

ROMANIA

Advisory Services Agreement on

Developing the Capacity of the Central Public Administration to
Carry Out Impact Studies

Regulatory Impact Assessment Report:

**Better employment system within Romania's central public
administration**

National Agency of Civil Servants

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Section 1. General information on the initiative

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<i>Responsible department(s)</i>	<i>National Agency of Civil Servants (NACS): Directorate General Regulation and Implementation Directorate General Public Function Management Directorate for External Assistance Programmes Office for Development and Regulation Office of the President</i>
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This analysis is elaborated within the project “Developing the capacity of the central public administration to carry out impact assessments” funded through the 2014-2020 OPAC, implemented by the General Secretariat of the Government and the World Bank, in collaboration with the National Agency of Civil Servants (NACS). The scope of the project is to develop the capacity of NACS to elaborate impact assessments in order to substantiate the regulations and strategies/policies regarding the management of human resources in the field of civil service/ public administration.

This Regulatory Impact Assessment (RIA)¹ Report focuses on “better employment system within Romania’s central public administration.”²

¹ RIA is a tool for evidence-based decision-making. It helps assess the different options to solve a problem by providing evidence of the costs and benefits of each option. It promotes transparency as it relies on stakeholders’ participation in the policy and regulatory process.

² In this RIA Report the term “employment” is used on several occasions relative to the term “recruitment” due to two main reasons. First, according to the Romanian legal framework, and therefore according to decision-makers’ understanding, “recruitment” has a narrow definition, as it mostly refers to recruitment in the civil service, whereas, “promotion”, for instance, is seen as part of the broader category of employment. Second, recruitment is technically followed by an “appointment decision” or labor contract conclusion to complete the process and transform a candidate into an actual civil servant or employee. There are instances when recruitment competitions, although finalized with a designated successful candidate, are not followed by the appointment as the competition is suspended or annulled. Thus, employment covers recruitment, promotion, remuneration, etc. When the reference is made exclusively to the recruitment process, the term has been maintained.

Section 2. Rationale for launching the initiative

2.1. Introduction

Modern public administrations and civil services are essential for an efficient and effective State that is able to ensure good governance, sustainable social, and economic development, to deliver high-quality services to its citizens, and to apply the rule of law. For a public administration to meet these objectives, its functions and competences have to be properly developed and consolidated. It should also have adequate incentives and dynamic linkages to society in place to perform professionally. Public administrations have to operate with clear integrity and transparent rules and should promote neutrality and equal access to opportunities for career development.

However, in recent years, most countries have seen a weakening in civil services and public administrations: “[C]ivil service reforms have tended to be in many developed countries equated to downsizing the public taskforce and the privatization or outsourcing of public services.”³ This circumstance has led to a reduced capacity of the State to cope with considerable and complex challenges ahead, such as poverty reduction and social inclusion, social welfare, climate change, financial crisis, and proper service delivery in tight financial contexts.

The recovery of trust in State and government action implies a rethinking of the role of the public administration and the civil services and their strategic relevance for economic development and the consolidation of democracy. Thus, any further civil service reform should be able “to improve the performance of the public administration in meeting development policy goals. The specific goal of the reform should be to raise civil service professionalism and cost-effectiveness within the framework of public law and political accountability.”⁴

In Romania, “[an] ineffective public administration and widespread corruption undermine service delivery and hamper Romania's ability to implement structural reforms and draw on EU funds.”⁵ Despite the fact that Romania has undergone significant economic growth, the business environment is facing bureaucratic procedures and legal insecurity, and certain legislative initiatives endanger the stability of the financial sector. There is a clear correlation between the deficient management of human resources within the public administration and the problems faced in the business environment:

“[...] Inconsistent human and financial resources management weakens the capacity of the public administration to develop and implement policies in a strategic and coordinated manner. Despite important steps to tackle corruption, this persists as a systemic problem. [...] The complexity of administrative procedures, the volatility of fiscal and tax policies and the extensive use of government emergency ordinances create uncertainty and weigh on investment decisions. Access to financing for small and medium sized enterprises remains limited. High tax evasion and undeclared work reduce tax revenue and distort the economy. Despite some progress, the public procurement system is still inefficient.”⁶

³ Cardona, Francisco (2015), “What Civil Service for Democratic Government and Economic Development?” in: *Revista de Administração e Emprego Público*, No. 2, Lisboa, p. 112

⁴ Ibid. p. 125

⁵ European Commission (2016), *Country Report Romania 2016 - Including an In-Depth Review on the prevention and correction of macroeconomic imbalance*, SWD (2016) 91 final, Commission Staff Working Document, Brussels, p. 11 – Available at: http://ec.europa.eu/europe2020/pdf/csr2016/cr2016_romania_en.pdf

⁶ Ibid, p. 3

The weak capacity of the public administration to tackle increasing poverty and the social exclusion of its citizens raise additional concern. Despite recent governmental initiatives, Romania's meeting of commitments toward the European Union (EU) to significantly reduce poverty by 2020 remains doubtful. According to Eurostat, more than a third of the Romanians (40.2%) were at risk of poverty or social exclusion in 2014. The percentage of children living in a household at risk of poverty or social exclusion was above 40.0%, while one in three people aged 65 or older faced the risk of poverty or social exclusion during the same year.⁷

Strengthening the capacities of the public administration remains an incomplete task in Romania. Several attempts have been made for more than two decades, but the outcomes are limited. The low administrative capacity of the Romanian administration can be seen in a series of structural elements that, over time, have been aggravating:^{8,9}

- Politicization of the public administration;
- Deficient allocation of resources (including public funds);
- Conflicting mandates within the public administration;
- Lack of trust between the political and administrative levels;
- Conservative administrative culture, resistant to change;
- Lack of transparency within the local and central decision-making processes;
- Reduced capacity to retain professional civil servants within the public administration.

This issue is mainly due to (i) the absence of an integrated long-term policy concerning a coherent and unitary Human Resources Management (HRM) in the public administration; (ii) the lack of performance management (from recruitment, evaluation, promotion, motivation and remuneration to professional development and the acquiring of new skills); (iii) the lack of an integrated approach for the implementing and promoting ethics and integrity measures; (iv) an un-modernized organizational culture based on a procedural and bureaucratic approach and not oriented toward achieving performance measured against clear objectives and targets.¹⁰

2.2. Problem definition

This section describes the problem that is the subject of the impact analysis, as well as the drivers that are creating it and the call for government intervention. It also presents the effects that the situation is having and will have in the future, particularly in the case of no intervention.

⁷ http://ec.europa.eu/eurostat/statistics-explained/index.php/People_at_risk_of_poverty_or_social_exclusion

⁸ During the preparation of the Strategy for Strengthening the Public Administration 2014-2020, NACS included the results of an analysis on the structural causes, which led to a reduced administrative capacity in Romania, prepared by an inter-ministerial Working Group. That document also provided the grounds for further substantiating the 2014-2020 Strategy for Strengthening the Public Administration (SSPA), which has been adopted through Government Decision No. 909/2014.

⁹ The structural causes listed above were also signaled in the text of the 2014-2020 Partnership Agreement between Romanian and the European Union (2013, p. 130): "Although the public administration contains dedicated and professional staff, the system does not function effectively due to the existing human resource policies and institutional framework in place, main deficiencies being related to politicization, the lack of unitary approach, rigidities in human resources management, the relative scarcity of high skilled professionals, and the difficulty in motivating and retaining those who do perform well."

¹⁰ Ibid. p. 131

2.2.1. Human resources within the public administration: the merit system is weak in Romania

Most countries feel the necessity to create professional civil services that are aligned with the requirements of democratic states. Political democracy, modern capitalism, and complex states and societies require professional public administrations. The merit system is for the moment the only known way of building up public administrations that attains an acceptable degree of autonomous professionalism. Three conclusions concerning the role of the merit system in economic development and democratization can be reached:

- Firstly, “the institutionalization of the merit system in the Western world was historically legitimized by its societal function and its role was to provide legal certainty through institutional guarantees safeguarding the professional impartiality of civil servants. To a great extent this impartiality is determined by recruitment, promotion and remuneration schemes based on professional expertise and rank within the hierarchy, schemes that are closed to political or otherwise undue bias. This institutionalization of the merit system represented the only available means of providing a priori guarantees of legal certainty, which was in turn essential for developing the industrial and commercial economy.
- Secondly, a merit-based civil service was not historically imposed against the will and interests of politicians, but in fact because of these interests. Under the new economic conditions created by emerging capitalism, political classes needed a professional bureaucracy that was consistently less vulnerable to political manipulation and therefore capable of ensuring the durability of legislative agreements. These early capitalists were aware that the worst enemies of capitalism were the capitalists themselves, and to reduce the perils which they represented, a strong state and an impartial public bureaucracy were needed. This view continues to be valid for contemporary emerging democracies in need of consolidation. Politicians have an interest in limiting their own meddling in administrative affairs and leaving room for the development of a professional administration.
- Thirdly, the merit system was created in the first place to neither produce efficiency within the state administrative apparatus nor to improve public services, but to efficiently produce legal certainty, impartiality and societal trust in the legal system of the state. In other words, its role was to produce efficiency in the market through what Posner referred to as ‘allocated or external efficiency’, consisting of making structures and procedures available and capable of promoting private social and economic efficiency. Social and economic efficiency is needed for social and economic development, and this development is in turn necessary for developing robust democracies. The merit system in public employment in general, and in the civil service in particular, has a direct influence on the strengthening of both economic development and democracy.”¹¹

Recruiting and retaining a talented workforce is one of the main challenges in the public administration in many countries, but it is essential to ensure the effectiveness of government outcomes. The performance of the public sector depends on well-functioning institutional structures as much as on the quality of the people who work in them. Skilled, dedicated, and highly motivated public servants are essential for carrying out reforms that are effective and sustainable in the long term, and are responsive to the changes that are occurring at the local, national, and global levels.

