

**Draft**

**STRATEGY OF PUBLIC ADMINISTRATION  
INTERSECTORAL REFORM  
2008-2013**

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*List of abbreviations used*

PA	Public Administration
DoPA	Department of Public Administration
TIPA	Training Institute of Public Administration
CM	Council of Ministers
CCS	Commission of Civil Service
LCS	Law on Civil Service
CS	Civil Service

## CHAPTER I

### 1. General overview of the actual situation

Below is described an overview of the actual situation regarding the main components of the Albanian PA reform, as the basic principles of the CS, global management of the human resources, functional and structural organization of the PA, and also the procedures and essential processes of decision making and the accomplishment of the PA services.

#### *1.1 Basic principles of the Civil Service*

##### *1.1.1 Essential characteristics of the system*

Law no. 8549 dated 11.11. 1999, “Public Official Status” created a mixed civil service system, mainly based in the position model, combining it with elements of the career system. The prevalent character of the positions system can be distinguished by elements such as: recruiting criteria, promotion, horizontal movement etc.

The law mentioned above has aimed to create a relatively opened system of the CS, creating in the same time premises for internal and career mobility. The indicators of the last years with regard to promotion and horizontal mobility testify, however, that in practice we have to do with a nearly totally opened system, especially including CS mid and high level (general secretary, general director and the director in the ministry directory) The recruitments for the majority of these positions are carried out through open competition procedures for the outer candidates, but without leaving out the competition the actual public officials.

The most important advantage of this situation was to attract qualified individuals towards CS (graduated in foreign universities or with positive experience in the private sector), that have never been part of the public administration. The disadvantage of this opening is regarded to the fact that it can cause motivation decline of the actual CS public officials, who would like to see more career elements in the system.

The above phenomena is mainly a consequence of the strong connection to the position (of its emplacement in the center of the system), thing that makes sufficiently rigid the mobility and sufficiently justificatory the opening, having potentially effect on the public officials mobility. On the other hand, there are also some problems that are linked with the legal clarity and the inhibitory elements that are part of this system (for example: the 1 year probe period even in the case of horizontal movement in similar positions)

##### *1.1.2 Vertical scope*

The vertical scope of the CSL purview begins, according to a hierarchic scheme, from the position of the ministry general secretary and goes down to the specialist level. In practice until today it can be distinguished, a pleasant consolidation in the low and medium levels

(accepted turn over indicators), whereas for the high level CS the turn over indicators has been high, showing that these positions are more exposed to possible politics changes independently from the right or abusive motivation.

### ***1.3 Horizontal mobility***

The horizontal scope of the CSL is limited in some institutions (CM, ministries, independent institutions, municipalities, regional councils etc). The number of civil servants, that are incorporated till now in the public official status, in the above mentioned institutions, is nearly 4 thousand people. From the totality, the number of civil servants under the CM, ministries, and subordinated institutions is nearly 1400 composing in this way only 1/3 of the total.

The status of some other public official's categories, in institutions such as: tax, customs, police, diplomacy etc, is regulated with the separate laws, which essentially contain some similar or approximate elements with those of the civil employee's status.

The status of the remaining part of the public administration staff (education, health etc), that compose the majority of the civil servants in this sector are based simply in the Labor Code.

### ***1.2 Human resource management***

In this section, it will be presented the actual status of the human resource management activity, considering its fundamental elements such as: recruitment, promotion, horizontal mobility, evaluation of the individual performance, disciplinary procedures and the training system.

#### ***1.2.1 Recruitment***

Recruitment in the CS is based in the competition for every position that is available for the outer candidates (if the number of 4 internal candidates is not completed). The testing process is conducted by commission *ad hoc*. The direct superior select as winner one of the candidature selected by the commission. The selected person must go through the 1 year probe period, before he is confirmed as beneficiary of the CS status.

In the selecting process, the evaluation of the CV will constitute 26% of the competition points (plus 4% from the oral interview), and 70% of the points will be constituted by the written test. The written test is definitive in the *ad hoc* committee selection.

In the first years of implementation of this recruitment process, it can be noticed a relatively low number of competitors for every position, further this number has gradually grown. In these last two years, however, it can be estimated a decline of the average number of candidate that compete for a position, especially in the high levels CS.

The cause that brought this situation can be searched in the relative increase of the preliminary contract number (provisory) that followed a deep restructure phase of all ministries, which can be perceived as “pre-decided recruitments” in some cases and consequently the competitions can be prejudiced by the potential candidates. The preliminary contracts, on the other hand, constitute a very elastic recruitment instrument and their utilization in the right proportion ensures the needed human resources in emergency demanding moments etc. It seems that the utilization of the preliminary contracts is not used in a well-balanced manner and without taking into consideration the controversy effect of this instrument.

It is considered that the competitions are generally objective, but their evaluation method tend toward the theory and sample testing, schematic methods are also utilized, that assesses more the memorized information than the evaluation for the analytic capacities, the forming, creating potential or personality. As a rule, the competition has always been opened for the outer candidates, in all the levels. The recruitment is a slow process and with a relatively high cost, because it is implemented separately for every position independently from the level or the similarity of competences between the positions.

