

THE REFINEMENT OF THE INSTITUTIONAL FRAMEWORK CONCERNING THE ASSESMENT, PROMOTION AND PROFESSIONAL TRAINING OF THE PUBLIC MANAGER

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Abstract:

This paper approaches the most important aspects concerning the career of the public manager from a strictly regulatory angle. Our report takes into account the new European context which sets as one of the objectives of Romania's public administration reform the development of a professional body of civil servants.

Key words: civil servant status, career, performance, public authorities, training

JEL classification: G21

1. The Regulatory system concerning the field

Since the period of the EU accession, in the Romanian institutional system have been taken several concrete steps to establish the civil service management office [1]. In order to achieve this, several regulations have been adopted: Government's Ordinance no. 56/2004 on the special status of the public officer named public manager [2], Government's Ordinance no. 783/2005 on the methodology which regulates its application [3] and Government's Ordinance no. 1175/2004 on the scholarships addressed to students and interns in the specialized training programs for public managers [4].

Subsequently, considering the new European context, one of the objectives of public administration reform in Romania was the development of a professional body of civil servants, politically not attached, to act as agent of change. In this respect, the adoption of Government Ordinance no. 92/2008 on the status of the civil servant also called public manager [5], approved with the subsequent amendments and supplements by Law no. 135/2009 [6], established the framework for the training and use of the capable human resources, according to government needs. Also, the entire specific methodology has been revised, by the adoption of the Government ordinance no.78/2011 – The new regulation concerning the application of the previous Government ordinance [7].

The justification of the latter legislative approaches is linked to a number of strategic elements in the public administration, such as:

- the need to develop a professional and non-political civil servants body, called public managers, providing an objective mechanism and specialized structures to monitor the careers and the other aspects of the administration of the public managers body;
- the removal of the abnormalities occurring in the administration of the public managers professional body that attracts the risk of a decrease in the interest to access and to remain in this professional body;

- to strengthen the administrative capacity of public administration in Romania and the general reform process by developing a coherent system of public managers, based on merit and performance;
- Broadening the selection basis to the entire public sector to attract and retain people with appropriate skills and potential, in order to comply with the external commitments assumed by Romania.

Regarding the last point, we mainly refer to the Finance agreement of May 30th, 2007 between the Romanian Government and the European Commission, concerning the PHARE National Program 2005.

2. The statute of the public manager (SPM)

The statute of public managers (SMP) is given by the role, duties and responsibilities incumbent upon them as agents of change in the public administration reform [5]. In the exercise of the specific public office, they are designed to provide support for the reform policies of the Romanian Government regarding the design and implementation at strategic levels of the operational procedures and activities to accelerate the local and central public administration reform. The specific responsibilities, which are distinguished in the context of traditional bureaucratic administration [8] refer to the coordination of programs, projects and activities to develop the administrative capacity, to promote decentralization of competencies and modernize the central and local administration, in order to increase the quality of the administrative act and public services provided to the citizens.

SPM sets the entire regulation system for the recruitment, selection, training programs, assessment, appointment, remuneration and fast promotion of the public managers. In this context, the Minister of Administration and Interior (MAI) has significant responsibilities, which are performed by: the Central Unit for Public Administration Reform (CUPAR), the National Agency of Civil Servants (NACS) and the National Institute of Administration (NIA) (see Table 1).

Table 1: Basic responsibilities of CUPAR, NACS and NIA in the application of the legal framework concerning public managers