The strategic direction for the reform and improvement of the employment system, in order to professionalize the public administration, is currently an area of interest in all the Member States of the European Union. Common aspects of the reform of the employment systems include the

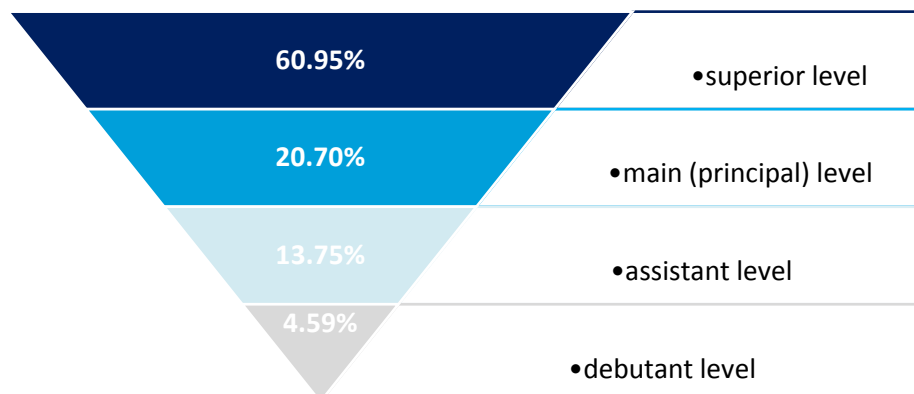
¹¹ Cardona, F. (2004), “Civil Service, Democracy and Economic Development”, in: *Viešoji politika ir administravimas*, Nr. 7, Vilnius, pp. 16-22. At https://www.mruni.eu/lt/mokslo_darbai/vpa/archyvas/

professionalization of the members of the selection boards, as well as aspects related to identifying the most appropriate methods and instruments for assessing the skills of the candidates, such as on-line testing, the delivery of topic-focused presentations, the conducting of practical exercises correlated with the duties of the position, and interviews.¹²

Romania, similar to many other countries around the globe, is facing a series of structural human resources issues that challenge the future sustainability of a sound civil service. The policies and strategies that have been put in place so far have led to a public administration characterized by the following elements:

- According to NACS, the Romanian civil service reflects a reversed pyramid of the professional levels in which superior levels in the public administration represent 60.95% of the total of civil servants (in contrast with only 20.70% of the principal professional level and 4.59% of debutants). This is mainly due to the fact that a civil servant requires a considerable number of years to move from debutant to senior levels. The result is also driven by a system unable to create the required positions at the main professional level to sustain the system in a balanced way, in the absence of a visionary human resources strategy and policy. In addition, this tendency results from a non-competitive system of promotion within the civil service, as promotion takes place through the transformation of the positions and the level of competences acquired or developed by the civil servant is generally not taken into consideration.

Figure 1. The reversed pyramid of the execution professional levels within the civil service, 2015



Source: NACS

- There is a process of aging of the civil servants' body. Close to 75% of the civil servants at the end of 2015 were older than 40 years, and almost 35% of the civil servants were older than 50 years. Only close to 4% were under the age of 30. Therefore, it can be estimated that in the following 15 years it will be necessary to recruit personnel in order to fill in 35% of the positions occupied at present, vacated as a consequence of retirement. Following Romania's accession to the European Union, the aging of the civil servants body has accelerated due to several factors: the austerity measure implemented across public administration during 2009-2013, that permitted the hiring of only one new public employee for every seven employees that exited the public administration, with the exception of sole positions; the decrease of the recruitment level for debutant positions as a direct consequence of the recruitment freezing for vacant positions, on one hand and, on the other hand, (after the end of the freezing) as a consequence of the lower number of debutant positions available; the relative increase in the number of superior and main (principal) professional level positions that remained in the system.

¹² EUPAN Survey regarding Reforms in selection/recruitment of human resources (2014)

- There is a high number of vacant civil service positions. A total of 18% of the execution level positions and 16% of the management level positions were vacant in 2015. Out of the total 29,625 vacant civil service positions in 2015, 20,825 (70%) of them were in sub-national governments (cities, towns, and *Judet*) a fact that has a direct impact on the quality of public services. In recent years, the share of positions at the debutant level that remained vacant in the total number of positions at this level has fluctuated between 61% and 87%. By the end of 2015, there were 4,125 vacant positions at the debutant level, of which only 2,470 were filled. At the other end of the professional level range, between 10% and 13% of the superior level positions remained vacant during the period.

Figure 2. Breakdown of filled execution positions, 2011-2015

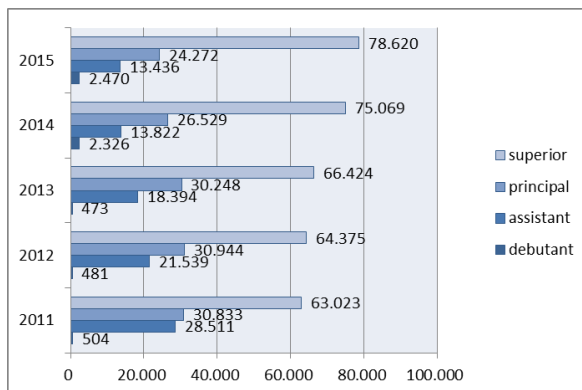
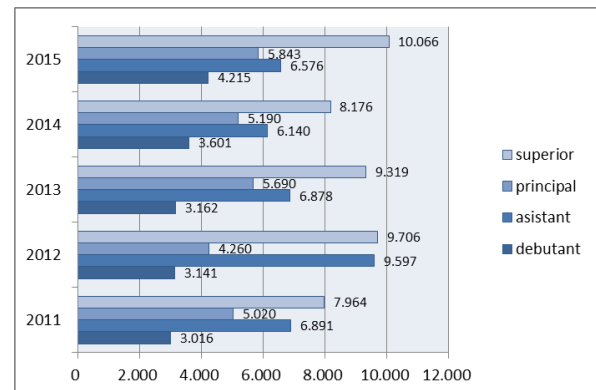


Figure 3. Breakdown of vacant execution positions, 2011-2015



Source: NACS

- There is a chronic deficit of personnel with specific qualifications, such as chief architects, information technology specialists, secretaries of the administrative-territorial division, and other specialized personnel, despite of the fact that most of the execution positions are at the superior level and require tertiary education.
- For various reasons, unaddressed and unjustified discrepancies in the pay level of various categories of public administration personnel have accumulated over time with a negative impact on their commitment and performance. According to the preamble of GEO no. 20/08.06.2016¹³ possible and non-limitative explanations of this situation are: public administration failed to consistently implement the provisions of the law regarding the unitary pay of the publicly financed personnel;¹⁴ necessary pay adjustment measures have not accompanied frequent institutional restructuring of public institutions; the pay of contractual personnel of public administration has been historically higher than that of their corresponding civil servant peers; there have been no strict criteria for granting specific bonuses such as those applicable to the pay of civil servants responsible for EU funds related activities. However, recent government initiatives¹⁵ aim to address the issue of pay discrepancies across public administration. Although improvement is expected, it is too early and exceeds the scope of the current analysis to assess the implementation results of such policy measures.

In addition, the HRM is also characterized and affected by recurrent legal amendments to the legal framework, blurred categories and types of employment and a limited capacity to develop adequate competencies. Descriptions of some of these issues are presented in the following sections.

¹³ GEO no. 20/ 08.06.2016 on amending the GEO no. 57/2015, most recently amended by GEO no. 43/ 31.08.2016.

¹⁴ Law no. 284/ 2010, as subsequently modified and amended

¹⁵ GEO no. 20/ 08.06.2016 and GEO no. 43/ 31.08.2016

2.2.1.1. Human resources in the public administration and recruitment process

Personnel in the public administration

The human resources within the Romanian public administration can be classified in three main categories:

1. Dignitaries/politically appointed or elected personnel (or similar), representing the political level;
2. Civil servants/personnel appointed to civil service positions (execution/operational level, management level and high civil servants), representing the administrative level, responsible for exercising the public power prerogatives in order to implement the governance program. This category includes persons who hold general as well as specific and special statute civil service positions.
3. Contractual employees/personnel with labor contracts (or similar) in central public administration recruited according to the Government Decision no. 286/2011.

At present, the maintaining records of the personnel working within the public administration is conducted in a fragmented manner. In other words, data regarding the number of employees within the public administration are not organized according to the main categories mentioned above (dignitaries, civil servants, statute and contractual personnel). Various public institutions and authorities gather information on employees:

- NACS keeps electronic records and has statistics regarding general civil service positions.
- Specific ministries (e.g. of Internal Affairs, of External Affairs) keep records of civil servants with special status.
- Labor inspectorates, subordinated to the Ministry of Labor, gather data regarding the number of contractual employees.
- The MPF gathers data regarding the number of personnel from the whole budgetary sector and the related budgetary expenditures, but it does not keep track of the number of personnel according to the personnel categories mentioned above, or professional categories, or activity sectors such as administration, healthcare, education, etc.

Estimations of the size of the public administration indicate that around 13.8% of the total employed population and 19.5% of the employees are employed by the public administration at either the central or local level.¹⁶ The Ministry of Public Finance (MPF) keeps data regarding the number of people working within the central and local public administration, as well as the related budgetary expenditures.¹⁷

Table 1. Number of employees within the public administration and HR expenses, December 2015

Level of public administration	Number of persons	Yearly personnel expenditures (mil lei)	Monthly personnel expenditures per capita (lei)
Central (including territorial)	508,141 (43.0%)	29,315.70 (56.7%)	4,807.7
Local	672,661 (57.0%)	22,401.40 (43.3%)	775.2
TOTAL	1,180,802 (100.0%)	51,717.10 (100.0%)	3,649.9

Source: MPF

According to NACS, the total number of civil service positions at the end of December 2015 was 164,125, distributed between 4,363 of public authorities and institutions, out of which 128,376 positions were either open ended or fixed term, 6,124 were temporarily vacant and 29,625 were

¹⁶ According to the data provided by the MPF and from the AMIGO survey.

¹⁷ In accordance with the provisions of Government Emergency Ordinance no. 48/2005 regulating certain measures regarding the number of positions and personnel expenditures within the budgetary sector.

vacant positions. The number of active civil servants was thus 128,376, which was approximately 11% of the total personnel working in the public sector.

Table 2. Distribution of the civil service positions by level of public administration and occupancy status, 2015

No of civil service positions, out of which Level of public administration	Open ended and fixed term	Temporarily vacant	Vacant	Total number of positions
Central (including territorial)	62,201 (84.2%)	2,902 (3.9%)	8,800 (11.9%)	73,903 (100.0%)
Local	66,175 (73.3%)	3,222 (3.6%)	20,825 (23.1%)	90,222 (100.0%)
TOTAL	128,376 (78.2%)	6,124 (3.7%)	29,625 (18.1%)	164,125 (100.0)

Source: NACS

Out of the total 164,125 civil service positions in 2015, 0.1% were high civil servant positions, 11.2% were management level positions and 88.7% were execution positions. Vacancy rates among categories varied between 7.9% and 18.4%.

Table 3. Civil service positions by hierarchical position and public administration level, 2015

No of civil service positions, out of which: Position level; public administration level	Open ended and fixed term	Temporarily vacant	Vacant	Total number of positions
High civil servants	177 (87.2%)	10 (4.9%)	16 (7.9%)	203 (100.0%)
Central level	177	10	16	203
Local level	0	0	0	0
Management position	15,082 (81.9%)	433 (2.3%)	2,909 (15.8%)	18,424 (100.0%)
Central level	6,567	232	1,293	8,092
Local level	8,515	201	1,616	10,332
Execution position	113,117 (77.7%)	5,681 (3.9%)	26,700 (18.4%)	145,498 (100.0%)
Central level	554,56	2,660	7,491	65,607
Local level	57,661	3,021	19,209	79,891
TOTAL	128,376 (78.2%)	6,124(3.7%)	29,625 (18.1%)	164,125 (100.0%)

Source: NACS

The breakdown of active civil servants according gender was as follows: approximately 65% were women and 35% were men, and the shares have been fairly constant in the last few years.¹⁸ As in many other countries, women find civil service more attractive than other labor market work opportunities due to its expected increased stability, as compared to any other field. The public sector, in general, continues to be a key employer of women.

