, interact over video conference, rely on more and different technologies, and deal with the stress of a once in a lifetime pandemic ...

The list goes on and on and is included in Appendix A 02.

All this to say, a lot of what is happening in the Workday Maine project is part of the bumps and growing pains of a complex project, especially an HRMS project. But it is fair to say that, if our resources had not been otherwise occupied with the State's response and support of our citizens during the ongoing pandemic, we may have taken some of the steps we are taking now a bit sooner.

That said, we continued to work hard and, frankly, I am incredibly proud that cool heads have prevailed. There have been bumps and rejiggers necessary – as expected with any project of this magnitude – but even with so much noise in the background, we have done a fantastic job of not only representing – but also defending – the State's interests and the interest of our employees.

- Beginning in April of 2020, we started working on a Change Order to completely redefine the Statement of Work with Workday Professional Services. The Statement of Work outlines, in detail, the roles and responsibilities of Workday Professional Services as the implementation consultant guiding this effort, and the State of Maine project team. Significant changes were necessary to address the challenges faced by the project.
- Between April and May of 2020, the newly reestablished Project Management Office undertook review of Workday Maine project governance. Recommendations from the Project Management Office included updating the Project Charter and Communication Plan, plus revisiting and thoroughly documenting all business processes. Workday Professional Services asserted that this review was not necessary and proposed a limited overview.
- In May of 2020, with almost no notice, Workday Professional Services removed their staff from the project, taking with them their guidance and role as implementors of their software product. We were able to convince them to return after a few days. Little did we know at the time that they would do this again.
- On May 15, 2020, on behalf of DAFS, I sent a letter to Workday Professional Services regarding project failure and methodology.
- In June of 2020, as a result of our request for more experienced staff, Workday Professional Services changed their project leadership.
- On June 29, 2020, Workday Professional Services submitted an initial draft Change Order for services through August 2020 with a price tag of \$350,000. This Change Order was only for services to establish a new project plan and timeline, and did not include any further implementation of the product. We did not accept this Change Order, and continued to meet with Workday Professional Services to try to define what would be needed to complete this project.

- In short order, despite being in the throes of the pandemic, we began a procurement process for an independent assessor of the project and established a Stakeholder Advisory Committee (which Workday Professional Services refers to as “Department Process Advisory Committee” or “DPAC”).
- On September 9, 2020, we hosted a project re-start “kick-off” meeting held with Workday Professional Services and State of Maine project teams.
- Between June 2020 and September 2020, there were more than 40 versions of a draft Change Order exchanged. Workday Professional Services continued to fail to meet our expectations or include items we deemed critical to successfully completing the project. We continued to push back, as we worked to uphold the original professional services contract and the State’s interests.
- In September of 2020, we interviewed three potential contractors to perform an independent assessment of the Workday Maine implementation effort and also initiated conversations with the Office of the Attorney General around Workday Professional Services contract terms.
- On September 11, 2020, the Project Management Office and Executive Sponsor met with Workday Professional Services, and indicated that the terms of our deliverables-based fixed fee contract required no additional payments for Workday Professional Services to complete the implementation. Workday Professional Services asserted, and continues to assert, that additional fees are due because the scope of the project has changed; we disagree – we do not have a new HRMS that meets the requirements outlined in the contracted Statement of Work (as amended by various Change Orders).
- In November of 2020, Workday Professional Services had another leadership change with the project.
- Also in November of 2020, we selected representatives from IJA Strategies, a firm that specializes in consulting on Workday implementations, to independently assess the implementation effort. We conducted this review due to continued lack of progress with Workday Professional Services and growing lack of trust in their assessment of the completeness and readiness of the implementation. The assessment from IJA is included in Appendix F 01 and shows considerable components outstanding on a number of terms included in our original professional services agreement with Workday Professional Services.
- Throughout IJA’s engagement, Workday Professional Services had repeatedly contacted IJA and had been pressuring them to share their report before it was presented to the Executive Steering Committee.
- On February 12, 2021, Workday Professional Services removed its staff from the project again – and again with almost no notice.

- On February 25, 2021, we sent a letter to Workday Professional Services to alert them of potential termination and a \$22 million reimbursement request.

It is not lost on me that this sounds a bit like volleyball. We have complete records and are able to pinpoint the back and forth.