<p>The Central Unit for Public Administration Reform</p>	<ol style="list-style-type: none"> 1. Assesses the application of the SPM, in terms of implementation of training programs, recruitment and selection of participants; 2. Determines, based on the proposal of the National Agency of Civil Servants, the number of participants in training programs, within the budget; 3. Identifies, schedules, prepares and monitors the implementation of programs with internal or external funding concerning the development of the body of public managers and ensures the management of the programs; 4. Implements, in collaboration with the National Institute of Administration and the National Agency of Civil Servants, specific programs 5. Promotes training programs.
<p>The National Agency of Civil Servants</p>	<ol style="list-style-type: none"> 1. Monitors and controls the application of SPM, concerning the careers of public managers; 2. Develops and improves, in collaboration with CUPAR and NIA, public policies and legislation on public manager status and office; 3. identifies and centralizes the need of public authorities and institutions of central and local government to create new public offices and submits, based on an annual analysis of these institutional needs, the number of participants in training programs and their profiles; 4. elaborates the deployment plan for public managers, based on real needs, and collects the options of the participants in training programs; 5. Submits to public authorities and institutions appointment proposals

	<p>for specific public offices of public managers who graduated training programs;</p> <ol style="list-style-type: none"> 6. Enforces the provisions on redistribution; 7. Ensures the settlement of appeals on the individual professional assessment procedure; 8. Assists public authorities and institutions in developing the public manager job description; 9. Assembles and manages the body of internal and external evaluators, providing their selection, registration and retraining; 10. Provides the conditions necessary to the external evaluation; 11. Centralizes and communicates to public authorities and institutions where public managers function the final results of their evaluation; 12. Issues legal reports, based on the results obtained from individual professional assessment; 13. Ensure distribution, within the period specified by law, of public managers; 14. Settles the requests for reclassification to a specific public office of public manager; 15. Identifies the general areas of professional training for public managers; 16. Provides for NIA, CUPAR and MAI the data and information necessary to exercise their responsibilities;
<p>The National Institute of Administration</p>	<ol style="list-style-type: none"> 1. Recruits and selects the participants in training programs; 2. Seeks the compliance with legal requirements concerning the participants in training programs; 3. Organizes, conducts and funds training programs, the final evaluation and establishes the final classification of graduates, and sends the report to NACS; 4. Approves and enforces the study regulations of training programs, providing equivalent methods, evaluation criteria and procedures to those established in this respect by the technical assistance teams of the projects in the civil service reform, with external financing; 5. Approves enrollment in training programs of selected participants and communicates the situation, if any, to public authorities and institutions where they were employed; 6. Assembles and manages the body of mentors, providing selection, and improving their retraining; 7. Ensures the coordination of the activity of the mentors; 8. Acquires and ensures the application of establishment and operating procedures of the independent experts group to assess management skills; 9. Ensures the payment of the grant;

Source: Systematization based on the text of the Government Ordinance no. 92/2008

3. Evaluation, promotion and training, the key elements to the career in the specific public manager office

3.1. Evaluation of public managers - involves applying a suite of annual procedures, as they are evaluated professionally - internally and externally - for their activity and performance in the previous year [7].

In the internal component, the evaluation is done according to established performance criteria for executive civil servants in class I and to the procedures prescribed by law on the organization and career development of civil servants. For public managers who have held during the assessed period, as primarily and permanently, coordination or management activities of departments within the authority or public institution, the evaluation is conducted according to performance criteria established for civil servants holding public management offices.

The external evaluation – according to the performance criteria given in Table 2 - is to establish how the public manager's activity and performance during the assessed period responded to the specific purpose of the public office or the role, duties and responsibilities of public managers, in the law enforcement, as agents of change in public administration reform.

This type of evaluation of public managers is carried out by persons selected for this purpose (at least two independent evaluators, impartial and objective), in two distinct phases, as follows:

- a) The examination of relevant documents for external evaluation;
- b) The interview with the assessed public manager and, if applicable, other persons who can provide relevant information on his/her activities.