#### The quality growth of the civil servants through the recruitment process

Regarding the admission in the CS, a particular importance has had the attraction in the public administration of the capacities that have studied abroad and especially those with postgraduate qualifications (like master, or PHD and degrees) thing that is made possible by the opened nature of the CS system.

In this direction, DoPA prepared, and than the CM ratified, the Decision no. 838 dated 13/12/2006, which has changed the assessment system of the candidates, during the competition procedures. In this way, the candidates that has a master degree, automatically receive 12 points (nearly ½ of the total points) in the oral test, while the candidates that have the degree “Doctor of Science” automatically receive all the points predicted for the oral test (30 points). However, even before the ratification of this decision, DoPA conducted an intensive campaign for the candidate’s information regarding this assessment system. Furthermore, the related ministries has been particularly instructed, that in the process for the selection of the winning candidate from the qualified triad, priority should be given to the candidates that have accomplished their studies in universities abroad.

Lately, in July 2007, in the framework for the ratification of the CM decisions, concerning the salaries, civil servants with postgraduate qualifications, degree and PHD was given the right of getting a bonus for the respective qualification , always, if this qualification is accordingly with the competence description of the civil servant.

#### The implementation of procedures for the civil service admission

The procedures for the admission in the civil service have proceeded to be accomplished without essential changes. After the interruption of the competitions in the second 6-months of the year 2005, the competition proceeded again in the months January-February 2006, because even the institution restructure process and the disposition of the existing employees

was accomplished in that period. However, during the year 2006, a relatively low number of competition was accomplished, compared to the previous years, mainly because of the time needed for their accomplishment. Meanwhile, during the year 2007, there is a clear tendency to improve the cipher in this direction.

### ***1.2.2 Promotion***

The possibility for promotion is created in cases when four internal competitors (actual employees) apply for a single position. If these conditions are not accomplished, the competition for that position becomes available for the outer candidates. In practice, promotion has happened in a very low percentage of cases. It exists, however, some ambiguities regarding the changing of position (progression) within a level (for example high) if this constitutes a promotion or horizontal mobility, this may toughen the real reflection of this indicator.

The essential advantage of this phenomena is that public competitiveness has promoted attraction of the competent candidates out of the administrate, thing that creates the possibility to bring new work knowledge and methods from those candidates that have studied abroad or from those that come from the private sector. The disadvantage, on the other hand, has to do with the presence of an opportunity cost regarding the career security, which can better motivate the internal civil servants.

### ***1.2.3 Horizontal mobility***

It is ascertaining a low mobility in this direction, this because of the system, where the positions predominate compared to the career, and the uncertainty mentioned above regarding the positions within the level. The actual system regarding this aspect is considered to be subjective. The decision of the direct superior over the possible horizontal mobility is not supported on objective legal criteria and, on the other hand, the existence of a trial period after the horizontal mobility, even if the positions can be same or sufficiently similar, constitutes an additional inhibitory element. Regarding the positive and negative aspects of this situation it can be given comments similar to those given for the promotion.

### ***1.2.4 Assessment of the individual performance***

Assessment of the civil servant individual performance is conducted once a year, however lately this has been modified, by determining assessment periods of 6-months. . It is considered that; theoretically exists a relation between the position, description of the work, competences/objectives and assessment. The assessment system is gradual, with assessment criteria's from 1 – 4 where 1 is the most positive assessment, and than it goes decreasing till 4 (that is the negative assessment)

The annual statistics of the performance assessment demonstrate a strong deviation in favor of the assessment with 1 (very good) and 2 (good). This is thought to result due to conformism in the assessment, in the conditions of very small administrative units (few employees familiar to each other), and also the lack of knowledge and abilities to asses or to

allocate considerable competences (by the superior). Even the connection of this assessment with a discriminating bonus in the salary according to the assessment grade has not helped in the enforcement of the assessment objectivity while the weak affinity of the assessment results with the career chances discourage the accomplishment of a serious and objective assessment.

The progression of the annual results assessment process is still problematic. The number of civil servants included in the systems elevated and this increases the possibility of horizontal incoherence. On the other hand the capacity and the knowledge for the assessment methods are sufficiently weak and the trainings in this field have been limited. The situation is worsening even as a result of the action of other factors that are not regarded to the assessment as: frequent and/or structurally deep changes, work description changes, staffs changes etc.

Regarding the legislative reviews, during the year 2007, in order to help even the institutions, DoPA has proposed some regulations in the actual individual results assessment guideline (it has been prepared the draft guideline and it has already been send for comments in the related ministries). These changes reflex the regulation of some problems ascertained from the practice conducted so far, which are regarded to a better progress of this process.

### ***1.2.5 Disciplinary procedures***

Disciplinary procedures deal with disciplinary measures that are taken when irregularity is observed or failure to perform the tasks required. Disciplinary measures differ from the negative evaluation of performance (they are not identical).