We are managing this project in an organized, structured way and we have an excellent team. We have great leadership and solid decision making in place. The team and I feel confident to say: It was a mature, reasonable, informed decision for management to not go live when we realized that the system as presented and being tested was not going to work and did not include key components critical to a successful launch.

Our correspondence with Workday Professional Services to rectify a number of issues with the launch of the SaaS has devolved, frankly, and instead of engaging with us to remedy, Workday Professional Services removed their staff and guidance from our implementation effort.

It is a sad turn of events but it is likely for the better.

Both of our contracts with Workday – for the SaaS and the professional services – are still technically in place. That said, we intend to cancel the professional services agreement, and have indicated as much to Workday. They feel strongly that the contract should not be canceled *for cause* and have made statements to the media saying as much, though we do have indications that they are not interested in continuing on as implementation partner.

We are working with the Office of the Attorney General on this contract dispute, and the terms of the dissolution are still being negotiated. It goes without saying that the Office of the Attorney General's goals are to protect the State's financial interest and the efficacy of this important and time intensive effort as that contract is unraveled.

The State has requested \$22 million dollars from Workday Professional Services. This amount exceeds payments made to Workday Professional Services and, instead, is meant to recover the amounts paid to Workday Professional Services *plus* cover costs incurred by the State of Maine project team, and also provide funding for unplanned but extremely necessary maintenance for our legacy payroll systems.

Once the professional services contract is officially canceled, we will be able to move forward in selecting a new implementation partner. There are firms around the world who do this type of work – with track records to prove it – from the likes of Deloitte to this IJA Strategies that we used as the third-party assessor and many others. We will be using a competitive procurement process with clearly defined terms.

Despite these delays, bumps, and the impacts of the pandemic, this Administration's work on Workday Maine continues.

We have taken a number of new steps to ensure against some of the bumps of the past, including:

- Increasing frequency and transparency of communications across all levels of the project;
- Moving Executive Steering Committee meetings from monthly to bi-weekly in order to address issues more immediately;
- Establishing strict escalation requirements for decision making, to ensure decisions are getting made at the right level and by the right people;
- Dramatically increasing engagement with business owners, such as leaders of various State agencies and HR partners – while this has put significant strain on these resources, their involvement in detailed discussions has been invaluable; and
- Increasing agency participation and project knowledge of detailed requirements by establishing a Stakeholder Advisory Group and Business Process Mapping documentation.

Under my leadership, we are employing best practices for all technology projects, including for Workday Maine. To me, this Project Management discipline will be the differentiating factor that – finally – eliminates some of the accumulated technical debt and shifts the paradigm for technology deployments in State government. I truly believe this to be one of the most important legacies we can leave behind – a true cultural change and feat of leadership. These best practices include:

- Standards based project management controls;
- A documented matrix for requirements traceability to allow business needs to directly and verifiably align to expected technological functions;
- Phase gates to assure each phase of the projects passes established standards before the next phase is undertaken;
- A transparent escalation path for identified risks to be addressed by executive leaders;
- A dynamic schedule tied to success dependencies so that we have visibility into current and future challenges before they become issues;
- Frequent and detailed status reporting;

- An evidence-based change control process to accommodate possible adjustments to scope that weigh the cost versus benefit of requested changes;
- Active and frequent independent validation and verification of structures, processes and outcomes to inform the project about what is working well and what needs improvement;
- Organizational Change Management and training program to prepare staff and managers in the best use of new system functions before they are released; and
- A system users' group to collect useful feedback from stakeholders and the system user community to assure that the technology delivered supports the needs of each department and branch, while achieving maximum standardization.

As I have said, Workday Maine has suffered its fair share of bumps, sharp corners, and breakdowns. There will be more inevitably. But there has not been fraud, waste, and abuse of funds. Throughout, DAFS has been – and will continue to be – good stewards of the State's interests.

We have employees working on this effort who are not only dedicated and passionate, but skilled professionals – with certifications and resumes and accomplishments that make me feel confident in our ability to see this incredibly important effort through to the finish line.

The complexity cannot be overstated, nor can the importance of an engaged implementation partner. As I have said, your intuition that this is a crucial and intricate effort that must be proactively, efficiently, and strategically managed is spot on.