**Table 2: Professional performance evaluation criteria for public managers
(External component)**

1	Proactive attitude in problem solving	The proactive attitude in problem solving refers to monitoring, evaluating and anticipating the course of action, taking control of the situation and take action leading to obtaining the concrete results before the emergence of problems or the intervention of random factors that adversely affect the final results. Proactive attitude also refers to undertaking concrete actions and not to adaptation or passive reaction to a new situation.
2	Adjustment ability	The ability to adjust refers to the ability to cope and adjust behavior and labor processes in a variety of situations related to individual or team activities. Adaptability also means the ability to analyze and think independently, without being affected or interrupted by unexpected changes or random factors out of one's control.
3	The strategic involvement ability	Strategic involvement ability refers to the ability to align priorities, plans and actions taken in the design, formulation and / or any type of strategy implementation at departmental, institutional or public administration level in general, to reach the goals set for the department, institution or public administration system. This criterion refers to identifying patterns or connections between complex or ambiguous situations that are not obviously related, and use these patterns or connections in drawing conclusions and solutions to solve fundamental problems in the department, institution or public administration system, in general.
4	The ability to efficiently cooperate inside the institution and with other institutions	The ability to cooperate effectively relates to building, maintaining and developing labor relationships with the people in the institution (subordinates, peers, bosses, people from other departments), especially from other services or departments, or with people from other institutions, in order to obtain positive results or objectives by obtaining the support and involvement of those people in joint activities demanded in the institutional formal context.
5	The ability to promote and implement change	The ability to promote and implement continuous change refers to the permanent analysis of labor processes, procedures, regulations and / or policies and strategies, to the consistently questioning of the status quo, to identify the causes of the problems in the department, institution or public administration system, in general, and to provide recommendations or solutions to make these processes more efficient and / or more effective. This criterion also refers to the participation in implementing the necessary changes to increase efficiency and effectiveness of the department, institution or public administration system, as well as to any activities of informing and persuading decision makers of the benefits obtained by the proposed changes.
6	The ability to add extra value to the purpose of the position	The ability to produce added value to the purpose of the position refers to the way the activity of the public manager, conducted according to the job description chart and to the individual goals set for evaluation, contributed directly to improving labor procedures and the quality of administration and public services provided to the citizen.
7	Customer orientation	Customer orientation refers to the willingness and ability to prioritize the provision of information and / or solving customer problems (be they citizens, colleagues, bosses or people in other services, departments and institutions connected by the nature of the job), by providing them with high quality services that meet their needs and to offer advise to solve problems and respond to requirements quicker.
8	Result orientation	Orientation towards results refers to the energy and

		determination manifested in facing and overcoming obstacles in establishing and achieving the objectives by performing them in due time and in conformation to quality standards so as to achieve the expected results.
9	The sustainability of the initiatives	The sustainability of the initiatives relate to the degree to which the public manager proposals and initiatives can be implemented and, respectively, become generally recognized as such practices.

Source: According to Annex 3 of Government ordinance no. 78/2011

In this specific situation, where, after the first stage, the evaluators consider that there are sufficient elements and information to conduct the external evaluation process, the interview with the public manager is not required.

The external evaluation considers as relevant documents:

a) The evaluation report submitted by the person who is referred to in art. 107 of the Government ordinance no. 611/2008 [9] or, where appropriate, the public manager's activity coordinator and, where applicable, any other documents which set or revise the individual objectives of the public manager undergoing assessment;

b) The job description chart or, where appropriate, whether they had been modified during the assessed period, the public manager's job descriptions charts;

c) The activity report of the public manager for the evaluated period.

In case of any discrepancy between the information contained in the public manager's activity report and the evaluation report, the interview with the public manager is mandatory and is intended to provide the information necessary to complete the evaluation.

3.2. Promotion related issues

Based on the results of the evaluation (see Table 3), following the recommendation of the evaluators, the public managers have several perspectives, as follows [7]:

- a) to promote the next professional level if at the individual performance evaluation obtained a final note of at least 4.50;
- b) to maintain the professional degree held at the time of the evaluation, if they obtained a final grade of between 3.00 and 4.49 at the annual assessment;
- c) to be demoted to a lower professional level, if they obtained a final grade of between 2.50 and 2.99 at the annual assessment;
- d) can be redeployed in a public execution office class I, according to the seniority (with completed studies in the specialty field) and to the office's specific employment conditions, if they have obtained a final grade of between 2.00 and 2.49 at the annual assessment.

