

**Report on
The Management of Civil Service and Civil Servants
in 2004**

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Foreword by the President of the National Agency of Civil Servants

The civil service in Romania experienced in 2004 a period of maturing in the process of understanding and implementing the relevant regulations and practices of the European Union countries: the legal framework on the civil service and civil servants was completed, comparative studies and analyses were conducted on issues of interest for the civil service, progress was made in the field of career management and integrated information systems, partnerships were established with the civil society and community-assisted programs were implemented.



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The programs developed by the Romanian Government, as the Government's Program for the period 2005 - 2008 or the Updated Government Strategy on accelerating reform in public administration, set the **civil service reform** as one of the key objectives in the process of modernizing public administration in Romania, together with the **decentralization / de-concentration** and the **improvement of the public policies formulation process**.

The National Agency of Civil Servants (NACS) has attempted to impose itself as a **model of best practices** for the public administration in Romania, by disseminating principles of modern management and high ethical and professional standards. The social dialogue, consultation and cooperation with national and international institutions have become usual instruments in our institution's daily activity.

The steps forward taken by the civil service were also noted internationally. The **2004 Regular Report of the European Commission** on Romania emphasized that significant development has been made in the field of civil servants' career management. The document also recommended strengthening the Agency, as part of the Romanian institutional framework, in order to improve the institutional capacity of implementing the existing legislation.

As President of the National Agency of Civil Servants in Romania, I would like to present the following document, which summarizes the efforts undertaken by the Agency in 2004 to modernize the civil service in Romania. The **2004 Report on the Management of Civil services and Civil servants** outlines the essential evolutions in the field of legislation, strategy, management and information.

The purpose of this report is to provide a clear image of the Agency's achievements, considering the strategic objectives defined by the Romanian Government, as well as the efforts to put the civil service in Romania in line with the management standards and principles of a modern administrative system.

The report could be a useful tool for all the public institutions and authorities interested in the latest development in the field of civil service and civil servants,

as well as for the human resources departments within the central and local public administration personnel.

Section I

Overview of the National Agency of Civil Servants

The **National Agency of Civil Servants** was set by the Law No. 188/1999 on the Statute of civil servants as a specialized central public administration body dealing with the management of civil service and civil servants. Initially, the National Agency of Civil Servants was directly subordinated to the Government.

The Law No. 161/2003, on certain measures for ensuring transparency in the activity of high public officials, in civil services and in the business environment and on preventing and sanctioning corruption, introduced additional clarifications regarding the role and place of the National Agency of Civil Servants within the Romanian institutional system.

Later on, the National Agency of Civil servants was subordinated to the Ministry of Administration and Interior, by the Government Emergency Ordinance No. 63/2003 on the organization and functioning of the Ministry of Administration and Interior.

The **main objective** of the **National Agency of Civil Servants** is to create and develop a professional, stable and unbiased body of civil servants. This objective is based on the following priorities:

1. Consolidating the civil service system by:

- strengthening the role of the National Agency of Civil Servants and of the human resources departments;
- developing a flexible and efficient legal framework;
- applying in a unitary and consistent manner the legal provisions on civil service and civil servants;
- improving the image of civil servants;
- developing instruments to facilitate the civil service management;
- cooperating with local and international organizations with a view to harmonizing Romanian legislation with the EU regulations.

2. Professionalizing the body of civil servants by:

- identifying the education, training and development needs of the civil servants;
- developing and monitoring the system of professional development of civil servants;
- developing and implementing a motivating pay system;
- implementing deontological norms in the civil service system;
- introducing quality management in the public institutions and authorities in Romania;
- developing an organizational culture in the civil service system oriented towards the achievement of a high performance level;
- developing a feeling of belonging to the body of civil servants.

The main **duties** of the National Agency of Civil Servants include:

- developing a legal framework for the civil service and civil servants;
- monitoring and controlling the enforcement of regulations in its field;
- managing the programs in the field of civil service;

- cooperating with other local and international institutions for improving the professional training of civil servants;
- centralizing the training needs of civil servants and cooperating with the National Institute of Administration in defining the curricula for the professional training of civil servants;
- managing the database that includes the national records of public positions and civil servants.

The National Agency of Civil servants promotes the following **values**:

- a professional approach in performing the public positions;
- transparency in administration;
- unbiased and objective approach in the activity of civil servants;
- efficient inter- and intra-institutional communication;
- compliance with the professional ethics and deontology;
- citizen-oriented public administration activities;
- flexibility and adaptability.

The **beneficiaries** of the activities carried on by the National Agency of Civil Servants include:

- **the civil servants, by:**

- efficiently monitoring the enforcement of the Law No. 188/1999 and of secondary legislation to ensure the compliance with the principle of transparency in organizing and developing the career in the civil service;
- planning career in the civil service by developing the civil manpower plan to ensure the principles of equal opportunities, competence, competition, professionalism and motivation;
- developing mechanisms to reward individual professional performance;
- ensuring a unitary, transparent, motivating and predictable pay system for civil servants;
- improving the professional development of civil servants.

- **the citizens, by:**

- establishing a stable, professional, transparent, efficient and unbiased civil service, in the best interest of the citizens;
- improving the efficiency of the civil service and civil servants management to ensure the continuity and dispatch of civil services;
- defining deontological standards in the relations between the civil servants and the citizens.

- **the public authorities and institutions of the central and local public administration, by:**

- enforcing in a consistent and uniform manner the legal regulations on civil service and civil servants;
- establishing efficient inter-institutional communication mechanisms;
- methodologically coordinating the human resources departments within the public authorities and institutions.

Section II

Management of civil service and civil servants

The management of civil service represents one of the main duties of the National Agency of Civil Servants, as stipulated by the Law No. 188/1999 on the Statute of civil servants, republished, and involves a whole range of actions and measures, including:

- assessing the current civil service framework;
- identifying the problems affecting the functioning of the system;
- solving problems by developing adequate instruments;
- monitoring the implementation of measures and evaluating the final results;
- harmonizing vertical and horizontal efforts in the administrative system to avoid overlapping responsibilities and to improve the efficiency of public institutions.

The management of civil service and civil servants is a constant concern of the Romanian authorities, as attested by the programs adopted in this respect. The Updated Government Strategy on accelerating reform in the public administration, adopted by the Government Decision No. 699/2004, defines the **civil service reform** as one of the key objectives, together with the local public administration reform by continuing decentralization / deconcentration and the improvement of the process of formulating public policies.

The main **deficiencies in the civil service system**, as identified by the Strategy, include:

- the insufficient regulation of the public administration personnel not covered by the civil servants' Statute;
- the limited institutional capacity of the National Agency of Civil Servants in terms of material and human resources;
- the insufficient development of the integrated information system including the records of public positions and civil servants within the public administration;
- the absence of a unitary pay system for civil servants;
- deficiencies in the recruitment, promotion and evaluation of civil servants.

The **key objectives of the civil service reform** outlined in the Strategy for 2004 included:

- the development and implementation in the civil service of a **recruitment, evaluation and promotion system based on merit and competence**;
- the development and implementation of a **unitary pay system for civil servants**, aimed to be motivating, simple and transparent in order to reflect the importance and results of the activities carried out and to attract and maintain professional civil servants in the system;
- the improvement of the **institutional capacity** of the National Agency of Civil Servants so as to develop, implement, monitor and coordinate the enforcement of human resources policies in the civil service;
- the modernization of **human resources management**.

The following objectives and measures defined by the Government Decision No. 699/2004 were actually achieved in 2004:

Objective 1: The development and implementation of a recruitment, evaluation and promotion system based on merit and competence.

The recruitment, evaluation and promotion system was improved by:

- efficiently monitoring and managing the contests organized for public positions, in order to ensure the compliance of the examining and dispute-solving boards based on the principles of neutrality, impartiality and transparency;
- consistently applying the principle of recruiting the civil servants exclusively based on the professional competence criteria, by supervising contests and by NACS' participation in the boards of contests for recruiting the civil servants;
- establishing standard-based procedures and ensuring unitary practices by developing two practical guides that would provide for the instruments and techniques required in the recruitment, evaluation and promotion process;
- ensuring the transparency of recruitment and selection procedures by posting on the web site of NACS the contests for which organization procedure is underway.