Most recently, in the middle of last month, even despite our implementation partners walking off the job and the related contract dispute, the State's Workday Maine implementation team began conducting approximately nine weeks of Business Process Mapping sessions to review existing business requirements and identify gaps. The goal of these work sessions is to provide a forum where subject matter experts can provide their knowledge of work processes on a detailed "how to" level. The product of these work sessions will achieve several results:

- Accurately documenting business processes to communicate system requirements;
- Provide the necessary documentation against which to compare results of testing;
- Aid in training new team members; and
- Provide a basis for continuous process improvement.

This work is being completed based upon recommendations included in the independent assessment by IJA Strategies, and IJA's review of the State's Workday configuration.

This assessment identified multiple gaps and recommended specific action for alignment with best practices. Overall, the results were positive. However, one significant deficiency identified through the assessment was that project decisions were not adequately documented, and some decisions were not fully vetted across all affected groups and processes.

To confidently deliver a system that meets the needs of all business stakeholders, we need to make sure we have the right people in the room to collect the right level of detail. This Business Process Mapping effort will be supervised by a number of key stakeholders, including a number of members of the Workday Maine Steering Committee. In all, the Business Process Mapping team includes:

- Douglas Cotnoir, State Controller
- Breena Bissell, Director of the Bureau of Human Resources, and
- Beth Ashcroft, State Budget Officer

These Business Process Mapping members are committed to a full review of business requirements, in collaboration with representatives from the Judicial and Legislative Branches, with whom the Workday Maine team has engaged as part of this process, holding regular meetings to specifically hone in on the business needs of these two branches of government. These senior leaders and their staff will identify individuals who perform the relevant tasks daily to lend their expertise.

The absence of an implementation partner has not impeded our ability to clean and aggregate data in our old systems or data currently being stored in various databases or spreadsheets, so that the data can be as accurate and up-to-date as possible when we are ready to resume with a new implementation partner. Another effort that is underway as a result of the findings of the independent assessment is a review of the multiple current systems that contain information – usually contradictory – related to supervisory and organizational structure, and devising a method to keep this crucial operational data up to date for go-live.

Needless to say, this work will keep the team exceptionally busy for at least another couple of months as we sort out the next phase of implementation.

I would be remiss if I did not mention that this work is being conducted with the backdrop of news out of Maryland –

Perhaps you have already heard that, recently, the City of Baltimore implemented Workday too soon, without taking into account the nuance of 24/7 operations or various Labor Cost Distribution efforts. When I read about the debacle I was, oddly, proud. Proud that DAFS has been such diligent stewards of the effort here in Maine.

At Baltimore city government, everyone from contact tracers to police officers are not getting their paychecks, and firefighters are having issues with health insurance.

It was so bad that, according to news reports, “a coalition of Baltimore city public employee unions sent a letter to city officials claiming a breach of union contracts as a result of the problems ..., including widespread pay inaccuracies, issues with direct deposit and retirees being unable to receive healthcare benefits.”

When we launch Workday Maine, there will be bumps. And there will be more bumps between now and then, too. But our goal is to avoid a widespread issue like what is happening in Baltimore. That, in my opinion, is what would warrant an investigation.

Finances

Appendix E includes an overview of finances for all of the HRMS projects – including all costs related to the Workday Maine project, as well as costs related to the HRMS projects that pre-date Workday Maine. This document should look familiar to you, as it is very similar to one provided just a couple weeks ago. For clarity, we have added some older detail, itemizing costs beginning in 2012, and have adjusted the column labels so that they align with the phases defined here: Pre-Work, SOMER Project, and Workday Maine; that said, the figures remain consistent with those previously provided. Our aim in doing so was to provide even more granular detail and transparency.

You will see that approximately \$14.3 million was invested in the early portions of the HRMS effort, including on the Pre-Work initial consulting contracts between FY12 and FY15, as well as on the SOMER Project between FY16 and FY19.

A total of approximately \$20 million has been spent on Workday Maine to date, spanning two Administrations. The \$17.6 million between FY16 and FY20 includes expenses for the various items we have discussed already today: State employees and contract staff; various support vendors; as well as \$7.6 million in payments to Workday Professional Services for implementation. The \$2.4 million spent this fiscal year is for costs of the State project team, the legacy system, and other support vendors who have continued working on the project. No payments have been made to Workday Professional Services for implementation since March of 2020.