In the general framework of the public sector, civil service positions play a distinct part as, according to Law no. 188/1999,¹⁹ they allocate responsibilities related to the exercise of the public power. Civil servants may also be responsible for support and control activities within public institutions and authorities such as internal audit, inspection, tax administration, HR management, public finances management, and IT&C. Civil servants in the central administration mainly focus on governance, policy design and implementation, and less on directly providing public services, which is typically the responsibility of civil servants at the local level of public administration.²⁰

¹⁸ Information provided by NACS.

¹⁹ Law no 188/1999 on the Statute of civil servants, republished (2), subsequently amended and supplemented.

²⁰ World Bank (2013), Analysis of Capacity Building Activities in the Public Administration, Bucharest

Although Law no. 188/1999 defines the scope of civil service, in practice there is no clear and consistent delimitation between the contractual positions and the civil service positions. There is an unsystematic approach to the definitions of civil servant and civil service, as well as their delimitation compared to other labor contract-based positions.

In practice, the situation is reflected in the existence of similar job descriptions for contractual and civil service positions that allow for the public power prerogatives defined by Law no. 188/1999 to be exercised by contractual personnel. Even if there is no legal limitation to transform such contractual positions into civil service positions, there used to be opposition from contractual employees, as the salary was significantly higher for such contractual positions. Recent policy measures adopted by the government to address the pay level disparities across public administration may reduce the incentive to further create contractual and civil service positions with similar job descriptions. However, the existing anomalies still require governmental intervention. This widespread practice has also been an instrument of political influence in the management of public administration since employment conditions and procedures for contractual positions are less strict than those applicable to civil service positions²¹. A weak and limited strategic management capacity within the public administration is both a cause and an effect of this situation.

At the same time, there is no standardization of information or data regarding the personnel categories within the public administration.

In addition, there is no clear delimitation of the duties depending on the level of the position. Moreover, in some cases, even though the holder of the position is promoted to the immediate next level, the job description is not amended in the corresponding manner. This is a consequence of the fact that job descriptions are not assigned to civil service positions, though this should be the case. Instead, they are assigned to the individuals that hold such positions. This practice is not foreseen in the law, which establishes the obligation to amend the job description of the successful candidate in the appropriate manner, following the promotion to a higher professional level.

Career-based vs. position-based system

The prevailing civil service system in a country has an influence on the contents of its recruitment procedures. In career-based systems, the contents of these procedures typically consist of an examination aimed at checking the knowledge of the candidates, and they are required to hold a relevant university degree or academic credentials. This knowledge particularly refers to the field of public law (the constitutional, administrative, taxation, and budgetary legal systems of the country).

²¹ The Government Decision no 286/2011, as subsequently amended, regulates the recruitment and promotion framework for contractual personnel. However, the framework:

1. Is not applicable to public institutions and authorities with special statutes otherwise regulated;
2. Represents only a general framework of contractual recruitment and promotion, the spending ministries and corresponding authorities in the field of national defense, public order, and national security being allowed to further develop it through internal rules without any coordination;
3. Does not provide for a unitary planning of contractual human resources across public administration;
4. States that specific conditions that candidates need to meet, employment competition bibliography and topics are set according to the job descriptions of the vacant positions approved by the employer according to the legal provisions, without any unitary competencies framework being in place;
5. Allows the same employing public institution to be responsible for the employment, administrative appeal and suspension or postponing procedures, without any institutional hierarchical coordination and supervision; and,
6. Does not provide for any sanction in case the employing institution fails to observe imperative requirements of the employment and promotion framework.

Specific subjects that are deemed relevant for the specific domain where the vacancies to be filled are located complement these subjects (e.g., labor and social security laws for labor inspectors, customs and international trade regulations for customs inspectors, organizational theory and accounting for administrators).

These examinations take place at the beginning of a career. Later on, the mechanisms of mobility and promotion can work, allowing movement from post to post, which will constitute the particular career itinerary of the incumbent civil servant. Candidates are evaluated by an independent commission made up of representatives of the convening administration (ministry or agency), universities, the ministry of public administration, and civil service unions. Decisions by these commissions, whether procedural or substantive, can be challenged before the courts. Candidates are ranked according to their examination scores, and the vacant positions are offered to those with the highest scores.

In a career system, a probationary period usually follows recruitment. During this period, which lasts between several months and several years depending on the country's specific regulation regarding the corps and the position to be filled, the newly recruited civil servant is supposed to participate in a set of general and specific induction training activities. Additionally, the new civil servant can, at the same time, be tutored at work by a senior civil servant. At the end of the probationary period, the civil servant can be dismissed from the civil service due to unsatisfactory performance or confirmed as a permanent, lifelong career civil servant.

Conversely, in position-based systems, the emphasis is on selecting the best-suited candidate for the position to be filled. It means that, in addition to the candidates' previous academic background and participation in additional educational or training activities, the recruitment procedure also focuses on personal experience, previous professional achievements, and even the psychological characteristics of the candidates in order to guarantee an acceptable performance standard in the job position from the very beginning. The recruitment procedure includes an examination, a curriculum vitae (CV) review, and interviews. The final decision is made by a recruitment commission, or can be entrusted to the head of the convening department. There also exists the right to a judicial review of the recruitment decision, which is carried out by specialized administrative or common labor courts. In position-based systems, there also exists an initial probationary period, which is mainly aimed at evaluating the adaptation of the newly recruited civil servant to the job position.

Law no. 188/1999 established a career-based system in Romania within the civil service. However, in practice, position-based employment prevails, by means of external recruitment, for all the professional levels and for management positions in particular. In regard to the methods used for filling in management level civil service positions, external recruitment is predominant while internal promotion (within the system) is seldom used, which reduces or even eliminates the career development opportunities of those in lower ranks. Thus, a position-based, politically motivated, civil service system has been developed in practice over the years, in spite of the undisputable intent of the legislation to implement a career-based civil service.

For flexibility reasons, the regulatory framework allows public authorities and institutions to fill high civil servant and management positions on a temporary basis. Yet, without proper limitations of such practices being in place, especially with respect to high civil servants, abuse might occur. Thus, management and high civil servant positions have been frequently occupied without a prior proper, competitive recruitment process.

Table 4. Temporary assignments in management and high civil servant positions, 2011-2015

Positions	Year				
	2011	2012	2013	2014	2015
Management level	14,763	17,310	17,310	17,672	18,424
High civil servants	273	230	162	187	203
Total, out of which:	15,036	17,540	17,472	17,859	18,627
Temporary assignments	3,447 (22.9%)	3,711 (21.2%)	2,604 (14.9%)	3,669 (20.5%)	3,050 (16.4%)

Source: NACS

Romania needs to define the type of system that has to be promoted and implemented in the near future. This is part of a more comprehensive and “integrated strategic framework for human resources management within the public sector [needed to increase] the level of professionalism, actual independence and attractiveness within the public administration,” as requested by the EU.²² The features of the employment system also have important consequences for the economic and social development of the country.

Box 1. Public administration as seen through Weber’s lenses

Research in the HR field consistently shows that “Weberian” types of public administrations and civil services are more propitious to promote economic development. Evans and Rauch offer this explanation: “Our ‘Weberianness Scale’ offers a simple measure of the degree to which these agencies employ meritocratic recruitment and offer predictable, rewarding long-term careers. We find that these ‘Weberian’ characteristics significantly enhance prospects for economic growth, even when we control for initial levels of GDP per capita and human capital. Our results imply that ‘Weberianness’ should be included as a factor in general models of economic growth.” They also suggest the need for the increased attention of policymakers to building better bureaucracies and for more social science research on the variation of state bureaucracies’ organization.

Cardona has pointed out that “Max Weber considered that the rational state rests upon an expert civil service and a rational legal order that is “the only within which modern capitalism can thrive. The preconditions for the original development of capitalism included the following: a predictable legal system, and behind that a state bureaucracy, and a habit of treating all people as having rights and as possible partners in law-regulated commercial dealings, which is a requirement for establishing wider markets intertwined with regular and frequent commercial exchanges.

The legal order also requires a bureaucratic state to enforce the law, i.e. professional administrators in the administration and competent jurists in the judiciary. The reliable application of legal procedural and substantive rules is one of the highest values in a well-organized bureaucracy. Another feature is the impersonal application of general rules, both to outsiders the organization deals with and to its own staff. This impartiality is the most important feature of the bureaucracy for Weber—the bureaucracy should act regularly, in a predictable way, and according to what is foreseen in law.

Weber’s ideal bureaucrat is a full-time, lifetime professional. This requires a sufficient salary and job security, because otherwise people will not stay in the job full-time for life. Unless they do, the organization will not be efficient. Stability helps keep the institutional memory alive and helps render it a source of organizational learning, thus making the institution more efficient. It takes time and experience

²² 2014-2020 Partnership Agreement between Romanian and the European Union (2013), p. 146.

to learn the job, not so much because it is difficult to perform a particular task, but because it all has to be coordinated and routines have to be set. Consequently, according to Weber, promotion should mainly be based on seniority because seniority is one of the best guarantees for the efficient functioning of the bureaucracy. Likewise, an elaborate division of labor requires the stability of staff.

Because of the nature of bureaucratic work, and also perhaps because of the importance of training and coordination on the job, the bureaucracy is in need of educated recruits. Some certificate must attest their education. Certified education is necessary not only to prove that recruits have been educated but also because a good bureaucracy needs to work with impersonal criteria. In Weber's thinking, all of these elements—academic credentials, fixed salary, tenure, and stability—are required for the efficient functioning of a modern administrative machine with the capacity to live up to its societal function, which is to produce and instill regularity and legal certainty (Weber would perhaps have preferred to use the word “rationality”) into social and political life. These were the societal problems that Weber had in mind when he analyzed the role of the bureaucracy in the emerging economies of production en masse at the time.”

