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***ROMANIAN CIVIL SERVICE – STILL LACKING A REAL MERIT SYSTEM***

**1) Civil services and merit systems in other countries**

Civil service is different from one country to another. It can be attractive, having a lot of prestige in country like United Kingdom, France or Japan, or less interesting and with a low prestige. The esteem every civil service has depends on the quality of public employees.

For long time aristocracy held all the government jobs, at least the most important ones. New comers could enter in government jobs only by buying those positions. Democratization of societies needed another system for recruitment. The spoil system was a system that permitted access to public function to people from every social class, from every region. “To the victor go the spoils” system implied massive changes in administration each time the leaders were changed.

Spoils system was very important in building up party strength, government jobs being the way to attract new members and a good motive to sustain party affiliation.

Constant changes in bureaucracy led to inefficiency, incompetence, and insecurity for public servants, to patronage and inequity in treatment, to corruption.

The spoils system was replaced by the merit system. While spoil system emphasizes on loyalty, merit system stresses on competence. Education, skills, job performance, experience are supposed to be main criterias for recruiting, advancement, retention, not patronage (political payoffs), friendship, kinship.

The merit system is protected by laws and regulations in order to be effective, to assure that employees are protected against political pressures (public servants are often prohibited from engaging in political activities, sometimes even from participation in partisan elections) or clientelist personnel politics. The emphasis on competence make public service more efficient, bringing more benefits to the people.

Some criticism was made to the system, because the highest degree of professionalization make the public servants more distant to citizens or make them to be more loyal to their profession than to their employers. Also, the critic of an “oversized” and “incompetent” bureaucracy is a common platform for political demagoguery and radical changes were promised, but never fulfilled.

## 2) Promotion, rewards and developmental opportunities for Romanian Public Servants

### a) Promotions

The rules managing promotion for public servants in Romania are still derived from Law number 12/1971 regarding ranking and work promotion of the personnel of the state socialist units. Even though much things had changed since then, promotion rules are still restrictional, based primarily on a requested seniority. The main regulation regarding this field dates from 1991, the Law number 40. This law is regarding all the personnel paid from the national budget. There are at the end of 1997 approximately 1.1 million such people; among them being 130-140.000 public servants.

There are two possibilities for promotions: in rank or in function.

Functions are based on education: high education or medium education. Each function of Romanian public servants is ranked on 17 different levels. The first level is the one for employees without a previous experience and in which they must spend between six months and a whole year. After that period they can be receive a promotion at grade III, classification 1. There are four grades, from III to IA each of them having four classifications from 1 to 4.

According to Law number 40/1991, Article 12, promotion is possible only from one classification to another and you have to spend at least two years at each level. So, it appears that you have to wait at least 33 years to reach top grades. Still, there is a shortcut for persons with an exceptional value, which can receive a promotion after spending only one year in grade.

This system of promotions is not very stimulative. The job performance of public servants is rarely taken in account, rank promotions being made usually once in a year all the persons which had the requested seniority in rank do receive a promotion without problems, the only ones excepted are those with sanctions in the last year or those who had a poor job performance (very few cases).

Classification is not made on a real base. The same classification should be applied to persons with similar duties, responsibilities, knowledge, skills and abilities – is not the case in Romania.

The importance of a promotion in rank is, from the salary point of view, little. Each function and rank in public administration has a hierarchy coefficient, which multiplied with the salary of typist I/1 gives us the real salary.

Higher and lower hierarchy coefficients:	min.	max.
For ministers and other central institutions:		
Higher education jobs	1.30	2.45
Medium education jobs	0.80	1.70
For local public administration:		
Higher education jobs	1.20	2.05
Medium education jobs	0.75	1.25

We can see that a promotion means a raise of some 5%. It is not very tempting when your salary is low. Otherwise it means nothing. Job descriptions are made in such a way that an employee with the lowest ranking can do the same job as one with high grade, the same can happen in the case of an employee with high education doing the same job as one with less education.

Promotion in position is something different. First of all, higher positions are only for those with higher education, persons with lower education can occupy only some inferior high positions on temporarily basis. You can get a promotion, theoretically, only after a competition. First you have to get a written test. If you get a mark over 7 (grades from 1 to 10) you will go to an interview. The winner can be chosen among all those who were interviewed disregarding the mark at the written test.