Objective 2: The development and implementation of a unitary pay system for civil servants, aimed to be motivating, simple and transparent, in order to reflect the importance and results of the activities carried out and to allow for professional civil servants to be attracted and maintained in the system.

The following steps were taken so as to develop a unitary pay system:

- a comparative study regarding the pay of civil servants in the EU member states was elaborated;
- an analysis of the pay differences between similar positions and between the public and private sector was carried out;
- a job evaluation methodology was developed;
- multiple options regarding the pay system and the estimation of financial costs were formulated together with the Ministry of Public Finance and the Ministry of Labor, Family and Social Solidarity and based on consultations with the social dialog partners;

Objective 3: The Development of the institutional capacity of the National Agency of Civil Servants so as to develop, implement, monitor and coordinate the enforcement of human resources policies in the civil service system.

- In 2004, SIGMA experts carried out an evaluation of the civil service system and DFID experts assessed the activity and the personnel needs. The two evaluation processes were summarized in a report submitted to the NACS' management.
- The certification of NACS' quality management system was completed by a certification audit, according to ISO 9001/2001.
- The NACS' personnel was trained in various fields relevant for the civil service, as part of the Phare program RO.0106.04 - "Design and implement mechanisms for the full implementation of the Law No. 188/1999 regarding the Statute of civil servants".

Objective 4: The modernization of human resources management

Developing the human resources planning capacity by:

- developing framework guidelines for the manpower plan;
- training the Agency's personnel and the persons in charge with the human resources departments within the public authorities and institutions with regard to the provisional personnel management;
- drafting the manpower plan for 2005.

The transparency of the civil service was promoted by:

- publishing the annual report on the management of the civil service and civil servants for 2003;
- editing and publishing the NACS' quarterly newsletter;
- holding quarterly meetings with the responsible officials in the civil service sector;
- organizing periodical debates with the representatives of civil society on draft bills, as well as by posting on the NACS web site all the draft bills prepared in order to expand the civil society's involvement in the decision making process;
- publishing on the NACS web site all the draft normative acts prepared by NACS;
- conducting a study on the motivation of civil servants as part of the PHARE program R0. 0106.04*.

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This report is aimed at analyzing hereinafter the progress made in 2004 in the management of the civil service and civil servants by the National Agency of Civil servants. We must mention the fact that this material is not a comprehensive activity report and therefore it does not include any reference to the current activities of the Agency.

The Report on the Management of Civil Service and Civil servants deals with the following main issues:

- **Strategy, regulation and planning;**
- **Monitoring, control and settlement of disputes;**
- **Management of administrative procedures;**
- **Communication and programs with external assistance;**
- **Registration, certification and reassignment of civil servants.**

* The study is available on the web site of the National Agency of Civil servants, at www.anfp-map.ro

Section III

Strategy, regulation and planning

The Law No. 188/1999 provides that the National Agency of Civil Servants has the task to develop policies and strategies in the field of civil service and civil servants management, as well as to improve the civil service legal framework.

The Agency has two main categories of responsibilities in this respect:

- III. 1 Policies and strategies regarding the civil service and civil servants;
- III. 2 Regulation, certification and methodological coordination.

III. 1 Policies and strategies

The NACS' activity in this field has the general objective of improving the human resources management capacity in the body of civil servants. In 2004, the Agency's efforts in this respect aimed for several key objectives:

- III.1.1 A unitary pay system for civil servants;
- III.1.2 Improving the human resources management capacity of central and local authorities.

III.1.1 A unitary pay system for civil servants

With regard to the pay policy, the main challenge the civil service system had to face in 2004 was the absence of a unitary pay system for civil servants. As a result, in 2004, the pay system for civil servants was affected by:

- A low level of pays, thwarting the efforts of attracting and maintaining a high-performance personnel in the system;
- The absence of alternative incentives and the strict regulations regarding incompatibilities, making less attractive the civil service career;
- The inadequate use of the incentive system, causing major differences among civil servants performing similar tasks in public authorities and institutions;
- The absence of compensations to consider the additional costs generated by location (large urban centers compared to smaller communities).

In order to eliminate those bottlenecks, the National Agency of Civil Servants received - through the **PHARE Program RO. 0106.04** - "Design and implement the mechanisms for the full application the Law No. 188/1999 on the Statute of civil servants" - technical assistance in three main directions:

- developing the necessary instruments for improving the civil servants' recruitment and promotion;
- developing a unitary pay system for civil servants;
- updating and establishing operational integrated database system for the public positions and civil service.

With the support of the Phare experts, several improvements were made in 2004 in preparing the drafting of the law on the unitary pay system, including the following:

- **Two comparative studies** were conducted in March 2004, one concerning the pay system of civil servants in Denmark, France, Hungary, Poland and UK

and the other on the civil servants' pay in Romania compared to the salaries in the private sector. Based on these studies, the principles of the new pay system were set up and several versions of the draft law were prepared.

- In April, the NACS organized a **conference** on the pay system for civil servants, during which the two studies were presented and discussed. The conference defined the following guidelines for drafting of the future law:
 - Integrating the unitary pay system with the general tax framework and monitoring the payroll costs;
 - Promoting unitary general principles for all categories of civil servants, including those with special status, in order to eliminate the current discrepancies in establishing and paying the salaries;
 - Defining transparent and easy-to-manage pay elements, in order to reflect the duties, responsibilities and skills of civil servants;
 - Ensuring proper pay for civil servants in order to compensate for the strict regulation of incompatibilities and conflicts of interests applicable to them;
 - The step-by-step implementation of the unitary pay system, to ensure a balanced allocation of public funds.
- The first version of the draft law was completed by the end of May. Officials of the Ministry of Public Finance and of the Ministry of Labor and Social Solidarity were involved in the drafting process and the recommendations of the Phare, SIGMA and DFID experts were considered. The necessary financial amounts for implementing the new system were estimated based on the information available in the NACS' database.

In July 2004, the Agency agreed with the World Bank experts on adopting the following measures:

1. Structuring the pay system reform for civil servants by:

- ***short-term activities*** - drafting a provisional regulation for 2005 and postponing the adoption of the unitary pay law;
- ***medium-term activities*** - developing a *strategy for the pay system* and implementing the law on the unitary pay system for civil servants starting with 2006.

2. Setting up an Interministerial Committee composed of State Secretaries. The setting up, organization and functioning of the Interministerial Committee for completing the policy of developing a unitary pay system for civil servants was approved by the **Government Decision No. 1588/2004**.

- As agreed with the World Bank, during the last quarter of 2004, the Government adopted two Emergency Ordinances regarding the civil servants' pay which ensured an average pay increase by 20% and 17.4%, respectively, according to the World Bank recommendations:
 - **the Government Emergency Ordinance No. 82/2004** on certain measures regarding the civil service, valid in November and December 2004;
 - **the Government Emergency Ordinance No. 92/2004** regarding the civil servants' pay and other benefits for 2005.

- The necessary budgetary funds were assured by certain alternative solutions agreed with the social dialog partners:
 - suspending the legal provisions regarding the bonus fund for November and December 2004
 - suspending the recruitment contests for vacancies and filling the vacant public servant positions by reassignments from the civil servants' reserve body by the end of 2004;
 - limiting the recruitment by contest for the vacant public positions within the public authorities and institutions;
 - suspending the promotion to higher pay classes.
- In order to develop the civil servants' pay strategy, as agreed with the World Bank, the National Agency of Civil Servants applied in October 2004 for technical assistance from the PPIBL fund (Public and Private Institutional Building Loan).
- It is estimated that, based on the civil servants' pay strategy, the draft law on the unitary pay system for civil servants will be completed in 2005.