Decision-making concerning these procedures is concentrated at the direct superior; there exist the possibility of direct complaint at the CCS. It is noticed that the number of disciplinary measure is small in practice. On the other hand, an irregular distribution of these measures is observed; historically, a relatively larger number of disciplinary measures have been taken during moments of political changes.

The law is relatively unclear regarding the application of demotion when in an institution (where a measure like this is taken) there are no lower positions for the public official. In these cases, this measure seems inapplicable or at least problematic. A similar thing is observed regarding the possibility of returning to the previous positions after the disciplinary measure is prescribed.

### ***1.2.6 Training system***

Demand for training stands on a due training during the trial period for the civil servant that is followed by a respective exam, and other trainings according to the requirements of the respective state agencies. As a rule, there is no exam at the end of the training session. It is observed that the disposition of the civil servants to be trained is not so high, this maybe due to the lack of a clear link between the training process and career, and also because of the lack of a contemporary mentality among the civil servants and their direct superior regarding this activity.

The offer for training comes and is executed mainly by TIPA. This institution offers short trainings with duration of some days. Actually, TIPA offers three major training packages for “Improvement of Managing and Functional Skills”, “Issues regarding the EU integration”, and “Trainings for the local government”. The wide range of activities has been recently widened by including the tax and customs administration.

The trainings budget of CS is concentrated on TIPA. There are also offered *ad-hoc* trainings according to programs/projects that other agencies conduct with certain donors.

It is not observed either any obligation for trainings as a precondition to advance in the career path, or any concrete link between trainings, periodical examinations and performance of the civil servants. Bonuses (additional remuneration) are observed to be allocated only for qualifications but not for trainings<sup>1</sup>.

Actually, TIPA is not allowed to offer trainings outside the Public Administration. The increase of the civil servants number in the near future would bring a considerable increase of the work volume for TIPA.

### ***1.2.7 Remuneration***

The reform on remuneration had these main objectives:

- Creation of a unique system of remuneration and bonuses in the public administration through the extension of the civil servants remuneration system on the entire institutions of the public administration;
- Improvement of the remuneration system, bonuses and structures, for the independent institutions (approval by CM of the decision to send at the Parliament the respective draft laws).

The actual achievements and the problematic of this field are dealt with in a specific document of a strategic nature, “Policies on the remuneration field”. It is important to emphasize that as a result of the reform, the level of salaries in the Albanian public administration and especially in the CS has risen substantially. Meanwhile, the principle “for the same responsibility-equal salary” has found a harmonic application inside the sphere of influence at the Council of Ministers, and somehow even in municipalities and regions. The

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<sup>1</sup> There are periodical examinations that lead to salary increase for civil servants of the education sector, but this is missing in the CS.

remuneration system in the so-called “independent institutions” is very deformed because they have the right to assign salaries according to the specific organic laws, but now according to an integrated system.

### ***1.3 Functional and structural organization of the public administration***

#### ***1.3.1 Central level***

We observe four large divisions of labor at the apparatus of the ministerial level; they are more a result of the job nature than from the field of the activity:

1. Policy making
2. Direct offer of services for the public and other institutions (if there are direct services)
3. Achievement of regulatory activity (inspecting, licensing etc)
4. Materialization of internal services (supportive)

Generally, it is noticed a very limited delegation in the decision-making process inside the institutions. Communication between the units inside a ministry results to be relatively difficult, often hindering the consultation processes and making more difficult the coordination of the operations. These difficulties are observed to be more present in the case of intra-ministerial communication.

An intensive policy production is actually observed, but the process of policy-making needs to open up, become harmonized and modernized further. Depending on ministries, there are institutions with other functions (scientific research, coordinating agencies, service offering, inspectorates), but most of these institutions have mixed functions. We think that the nature of the dependent agencies should be dominated by one function. There is room for merging of services and large organizations.

During the 2006 – September 2007 period, in line with the application of the government program and the assignments defined for the Department of Public Administration:

- Completed the process of the functional and structural review of all the line ministries;
- By executing the respective decisions on the salaries, started the functional and structural review on the institutions dependant on the Council of Ministers/Prime Minister, and the line ministries.

Besides the abovementioned achievements, during the process of the structural review there were several problems observed like:

- Ministries has no clear concept of what they were aiming to achieve when the proposed the structural change;

- As above-mentioned, it brought as a consequence the frequent structural change, with short intervals between these changes; creating structural instability reflected then also in the adaption with the new assignments of the civil servants, and the practical decrease of the volume and primary level of work;
- Furthermore, there was a distortion of institutional typology and it was not respected the principle of building the institutional structure according to the pyramidal system, with a broad base of the composing units of the structures and the institutions (small number of subordinates per superior).

A Training Manual for structuring the institutions was prepared by PAD in collaboration with the foreign consultants in the end of the project “For the functional and structural review of the institutions of the central administration”, financed by the World Bank, after considering the deficiencies observed in this field in the previous years, in order to help the managers of the institutions in the process of functional and organizational analyses needed, and in support to the structural changes.