The actual implementation of such EU requirements has remained at the level of strategic documents, which also recognized the need to strengthen the career-based system. For instance, the specific objectives of the 2014-2020 *Strategy for Strengthening the Public Administration (SSPA)*²³, in the field of human resources, are as follows:

- Clarification of the roles and institutional mandates within the management of human resources, while at the same time strengthening the administrative capacity for a strategic, unitary, and integrated approach to the personnel policies.
- Increasing the levels of specialization and stability of the civil service following the adaptation of the recruitment, selection, and evaluation procedures to the requirements of performance management.
- Revising the motivation policies in the field of human resources within the public administration, including from the perspective of career opportunities and pay focusing on performance.
- Integrated approach of the development of competences within the public administration.
- Promoting ethics and integrity within the public administration.
- Measures regarding the reduction and prevention of corruption and supporting the implementation of the related recommendations formulated within the MCV.²⁴
- Promoting good practices and innovation within the public administration and encouraging experience exchange and networking between the public institutions and authorities.

Current recruitment process

One of the core areas in which HRM underperforms is recruitment. In Romania, “recruitment and selection within the public administration are problematic, with a focus on rules and procedures and insufficient attention being paid to correlating the skills and competences with the mandates and functions of the institutions.”²⁵

²³ Adopted through Government Decision no. 909/2014.

²⁴ The Mechanism for Cooperation and Verification of Progress in Romania to Address Specific Benchmarks in the Areas of Judicial Reform and the Fight Against Corruption, established by Commission Decision (2006) 6569.

²⁵ World Bank (2011), *Public Administration Reform: An Overview of Cross-Cutting Issues*, Bucharest, p. 15.

NACS has conducted several analyses on the current recruitment practices and one of the most recent reports²⁶ highlights the following deficiencies within the recruitment process:

- Unjustified discrepancy between levels of previous professional experience in the field required for execution positions and for the management positions, respectively. More professional experience is sometimes required for execution positions than for management ones.
- Insufficient regulation of the terms and conditions in which the employment procedure may be suspended or delayed. As a consequence, the length of the employment procedure is less predictable, with negative impacts on the employment cost for the public institution and on the attractiveness of civil service positions for potential candidates.
- Terminology inconsistencies, as well as gaps in defining certain notions, lead to the heterogeneity of solutions adopted by various employment commissions for similar situations.
- Lack of procedures and instruments for monitoring the quality of the recruitment process leads to non-intervention by NACS when remedial policy actions are needed for recruitment regulation and implementation.

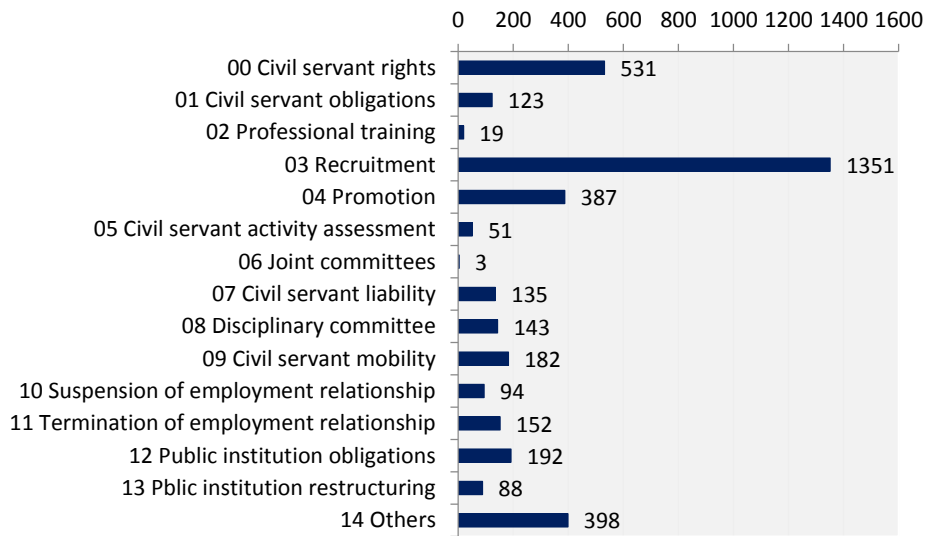
Government Decision no. 286/2011, regarding the general employment principles in the public sector presents the set of regulations for the public institutions when recruiting and promoting contractual staff. The legislation for civil servants is similar but more demanding in regard to the manner in which the recruitment should be conducted.

Due to poor legal harmonization, the recruitment process requires the members of the employment committees to have advanced knowledge of the legal frameworks applicable in various complementary fields (e.g., civil service, education, working in Romania and abroad, etc.). Currently, there is no training program dedicated to recruitment for the members and secretaries of the selection committee. Thus, the members of the selection committees face difficulties during the process of selecting candidates' eligibility dossiers, as they need to apply regulations from several fields, and some of which are not harmonized or are contradictory.

Consequences include the high number of suspended competitions as well as the high number of petitions regarding the recruitment process and the rights of the civil servants. In 2015, out of the 1351 petitions regarding the recruitment of civil servants, 286 focused on the employment conditions while 497 were requests to suspend/postpone the recruitment processes.

²⁶ NACS (2015), Analysis regarding the current systems for recruiting and evaluating the personnel, from the perspective of applying the norms in force, Bucharest, p. 8.

Figure 4. Number of petitions settled by NACS by topics, 2015



Source: NACS

The processes for filling in the public positions do not test the competences of the future employed personnel; rather, they focus on verifying the knowledge of applicable regulations. Candidates need to memorize a high number of regulations, but their competences and skills are not properly tested during the recruitment process. Furthermore, no competences framework has been implemented within civil service, and, therefore, the recruitment, professional performance assessment, promotion, and training processes are negatively affected.

Training of human resources

The presence of personnel with adequate skills and competences is a key element for a successful HRM. This is particularly relevant for debutant personnel, who require guidance, mentoring, and competence development.

During 2001-2009, the National Institute of Administration (NIA), subordinated to the Ministry of Administration and Interior, was responsible for the continuous training of civil servants and for the contractual personnel within the central and local public administration. The institute was partially funded from its own revenues, and its mission was to ensure the continuous training within the public administration for the civil servants. In collaboration with NACS and other interested institutions, its objective was to develop a strategy for the continuous training of civil servants and to be involved in its implementation. Moreover, the institute coordinated eight regional continuous training centers for the local public administration and supported communication and collaboration with the other institutions that organized continuous training programs. Until 2006, the institute was the sole supplier of training, which was compulsory (involving a certain number of training days) for the civil servants.

Subsequently, with the entry into force of Law no. 251/2006,²⁷ NIA became a supplier of up-skilling programs for the administration on an equal footing with other providers. However, it maintained exclusivity in terms of organizing specialized training programs designed for high civil servants, management civil servants, or those designed for future public managers.

²⁷ Law no. 251/2006 amending and supplementing Law no. 188/1999 on the Statute of civil servants.

Following the enforcement of Law no. 329/2009,²⁸ the NIA's responsibilities were transferred to NACS, which as of 2009 became the institution responsible for regulating and supplying specialized training and up-skilling programs for the civil servants in need of training services for the public administration. Today, NACS manages the "Specialized training program for future high civil servants." The number of candidates enrolled in this program fluctuated between 206 in 2010, 192 in 2011, 255 in 2012, 97 in 2013, and 99 in 2014. In 2015, competitions were organized for the candidates accepted in 2014.

NACS carries out training and up-skilling programs in collaboration with training suppliers selected based on the criteria established by means of an operational procedure, approved by the president of NACS, who has certain quality criteria in mind. In 2015, there were 4,890 civil servants enrolled in such training programs. In addition, there are other training programs, such as those run by regional centers and EU-funded trainings.

Although continuous training is both a right and an obligation of the civil servants, public institutions allocate insufficient funds (or none at all) for continuous training. The allocation of funds for continuous training is an essential aspect of creating a system to develop the professional skills a civil servant needs when entering the administrative system. Continuous training as well as the up-skilling of civil servants and personnel working within the public sector are important ways to improve the outcomes of the public administration and to change mentalities and the organizational and administrative culture.

2.2.1.2. Current legal and strategic framework regulating the civil service employment

A series of regulations have been adopted in Romania with respect to human resources within the civil service. The legal framework covers a wide range of human resources-related and complementary topics, including statute definition, applicable code of conduct, payment, civil service career recording and management, and institutional arrangements:

- Law no. 188/1999 regarding the Statute of Civil Servants, republished (2), subsequently amended and supplemented;
- Law no. 7/2004 regarding the Code of Conduct of Civil Servants, republished;
- Framework Law no. 28/2010 on unitary pay of the personnel paid from public funds, subsequently amended and supplemented;
- Government Decision no. 341/2007 on becoming a high civil servant, career management and mobility of high civil servants, subsequently amended and supplemented;
- Government Decision no. 1000/2006 regarding the organization and operation of the National Agency of Civil Servants, republished, subsequently amended and supplemented;
- Government Decision no. 611/2008 approving the norms regarding the organization and development of the career of civil servants, subsequently amended and supplemented;
- Government Decision no. 432/2004 regarding the professional dossier of the civil servants, republished, subsequently amended and supplemented;
- Government Decision no. 553/2009 on establishing certain measures for keeping records of the civil services and civil servants.

²⁸ Law no. 329/2009 on the reorganization of certain public authorities and institutions, the streamlining of public expenditures, the supporting of the business environment, and the complying with the framework agreements concluded with the European Commission and International Monetary Fund.

Box 2. Current legal framework regarding recruitment and promotion conditions within Romanian civil service

According to the Law on the Statute of civil servants²⁹, the Romanian civil service system is career-based, with three classes (according to the level of studies) and four professional grades or levels (Rom. grade) for execution/operational positions. These professional grades (titles in Romanian and italics font below) are differentiated according to the number of seniority years in the civil service as well as work complexity:

- Debutant (entry level);
- Assistant (promoted after 1 year, 8 or 6 months, for class I, II, or III, respectively);
- Principal (promoted after a period of three more years, minimum);
- Superior (promoted after a period of three more years, minimum).

This grading only applies to execution/operational level—not to the management level. In order to be eligible for a management position, the minimum number of years of experience in a job corresponding to one's studies is 2 years for head of service and 3 years for director/general director (for both internal and external recruitment). The minimum number of years of experience in a job corresponding to one's studies, required for high civil servants, is 5 years (for both external and internal recruitment). In the case of external entry in the operational/execution professional grades mentioned above, the required number of years of professional experience is as follows: assistant (1 year), principal (5 years), and superior (9 years).

At the same time, special regulations for certain civil service positions (e.g., public manager, chief architect) and for the special statute civil service positions are in place:

- Law no. 360/2002 regarding the Statute of the policeman, subsequently amended and supplemented.
- Emergency Ordinance no. 104/2001 regarding the organization and operation of the Romanian Frontier Police, subsequently amended and supplemented.
- Law no. 269/2003 regarding the Statute of the Diplomatic and Consular Body of Romania, subsequently amended and supplemented.
- Law no. 7/2006 regarding the Statute of the parliamentary civil servant (republished).