III.1.2 Improving the human resources management capacity of central and local authorities

The National Agency of Civil Servants aims to contribute in the development of a **professional body of civil servants**, in order to improve the efficiency of public administration and to bring public administration closer to citizens. Considering this, it is vital to improve the capacity of managing the human resources employed in the civil service.

The progress made by the National Agency of Civil Servants in this respect in 2004 included:

- **elaborating specialized materials** in the field of civil servants' performance appraisal, motivation and career development. The materials drawn up with the support of the experts involved in the Phare Program RO.0106.04 stand for useful tools for all the human resources departments in the Romanian public administration.

The following guides were developed:

- **Guide for evaluating the individual professional performance and motivating civil servants**

The guide reviews the evaluation regulations and procedures applicable to civil servants and defines certain specialized terms used in the performance evaluation system. Besides the theoretical part, the guide also has a practical part, consisting of various case studies relevant for the civil service system in Romania. The final section includes the methodology of conducting the evaluation interview.

- **Guide for the civil service career development**

The book provides general guidelines for the development of civil servant's career in Romania. Career development involves a wide range of activities, mainly carried out by the staff within the human resources departments, but also by each individual civil servant. The objective was to create a professional body of civil

servants, highly qualified and able to operate at the same levels of performance and efficiency in a wide variety of positions, with different roles.

The 2 guides were published in **5,000** copies each, distributed to all the local and central public administration authorities and institutions. In order to ensure the implementation of the guides, **4 training sessions** were organized in October 2004, considering the geographical area, attended by civil servants from the human resources departments.

- **developing instructions for drafting the manpower plan**

The instructions explain in detail the steps in elaborating the manpower plan, establishing the duties of public institutions and authorities and of the National Agency of Civil Servants, as well as the relevant deadlines.

In order to implement the Order No. 2753/2004 on approving instructions for drafting the manpower plan, the National Agency of Civil Servants organized training sessions attended by human resources experts within the central and local public institutions and authorities.

- **developing a job evaluation methodology**

In terms of human resources, the job evaluation is required to identify the possible discrepancies between the hierarchic place of certain public positions and the actual duties stipulated in the relevant job descriptions.

In 2004, the Agency's experts, assisted by the Phare experts, developed a job evaluation methodology to be implemented in a pilot system starting with 2005.

- **centralizing proposals for the civil servants' training**

In the first quarter of 2004, the National Agency of Civil Servants centralized the training needs for the civil servants, based on the proposals submitted by the public institutions and authorities following the evaluation of the civil servants individual professional performance for 2003.

Furthermore, the National Agency of Civil Servants cooperated with the National Institute of Administration in defining specialized curricula for training in the field of public administration and for the professional development of civil servants.

- **contribution in implementing the "Young Professionals Scheme" Program**

In this activity, the National Agency of Civil Servants cooperated with the Central Unit for Public Administration Reform and with the National Institute of Administration - institutions directly involved in the management of this program.

The first series of graduate public managers was reassigned through the "Memorandum for Ensuring the Necessary Conditions for Employing Public Managers in the Public Administration in 2005", approved by the Prime Minister of Romania.

In order to improve the efficiency of this activity, the National Agency of Civil Servants proposed for the introduction of the necessary positions for the future public managers in the manpower plan for 2005.

III. 2 Legal framework

The main responsibilities of NACS in the field of **legislation**, as defined by the law, include:

- drafting common regulations, applicable to all the public authorities and institutions, with regard to public positions, as well as guidelines for the unitary implementation of the legislation on civil service and civil servants;
- formulating comments and proposals on the draft laws including provisions related to the civil service and civil servants, submitted to the NACS;
- reviewing and proposing for approval of the draft laws including provisions related to the civil service and civil servants, prepared by other ministries and central public authorities.

The legislative activity of the National Agency of Civil Servants is focused on 4 main directions:

III.2.1 Drafting normative acts;

III.2.2 Approving the draft normative acts that include references on the civil service and civil servants;

III.2.3 Formulating observations on certain normative acts;

III.2.4 Specialized methodological coordination.

III 2. 1 Drafting normative acts

In 2004, the following regulations were added to the legal framework governing the civil service and civil servants:

A. Law No. 7/2004 on the Code of Conduct for the civil servants, published in the Official Journal of Romania, Part I, No. 157, on February 23, 2004.*

By this law, the National Agency of Civil Servants introduced conduct standards for the civil servants.

The general principles that govern the conduct of civil servants include: the supremacy of the law, the priority of public interests, ensuring the equal treatment of citizens by the public institutions, professionalism, impartiality and independence, integrity, freedom of thought and expression, honesty and fairness in performing public positions and fulfilling the professional duties.

The law also introduces certain special rules regarding the protection of public and private property by civil servants, as well as their obligation to avoid conflicts between their personal interests and their public position. There are also provisions regulating the relations of civil servants with the public and mass media.

* The following laws were also adopted in 2004:

a) Law No. 477 on the Code of Conduct of the contract employees of public authorities and institutions;

b) Law No. 571 on protection of the personnel of public authorities, public institutions and other entities investigating violations of the law.

B. Government Decision No. 25/2004 on approving the manpower plan for 2004, published in the Official Journal of Romania, Part I, No. 79/January 30, 2004.

The main benefits of drafting the manpower plan included:

- the evaluation of the surplus and deficit of human resources in each public authority and institution;
- facilitating the management of civil service and civil servants at a national level.

C. Government Decision No. 2291/2004 on approving the manpower plan for 2005, published in the Official Journal of Romania, Part I, No. 1248 on December 23, 2004.

The draft manpower plan for 2005 was prepared based on the recruitment proposals submitted by each central public institution and authority, following consultations with the representative national trade unions.

The provisions of the Emergency Ordinance No. 56/2004 on retaining public manager positions, according to the distribution scheme, were also considered in drafting the manpower plan.

D. Government Decision No. 432/2004 on the professional record of civil servants, published in the Official Journal of Romania, Part I, No. 341, on April 19, 2004.

The purpose of creating a professional record for each civil servant is to efficiently manage the human resources within the public institutions and authorities, as well as to trace the civil servants' careers.

The Government Decision on the professional record regulates the creation and updating of professional record, the access procedures, the personal data protection, the modality of correcting and completing the data, as well as keeping and archiving circumstances.

E. Government Emergency Ordinance No. 82/2004 on certain measures in the field of civil service, published in the Official Journal of Romania, Part I, No. 975/10.22.2004.

The ordinance granted certain pay increases to civil servants for November and December 2004.

The measures introduced by were discussed with the civil servants' trade unions, as well as with their professional organizations.

F. Government Emergency Ordinance No. 92/2004 on regulating the civil servants' pay and other benefits for 2005, published in the Official Journal of Romania, Part I, No. 1091/11.23.2004.

G. Order No. 2753/2004 on approving instructions for drafting the manpower plan, published in the Official Journal of Romania, Part I, No. 700 from August 3, 2004.

The instructions for drafting the manpower plan detail the drafting phases, define the obligations of the public authorities and institutions and of the NACS in drafting the plan and establish deadlines for: submitting of proposals by public authorities and institutions, consultations with civil servants' representative trade unions, submitting the draft manpower plan to the Government.

H. Order of the President of the National Agency of Civil Servants No. 4.520/2004 on approving performance criteria for evaluating the civil servants' individual professional performance for 2004, published in the Official Journal of Romania, Part I, No. 1205/12.16.2004.

In order to enforce the provisions of Article 20 (1) point (f) of the Law No. 188/1999 on the Statute of civil servants, republished and subsequently amended, and of Article 2 (4) of Annex No. 3 to the Government Decision No. 1209/2003 on the organization and development of the civil servants' career, certain basic criteria had to be established to evaluate the civil servants' individual professional performance in 2004.

The performance criteria applied in 2002 and 2003 were adapted to the new public positions' structure.

I. Order of the President of the National Agency of Civil Servants No. 190/20.01.2004 on approving the Organization and Functioning Regulation of the Control Body.