### ***1.3.2 Central and regional/local level***

Most of the ministries have territorial units (territorial organization) as a rule in districts and regions. This territorial organization is not uniform because of some activity particularities. The prefecture has the function of coordinating the decentralized services, but this more a theoretical competence as in practice the territorial units of the ministries are connected strongly with the respective ministries. The territorial units generally have functions of performing direct services, inspecting and licensing functions.

Some of the ministries have or are in the process of reorganizing the territorial units, in some others this is impossible. The main problem is in the fact that these units are small for fragmented functions, even from the same ministry their coordination is difficult and each branch has its supporting units, leading a non-optimal use of resources.

Territorial restructuring of the ministries tried to follow and reflect the pace of the decentralization reform. However, we can not say that both processes have been sufficiently complementary between them and as a result we observe extra personnel and cost with overlapping roles.

## ***1.4 Procedures and essential processes in policy-making and performance of services in the public administration***

### ***1.4.1 Administrative Processes***

There is a deficiency in the system of the administrative review regarding the complaints process because almost all the acts are released by the official. Another problem has to do with the fact that normative decisions of the municipalities, ministries’ branches etc. are

difficult to be found. Moreover, practice has shown that there is resistance when it is tried to introduce the electronic way of communication between institutions.

Administrative processes actually include a wide range of activities like:

- Policy-making
- transparency
- coherence
- involvement of interest groups
- one stop shop
- silent acceptance
- administrative complaints
- complaints in the administrative acts court
- publication of the decisions
- notifying the parties, etc.

The degree of materializing in practice the quality of these important procedural principles, is at a low level although the improvements undertaken. In fact, during the previous years, there have been experimented successfully in some cases some procedural simplification, one-stop-shop model, silent acceptance, top-down delegation, modern technology application; anyway these constitute only a models' sound basis, not a massive change of administrative processes.

## **CHAPTER II**

### **2. Vision, priorities and strategic goals.**

The analyses and the studied options suggest that there are only a few changes/modifications of a strategic relevance in regard to the actual model. The main challenges are those related to an effective implementation of the current legal and institutional framework. Meanwhile the suggested modifications are mainly of an operative nature and are treated in chapter III of this strategy.

#### ***2.1 The basic principles of the Civil Services model.***

##### ***2.1.1 The essential characteristics of the system.***

*The strategic objective:* To preserve and further consolidate the current system mainly inspired by the position-based model of civil service, but enriching it with more elements of the career system and by eliminating the factors that hinder the growth of the internal mobility. At the same time the civil service status should be enlarged to cover further groups of public employees.

##### ***2.1.2 Vertical scope***

The actual vertical scope of Civil Servant Law (up to General Secretary) is valued as very positive and it is recommended that this scope must be preserved for the upper limit and lower one, respectively the General Secretary and the specialist.

### ***2.1.3 Horizontal scope***

It is suggested an extension of the scope of LCS to the territorial branches of ministries, in the subordinated institutions and communes etc. The reason is that the impartiality of all those public employees who exercise public authority prerogatives or in the protection of the national interests should be protected by the civil service status, except those who already have a special statute (judges, prosecutors, diplomats, police, etc.)

This option will increase the number of civil servants by almost three times compared to the current number. However, it does not necessarily mean that the total public expenditure on personnel will be on the rise as well, as most of them, if not all, are already paid from public budgets. However, if the psychological impact is to be smoothed it could also be considered that this extension is done gradually, strongly connected with the development of the structural and functional review of public agencies.

As said, public officials of services like education, health care, tax/customs, public order, defense, diplomacy etc should continue to be managed according to their currently established differentiated status because of their particularity. However there is always room for improving the basic elements of competitiveness in recruitment and promotion, career advancement, and performance assessment in relation to such groups of civil servants.

## ***2.2 The management of human resources.***

### ***2.2.1 Recruitment***

There are suggestions for any modification of the current principles of CSL. The principles of open competitiveness and objectivity must be preserved and enforced: on the other hand, the method used to assess the candidates will be more professional aiming the assesment of the skills and abilities. Pool recruitment of the candidates, based on the predicted necessities should constitute the main manner of recruitment on the specialist level instead of the current one-by-one should also be facilitated.

### ***2.2.2 Promotion***

In regard to this aspect, no changes of strategic importance are proposed. The present system, based on the competitiveness and the personal skills is positively evaluated, but it should be the effectively implementation into practice. It is suggested that the high managerial level which includes the General Secretary and the General Directors should be organized and managed in conformity with the model of “Senior Civil Servant” with the proprieties of a *corpus*

### ***2.2.3 Horizontal mobility***

General and horizontal mobility is considered useful and must be stimulated for the enrichment of professional careers of civil servants and for their redeployment wherever it might be necessary. This is one of the principles poorly regulated in the current system and the final aim is to enforce the internal mobility of civil servants. Achieving success in this point will directly help the CS consolidation. A higher mobility needs also a re-evaluation and modification of certain criteria and procedures that are now in force in CSL.

### ***2.2.4 performance assessment and evaluation***

It is suggested that the actual system should be enriched with the combination between the individual performance and the performance of the organization unit, with the , introduction of the self-evaluation as well as with the evaluation for the superior and colleagues.