The FY21 supplemental budget included two enacted initiatives, as of yet unspent: Authority to borrow up to \$8 million through a Certificate of Participation and approximately \$4.7 million from the General Fund for Workday Maine implementation, operating and subscription costs, as well as ongoing costs to maintain our out-of-date systems.

Finally, the FY22-23 supplemental budget proposal will contain initiatives of approximately \$8.5 million. These efforts were included in the Governor’s originally submitted proposal for the FY22-23 biennium and were outlined to the Joint Standing Committee on State & Local Government and to the Joint Standing Committee on Appropriations & Financial Affairs on March 3, 2021 as part of the biennial budget process, but were not included in the biennial budget recently passed. You will find my testimony in Appendix A 03.

It is at this point that I should walk back testimony to offer a slight nuance; considering the ongoing contract dispute, I want to be clear that this \$8.5 million figure is the anticipated investment meant to allow us to complete implementation and provide funding for maintenance, subscription fees, debt service, and support. That said, we will be requesting that any new implementation partner corroborate and/or suggest adjustments to this figure – and we will be sure to provide details if there are changes.

Appendix E shows that the total investment in Workday Maine, through FY23, is estimated to be approximately \$41 million, and that the State’s total investment in HRMS – inclusive of all phases beginning in 2012 – is estimated to be approximately \$55.4 million. Our understanding is that a comprehensive HRMS product and implementation can cost, depending on the size of the organization, as much as \$100 million. And that is before the customer implementation costs – the State technology costs, project teams, support vendors – which has already been included in our calculations. Despite the bumps in the road, we expect a product cost that is much lower than the industry standard for a system with this set of features and complexity.

To be clear: We do anticipate a modest investment moving forward, even after the project is implemented, for subscription and support fees, for instance, as well as costs to ensure that the new infrastructure is cared for and maintained appropriately and the State’s investment is protected. Those costs are included in the FY23 budget initiative and will ensure the needed funding going forward is a part of our baseline budget.

The rows below the chart outline the funding resources for the project, and Appendix E includes the copies of the Financial Orders and budget pages referenced.

This is our best understanding of the funding and expenditures right now, and we continue to examine some of the details that predate this Administration.

Conclusion

There are a number of appendices, beyond those mentioned, that you may find helpful. In the materials responsive to your request that DAFS provided to this Committee, you will find copies of correspondence, the findings from IJA Strategies’ independent assessment and the Panorama IV & V assessments, as well as a number of human resources materials, and all of the Workday Maine related contract documents. This testimony will be there as well and can be referenced for timeline details. We have worked hard to provide as full and complete information as possible, and would be happy to walk through any of the details. We have organized the files in the same order as requested, and feel they align closely with the narrative offered today.

We expect a superior product that improves accuracy, performance, and decision making – and which is not held together with duct tape and paperclips. Workday’s SaaS is highly rated and well on its way to becoming what it needs to be for us here in Maine.

Considering my strong interest in changing the paradigm of how technology projects are deployed across State government, I will restate how proud I am to be the leader of this team that is to have such an impressive impact on State employees and operations.

And let me say again – especially considering the heightened workload of the pandemic but, even without, this team is amazing. In less than two years, we have made it almost to the finish line of a behemoth effort – that was seven years in the making.

I am unsure if it would be more appropriate for this Committee or for DAFS' committee of jurisdiction, the Joint Standing Committee on State & Local Government, but, either way, it would be our pleasure to join the Legislature for regular updates on this endeavor.

We will have a more crisp estimation of the Workday Maine timeline once a new implementation partner comes on board. The goal remains 2022 – and we hope – believe – that we can get there by then within the current investments as outlined, including the initiatives to be included in the FY22-23 supplemental. That said, this effort is not about hope, it is about accuracy, rigor, transparency, planning, and testing. As we bring a new implementation partner on board, we will share our hopes, and we will look to those implementers to translate hope into a methodical plan.

Like you, we know this is an important effort and share your concerns for a timely, accurate, efficient, and frugal go-live. We know Workday Maine will transform Maine government and, once again, thank you for your interest, partnership, and support of the effort.

In the meantime, my team and I would be happy to answer any questions you have for us today.

Thank you.