III 2. 2 Approving regulations that include reference on the civil service and civil servants

The following draft regulations were approved in 2004:

- Statute of the Customs Personnel;
- Statute of Foresters;
- Government Emergency Ordinance No. 91/2003 on the organization of Financial Guard;
- Law on the pay and other benefits of the personnel in the Foreign Affairs Ministry headquarters and diplomatic missions, consular offices and Romanian cultural institutions established abroad, which was reviewed and amended and finally approved by the President of the National Agency of Civil Servants;
- draft Order of the Minister of Administration and Interior regarding the organization and conducting activities of receiving, recording, examining and solving petitions, as well as of receiving citizens for audiences in the structures of the Ministry of Administration and Interior;
- draft Government Decision regarding the organization and functioning of the National Institute of Statistics;
- draft Government Decision on establishing the food entitlement in time of peace for the personnel of prisons;
- draft Government Decision on establishing the uniform, specific equipment and insignia for the civil servants with special statute in the prison administration system;
- draft Government Decision on conditions for granting free medical and psychological assistance, drugs and prostheses to the civil servants with special statute in the prison administration system;

- draft Government Decision on the conditions based on which the civil servants with special statute in the prison administration system are entitled to vacations, paid training periods and leaves, unpaid leaves, leisure, treatment and health recovery;
- draft Government Decision on the organization and functioning of the National Prison Administration.

III 2. 3 Formulating observations on certain normative acts

In 2004, the Agency made comments and position statements regarding the following regulations:

- draft framework law on the decentralization and de-concentration of public services;
- draft Government Decision on the organization and functioning of the Ministry of Environment and Water Management;
- draft law on prefect's institution;
- Government Emergency Ordinance No. 90/2003 on amending the Law No. 141/1997 on the Customs Code of Romania and Article 16 of the Government Emergency Ordinance No. 64/2003 on establishing certain measures regarding the setting, organization, reorganization or functioning of certain structures within the operational system of the Government, of ministries, of other specialized bodies in the central public administration and of certain public institutions; namely, comments on the Government Emergency Ordinance No. 91/2003 on the organization of the Financial Guard;
- draft law on the Honorary Insignia "Reward for Work in the Civil service";
- draft law on the status of local elected officers;
- draft law on increasing the civil servants' pay in 2004;
- draft Government Decision on amending and completing the Government Decision No. 1489 on the National Narcotics Agency;
- comments and proposals regarding the draft Government Decision on the organization and functioning of the Veterinary and Food Safety Department;
- draft law on the civil servants employed in the prison administration system;
- draft law on amending and completing certain regulations aimed to set a proper organizational and functional framework for issuing and recording identity cards, civil documents, ordinary passports, driver licenses and vehicle registration certificates;
- draft law on the statute of Parliament civil servants;
- amendment and completion of Article 94 (2)(a) of the Law No. 161/2003;
- amendment of Article 93 of the Law No. 215/2001;
- draft Government Decision on the organization and functioning of the National Customs Authority;
- draft law on adopting the Government Emergency Ordinance No. 123/2003 (Law No. 164/2004);
- draft Government Emergency Ordinance on amending Article 27(1) of the Law No. 188/1999 on the Statute of civil servants, republished;
- draft Government Decision on the specialized training program;
- draft Government Decision on the organization and functioning regulations of the National Agency for the Children Protection;
- draft bill on amending the Law No. 73/1993 on the establishment, organization and functioning of the Legislative Council;

- draft Government Decision on the organization and functioning of the National Agency of Real Estate Registry and Publicity;
- order of the Minister of Administration and Interior regarding the types of curricula of continuous training for civil servants (National Institute of Administration);
- draft Government Decision on the functioning of the National Institute of Administration and of the regional centers for local public administration;
- Methodological Norms for enforcement of the Law No. 157/2004;
- draft Government Decision on approving the methodological norms for enforcing the Emergency Ordinance of the Government No. 56/2004;
- draft law on establishing the National Anticorruption Agency;
- draft Government decision on approving the organization and functioning regulations of community police;
- draft Government Decision on approving the program of measures to reduce bureaucracy in the public relations activity;
- draft unitary national agreement on the relations between public authorities and institutions, on the one hand, and civil servants, on the other hand, drawn up by the Civil Servants' Trade Union of in Romania;
- draft framework collective agreement drawn up by the National Federation of Local Public Administration Trade Unions.

III 2. 4 Specialized methodological coordination

The drafting and enforcement in 2004 of new regulations regarding the civil service and civil servants resulted in the need for methodological coordination among the central and local public administration institutions and authorities, mainly with regard to the following aspects:

- **The method of establishing the basic salary** for the persons outside the civil servants' body and participating in contests for vacant leading positions;
- **The method of preparing and managing the professional records** of civil servants and the register of civil servants within the public institutions and authorities with the purpose of ensuring the consistent and efficient human resources management and for tracing the civil servants' career;
- **Establishing mandatory rules of professional conduct** for civil servants, as well as for the persons temporarily holding a public position within the public authorities and institutions;

Section IV

Monitoring, control and settlement of disputes

The Law No. 188/1999, republished, assigns to the National Agency of Civil Servants the responsibility of monitoring and controlling the enforcement of the legislation regarding the civil service and civil servants within the public authorities and institutions. The law also grants the Agency active court legitimacy, that is, the right to notify the administrative court with regard to any violation of the regulations applicable to the civil service and civil servants.

IV. 1 Monitoring

Monitoring the correct and consistent enforcement of the legislation governing the civil service and civil servants helps identifying the problems encountered by the public authorities and institutions and adopting proper measures to address such problems.

In 2004, NACS solved **2210 petitions**, memoirs and notifications submitted by public institutions and authorities, trade unions, civil servants and citizens.

The monitoring activity mainly focused on the following aspects:

- various requests for consulting on: completing the professional records of civil servants, the possibility for civil servants to participate in election campaigns, forming joint committees and contest boards, the Code of Conduct - 689 petitions;
- civil servants' pay - 326 petitions;
- disputes regarding administrative acts of the public authorities and institutions, memoirs, petitions, complaints - 322 petitions;
- conditions for becoming a civil servant, way of re-employment on a public position, re-employment of certain civil servants on leading public positions - 317 petitions;
- methods of occupying a vacant public position, contests, temporary appointment to public positions- 160 petitions;
- incompatibilities related to the civil service and civil servants - 145 petitions;
- modification, suspension and termination of work relations - 124 petitions;
- methods of changing position after graduating university studies - 68 petitions;
- promotion and advancement of civil servants - 59 petitions.

Monitoring the enforcement and observance by the public institutions and authorities of the Law No. 7/2004 has a special place in the monitoring activity carried on by the National Agency of Civil Servants.

The National Agency of Civil Servants requested the public authorities and institutions to fill in standard forms and to submit on monthly basis the information regarding the civil servants' compliance with the rules of conduct. Furthermore, the Agency requested information regarding the harmonization of internal regulations with the rules of conduct, depending on the field of activity.

- **104** central and local public institutions and authorities reported on the implementation stage of the Law No. 7/2004 in their own specialized structures, while 7 local public authorities and 9 central public institutions and authorities failed to submit reports.
- **149** reports on violations of the rules of conduct were submitted from August to December 2004, including some 88 in central public authorities and institutions and some other 75 in local public authorities and institutions.

Reports were submitted for the violation of:

- the obligation to have a professional attitude and to ensure the administrative transparency, in accordance with the law - 35 reports;
- the obligation to comply with the legal requirements regarding the limitation of certain rights due to the nature of the public position held - 24 reports;
- the obligation not to prejudice the honour, reputation and dignity of the persons working in the same public authority or institution or of the persons the public officer meet in performing public positions - 26 reports;
- the obligation to have an impartial and justified attitude in order to clearly and effectively solve the citizens' problems - 20 reports;
- the interdiction to publicly express untrue opinions with regard to the activity of the public institution or authority - 12 reports;
- the interdiction to express unauthorized opinions with regard to underway disputes and to disclose information that is not public - 18 reports;
- the interdiction to provide assistance and advice to natural and legal persons for taking legal or other action against the state or against the public authority or institution employing the civil servants - 14 reports.