### ***2.2.5 Discipline procedures***

The multiplication of the number of civil servants due to the horizontal expanding of the scope of CSL and their territorial distribution, might need the re-evaluation of the competence allocation for the management human resource as well as the treatment of appeals. (Role and/or means of DoPA, CSC)

### ***2.2.6 The training system***

Improvement of training needs assessment and the training supply typology must improve. Beside massive trainings, we should create more specific training programs that respond, to the particular needs (*tailor-made*) and to the CS problems dynamics, also we should use a limited number of periodic and obligatory testing/trainings. Meanwhile we should also improve the initiative system to create better incentives boosting the individual and institutional will (interest) for training.

## ***2.3 The functional and structural organization of the public administration***

### ***2.3.1 Central level***

#### *Vision and strategic goals*

On organization of the administration, a functional review of the central state administration has been recently done, but a functional review of the subordinated entities and agencies is still needed.

A law on the organization and functioning of the state administration would be the conclusion of these exercises in order to establish order in the creation of agencies, enhance internal coordination and efficiency and keep the accountability lines clear between state administrative organs.

Efficiency should be promoted, among other means, through a better regulation and use of the internal hierarchical delegation of administrative decision-making competences and facilitation of inter and intra institutional communication and cooperation,.

The philosophy of functional review should also be transmitted to the subordinated institutions. For the sake of administrative and institutional clarity it would be necessary to merge administrative units and entities wherever possible and useful.

More generally speaking, the functional-structural review should also have other purposes, as for example: Rationalization of the use of public resources, the creation of functional structures, taking into consideration also experiences coming from private sector.

### ***2.3.2 Central and regional/local level***

- In line with functional decentralization progress, combined with the delegation of the decision-making and the larger use of new technologies (ITC), we should aim at a gradual reduction and integration of the territory branches of ministries.
- Many territorial units can be reorganized, in order to accomplish territorial functions, by rationalizing and grouping the internal supporting services.
- However, In the process of reorganization we should keep into consideration the possible incompatibility between different functions.

### ***2.4 The key procedures and processes of decision-making in public administration and judicial review of administrative acts.***

On the administrative procedures and processes a revision of the 1999 law on administrative procedures is needed in order to enhance transparency in administrative decision making, introduce delegation as a managerial instrument in the administration, speed up and increase the transparency of administrative decision making, facilitate the fulfillment of administrative obligations by the citizens (one-stop shops, positive administrative silence, etc), better access to public information, and introduce better and more balanced mechanisms to protect the rights of the individuals and the public interest as well, which would include a better designed internal administrative review of administrative acts or administrative complaints mechanisms.

In order to protect better the interest and rights of citizens in front of the administration specialized administrative courts should be established that will deal with independent and impartial judicial review of administrative acts and, in parallel a specific law on administrative disputes will need to be drafted, as the judicial review of administrative acts is currently regulated by the civil procedural code, which is not fit for this purpose. Special attention should be paid to the enforcement of administrative court rulings by the administrative authorities obliged to do so.

### ***2.4.1 The administrative processes***

The improvement of the administrative processes is linked to:

- Better regulation of and Increasing the scale of the delegation and decision-making,
- The use of the one-stop-shop and an adequate regulation the silent consent
- Enlarge the notion of interested party
- Clarification of the third parties rights
- The review of the administrative complains procedures in relation also with the creation of the administrative courts.
- The massive use of the information modern technologies and the official electronic publication of administrative decisions having a general interest.

## **CHAPTER III**

### **3. Policies and operational type of improvements**

#### ***3.1 Basic principles of the Civil Service model***

##### ***3.1.1 Essential characteristics of the system***

Review of some of the elements of the system based on position, which hinder mobility and increase the costs of management. It is estimated that for a considerable number of positions of the same level the for the job requirements are sufficiently homogenous and the possibilities for horizontal mobility are relatively high. It is suggested the creation of positional groups with similar characteristics which will support the concept of pool recruitment and horizontal mobility without the need to use the probation period.

##### ***3.1.2 Vertical extent***

Based on the corpus model for the high level officials (Senior Civil Servants) which includes the General Secretaries and the General Directors, the civil servants with this status can move freely in every position within the corpus inside and across different institutions.

### ***3.1.3 Horizontal extent***

- In the scope of the civil service is enlarged the subsequently expected increase of the CS number would require reviewing the management procedures of CS that are presently exercised by DoPA.
- This expected change must be based on the principles of, deconcentration, and delegation, but preserving the policy proposal role and a supervising role for the DoPA that ensures similar standards of the implementation of CSL across institutions
- The expected increase of the CS number would require the modification of the role of DoPA and CSC, or, alternatively, an increase of the personnel of their respective administration. The role of CSC must be also reviewed compared to the option of creating new administrative courts.
- The proposed example for the management of CS in communes and small municipalities (SIDA project) with more simple procedures constitutes a possible approach.