But, there is also another way: you can get a higher function without any competition: you can be appointed temporarily in that position (for six months), and that nomination can be renewed.

The main problem getting a higher position is the fact that the requirements for the job are not made on a clear base. For the same job different institutions can require different studies or different seniority, so that you can or you can not apply for the job. In certain cases it happens that studies requirements are not allowing you to apply for the job of head of the resort you are working in. It is hard to understand why you are not qualified to supervise the job you are actually doing.

b) Rewards

There are two kinds of rewards: permanent and periodic. The first consist in a so-called merit-salary, a 15% bonus to your payment. This 15% can be received by 5% of the employees during a whole year. Periodically you can receive premiums. Each public institution has a fund of 2% of all payments for premiums that are made several times a year (usually four times). The problem is that much of the institutions are giving premiums to all employees and, sometimes, the same amount for personnel with same functions, that considerably reduce their amount and their significance as reward.

c) Developmental opportunities

From those opportunities I will consider only training. Training for public servants consist mainly in on job training made by those with greater experience in the job. There are better opportunities for those working in ministries or in central institutions that for those who work at local level especially with foreign grants but there exists a great lack of interest for improving the skills of employees. If there is a need for new skills or knowledge institutions rather try to hire new personnel than to reshape the existing one, because many institutions are scared by the high costs of training, without thinking about the benefits that can occur.

Before 1989 it existed a statewide program for training, in some aspects inefficient, but still functional. Now I do not know any examples of institutions that have a strategy for improving the quality of their employees. The majority of Romanian institutions does not have any interest for that and

consider that spending money on training is a waste. I will give a single example: the Local Council of Cluj-Napoca, has allocated for its 400 employees 1 million lei for 1997 from a budget of 187 billion lei.

### **3) Changing the legislation**

In the past year things begun to change. The main challenge came from the salary point of view. It was clear that with low payments the jobs of public servants are not attractive and those who work in the public administration could be easily corrupted.

The first thing to change was salaries in the local public administration. The Ordinance number 22/1997 gave the chance to raise, almost double, the salaries in Local and County Councils. It was not an easy thing to do, because the Prefects challenged in courts every decision to raise salaries, but they lost.

Another laws are expected to come soon. One of them it will be the law of the public servants' status, a law that was requested from long time ago and now is analyzed by the Parliament. The main idea of the law seems to be giving a new perspective of the public servant, of his importance, trying to transform them into an elite corps. The law deals more with the necessity of improvement in the contacts with citizens, with the duties of public servants, their general conduct and ethics, but has to do a lot with politics of personnel in public administration.

A second one and a more important one will bring a reform into the payment system. According to this project classifications will disappear and payments will be made correspondingly to their function, having a minimum of salary and a maximum that can be reached quickly, seniority becoming a criteria like many others. Salaries can be raised or diminished, according to the performance in job. Each manager will have some autonomy, having a salary fund that he can use as he consider necessary in order to fulfill his duties. According to the ministry Alexandru Athanasiu "The new salary system will introduce management in public administration" (interview made by Marius Nitu in Adevarul, nr. 2380, 21.01.1998).

Already this project is under a lot of attacks. The fact that manager will have free hand in dealing with payments is considered to increase corruption and clientelism; a big problem occurs because the reference point of salaries will not be the salary of a typist, but a different one for each branch of the state, so it will be a lot of pressure from each sector to get a better reference point than the others, syndicates from education did request that medium wage to be that reference, as it is the case of the members of Parliament, but the Minister of Work and Social Protection did not agree; another problem is that classifications will be replaced by salary levels and that can occur in overclassification in some sectors.

Another two projects are, at a certain point, controversial. One, that about payment for elected and political appointees, was rejected last autumn by president Constantinescu, because it will raise too much the payments while the others working in public administration have low salaries. The other initiative, Ordinance number 32/98 regards the same category of people and wants to introduce for them in our system the French system of cabinet. People appointed by the one who uses them and will rest in function till their boss is replaced will form cabinets. Cabinets will be an ideologically driven counter-bureaucracy. Already

there are voices rejecting this system considered as a form of patronage, a way that will be used to give jobs to political clientele or relatives, especially because payments will be higher than those for public servants. We have an experience with cabinets for the members of the Parliament that were used, in most cases, in the same purposes. Another problem is that those positions will supplement the number of employees in public administration. We should see that in French cabinets 90% of their members are public servants.