Penalties were applied in **91** cases:

- written reprimand - 54 cases;
- pay decrease by 5 to 20 percent for up to 3 months - 25 cases;
- demotion for up to one year, together with a proper pay decrease - 7 cases;
- dismissal from public positions - 5 cases.
-

No cases of civil servants subject to political pressures were reported.

At the end of the year, the penalty procedure provided by the law was underway in **58** cases.

IV. 2 Control

In 2004, the Control Body of the President of the National Agency of Civil Servants received **523** petitions, reports and complaints from both legal entities (public authorities and institutions) and natural persons.

The control activity included the public authorities and institutions' documents' verification, as well as unannounced inspections. **90** inspections were performed within the public institutions and authorities, out of which **37** on specific issues.

The most frequent **breaches and violations** related to the civil service and civil servants occurred in connection with:

- approval of public positions and appointment of civil servants to public positions;
- procedure of re-employing civil servants;
- legal regulation of incompatibilities and conflicts of interests;
- organization and holding of contests for occupying a public position;
- establishment and functioning of the discipline committees and the penalties applied to the civil servants;
- promotion of civil servants;
- completing and updating professional records or other personnel documents.

General **recommendations** were formulated and **corrective measures and actions**, as well as mandatory specialized guidelines were decided with regard to:

- the promotion procedure for civil servants;
- the compliance with the provisions of Article XVII of the Law No. 161/2003;
- the compliance with the provisions of Article 2 and Article 5 of the Instructions concerning the re-employment of civil servants, as approved by the Order of the President of the National Agency of Civil Servants No. 218/2003;
- the compliance with the legal regulations regarding the incompatibility and conflicts of interests' regime;
- the method of completing and updating the professional records or other personnel documents.

Generally, the public authorities and institutions properly responded to the requests made following inspections by applying the measures recommended by the National Agency of Civil Servants' officials.

IV. 3 Settlement of administrative disputes

The Law No. 554/2004 on the settlement of disputes with the public administration stipulates the authority of the National Agency of Civil Servants to sue with administrative courts against the acts of the central and local public authorities that violate the legislation governing the civil service, subject to the provisions of the Law No. 188/1999 on the Statute of civil servants, republished. NACS may introduce such court cases with prior control actions performed.

In 2004, the Agency was involved in **130 cases** judged at the administrative courts. Most of them referred to the method of re-employing civil servants within the National Customs Authority and its subordinated institutions, according to the Law No. 161/2003, as amended and completed, and to the Order of the NACS' President No. 218/2003.

Section V

Management of administrative procedures

According to the Law No. 188/1999, as republished, the National Agency of Civil Servants is responsible for approving the participation conditions and the procedure of selection and recruitment for general public positions, as well as for giving the assent and monitoring the recruitment for specific public positions. The National Agency of Civil Servants also re-assigns the civil servants whose civil service working relations were terminated for reasons outside their responsibility.

Therefore, this section will have the following subsections:

- V. 1 Organization of contests for recruiting civil servants in 2004;
- V. 2 Discipline committees;

V. 1 Organization of contests for recruiting civil servants in 2004

For 2004, the contests were organized in accordance with the provisions of the Government Decision No. 1209/2003 on the civil servants career organization and development.

The National Agency of Civil Servants granted, based on the procedure provided by the Government Decision above-mentioned, **1829 assents** for organizing contests for occupying executing and leading public positions, excepting the positions of deputy general director, director, deputy director, executive director, deputy executive director and other similar positions.

The following figures were registered in 2004:

- executing public positions made available by contest: **5202**;
- specific executing public positions made available by contest: **54**;
- leading public positions (chief of service, chief of office) made available by contest: **604**;
- specific leading public positions (chief of service, chief of office) made available by contest: **61**;
- executing public positions vacant after contest **1454**;
- specific leading public positions (chief of service, chief of office) vacant after contest: **97**;
- number of candidates in 2004: **8632**;

V. 2 Discipline committees

The discipline regulations applicable to civil servants have a specific character, different from the ones applicable to other categories of employees. The discipline framework is defined by the Law No. 188/1999 on the Statute of civil servants, as republished and subsequently modified, and by the Government Decision No. 1210/10.29.2003 on the *organization and functioning of parity committees and of discipline committees within public authorities and institutions*.

According to the **Government Decision No. 1210/29.10.2003** on the organization and functioning of parity committees and of discipline committees within public authorities and institutions **432** discipline committees were set up in central and local public administration authorities and institutions in 2004, namely **173** in central public administration and **259** in local public administration.

Considering the data provided by the public institutions and authorities regarding the structure and number of discipline infringements and penalties applied to the civil servants, mentioned in the annex to this report, we would like to point out the following aspects

- In 2004, the discipline committees established within public institutions and authorities examined **234** notifications, namely **196** in the central public administration and **68** in the local public administration.
- **78** penalties were applied to civil servants in the central public administrations and **29** to those in local public administration. At the end of 2004, there were **36** notifications pending.
- In respect of criminal liability, in 2004, the heads of public authorities / institutions referred to criminal investigating bodies four reports on civil servants from the central public administration. The cases were still pending at the end of 2004.
- The analysis of the information provided to the National Agency of Civil Servants revealed that **the main types of discipline infringements** included:
 - a) repeated negligence in performing duties;
 - b) infringements of the legal provisions regarding incompatibility;
 - c) acts affecting the image of the institution;
 - d) repeated unjustified absence from work and repeated delays;
 - e) theft of documents, forgery and misappropriation of funds;
 - f) solving certain requests outside the legal limits;
 - g) acts affecting the reputation of the public institution;
 - h) disclosure of professional secrets.

Section VI

Communication and programs implemented with international support

The Law No. 188/1999 on the Statute of civil servants stipulates among the powers of the National Agency of Civil Servants the cooperation with local and international bodies and organizations in its field.

The following three priorities were identified in the activity of the National Agency of Civil Servants:

- VI. 1. Cooperation with local partners;
- VI. 2. Cooperation with foreign partners;
- VI. 3. Assessments regarding the civil service.

VI. 1 Cooperation with local partners

The National Agency of Civil Servants put into practice the **principle of inter-institutional cooperation** by:

- Cooperation with the institutions involved in drafting the law on the unitary pay system for the civil servants;
- Consultations for developing a pilot procedure for job evaluation;
- Organizing trainings for civil servants in central and local public authorities and institutions on various topics, including: individual professional performance assessment, motivation of civil servants, civil servants career, drafting the civil service manpower plan, assenting public positions settlement, as well as the reemployment of civil servants in accordance with the Emergency Ordinance of the Government No. 92/2004.
- Cooperation with the National Institute of Administration to complete the curriculum for the professional training of civil servants;
- Cooperation with the National Institute of Administration (NIA) and with the Central Unit for Public Administration Reform (CUPAR) to develop a strategy for the professional training of civil servants;
- The concluding of an agreement among NACS, NIA and CUPAR in order to improve inter-institutional cooperation and improve the efficiency of the measures for reforming the civil service system in Romania;
- Developing a handbook of internal procedures for human resources, in cooperation with the Ministry of European Integration.

The following advancements were made in 2004 in **implementing the Law No. 52/2003 on decision-making transparency in public administration**:

- All the draft laws prepared by the National Agency of Civil Servants were subject to the legal procedures regarding decision-making transparency, being presented on the web site of the Agency, posted at the Agency's headquarters and published in the media;
- The National Agency of Civil Servants submitted for comments to the professional organizations of civil servants, to local public administration institutions and authorities, to the trade unions of civil servants and to civil society organizations all the draft laws prepared. Following such

submissions, NACS received 20 recommendations, most of them being included in the final versions of the draft laws.

- The Agency organized 22 meetings with the officials of public institutions to debate the draft laws in the field of civil service and civil servants.
- The Agency organized 30 public meetings, attended by 950 persons. Media also took part in three of the meetings. During the meetings, the participants made 100 comments and recommendations. All the comments and recommendations were taken into account in making decisions.