The following strategic documents set the main directions for the development of HRM in the Romanian public administration:

- The 2014-2020 Partnership Agreement between Romania and the European Union is a commitment to develop and apply an integrated strategic framework for the management of human resources within the public sector to increase the level of professionalism, actual independence, and attractiveness within the public administration.
- The 2014-2020 Strategy for Strengthening the Public Administration (SSPA) is a commitment to increase the level of professionalization and stability within the civil service by implementing competency frameworks in the public administration and changing/improving the recruitment, selection, and evaluation procedures.
- The Strategy for the Development of the Civil Service 2016-2020 (SDCS),³⁰ published on September 8th, 2016, promotes the objectives of SSPA with regard to HRM in the civil service.

²⁹ Law no 188/ 1999, as twice republished and subsequently amended and supplemented.

³⁰ The preparation of this RIA Report was conducted between March and June 2016. The SSPA was in preparation during that time. This RIA Report benefited from early versions of the document.

- This strategy includes an action plan for the implementation of competency frameworks and of new recruitment and promotion systems, as well as a new training system.

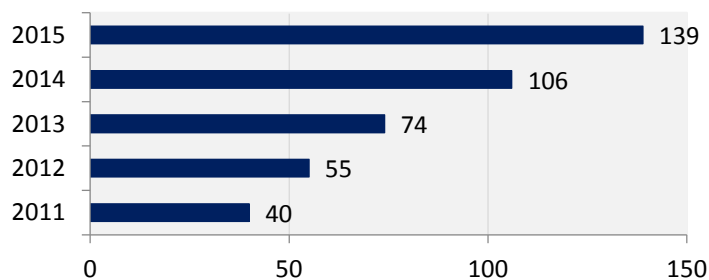
The regulatory framework regarding civil service is neither clear nor coherent. One source of fragmentation stems from the lack of clarity and consistency of the regulatory framework regarding the civil service, in particular by 1) successive amendments to the Organic Law no. 188/1999, regarding the statute of civil servants by legal initiatives of public institutions other than NACS, and 2) the Constitutional Court's decisions declaring some articles of the civil service act unconstitutional, without further clarification being undertaken by the legislator in due time to fill in the legal void created.

Figure 5. Number of amendments brought to the legislation regarding the civil service

Legislation	Number of amendments	Details - amendments made through the following legislation
Law no. 188/1999	22	GEO 125/2008 ; GEO 229/2008 ; GEO 3/2009 ; GEO 37/2009 ; GEO 105/2009 ; L 330/2009 ; L 379/2009 ; DCS 1629/2009 ; L 41/2010 ; L 49/2010 ; L 140/2010 ; L 284/2010 ; GEO 16/2012 ; L 187/2012 ; L 76/2012 ; L 2/2013 ; GEO 77/2013 ; L 255/2013 ; GEO 82/2013 ; DCS 55/2014 ; GEO 18/2014 ; DCS 351/2015
Government Decision no. 611/2008	5	GD 787/2008 ; GD 1173/2008 ; Correction 2009 ; GEO 35/2009 ; L 284/2010 ;
Government Decision no. 341/2007	5	GD 787/2008 ; GD 1713/2008 ; GD 23/2009 ; GD 268/2009 ; GD 260/2012 ;

Source: own elaboration by NACS

Figure 6. Number of draft regulations regarding the civil service and/or civil servants submitted to NACS for input and endorsement



Source: NACS

The figure above illustrates the high number of amendments by government decisions or government emergency ordinances concerning certain regulations in the field of civil service, since their initial adoption. Most of the legislative interventions made regarding civil service legislation have not been initiated by NACS. Moreover, such decisions have not been subjected to a RIA process and have resulted in an ad hoc and fragmented system and an incoherent legal framework that, in the absence of clear principles, policies, and a strategic approach to HRM in the public administration, has been the object of frequent amendments out of political expediency.

The number of draft regulations which includes provisions related to the civil service and civil servants, submitted to NACS by various legislators for comments and/ or endorsement, also illustrates the lack

of stability of the regulatory framework for civil service. These types of regulations, developed by the public authorities of the central public administration, refer to institutional reorganizations, professional statutes, and proposals regarding the special pay/financial motivation of certain categories of civil servants.

The weak level of transversal cooperation/collaboration between the institutions that carry out their activity in the fields of labor, education, and public administration, during the process of developing norms which regulate their activity as well as during the process of applying the law, has led to inconsistencies in the implementation of norms for recruitment and evaluation, from both the formal and conceptual perspective, as well as from the practical perspective.

2.2.1.3. Institutions involved in the management of public administration

Various institutions wield responsibilities for HRM, as there is not a single body responsible for HRM in the whole of public administration. This means that activities of coordination, regulation, control, and monitoring in relation to public administration employees are scattered among institutions. As such, a strategic approach proves to be difficult in practice.

Strategic management of human resources within the public administration/civil service

- The Ministry for Regional Development and Public Administration (MDRAP) is the responsible authority to develop public policies in the public administration domain. It initiates, promotes, and facilitates the implementation and monitoring of strategic measures to reform the public administration.
- As for the civil servants, the National Agency of Civil Servants (NACS), subordinated to MDRAP, manages the civil service domain via regulations, endorsements, monitoring, control, administrative tutelage, and records of general public positions and of certain specific public positions.
- NACS manages a “specialized training program for future high civil servants” and organizes training/up-skilling programs for the personnel working within the public administration, in partnership with training suppliers selected based on the criteria established by means of an operational procedure.
- HR units in each institution are required to complete the annual employment plan, which is aggregated by NACS at the level of central public administration. However, this is not actually a strategic management of HR. On the other hand, HR units might or should be more involved in strategic planning of the personnel in each institution. In reality, they concentrate on administrative-related tasks (e.g., appointment and termination decisions, payroll, administrative sanctions, and leave of absence).
- Civil service positions with special statutes are managed by the corresponding institutions, which regulate and keep records of their personnel. For instance, the Ministry of Interior manages police officers; the Ministry of Foreign Affairs is in charge of the diplomatic and consular personnel; the National Administration of Penitentiaries within the Ministry of Justice manages the personnel in penitentiaries³¹. For these positions, the strategic human resources directions are defined at the level of the corresponding ministries.

³¹ The institutions provided for under art. 6 of Emergency Ordinance no. 86/2014 establishing certain measures of reorganization at the level of the central public administration and amending and supplementing certain regulations, subsequently amended and supplemented.

Operational management of human resources within the public administration/civil service

- The Ministry of Public Finance (MPF) centralizes the information on the number of positions and the personnel expenditures within the public administration, based on the information received from the main budget holders of the central and local institutions.³²
- The General Registry of Employees was established within the Labor Inspection, an institution subordinated to the Ministry of Labor, Family, Social Protection and Elders (MLFSPE), in order to maintain the records of the labor contracts (from the public and private sector).³³
- MLFSPE is also the institution that coordinates the development of Framework Law no. 248/2010 for the unitary pay for the personnel remunerated from public funds. However, in accordance with Law no. 188/1999, the institution that shall “develop the draft law establishing the unitary pay system for the civil servants” is the National Agency of Civil Servants. At the same time, some institutions develop draft regulations with provisions about the salary rights for certain categories of civil servants (e.g., Ministry of European Funds). This arrangement, whereby responsibilities for pay policies are split between the ministries of labor and public administration, respectively, is a serious dysfunction in the pursuit of a coherent remuneration system within the public administration.

2.2.2. What is the issue that requires government action?

Consolidating a sound public administration, in terms of responsibilities for civil service development, capacities, and fair and transparent employment practices, is key for the economic and social development of Romania. Given the number of actions undertaken throughout the years, which have not contributed to this goal, it is necessary to question the effectiveness of such measures. At present, Romania faces a situation in which the public service does not have the capacity to ensure good governance, economic development, and the betterment of the standing of the country at the European and international levels.

The current problem can be described as one in which the public administration, including the civil service, has a limited capacity to attract and retain adequate personnel that would contribute, according to clearly specified duties, to good governance and economic development and to improve Romania’s role at EU and at the international level.

The problem is mainly rooted at the recruitment level, but it stems from elsewhere as well. “Recruitment” is understood as the process of searching and attracting a pool of persons who have the characteristics and skills required by the vacancies and organizational needs. This step in the HRM is essential to test competences and capture the best candidates that further on will be trained and promoted. As such, the focus of this analysis lies in this initial process. These future employees will be responsible for undertaking key government activities that are essential for better economic outcomes, efficient service delivery, and the promotion of good governance principles and practices.

This paper analyzes the problem at the central public administration; it does not address the situation faced by the local public administration. Even if similar problems can be observed at the local administration, particularities can be found and, most importantly, the impact of central administration problems reverberates throughout local and international spheres. Therefore, the

³² According to Emergency Ordinance no. 48/2005.

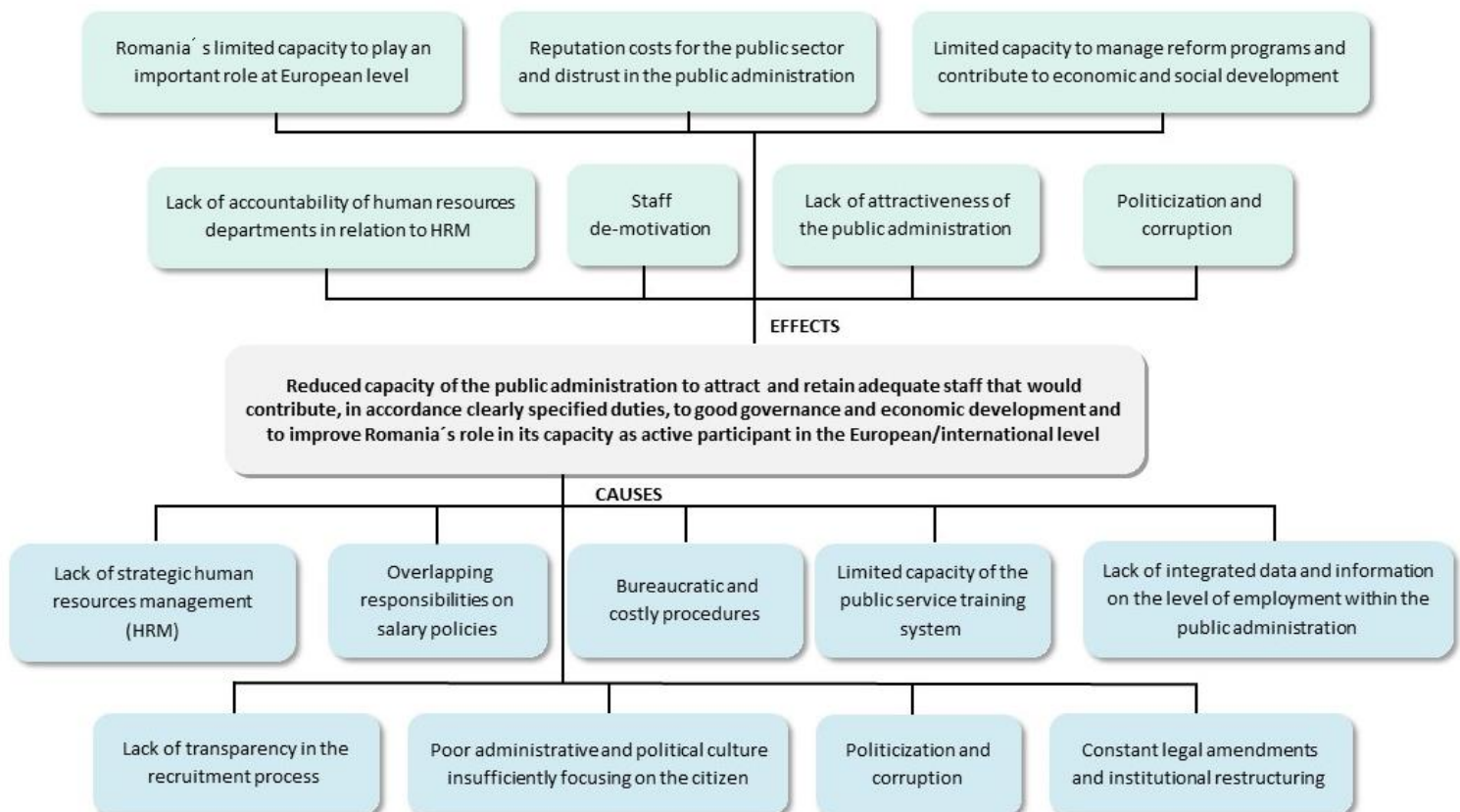
³³ According to Emergency Ordinance no. 20/2016 adopted in June 2016, which made changes to Law no. 248/2010 and has provisions regarding the extension of the *General Registry of Employees* to the personnel paid from public funds, except the personnel in the fields of defense, order, and national security.