If the public manager obtains at the evaluation of individual performance a final score less than or equal to 1.99 points it is applied the "dismissal from the public office" [10].

In cases a, c and d, within maximum 30 working days after submission to the NACS of the final results of the evaluation, the public authority or institution in which the public manager is employed will appeal for the transformation of the position.

Table 3: The configuration of the evaluation chart (scoring)

Name and surname of the evaluated public manager:				
Current professional degree:				
Name and surname of the evaluator:				
The evaluation period:		Since:	To:	
SMART objectives in the evaluated period (the ones established at the beginning of the year, as	Alloted time %	Indicators	Completed %	Score/Grade

well as the ones set during the Year) - extracted from Annex no.6 of the Government Ordinance no. 611/2008 on the approval of the regulation on the establishment and the development of the careers of public servants, with subsequent amendments and supplements				
The final grade obtain following the internal evaluation(according to annex no.6 of the Government Ordinance no. 611/2008,with the subsequent ammendments and supplements),respective, the grade obtained at the internal omponent of the evaluation				
...				
Performance criteria	Grade*	Justification of the grade(positive aspects and aspects that need improving)		
1. Proactive attitude in problem solving				
2. Adjustment ability				
3. The strategic involvement ability				
4. The ability to efficiently cooperate inside the institution and with other institutions				
5. The ability to promote and implement change				
6. The ability to add extra value to the purpose of the position				
7. Client orientation				
8. Result orientation				
9. The sustainability of the initiatives				
The grade corresponding to the achievement of performance criteria				
Final grade at the annual evaluation (the final grade of internal evaluation + the final grade of the external evaluation) /2				
The professional degree up following the evaluation:				
Personal development proposals for the period following the evaluation (different from the ones mentioned in the internal evaluation):	Justification:			
...				
The comments of the evaluated public manager				
The signature of the evaluated public manager	Date:			
The signature of the evaluator	Date:			

*Source: Ibid. *The grade is determined by calculating the arithmetic mean of grades of performance criteria, marked from 1 to 5.*

After a period of 15 days following the receiving of the acceptance, the public authority or institution where the public manager is employed issues the administrative act of appointing the public manager in the new public office.

3.3. Professional training

In the process of performance assessment of civil servants training requirements are established for public managers, in different ways [7]. After the completion of the internal component of the assessment, appropriate training requirements are being established for the deployment (1) of the activity within the authority or public institution, according to the individual objectives set by the superior, and following the external evaluation there are being established the appropriate training requirements for the deployment (2) of the activity specific to the public manager office.

The professional training of public managers according to the requirements identified in the conditions (1) is ensured by the authorities or public institutions and specified in the annual training plan consistent to the legal regulations. To ensure the training of public managers as required (2), the NACS can organize annual training programs in the areas identified as priorities within the budget funds with this destination.

It must be noted that in all cases, the participation of public managers to training courses organized according to the annual plan of improvement is considered participation in professional trainings *in the interest of the public authority or public institution.*

4. Conclusions

A number of analyzes of the legal framework in the application of SPM shows that although the regulations are within the provisions of the enactment on the application of which was issued, however, they do not address all the situations that may arise in practice.

The identified shortcomings concern [11] both the opportunity and the necessity to organize a new cycle of training of public managers, as well as the importance of an analysis of institutional needs in order to substantiate the necessity for places for the participants in training programs.

It must also be noted that the lack in correlation of the number of places with the results of the analysis of the needs is likely to create real difficulties in finding jobs and placing future public managers. These are just some elements that motivate the amendment of the regulations in this field, in order to determine that in the calculation of the number of offices specific to public managers to be taken into account the vacancies, as well as the possibility of legally covering the exceptional situations where the professional degree of the public manager does not correspond to the professional degree required by the vacancy.

What remains a crucial fact is the facilitation of the accommodation of future public managers with the Romanian government system and the support of the development of competencies, skills and abilities acquired during training programs. In this sense it is required that following the completion of training, the graduates to undertake a traineeship in public institutions.

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