The following **public interest** requests were received in 2004:

- In 2004, the National Agency of Civil Servants received 2.455 requests for public interest information, classified as follows, according to the field they referred to:
 - The compliance by the public institution with its duties - 2265 requests;
 - Laws, regulations - 151 requests;
 - Other - 39 requests.
- Statistics:
 - Number of requests answered positively: 2.288.
 - Number of requests rejected: 50 (the exceeded the limits of competence defined by the Law for NACS).
 - Number of requests submitted on paper: 2350;
 - On electronic media: 105;
 - Number of requests submitted by natural persons: 1120;
 - Number of requests submitted by legal persons: 1335.

VI 2. Cooperation with international partners

The European Commission

Project Phare RO 0106.04 “Development and implementation of mechanisms for the full application of the Law No. 188/1999 on the Statute of civil servants”

- The program Phare RO 0106.04 “Development and implementation of mechanisms for the full application of the Law No. 188/1999 on the Statute of civil servants” started in December 2003 and should have ended in December 2004. By the Addendum No. 3 to the Contract, dated November 16, 2004, the project period was extended until May 2005, in order to continue providing technical assistance for preparing the draft law concerning the unitary pay system for civil servants and for improving the database of civil service and civil servants.
- The project included the following components:
 1. pay and grading public positions;
 2. recruitment, selection, promotion;
 3. civil servants training and career development;
 4. improvement of human resources management (National Manpower Plan for civil service);
 5. database of the Agency;
 6. improvement of the internal and external communication of the Agency.

- The achievements of the project are presented in the sections regarding the drafting a unitary pay system for civil servants, the development of human resources management competences and the registration of public positions and civil servants.
- Related to the component aimed at improving communication, the Agency organized workshops on issues regarding the internal communication within NACS, as well as the seminar “Internal communication in public institutions - NACS, a case study.” The draft strategy of internal communication and the draft strategy of external communication were prepared. A new version of the Agency’s presentation booklet was edited in Romanian and English. Another result of this component was the updating of the NACS web site in Romanian and English and the publishing of the English version.
- Three national conferences were also organized: i) the national conference on the pay system of civil servants in Romania, ii) the conference of presentation and launching of the human resources guides, iii) the closing conference of the project PHARE RO 01 06.04.

World Bank -PAL 1, PAL 2 and PAL 3 programs

- As part of the program **PAL 1**, the Government of Romania initiated the process of defining the set of indicators for monitoring the practices and the quality of the management in the civil service.
- As part of the program **PAL 2**, the Government defined and made public the set of indicators agreed by all the key players involved in the civil service reform.
- As part of the program **PAL 3**, the agreed indicators will be monitored and the results will be published. The analysis of the results obtained, as agreed, will allow the updating of the reform strategy of the civil service and the action plan for its implementation.
- In 2004, NACS negotiated with the representative of the World Bank to define the framework of conditions to be observed by the Agency in order to achieve the objectives proposed. The set of monitoring indicators for PAL 2 was also agreed on. They include:
 - the number of civil servants assessed on individual professional performance;
 - percentage distribution of the qualifications obtained;
 - percentage of civil servants with a university degree in the central public administration;
 - vertical compression ratio (lowest salary / highest salary) in the civil service system;
 - indicators able to be monitored after improving the database solution, in the program PAL 3;
 - developing a strategy regarding the civil servants pay.

SIGMA / OECD (Support for Improvement in Governance and Management)

- In 2004, the National Agency of Civil Servants received support from SIGMA experts in the process of drafting the law concerning the unitary pay system for civil servants. SIGMA consultants made recommendations regarding the basic principles and the elements of the system, as well as regarding the law implementation schedule;
- SIGMA experts offered advice for developing instructions for drafting the annual civil service manpower plan;
- Following the request of the European Commission, SIGMA experts performed in early 2004 an evaluation of the National Agency of Civil Servants.

DFID (Department for International Development), UK

- In 2004, the Department for International Development (DFID) granted assistance to NACS in the reform of public administration. For this purpose, an expert was accredited to the President of the Agency to offer advice for preparing the draft law on civil servants pay system and the draft national civil service manpower plan;
- **Deloitte & Touche** was contracted with financial support from DFID to draft a strategy for the development of the information system for human resources management in public administration. A hierarchy of the monitoring indicators agreed with the World Bank was also established;
- The processes related to the civil service and civil servants were analyzed and evaluated (recruitment, civil service manpower plan, management of the civil servants' reserve body, performance evaluation, career development, records organization, information flow between NACS and public institutions, reporting models and frequency, personnel involved, IT infrastructure, databases of public positions and civil servants, software applications used, management of salary related information);
- DFID financed the program "Support for the National Agency of Civil servants - Human Resources Planning, defining a model of reporting data regarding the salary of civil servants, carried out through **IMAS (Marketing and Social Analysis Institute)**).
- The program included the identification and analysis the way of collecting and processing information, as well as the design of the database management software of the Agency. IMAS made proposals to improve the data collection and centralization system and the checking and validation of information.

VI. 3 Assessments regarding the civil service

Regular Report of the European Commission for 2004

- The Regular Report for 2004 underlines the adoption of the civil service secondary legislation (career structure and development, structure and functioning of parity committees and discipline committees, civil service manpower plan for 2004, professional files) and of the civil servants Code of Conduct.
- The report emphasizes the improvement in the activity of the National Agency of Civil Servants, but also the fact that the legislative measures are not always backed by the allotment of the resources required for the implementation. The high personnel turnover caused by the inadequate pay system was also mentioned.
- The main recommendations include the continuation of the reform process in the public administration and the consolidation of the capacity of proper implementation of the legal framework and of the strategies developed for this purpose.

SIGMA

- Following the request of the European Commission, SIGMA experts performed in early 2004 an assessment of the National Agency of Civil Servants. The report identified the weaknesses in the activity of NACS, as well as the priorities requiring assistance from the European Commission with the view to Romania's accession to the European Union.

- In their evaluation, SIGMA experts noted as a positive fact the clarification of the relevant legislation by the changes introduced by the Law No. 161/2003 and the Government Decision No. 624/2003. SIGMA also appreciated the ministerial reorganization in 2003, by which the Ministry of Public Administration and the Ministry of the Interior merged. The adoption of the secondary legislation in the civil service was also regarded as an important advancement.
- SIGMA experts considered that the monitoring of the law enforcement in this field would identify the inconsistencies and weaknesses in the legislation, which would result in the need to change the law on the Statute of civil servants.
- The experts stressed on the need for the institutional consolidation of the Agency by supplementing the personnel and by improving its professional competences.
- SIGMA concluded that the European Commission should support the National Agency of Civil Servants and the National Institute of Administration through projects aimed at the implementation of the basic elements and the civil service reform tools, seen as a process of continuous learning.

Barometer of the civil service in Romania

- The Institute for Public Policies drafted and published the Barometer of the Civil service in Romania - the first opinion poll exclusively addressing the specific problems of the civil servants in local public administration.
- The poll ordered by the Institute for Public Policies was conducted by Gallup Organization Romania from September 27 to October 18.
- The research was conducted on 993 civil servants in the 41 county councils and 83 municipalities. The aspects considered in respect of the civil servants included the stability in office, professionalization of the body of civil servants, recruitment, evaluation and penalty procedures, continuing training and the motivation.

National Report on Corruption

- The **Romanian Association for Transparency** published¹ the National Report on Corruption, a selective review of the most important legislative, institutional and political evolutions in 2004. The monitoring report for 2004 repeats some of the issues in the previous report, including the conflict of interests and immunity, and also approaches a new issue - the role of political parties in defining anticorruption public policies.
- The section on the legislative evolutions analyzes the Emergency Ordinance of the Government No. 92 from 2004 on the pay rights and other benefits for civil servants for 2005. The analysis also includes other regulations applicable to the civil service and civil servants.