## ***3.2 Human resource management***

### ***3.2.1 Recruitment***

In regard to the increase of the number of public officials and the need for the associating cost reduction, we propose the following amendments:

- Simpler criteria and procedures for categories in the territorial agencies/branches and those of the communes/regions/prefectures.
- Use of group recruiting process for similar positions. On the specialist level, the pool recruitment will be based on the expected needs and the successful candidates will be listed, out of which they can be selected for the available positions in the different institutions. The case by case recruitment for the specialists can be still used for the positions which demand for particular education and skills. On the highest managerial levels (the corpus) the recruitment pool recruitment will be used based on anticipated or actual needs. regarding the other two intermediate levels of management (director and chief of sector) recruitment will continue to be done case by case based on actual vacancies without excluding the option for group recruitment for similar positions if possible. .
- Improvement of examination methods aiming those that assess education, personality, creative abilities and the possibility of development of the candidates.
- Elimination of the use of preliminary labor law contracts. Their use should be allowed only in justified emergencies and must be very closely monitored and in a

very low percentage compared to the number of employees that work in an institution. Even in these cases the employee recruited with a preliminary labor contract should not be eligible to compete for the same position.

- The importance of work experience should increase during the evaluation process for the candidates that compete for the highest positions in the public administration. .
- We must also add the value of the interview in selecting the candidate.
- We propose that for the specialists, the ratio of 30% CV with 70% written examination is justified.
- This ratio should change for higher positions, like head of department; 50% CV with 50% examination. General Secretary: 70% CV with 30% examination. Oral exam should have 20% of the points, written exam 50%.
- The interview with the superior should be documented and records or minutes of the interview should be kept.

### ***3.2.2 Promotion***

- Individual performance should be a decisive important factor in the career of CS.
- A deeper analysis is needed on promotion by analyzing the origin of the newcomers.
- The assessment criteria of experience and performance in promotion should be reviewed by giving an objective advantage to the internal candidates when they compete with the outer candidates. The eventual increase of points on the weight of work experience (according to 3.2.1) might be a solution even for this goal.

### ***3.2.3 Horizontal mobility***

We suggest that the trial period to be removed for the horizontal mobility in similar positions because the candidates that come from the administration do not need to pass a trial period for these positions. It is suggested that in the cases of filling in the vacancies through horizontal mobility, an advantage should be created vis-à-vis to the outside candidates. Use of the programmed rotation should be intensified but applied within sub/levels which do not create effects on the salary. The rotation should be based on a concrete program and it should be based on the argumentation for the achievement of the goals which diversify the civil servants experience. In the cases of highest level of civil servants (corpus) their horizontal mobility within the corpus should be as free as possible.

### ***3.2.4 Assessment of individual performance***

- Introduction of better assessment criteria and a stronger link with the positive assessment with career.
- Bonuses could be given also in the middle of the year (not always in the end).
- It is necessary to analyze the advantages and disadvantages of the use of special bonuses for good performance.

### ***3.2.5 Disciplinary procedures***

Demotion should be substituted with salary reduction, limitation of the right of decision-making of penalized CS; take into consideration the possibility of patronage etc.

### ***3.2.6 Training system***

- Examination at the end of trainings must be use more often.
- Each management level should have the minimum training days with particular modules linked to the level and position.
- Obligatory trainings/testing should be introduced when we have to deal with substantial changes in laws, policies etc.
- Besides TIP A budget, each agency should plan its own training expenses/budget for specific trainings of its staff which are not efficient to be provided by TIP A. The agencies must become responsible.
- Adequate levels for training in proportion to personnel spending should be suggested.
- As we have recommended at point 3.2.1, the increase of the share of relevance of work experience in competing for a higher position, this will also bring per consequence a higher relevance of trainings of a CS that is competing for a higher position, thus a better link of training with career..
- The remuneration system can be reviewed by enriching it with components related to the mandatory trainings/testing (similar with those of the teachers); anyway, this is a policy that needs to be studied deeper on its advantages and the disadvantages.

- A periodic system of testing the knowledge (example taken by education sector for teachers) and related to the salary can be considered although there are also arguments against it.
- TIPA can explore other training segments like for example: interested persons to enter the public administration, persons that work in the private sector, but in issues/fields of collaboration with the public administration (areas of PPPs) applying fees for these segments.

### ***3.3 Functional and structural organization of the public administration***

### ***3.3 Functional and structural organization of the public administration***

#### ***3.3.1 Central level***

- The units of policy making in the ministries should be supported for much intensive horizontal interaction and it is needed to accord these units the necessary autonomy in order to insure such interaction.
- There is room to review the rapport of the ministries with the respective subordinate agencies on decision-making, budget, financing, human resource management etc.
- Larger autonomy could be given to the departments of ministries than the actual one.
- Subordinate agencies should have more functional relations (through correct processes) directly with the respective departments of ministries in order to enhance efficiency and accountability .
- Vertical and horizontal discretion should be given to these units of service provision or policy development, coupled with adequate control systems.
- In case of dependent institutions, they should be primarily mono-functional and to become specialized in a certain field.