possible solutions of the problem at the central level might help solve those at the local level. This is why this impact assessment solely concentrates on the level of the central public administration.

Since having a professional, impartial, competent, and efficient public administration is a responsibility of the government, its intervention is justified. Challenges cannot be tackled and improvements cannot occur if the government does not firmly decide to intervene and potentially change the current rules of the game.

A visual interpretation of the problem can be found in the following figure. This figure represents the problem, the causes that contribute to the situation that has to be solved, and the consequences that the situation is creating and that potentially could worsen in the future.

Figure 7. Problem tree



Source: own elaboration by the authors

2.2.2.1. Scope of the analysis

Given the nature and depth of the problem to be solved, the analysis focuses on these elements:

- The central public administration with a particular focus on civil service
- Three main areas of intervention at the level of the central public administration:
 - Strategic HRM
 - Employment procedures for civil service positions
 - Training in HRM

2.2.3. What are the drivers of the problem?

A number of issues can be identified as contributing to the creation and potential worsening of the current situation that has affected Romania's ability to have a public administration that can contribute to social and economic development. The following sections explain how some of these drivers are key for understanding the current situation.

2.2.3.1. Lack of a strategic framework for HRM in the public administration

The Romanian public administration currently lacks a "general and transparent human resources management approach, in particular on recruitment/appointment, appraisal, salaries, career progression across all staff categories and training."³⁴ This is not only true in terms of strategic activities that have to be performed in order to have an efficient and effective public administration, but also in terms of the need of human resources that are necessary to fulfill the various key tasks in government operational work. The lack of a single institution that can coordinate efforts across the administration also contributes to the maintenance of a weak HRM. All this leads to a disconnection of HRM policies from a broader public administration modernization agenda. However, the government has adopted key initiatives in 2016 in order to increase the transparency and effectiveness of the functioning of public administration that will be implemented in the mid-term and long-term.

Forecasting needs and the adequate planning of human resources recruitment in public administration are essential for the correlation with the provisions of the state budget, thus ensuring the short, medium, and long-term affordability of the civil service. Adequate internal and external control capacity regarding the recruitment processes can further ensure the human resources needs of the civil system are adequately met under budgetary constraints.

The quantitative and qualitative assessment of human resources needs of the civil service and the results of the assessment publicly announced may lead to the increase in the transparency in the management of the civil service, in general, and of the recruitment processes, in particular.

At the level of institutions, annual planning is lagging behind. Although Law no. 188/1999 focuses on developing a plan for filling the civil service positions, this does not happen in practice. This is partially due to the lack of a sound personnel strategy in the civil service, especially regarding recruitment and promotion as well as remuneration. This has led to negative consequences for the human resources management in cases where institutional restructurings and personnel cutbacks were made.

In accordance with Law no. 188/1999, public institutions at the central level must develop proposals regarding the employment plan for vacant positions, which is developed and centralized annually by NACS,³⁵ by consulting the representative trade unions of civil servants. This plan includes the maximum number of civil service positions reserved for promoting civil servants, employment through recruitment, the maximum number of civil service positions that shall be established or reorganized, the maximum number of civil service positions for each class and professional grade, as well as the maximum number of management civil service positions and high civil servants' public positions. In practice, the employment plan is not developed based on the necessary competences. Instead, it is

³⁴ COM (2016) 343 final Recommendation for a COUNCIL RECOMMENDATION on the 2016 national reform program of Romania and delivering a Council opinion on the 2016 convergence program of Romania Brussels, 18.05.2016, para (18).

³⁵ In accordance with the provisions of art. 23 para. (2) letter a) of Law no. 188/1999, the employment plan for the public positions of the public authorities and institutions within the central public administration is being developed by the National Agency of Civil Servants, based on the proposals of the main budget holders.

based on the maximum number of approved positions/jobs. Thus, there is no correlation between the institution's needs to exercise duties and the necessary personnel.

The data necessary in order to develop the employment plan are communicated by the main budget holders for their own structure and, in a centralized manner, for the public authorities and institutions, subordinated to the main budget holder or funded from its budget, in accordance with Order no. 7660/2006. This order approved the instructions for developing the employment plan for public positions.³⁶ The project endorsement and adoption is an external process from NACS and no deadline can be estimated. The failure to submit the data in due time and the lengthy period for adopting the draft have led to the practical inefficiency of this forecasting and planning instrument. There is no similar planning for the contractual personnel.

2.2.3.2. Constant legal amendments and institutional restructuring

The frequent amendments of the legal framework reflect a high number of institutional restructurings that affect the coherence of the public administration. They also illustrate unpredictable changes that respond more to political short-term expediency than to strategic thinking in regard to HRM. The resulting instability in the legal framework contributes to waste capacities in human resources that were previously invested in the personnel (e.g., investments related to continuous training, professional expertise, etc.).

By frequently redefining the institutions from the organizational perspective, it is impossible to establish a long-term development design for HRM, which can be translated into hiring qualified and motivated personnel required for certain activities.

The increasing number of draft regulations submitted to NACS for feedback and endorsement, with many of them having as their subject matter the organization and restructuring of the public authorities and institutions, has been reflected in higher rates of personnel turnover and the decreasing level of adequate personnel retention in key areas of institutional responsibility.

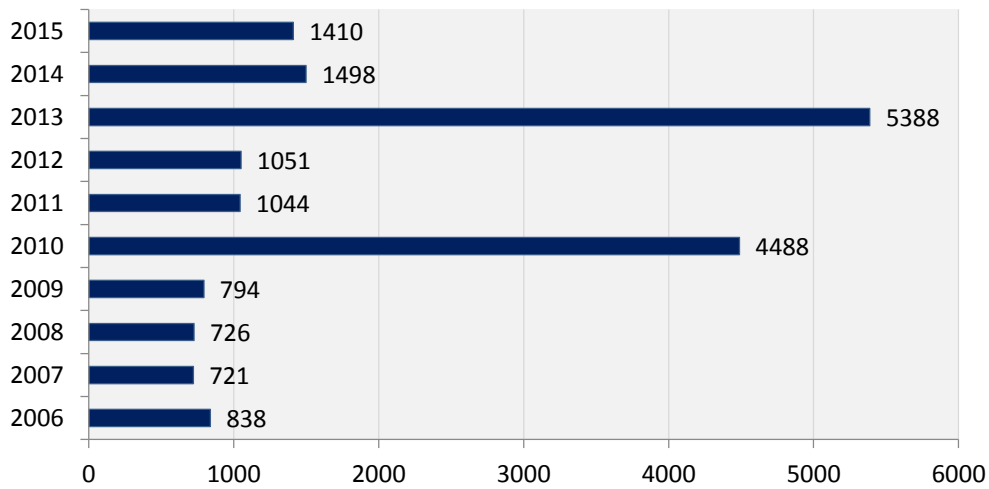
During 2015 alone, NACS issued 1410 opinions (*avize*) in the process of establishing or amending the structure of civil service positions or the restructuring of the activity in accordance with the provisions of article 107, paragraph (1) of Law no 188/1999.³⁷ A higher number of opinions (*avize*) were issued in 2010, as austerity measures adopted by the government included inter alia institutional restructuring measures. Moreover, in 2013, previous austerity measures were loosened and institutional adjustments postponed during the previous years were then implemented.

³⁶ In accordance with art. 7 para. (1) of this regulation, "[T]he main budget holders from the central public administration are obliged to submit to the National Agency of Civil Servants the proposals for the following year, containing the data provided for under art. 23 para. (1) letter a)-g) of Law no. 188/1999, republished subsequently amended supplemented, until July 1 of each year."

³⁷ "(1) Public authorities and institutions shall have the obligation to request the National Agency of Civil Servants to issue an opinion on the public positions in any of the following instances:

- a) setting forth or changing the structure of public positions for each and every public authority and institution, by the head thereof or by decision of the county council or of the local council, as the case may be, in reliance upon the activities contemplated in Article 2 paragraph (3);
- b) change of job capacities, in accordance with Article 111 paragraph (1) or (5);
- c) restructuring of the activity of the public authority or institution."

Figure 8. Number of opinions (avize) for amending the structure of civil service positions or for restructuring the activity within public institutions and authorities (2006-2015)



Source: NACS

According to a NACS survey of HR personnel and other stakeholders regarding the amendment of Law no. 188/1999,³⁸ 45% of respondents were in favor of aligning the civil service management with an employment policy that would ensure the medium and long term continuity of the activity within the civil service system and a balanced career structure of the civil service. However, this is a goal difficult to achieve under the current management regulations and practice.

2.2.3.3. Lack of integrated data and information on the level of employment within the public administration

As mentioned, the personnel information system is scattered among various institutions. NACS only maintains the national records of the civil service positions and civil servants based on the data provided by the public authorities and institutions. The human resources responsible persons communicate the data by means of the portal for managing civil service positions and civil servants. They are then integrated into the national system of record-keeping. In accordance with data at the end of 2015, 4,363 public institutions with civil service positions reported to NACS.