¹ In early 2005

Section VII

VII. 1 Registration, certification and re-assignment activity

According to Law No. 188/ 1999 on the Statute of Civil Servants as republished, the National Agency of Civil Servants is responsible for keeping the record of the public positions and civil servants at the national level based upon the data conveyed by the public authorities and institutions.

The National Agency of Civil Servants is also responsible for re-assigning the civil servants who are no longer in service for reasons they cannot be made responsible for.

The following activities are detailed below:

VII.1 Registration, certification and re-assignment activity

VII.2 Statistical situation concerning the public positions and civil servants in 2004

VII.1 Registration, certification and re-assignment activity

The registration of the public positions and civil servants is an important starting point for preparing studies, analyses and forecasts concerning the dynamics and the structure of the civil servants' body. An important instrument for this activity is represented by the database.

A **database** was developed in 2001 with external support within the PHARE RO. 9804.05.01 program and aims to offer the relevant information for the proper administration of the civil servants' body between 2001-2003.

Considering the changes made in 2003 in the legislation concerning the public positions and the civil servants, as well as in the structure of the civil servants' body, the information offered in the database was considered insufficient for the modern management of human resources and substantial update of the application was deemed imperative. These changes were triggered by a series of factors such as:

- changes in the structure of the public positions;
- the need to store and process new information, not available in the first version of the database, such as: civil servants' wages, training and specialization requirements in the public administration, etc.;
- new types of analyses and reports necessary to assess the legislative impact of the normative documents or, as the case may be, of the normative documents' drafts in the field of the civil service and civil servants.

The design and development of the new IT structure of the human resource management integrated IT system has been subject to the following development stages during 2004:

- The design of a new database version, respectively of a new operational and complex application able to meet the Agency's requirements was one of the components of the Phare Program RO 01 06.04 „The development of implementation of mechanisms for the application of the Law concerning the Civil Servants' Statute”, initiated in December 2003.
- In January 2004, the National Institute for IT Research and Development (ICI) was appointed to design the system, but the design of the application was very much delayed and failed to comply with the Agency's requirements to administrate the database at national level.
- Consequently, with the financial support of DFID, in February 2004 the Marketing and Social Analysis Institute (IMAS) was contracted to improve the database initiated and managed by NACS (National Agency of Civil Servants). The program called „Support for the National Agency of Civil Servants - Human Resource's Planning, introducing a salary pattern”, aimed to update the database according to the provisions of Law 188/1999 and Law 161/2003, paying special attention to the relation between the person and the institution.
- Within the same program, the program SPSS (Statistical Package for Social Sciences) was purchased and installed, a program enabling the presentation of highly complex statistical reports concerning certain aspects of the civil service and civil servants. The IMAS specialists have held a series of training courses concerning the program for the NACS staff.
- With the DFID support, the specialized company Deloitte & Touche was contracted in April 2004 to develop a new strategy of the IT system for the human resources in the public administration. The activity aimed to perform an analysis of the current human resources and IT management system, as well as to develop the Strategy for the human resource management integrated IT system within the National Agency of Civil Servants.
- The structure of the database of the Phare Program RO 01 06.04 „The development of implementation of certain mechanisms for the application of the Law concerning the Public Servant Status” was developed in 2005 because of the unsatisfactory results during the testing stage of the application supplied by ICI.

As far as the **re-assignment activity** of the civil servants performed by the National Agency of Civil Servants during 2004 is concerned, 92 civil servants have been redistributed from the reserve body of the civil servants.

VII. 2 Statistical situations concerning the public positions and civil servants in 2004

The collecting and processing of the information requested from the central and local public institutions and authorities, needed for analysing the dynamics and structure of the civil servants' body in 2004, as compared to 2003, were performed simultaneously with the activity carried out for establishing a new database.

The structure of the civil servants' body according to the data collected is presented below.

General data on the civil service and the civil servants:

At the end of 2004 the total number of public positions was 112.847, of which 94.576 (83.81%) were filled and 18.271 (16.19%) were vacant ([Annexe 1/31](#)).

Of the total number of public positions, 62.707 (55.37%) were part of the central public administration and 50.140 (44.43%) were part of the local public administration ([Annexe 2/31](#)).

Of the total number of public positions, about 62.123 (65.69%) were filled by women and 32.463 (34.31%) by men ([Annexe 3/31](#)).

Of the total number of public positions, 246 (0.22%) were offices belonging to the category of high civil servants, 12.267 (10.87%) leading public positions and 100.334 (88.91%) executing public positions ([Annexe 4/31](#)).

Of the total number of civil servants, 188 (0.20%) were high civil servants, 10.616 (11.22%) leading civil servants and 83,772 (88.58%) executing civil servants. Out of the total number of vacant public positions, 58 (0.32%) were positions belonging to the category of high civil servants, 1.651 (9.04%) leading public positions and 16,562 (90.65%) executing public positions ([Annexe 5/31](#) and [6/31](#)).

Of the total number of executing public positions, 55,247 (55.06%) were public positions of the 1st class, 3,664 (3.65%) of the 2nd class and 41,423 (41.29%) of the 3rd class ([Annexe 7/31](#)), of which 44,622 (53.27%) public positions of the 1st class, 2,666 (3.18%) of the 2nd class and 36,484 (43.55%) of the 3rd class were filled. The distribution of the vacant public positions was: 10,625 (64.15%) for the 1st class, 998 (6.03%) for the 2nd class and 4.939 (29.82%) for the 3rd class ([Annexe 8/31](#) and [9/31](#)).

From the total number of public positions 6.262 (5.55%) were for entrant civil servants and 106.585 (94.45%) were for permanent civil servants ([Annexe 10 / 31](#)).

From the total number of civil servants 2.072 (2.19%) were entrant civil servants and 92.504 (97.81%) were permanent civil servants ([Annexe 10 / 31](#) and [12/31](#)).

Statistical information regarding the civil service and the civil servants in the central public administration

At the end of 2004 the total number of public positions in the central public administration was of 62.707 of which 55.380 (88.32%) were occupied and 7.327 (11.68%) were vacant ([Annexe 13 / 31](#)).

From the total number of public positions in the central public administration 163 (0.26%) were positions for high civil servants, 6.162 (9.83%) were leading public positions and 56,382 (89.91%) were executing public positions ([Annexe 14 / 31](#)).

From the total number of occupied public positions in the central public administration 111 (0.20%) were positions for high civil servants, 5.421 (9.79%) were leading public positions and 49.848 (90.01%) were executing public positions. ([Annexe 15 / 31](#)).

From the total number of vacant public positions in the central public administration 52 (0.71%) are for high civil servants, 741 (10.11%) are for leading civil servants and 6.534 (89.18%) are for executing civil servants ([Annexe 16 / 31](#)).

From the total number of public positions in the central public administration about 36.158 (65.29%) were occupied by women and 19.222 (34.71%) were occupied by men. ([Annexe 17 / 31](#)).

From the total number of leading public positions in the central public administration 35.395 (62.78%) were public positions class I, 965 (1.71%) were class II and 20.022 (35.51%) were class III ([Annexe 18 / 31](#)) out of which 30.022 (60.23%) public positions class I, 913 (1.83%) public positions class II, 18.913 (37.94%) public positions class III were occupied; 5.373 (82.23%) public positions class I, 52 (0.80%) public positions class II and 1.109 (16.97%) public positions class III were vacant ([Annexe 19 / 31- 20 / 31](#)).

From the total number of public positions in the central public administration 1.201 (1.92%) were for entrant civil servants and 61.506 (98.08%) were for permanent civil servants ([Annexe 21 / 31](#)).

From the total number of civil servants in the central public administration, 860 (1.55 %) were entrant civil servants and 54.520 (98.45%) were permanent civil servants ([Annexe 22 / 31](#)).

From the total number of vacant public servant positions in the central public administration 341 (1.87%) were for entrant civil servants and 17.930 (98.13 %) were for permanent civil servants ([Annexe 23 / 31](#)).