#### ***3.3.2 Central and regional/local***

The territorial branches of central institutions should pass through an assessment of their functions, roles and their relations with the center of respective institution. The larger and clear allocation of the competences can be combined even with their regional organization on a prefecture level. There is also room for strengthening of the coordinative and supervisory role of the prefect over these branches. On the other hand, the role, the function and the presence of the territorial branches of central institutions should be combined in a complementary way with the decentralization reform and also with the expanded use of information and communication technology.

### ***3.4 Processes and essential procedures of decision-making and performing of services in the public administration***

#### ***3.4.1 Administrative processes***

- Review of the Code of the administrative procedures according to the orientation of chapter II
- Continuation of the reform of simplifying of the administrative procedures for licenses and permits.
- Creation of an electronic registry for administrative decisions (official electronic publishing).
- Procedural improvement of the process of policymaking and normative acts by enriching it with elements of analysis of options and inclusion of groups of interest.
- Review the 1999 Law on Administrative Procedures in order to make the administrative decision making more transparent, speedy and accountable by protecting the interest and rights of the interested parties and in order to accommodate the above mentioned ameliorations.
- Introduce administrative remedies to administrative acts through an internal system of administrative review and complaints.
- Prepare a law on administrative disputes in order to establish a sound judicial review of administrative decisions and create a two-instance system of administrative courts.

**ATTENTION: THIS CHAPTER IS COMPLETELY MISSING IN ENGLISH**

## **CHAPTER IV**

(To be completed over the next meetings)

### **4. Accountability, monitoring and rating analysis**

#### ***4.1 Key principles of Civil Service model***

#### ***4.2 Human resources management***

#### ***4.3 Functional and structural organization of the public administration***

#### ***4.4 Decision-making and services delivery substantial procedures and of public administration***

#### **CHAPTER IV: ACCOUNTABILITY, MONITORING AND RATING ANALYSIS**

Implementation of the strategy shall be based on the application of a number of synthetic indicators linked with the reform inputs, processes, outputs and outcomes. A part of the indicators has already used much earlier dating back to the initial stages of civil servant status implementation. These indicators have a historic database in addition to the experience of collecting, processing and analyzing them. The rest of indicators shall be applied for the first time, therefore it is necessary to initially define the data baseline for these indicators and to conduct awareness and training activities.

The indicators shall be regularly rated by the public institutions as per the work division and their scope of jurisdictions. Indicators shall be collected by the Public Administration Department based on the network already set up between the Public Administration Department and public institutions. It is important to emphasize that the level of cooperation of Public Administration Department with the Council of Ministers subsidiary public institutions has marked progress and consolidation. Cooperation with institutions, which do not fall under the Council of Ministers authority, remains problematic. Concerning the latter, strategy monitoring and implementation shall be achieved by focusing the efforts on a closer cooperation among the Public Administration Department and the Civil Service Commission.

Based on these indicators, the Public Administration Department and the Civil Service Commission shall draft an annual report on the public administration reform progress, which is going to be public. Meanwhile, regular quarterly or ad hoc reports shall be also drafted about specified issues or specified moments of strategy implementation.

The Public Administration Department shall report to the Minister of Interior and to other high-ranking authorities (Prime Minister, Deputy Prime Minister), while the Civil Service Commission shall report to the Parliament. In the case of public institutions reporting to the parliament, the aim shall be to make the reform implementation, among other issues included in their reporting, a part of their reporting to the extent that the reform affects these institutions. Efforts shall be made to also encourage the same request in the case of mayors' reporting to the corresponding local government units councils.

Informing the public and monitoring of the strategy implementation along with its outcomes by specialized and interested civic society organizations or media shall additionally constitute one of the key elements of the monitoring and accountability system of the public administration strategy.

Setting up of an effective monitoring and rating system shall be based on research activities, capacity and structure building capacities in addition to the investment in IT.

Indicator	Database	Roles, responsibilities			Reporting approach	Explanatory notes
		Responsible for collection	Processing/analysis	Reporting		
<b>Civil service model key principles</b>						
Vertical scope	Legislation.	PAD	PAD	PAD	Regular reports whenever there is or, there may be amendments to the key legislation	Vertical scope covers the highest level and the lowest level of civil servant status application
Horizontal scope	Legislation Data collected as per the coverage expansion	PAD/CSC	PAD/CSC	PAD/CSC	In the regular reports	Horizontal scope shall be based on sub-indicators such as: a. number of involved officials; b. The number and the categories of involved institutions  The aforementioned sub-indicators shall be provided with absolute and relative values, thus becoming subject also to benchmarking vs. the sub-indicators of other officials covered by other statuses or by the labor code.
Civil servants according to levels and structures	Structures and organization charts	PAD/CSC	PAD/CSC	PAD/CSC	In the regular reports	Number of officials in absolute and relative values according to the structures and vis-à-vis other statuses.