The portal for managing civil service positions and civil servants can be accessed from any computer connected to the internet, based on a username and password. The main functionalities the portal provides are document uploading, operations history, visualizing and amending the structure of the institutions, a messenger feature, downloading the documents that were uploaded and electronic signature by NACS.

Contractual personnel of central public authorities and institutions are registered in the General Registry of Employees within the remit of the Ministry of Labor. The Labor Inspection manages the General Registry of Employees. This electronic system for keeping records of the employees who have a labor contract is structured differently from the system managed by NACS. After the employee card was no longer used, the disparities between the institutional statistical data regarding the labor and civil service relationships increased.

³⁸ NACS (2013), Report on the conclusions of the evaluation of needs/opportunities to regulate the civil service and proposals to amend and supplement Law no 188/1999, Bucharest.

2.2.3.4. Overlapping responsibilities regarding salary policies within the public administration, particularly in the field of civil service

In general, the approach of pay within the public administration is problematic. This recognition takes into account the overlapping of the duties of institutions in what concerns salary policies, as well as the salary discrepancies between the persons that hold similar public positions, with the same professional level within public institutions, and the significant variations in the field of pay for similar public positions, from one institution to the other. This circumstance is further investigated below, in the section dedicated to the demotivation of personnel, as it is one of the main disincentives for career development.

For instance, the development of Framework Law no. 284/2010, regarding the unitary pay of the personnel remunerated from public funds, was coordinated by the MLFSPE. However, previous and applicable Law no. 188/1999 states that the institution that “shall develop the draft law for establishing the unitary pay system for the civil servants” is the NACS. This certainly causes confusion and duplicates responsibilities in matters that are key for a proper HRM in the civil service.

In accordance with the current regulatory framework, the law concerning pay no longer only regulates civil servants - it also regulates all the categories of personnel being paid from public funds. It is the government that decides how to regulate belongs, by means of the authorities that ensure the budgetary, fiscal, and salary policies of the state (mainly MPF and MLFSPE). Moreover, if the state policy established an option to develop one single regulation for all the categories of personnel paid from public funds, by means of the line ministries, then NACS is no longer an active player in this matter.

At the same time, some public institutions develop draft regulations with provisions regarding the salary rights for certain categories of civil servants (from the said institution or from a field of activity).

2.2.3.5. Lack of transparency in the recruitment process

The recruitment process is composed of various steps in which transparency should play a key role. The announcements of the recruitment competitions include references to the legal framework regulating mandatory conditions to be met by the candidates for holding civil service positions. However, they do not include information regarding the duties and salary (or the salary interval) corresponding to the position for which the competition is organized. This amounts to reduced transparency of the recruitment and selection process.

Transparency would be better served if the recruitment announcement included promotion and pay prospects, as is the case in a career-based system. The lack of such information has the potential to diminish the attractiveness of the civil service position, therefore contributing to the worsening of the problem.

Furthermore, candidates and even for some of the members of the selection board, the competences required from the candidates in order to hold the position are unclear. Under these circumstances, the candidates’ decision to apply for certain positions/jobs is hampered by the lack of appropriate information (depending on the match between their profile and the job requirements, or depending on the salary), while the employing institution may find itself in the position of not being able to choose the best candidate.

In order to be able to have a comprehensive image of the civil service position for which a competition is being organized, it is necessary to briefly describe the position that would include the name of the civil service position, the scope and hierarchical level of the position, the main duties and

responsibilities, and the educational background and skills (cognitive, physical, etc.) necessary to fulfill the duties. There are examples of good practices of this procedure at the Ministry of Internal Affairs.

Furthermore, as mentioned above, during the selection process (e.g., during the initial administrative selection of candidates based on their eligibility dossier), the regulations applied are related to various fields (e.g., civil service, education, employment in Romania and abroad), but they are not clarified in the competition announcement.

When employment is considered in its broader sense to also include mobility, although the regulatory framework promotes transparency and the right of the civil servant to be informed, one may find there is little transparency in the central public administration regarding the vacant or temporarily vacant positions in order to ensure civil servants' mobility following their initiative.

According to an NACS survey of HR personnel and other stakeholders regarding the amendment of Law no. 188/1999,³⁹ 32% of respondents mentioned the need to broaden the communication instruments, and channels for competition announcements. In addition, 25% of the respondents supported establishing a higher level of computerization of the recruitment system (up to the level of an e-recruitment type of system).

2.2.3.6. Costly and bureaucratic procedures

The recruitment process entails various types of financial costs that have to be borne by the different stakeholders affected by the application and selection phases.⁴⁰ Procedures are too bureaucratic. Alternative options that could result in a cheaper or most cost-effective recruitment process for candidates and the administration itself are not always promoted.

For the administration, there are costs associated with the personnel involved in the recruitment process. For instance, during the selection of candidates, a certain number of hours have to be allocated by the members and secretary of the selection committee for laborious activities, such as the selection of eligibility dossiers. Notably, there are sometimes more than 150 candidates per recruitment procedure.

The NACS also organizes the recruitment of staff for territorial management positions.⁴¹ The selection board members are required to perform their duties (e.g., the selection of the dossiers, written testing and interviewing of the candidates, and the administrative settling of appeals, if necessary) in Bucharest, at the NACS premises. Territorial institutions bear the transportation, accommodation, per diem costs, as well as any other costs related to their assigned members in the selection committee.

The recruitment process is also costly for the candidates participating in recruitment competitions, particularly those who live in a locality that differs from the one where they are applying for a civil service position. For example, some candidates decide to come to Bucharest in order to submit their competition dossier, with the relevant education diplomas and documents, in original copies because they want to make sure that their competition dossier will reach the institution in due time and that they fulfill all the conditions in what concerns the content of the dossier. Alternatively, the dossier may be sent by postal services and corresponding costs apply. In addition, the candidates who apply for a civil servant position in Bucharest must pay for authenticated copies of documents, which they must include in the competition dossier if they decide not to submit original eligibility documents.

³⁹ NACS (2013), Op cit.

⁴⁰ Mainly candidates and HR departments of public institutions at the central level of public administration.

⁴¹ These are positions within central public institutions decentralized to the local level of public administration.

At the same time, as Romania is facing the issue of emigration, it is important to take into account that access to the recruitment process is very costly and has gaps in what concerns the relevant information for the Romanian candidates who are abroad. For example, the lack of information regarding the form or type of necessary documents to prove having worked abroad or to obtain certain certificates (e.g., criminal records) requested in order to apply for a public position can be an obstacle in the recruitment process for a public position for citizens.

2.2.3.7. Lack of adequate competences and limited capacity of the public service training system

Public institutions in Romania face different challenges in terms of developing competences and upgrading civil servants' skills. Organizing and planning for adequate training within the public administration presents a series of malfunctions that worsen the capacity to ensure individuals with adequate skills serve in civil service positions. Among the most serious issues are the following:⁴²

- The insufficient capacity of the human resources departments to plan the continuous training of civil servants; the persons responsible for managing the training process at the level of each public institution do not have sufficient training themselves. They would need to be informed about the actions required for the correct planning and implementation of the training.
- Scarce intra-institutional and inter-institutional communication in what concerns the training management. This is generated by the lack of unitary quality control mechanisms regarding the training programs designed for civil servants. Despite the fact that applicable legal framework and procedures exist, there are malfunctions within the process of implementing continuous training policies.
- Few public authorities and institutions annually submit continuous training plan for the civil servants to NACS. They also do not have the funds in their annual budget to cover the costs related to the civil servants' training programs, which should be organized following the initiative or in the interest of the public authority or institution.
- There is no system to validate the alignment of the training needs with the duties listed in the job description for civil servants who attend different types of training. The training needs must result following the process of evaluating the individual professional performance of the employees.
- There is no national database with training topics and courses, for the specific fields of the activities of civil servants, nor are there any unitary control mechanisms regarding the quality of the training programs for civil servants.

2.2.3.8. Poor administrative and political culture and insufficient focus on the citizen

An "oath" is taken when becoming part of the civil servants' body - an oath by means of which the person undertakes to respect the Constitution, the laws, the fundamental human rights and freedoms and the norms of professional and civic conduct. However, in practice, these commitments are breached, as illustrated in NACS reports on monitoring the observance of the code of conduct by the civil servants and the implementation of the disciplinary procedures (2009-2015). Such reports signal the failure to fulfill work duties, a lack of information on work procedures at the institutional level, and inadequate conduct towards colleagues or beneficiaries of public administration services.

Law no. 188/1999 foresees that the main principles governing the civil service recruitment process are "the principles of open competition, transparency, and professional merits, as well as equal access to

⁴² Socio-economic analysis developed by the Thematic Consultative Committee for Administration and Good Governance, November 2014

civil service positions for each and every citizen that fulfills the legal requirements.”⁴³ In accordance with Government Decision no. 611/2008⁴⁴, the principles governing the organization and development of the civil servant’s career are: competence, competition, equal opportunities, professionalism, motivation, and transparency. In order to contribute to the observance of these principles, Government Decision no. 611/2008 foresees a series of incompatibilities for the members of the selection boards. For example, the members and the secretary of the board should not be in situations of incompatibility or conflict of interest with any of the candidates, and they have the obligation to signal such situations (e.g., patrimonial, family or affinity relationships up to the 4th degree, hierarchical subordination). The declaration of such situations of conflict of interest is a personal matter, and the conduct followed is the one considered as being opportune by the member of the board.

Despite having a regulatory framework that promotes principles like merit, competition and equal opportunities, in practice there are no trainings regarding the manner in which these principles should be promoted within the public institution and especially during the recruitment process. At the same time, there are no practical training programs for the members of the selection boards. Therefore, the enforcement and observance of the regulations within the recruitment process may vary, depending on the actual competences.

2.2.4. What are the effects of the problem?

The various causes of the situation analyzed in this impact assessment have direct and indirect effects, which demonstrate the need for government intervention. The following sections present the most relevant consequences for the analysis.

2.2.4.1. Lack of attractiveness of the public administration, particularly for young personnel

The attractiveness of public service is highly contextual and depends on the social, economic, and political realities of a country. In OECD countries, the most cited elements for attractiveness are job stability, a relatively decent salary, and relatively fair and transparent working conditions in terms of respect for the social rights of civil servants (working hours, social security, maternity leave, pensions, compatibility with family requirements, etc.).⁴⁵

Depending on the country, a set of other elements is also given high importance by those who decide to develop their professional career within the civil service or consider doing so in the future. These elements include the affiliation with public policies promoting the general interest, the common good or the national interest of the country, involvement in public decision-making by sharing public authority, social prestige, a commitment to public service values, and performance-based career advancement.

In Perry and Wise’s seminal work, their empirical research in public service motivation resulted in the discovery of a correlation between public service attractiveness and the idea of the public interest, specifically one that emphasizes the dimension of the quality of the public governance arrangements

⁴³ Art. 57 of Law no. 188/1999 regarding the Statute of civil servants, republished (2), subsequently amended, and supplemented

⁴⁴ Government Decision no. 611/2008 approving the norms for the organization and the development of the civil servants’ career, subsequently amended and supplemented.