Statistical information on the public service and the civil servants within the local authorities and institutions

At the end of 2004 the total number of public positions in the local public administration was of 50.140 out of which 39.196 (78.17%) were occupied and 10.944 (21.83%) were vacant ([Annexe 24 / 31](#)).

From the total number of public servant positions in the local public administration 83 (0.17%) were positions for high civil servants, 6.105 (12.18%) were leading public positions and 43.952 (87.66%) were executing public positions ([Annexe 25 / 31](#)).

From the total number of civil servants in the local public administration 77 (0.20%) were high civil servants, 5.195 (13.25%) were leading civil servants and 33.924 (86.55%) were executing civil servants ([Annexe 26 / 31](#)).

From the total number of vacant public positions in the local public administration 6 (0.05%) were positions for high civil servants, 910 (8.32%) were for leading civil servants and 10.028 (91.63%) were for executing civil servants ([Annexe 27 / 31](#)).

From the total number of leading public positions in the local public administration 14.600 (51.80%) were public servant positions class I, 1.753 (5.17%) were public positions class II and 17.571 (43.04%) were public positions class III ([Annexe 28 / 31](#)); out of which 5.252 (52.37%) public positions class I, 946 (9.43%) public positions class II and 3.830 (38.19 %) public positions class III were vacant ([Annexe 28 / 31 and 29 / 31](#)).

From the total number of occupied public positions in the local public administration 1.212 (3.09%) were positions for entrant civil servants and 37.984 (96.91%) were positions for permanent civil servants ([Annexe 30 / 31](#)).

From the total number of vacant public positions in the local public administration about 1.777 (16.24%) were for entrant civil servants and 9.167 (83.76%) were for permanent civil servants ([Annexe 31 / 31](#)).

Section VIII

Prospects for the management of the civil service and the civil servants in Romania: 2005 - 2006

The National Agency of Civil Servants set the following goals for 2005 - 2006:

Completing the regulatory framework of the public service and civil servants by:

- modifying and completing the Law no. 188/1999 on the Civil Servants' Statute, republished and subsequently amended;
- preparing the draft unitary pay system for civil servants;
- amending the Law no. 7/2004 on the Code of Conduct of civil servants;
- preparing the draft Law for the approval of the civil service management Code;
- modifying and completing the secondary legislation on the civil service and civil servants.

Consolidating NACS's institutional capacity, by:

- supplementing the personnel and improving the organizational structure of NACS in order to fulfill the new duties provided by the law and introduce modern management tools (e.g. evaluation of positions within public institutions and authorities, developing standard tests applicable on a countrywide scale).

Development of the tools for enforcing the legislation, by:

- developing the integrated information system for the registration of public positions and civil servants;
- implementing effective mechanisms for identifying violations of the deontological codes and for applying proper penalties;
- developing a system to monitor and evaluate the implementation of the laws concerning the civil service and civil servants;
- editing practical guides to include recommendations based on the best practices within the civil service (e.g. analysis of training needs, human resources planning);
- improving the control tools for the effective enforcement of the legislation concerning the civil service and civil servants;
- improving NACS's methodological coordination capacity.

Annexe 1

Indicators monitored by the World Bank in respect of the public service in 2004 and 2005

Indicators monitored by the World Bank - starting measurements in 2005

Evaluation of civil servant performance

3(a) Number of CS undergoing annual individual professional performance evaluation in 2004

3(b)

Category of civil servants	Permanent civil servants	
	2003	2004
High civil servants	62,531	188
Leading civil servants		10,616
Executing civil servants		83,772

Percentage of civil servants evaluated

Category of civil servants	% Permanent	
	2003	2004
High civil servants	64.37	100
Leading civil servants		100
Executing civil servants		100

Professionalization

5(a) Percentage of long-term higher education graduates among the civil servants in central public administration

Category of civil servants%	
	2003	2004
Executing civil servants	74.57	75.62

5(b) Percentage of long-term higher education graduates among the civil servants in de-concentrated and decentralized civil services and from the local public administration

Category of public institutions	%	
	2003	2004
De-concentrated and decentralized services	51.35	58.25
Local	39.60	43.04

Remuneration competitiveness

9 Vertical compression ratio (highest remuneration/lowest remuneration) in the civil service system

Central and local public administration	Ratio	
	2003	2004
	11.91	14.88

Indicators monitored by the World Bank - starting measurements in 2004:

Competition

2(a) Percentage of public positions occupied by contest

Public positions occupied by contest	%
	2004
	6.34

2(b) Percentage of public positions occupied by transfer

Public positions occupied by transfer	%
	2004
	0.51

2(c) Percentage of public positions occupied by secondment

Public positions occupied by secondment	%
	2004
	0.01

2(d) Percentage of public positions occupied by re-assignment of civil servants from the Reserve Body

Public positions occupied by re-assignment of civil servants from the Reserve Body	%
	2004
	0.1

Evaluation of performance of civil servants

3(a1) Number of entrant civil servants undergoing annual individual professional performance evaluation in 2004

Entrant civil servants	Number
	2004
	2,072

3(a2) Number of permanent civil servants undergoing annual individual professional performance evaluation in 2004

Permanent civil servants	Number
	2004
	92,504

3(b1) Percentage of entrant civil servants undergoing annual individual professional performance evaluation in 2004

Entrant civil servants	%
	2004
	100

3(b1) Percentage of permanent civil servants undergoing annual individual professional performance evaluation in 2004

Permanent civil servants	%
	2004
	100

Professionalization

5(b1) Percentage of long-term higher education graduates among the civil servants in decentralized authorities and institutions

Long-term higher education graduates among the civil servants in decentralized authorities and institutions	%
	2004
	58.25

5(b2) Percentage of long-term higher education graduates among the civil servants in local public administration

Long-term higher education graduates among the civil servants in local public administration	%
	2004
	43.04

Annexe 2

Remuneration increases granted to public sector employees during 2001-2005

Year	Categories of public sector employees				
	High civil servants	Public sector contract employees	Civil servants	Judicial authority	Military personnel working in defense, public order and national security
2001	32.85%	21.4% min. limit 9.3% max. limit	21.4% min. limit 9.3% max. limit	over 50% at the end of 2000	21.4%
2002	21%	21%	21%	21%	21%
2003	15.5%	15.5 min. limit 7.5% max. limit	15.5 min. limit 7.5% max. limit	32.88 % magistrates 15.5 % auxiliaries	17.7%
2004	12.4%	12.4%	12.4% + 20% (EOG 82/2004)	12.4%	12.4 % + 20% for the National Defense Ministry employees
2005	25% on average	20%	17.4%	8%	8%

Annexe 3

Statistical information concerning the civil service and civil servants in 2004

Remuneration of civil servants

Remuneration of civil servants	Total amount	Average remuneration
Central public administration	59,446,982,691	9,282,789
De-concentrated civil services	336,256,978,763	6,865,750
Prefectures	10,977,431,400	8,373,329
County Councils	27,403,722,303	8,571,699
Local public administration	198,624,857,080	5,726,039
Total	632,709,975,237	7,763,921

Temporary civil servant vacancies

Category of vacant public position	Executing civil servants	Leading civil servants	High civil servants	Total
Central public administration	213	20	12	245
De-concentrated civil services	871	83	0	954
Prefectures	28	51	2	81
County Councils	118	14	2	134
Local public administration	1131	166	0	1297
Total	2361	334	14	2711

Mobility within the body of civil servants

Synthetic index	2003	2004	evolution
Total number of public positions	110,426	112,847	+ 1.02%
Entrant civil servants	3,566	6,286	+ 1.76%
Permanent civil servants	106,860	106,561	- 0.99%
Total number of civil public positions occupied	97,142	94,576	- 0.97%
Female civil servants	62,635	62,123	- 0.99%
Male civil servants	31,507	32,453	+1.03%
Total number of public positions occupied in central public administration	60,459	62,707	+1.03%
Total number of public positions occupied in local public administration	36,683	50,140	+ 1.36%
High civil servants	310	246	- 0.79%
Leading civil servants	11,824	12,267	+1.03%
Executing civil servants	98,292	100,334	+1.02%