Indicator	Database	Roles, responsibilities			Reporting approach	Explanatory notes
		Responsible for collection	Processing/analysis	Reporting		
<b>Human resources management</b>						
Recruitment	Needs assessment, recruitment requirements, recruitment related documentation, appeals against recruitment, selective interviews and researches	PAD/CSC	PAD/CSC	PAD/CSC	In the regular and ad hoc reports	A number of indicators such as the following shall be used; stock of vacancies, vacancies variation, average number of applicants for one vacancy, successful recruitments in % vs. the total, recruitment typical shortcomings average number of appeals per one recruitment Number of part-time contracts and the rate of their application. The aforementioned sub-indicators shall be itemized according to institutions and levels.
Vertical and horizontal shift	Documentation on recruitments including levels above the specialist both, in vertical and horizontal shifting, selective	PAD/CSC	PAD/CSC	PAD/CSC	In the regular and ad hoc reports	A number of indicators such as the following shall be used: % of the existing staff that get promoted or get a parallel shift vs. the total. Frequency of parallel shifts, average time of an official staying in a given position. Average number

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	researches.					of positions, in which one official has served.. The aforementioned sub-indicators shall be itemized according to institutions and levels
Disciplinary sanctions and dismissal from civil	Documentation re: dismissal from civil service, selective studies.	PAD/CSC	PAD/CSC	PAD/CSC	In the regular and ad hoc reports	Sub-indicators linked with disciplinary sanctions and special reasons of dismissal from civil service shall be applied.  Sub-indicators shall be itemized according to institutions and levels
Training	Documentation re: training and selective studies	TIPA/PAD	TIPA/PAD	TIPA/PAD	In the regular and ad hoc reports	A variety of sub-indicators such as the following shall be used: Overall number of trainees, number of training courses, participation in mandatory training, evaluation rate at the end of training, usefulness rate of received training, etc. Sub-indicators shall be itemized according to institutions, levels and training topics set. .

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Indicator	Database	Roles, responsibilities			Reporting approach	Explanatory notes
		Responsible for collection	Processing/analysis	Reporting		
<b>Public Administration Functional and Structural Organization</b>						
Completion of Functional and Structural Organization	Structures and organization charts Documentation on implementation	PAD/CSC	PAD/CSC	PAD/CSC	In the regular reports whenever there is or, there may be changes to the institutions organization.	Sub-indicators such as the following shall be used Number of institutions where functional and structural reorganization expresses in % versus the total target has been completed
Rate of structures compliance with the sample ones	Structures and organization charts Documentation on implementation. Selective inspections and observations	PAD/CSC	PAD/CSC	PAD/CSC	In the regular reports whenever there is or, there may be changes to the institutions organization	Quality sub-indicators that assess the rate of compliance of the mission, tasks, authorities and organization form of specified structures with the sample structures shall be applied. Rating shall be conducted by raters' panels.
Rate of structures horizontal and vertical coordination and cooperation	Reporting by institutions, as well as, selective inspections and observations	PAD/CSC	PAD/CSC	PAD/CSC	In the regular or ad hoc reports	Sub-indicators such as the following shall be used : Number of cases of joint initiatives, the importance of these initiatives. Frequency of communications, speed of communications.

Indicator	Database	Roles, responsibilities			Reporting approach	Explanatory notes
		Responsible for collection	Processing/analysis	Reporting		
<b>Decision-making and services delivery procedures and processes</b>						
Delegation and sub-delegation	Internal regulations and organization, selective inspections and observations	PAD/CSC	PAD/CSC	PAD/CSC	In the regular reports whenever there is or, there may be changes to the institutions organization	Sub-indicators such as the following shall be used: Cases of permanent delegations and sub-delegations of authorities from top to bottom. Sub-indicators shall be itemized according to institutions, types of basic authorities (policymaking, services provision, inspections).
Transparency, consultation participation	Internal regulations and organization, selective inspections and observations	PAD/CSC	PAD/CSC	PAD/CSC	In the regular or ad hoc reports	Sub-indicators such as the following shall be used: Existence of information units, types of informing materials and periodicity, number of activities in consultation with the public, existence of joint decision-making structures with stakeholders, etc. Cases of application of the Legal Impact Assessment (RIA) methodology. Indicators shall be itemized according to institutions, types of basic authorities.
One-stop shop	Legislation, internal regulations and organization,	PAD/CSC	PAD/CSC	PAD/CSC	In the regular or ad hoc reports	Sub-indicators such as the following shall be used: number of cases of using one-stop shop service, types of service, time of service, citizens'

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	selective inspections and observations					opinions. Indicators shall be itemized according to institutions, types of basic authorities
Tacit approval principle	Legislation, internal regulations and organization, selective inspections and observations	PAD/CSC	PAD/CSC	PAD/CSC	In the regular or ad hoc reports	Sub-indicators such as the following shall be used: Cases of 'tacit approval' application, types of decisions, are there any uncertainties for the entities, etc. Indicators shall be itemized according to institutions, types of basic authorities.
Parties hearing and appeal	Legislation, internal regulations and organization, selective inspections and observations	PAD/CSC	PAD/CSC	PAD/CSC	In the regular or ad hoc reports	Sub-indicators such as the following shall be used: Number of appeals, extent of appeals to the highest levels concerning procedural claims. Existence of dedicated structures concerning receiving and addressing of complaints, etc.