#### **4) Denial of an advancement – perceived causes**

Public service is a career service. Promotion and developmental opportunities are the most wanted things that can occur in a job. Still, there are many situations of nonpromotions and failure to receive developmental opportunities. For one that has a good job performance such thing will affect motivation and productivity.

What are the factors that people consider responsible for their failures? Attribution theory (see DeVader, Christian L., Allan G. Bateson, Robert G. Lord, "Attribution Theory: A Meta-Analysis of Attributional Hypotheses." in Edwin A. Locke (ed). "Generalizing From Laboratory to Field Studies", Lexington Books, 1986 looks at cognitive perceptions of the causal inferences attached to performance decisions. There are three dimensions there:

- internal-external is trying to see if personal characteristics are the reason for not getting a promotion or some external factors.
- controllable-uncontrollable is about our ability to control the perception that others have about us.
- stable-unstable: will the causes last in time or there are just temporarily.

Each of us is constructing his own reality, his own cognitive perception. It is hard to believe that in our reasoning we can be objective. It is easier to blame for our failure faith, bad luck, the other than ourselves. Still, when we are talking about expected but not received rewards our attributional perceptions are important in shaping of reality.

Another problem is that of an invisible glass ceiling blocking the advancement of certain categories of people (women, minorities, other) a problem that America felt as a main problem that can affect the success of affirmative actions.

The glass ceiling theory has three models. The human capital model, a case of internal attributions, tries to explain these results in terms of individual characteristics: education, experience, skills, or to their choices about jobs they want are considered as the prime determinants of career advancement. Family and life style are also important. The ruling elite model, a radical one, consider that decisions made by those in control of society and its institutions could except some categories from promotions and developmental opportunities, reserved for other (in communist societies having a worker or peasant origin, a "healthy" one, was during the '50s and '60s a great advantage). The developmental model is a mixture of the first two models, considering that training can solve the glass-ceiling phenomenon.

In 1991/1992 a Career Development (Glass Ceiling) Survey conducted by the U.S. Merit Systems Protection Board looked at the barriers to promotion. If we will try to make a similar survey in Romania I think that we will see that the perceived factors that led to denial of a promotion are considered to be mainly external, uncontrollable and stable, a combination that denotes a great mistrust in the equity of the system, a really sick system.

The Romanian Civil Service is perceived by most public servants as an arena dominated by political payoffs, buddy systems, and nepotism that are favoring incompetence, corruption against competence.

## 5) **Conclusions**

Everybody knows that a national civil service reform is needed. What is also needed is the real political will for that. In the last time it seems that Romania had replaced the communist system for recruitment and promotion with the spoils system. The PDSR government was eager to convince as many of the public servants (also managers of state-owned or private firms) as possible to join the party, a phenomenon called by the opposition PDSR-ization. After the victory of the coalition CDR-PD-UDMR, we were watching an entire show of the distribution of spoils. In their will to satisfy their supporters they had distributed jobs that are not supposed to be for political nominees (as it was in the case of directors of prefectures) or jobs that had to do with economy not with administration (the most striking one, about presidents of the state-owned banks). In other cases they tried to recruit the ones who occupied that positions. It was PDSR turn to speak about CDR-ization and to appeal for a merit system. Now, Remus Opris, the General Secretary of the government, and a high-ranked member of PNT-CD fears that the new members, that came only for the spoils will change the party in one in which the authentic members will be a minority. Politicizing the administration is seen like a way to implement government's policies.

The low esteem that people have for public servants has a lot to do with all that. When Romania applied for entrance in the European Union one of its greatest weaknesses was public administration. Civil Service has to be an elite corps, one in which competence should be the main criteria in recruitment or promotion, in which chances are for all.

A new Public Servant Act should stress the importance of the merit system and should find adequate measures of protection. This and with recruiting better qualified persons, a decent pay, possibilities for training, a higher degree of autonomy can make public administration a useful tool to reform the society.