⁴⁵ Cardona, F. (2009), *Attractiveness of the Public Service, a Matter of Good Public Governance*, SIGMA/OECD, Paris available at: <http://www.sigmaweb.org/publications/44110902.pdf>.

and management systems as a magnet attracting people to work in the public service.⁴⁶ Such a correlation is also vital in fostering the commitment of individuals to public service values. This commitment may compensate for relatively lower financial rewards if compared with the private sector.

If a good governance system is not in place, it will be quite difficult to attract a significant share of the most talented people in the country and to utilize them effectively, which is a condition to retaining them in the service of the State. Governance environments that do not effectively practice the rule of law and that do not protect and defend due procedures, justice, integrity, and transparency usually do not have good public institutions that are able to attract and retain bright professionals.⁴⁷

Reducing or eliminating politicization and patronage from the administration is a helpful tool for competing with the private sector in attracting good professionals. Faced with such politicization, individuals with an altruistic inclination may prefer to move toward the third sector, which consists of non-governmental and grass-roots organizations. HRM policies should create incentives for civil servants. Beyond the “decent living standards threshold”, these incentives do not necessarily need to be financial. Increased levels of responsibility, delegation, training, and prospects for career development within the rather limited possibilities of the public administration are helpful in attracting and retaining good professionals in the public service.

Likewise, real prospects to honestly serve the general interest and the public also play an important role in certain individuals’ choice of a career in the public service. In effect, many studies have shown that serving the public is a strong incentive for many individuals if and insofar as the public service is really “public service-oriented”. For this incentive to work, society must perceive public service as honest, fair, and beneficial to their general interests and helpful to the needy. A patronage-ridden, politicized, corrupt, or wasteful public service sector is unlikely to meet these requirements and is unlikely to attract good and devoted professionals.⁴⁸

The Romanian public administration’s ability to attract young personnel has faced and is still facing difficulties, and this was true both during the period when employment in vacant positions was limited for austerity reasons, and after employment restrictions were lifted. As previously mentioned, there are persistent causes of relatively low employment of civil servants on debutant positions and poor quality professional performance at this level, which include the very low salary level for debutants, especially at the level of the local public administration, and the lack of the necessary personnel to ensure the induction training of the debutant civil servants during their probation period.

The salary and the working conditions are also discouraging for civil service positions that require specific qualifications, where there is a deficit of personnel.

According to the current recruitment process, competitions for the debutant positions do not include a prerequisite for filling in those positions exclusively with a young labor force. No maximum age limit is imposed when applying for debutant civil servant positions, as this would be a discriminatory access condition. Thus, in the context of successive restructuring of public authorities and institutions, which have taken place during the previous years, and following the reduction of the number of vacant positions open for recruitment, the debutant positions were also filled in by experienced persons, who

⁴⁶ Perry, James L. and Wise, Lois R. (1990), “The Motivational Bases of Public Service” in: *Public Administration Review*, Vol. 50 (3), pp. 367-363. This article was fundamental in the development of the Public Service Motivation theory.

⁴⁷ F. Cardona (2009), Op. cit.

⁴⁸ Cardona, Ibid.

were obliged to restart their career at an older age due to the lack of working opportunities in the labor market. This is not a problem in itself, but given the higher unemployment rate among young people in Romania, it puts pressure on competing groups that might have different visions when entering the civil service field.

2.2.4.2. Lack of accountability of the human resources departments and specialized personnel in relation to HRM

The effects of a weak and fragmented HRM are mainly the lack of accountability of the involved parties in applying specific legal requirements. Human resources departments are low skilled and have no power to develop any meaningful HRM at the institutional level. Job descriptions are deficient. Further, employment-related legal requirements are ignored or circumvented.

As a consequence, the human resources departments, at the level of the public authorities and institutions, have a low capacity to influence the recruitment process. They do not have decision-making autonomy, they lack the support of high civil servants, and the higher decision-making levels of the institution can politically influence them.

The human resources department is perceived as having a subordinated position, mainly of administrative support, both in relation to the organization's management as well as in relation to the other professional departments. The activities of the human resources departments are "mainly transactional, administrative, when its employees do not ensure legal consultancy for applying the civil service/labor legislation. A great deal of the effort of the HR personnel is utilized for routine activities like issuing certificates, managing the file of the employees, pay, leave of absence, etc."⁴⁹

In this context, due to the weak position of HR departments within organizations, it is also difficult to aim for the strategic planning of human resources, for which these structures are established. The recruitment process alone is insufficient as long as the public authority or institution cannot rely on human resources specialists to perform an efficient management of civil servants. For example, developing job descriptions without understanding the role and scope of the civil service position, and thus without correctly identifying the requirements for filling it in, creates the prerequisites for deficient recruitment, with all the consequences which result from this situation.

At the same time, the inadequate training level of the members of the selection committees for the recruitment activity has negative consequences for the recruitment process and its effects. For example, a failure to respect the deadlines mentioned in the recruitment legal procedure leads to the suspension of the competition. At the same time, the deficiencies signaled during the recruitment competition, such as testing topics that include elements outside the bibliography, may lead to the suspension of the competition. Sometimes, the members of the selection committees are confronted with ambiguous or even contradictory regulations (e.g., regarding how professional seniority is calculated) or significantly differ in opinions regarding the assessment of the competences of the candidates, in terms of the evaluation criteria, during the interview. In such cases, the vulnerabilities associated with the recruitment process result from the manner in which the duties are fulfilled by the members of the selection committees or of the committees for settling contestations and secretaries. They can also lead to the breach of the principles and regulations in the field of recruitment. In most cases, these are problems related to the manner in which the legislation is applied.

⁴⁹ The report regarding the difficulties faced by the public administration when managing human resources (2013), pp. 10-11

During the process of controlling the legality of the administrative activities within the civil service, the most frequent violations and breaches of the legal provisions regarding the civil service and civil servants are those regarding the appointments to civil service positions and the organization and implementation of civil service employment competitions for vacant positions. The process of administrative tutelage has as main subject matter the annulment of the administrative acts that resulted from activities breaching the legal provisions and also the annulment of the recruitment and promotion competitions, for which the legal provisions were not respected.

2.2.4.3. De-motivation of the personnel

The poor motivation of the personnel derives mainly from the lack of prospects to develop its professional skills, as well as from the limited possibilities of evolving in the career and receiving pay increase. Notably, there are four professional levels, from debutant to superior, which can be attained in 9 years, and the pay increase is dependent only on the professional level, and professional seniority is mostly based on discretionary decisions by managers rather than on professional performance. The salary increase is no longer an incentive after the superior professional level is reached. In addition, salaries are not linked to the level of competences, duties of the position, or professional performance.

The failure to implement and observe the provisions of Law no. 284/2010 on the pay in the public administration, in relation to the hierarchy coefficients corresponding to the salary classes, has led to discrepancies between the salaries of the civil servants meeting similar requirements and between civil servants and contractual staff within public administration. Thus, after the entry into force of this law, emergency ordinances were issued annually regarding the pay of the personnel remunerated from public funds, and this perpetuated the enforcement of an uneven and incoherent system with salary discrepancies.

In practice, the salary of the civil servant is awarded with a consideration of general as well as specific regulations. Due to the bonuses, indemnities, and other components of the specific salary rights of certain public institutions, there are significant differences among the salaries of persons who hold similar civil service positions within the public administration. The lack of standardization of the pay of civil servants in accordance with the criteria provided for by Law no. 284/2010 is also magnified by a low level of transparency regarding the salaries within public administration, in spite of policy measures being recently adopted.⁵⁰

The pay of the personnel working within the public administration represents a problem because the unitary and general enforcement of Law no. 284/2010 could take years, depending on the allocated budget.⁵¹ Moreover, the pay at the level of the ministries is unfair. Moreover, it represents a barrier for performance due to the manner in which the bonuses and incentives are being awarded and due to the fact that salaries are not correlated with the activities being performed and with the level of responsibility of the position. At the same time, there is no adequate motivational framework in order to fulfill certain duties, such as being a member of the selection committee or of the committee for the administrative settling of appeals.

⁵⁰ Such as the initiative to make public expenditures more transparent on a dedicated website <http://data.gov.ro/> currently available as a Beta version, lacking content consistency.

⁵¹ World Bank (2011), Public Administration Reform: An Overview of Cross-Cutting Issues, Washington.

2.2.4.4. Politicization and corruption

Politicization primarily consists in the interference of dignitaries in the activities of the civil servants (namely, not respecting the professional autonomy of the civil servants) and a biased approach in regard to HRM (e.g., planning, employment, and training processes). In Romania, studies have pointed to the fact that “very often, the human resources department must unduly focus on the legal or procedural loop holes in order to put into practice the wishes of the management or politicians”⁵² and that “there is a general perception that the appointments in high level positions are politically influenced.”⁵³

The following issues are relevant to understand the politicization of the public administration:

- A high number of management positions within civil service for which employment competitions are organized during an election year. The mandate of leadership positions in public administration tends to be limited to a maximum duration of an election cycle. Thus, a large number of management functions within the public administration and high-ranking civil servant positions are filled on a temporary basis, which consistently weakens the capacity of the public administration to resist the interference of the politicians. This is generally the result of the attempt of the ruling party/parties to ensure they “preserve loyal civil servants” at the management level of public administration during the following political cycle, irrespective of the outcome of the election process. If the ruling party/parties does/do not win the election, the winning party/parties will undertake a deep restructuring of the public institutions in order to be able to lay off existing civil servants and fill the vacant positions with “new, loyal civil servants”. A vicious cycle of distrust between the political and the administrative level creates and perpetuates instability in the system.
- A high number of temporary occupied civil service management positions and high civil servant positions. During 2009-2013, recruitment was limited in public administration, and the employment method of choice was the temporary assignment of civil service positions. Transforming an exception into a rule and eliminating the temporary nature of holding of a civil service position with the intention of making it permanent, thus avoiding stricter employment procedures, can be considered a problem. However, temporary filling civil service positions cannot be a problem in itself (as a method of temporarily acquiring necessary but not otherwise available competencies).
- The dominating role of the leaders of the institutions within the civil servants’ mobility process. Since the management positions are affected by the politics, they tend to politicize the mobility of public servants. The autonomy of public servants’ decision-making and the rule of law observance are thus further weakened.

Corruption is also a problem that results from not having an efficient recruitment process. In what concerns its perception, Romania moved from position 37 in 2010 to 46 in 2015 in the corruption index of Transparency International.⁵⁴ This means the problem has deteriorated, and it is highly correlated with a human resources management system that lacks transparency, and predictability, and is based on favoritism.

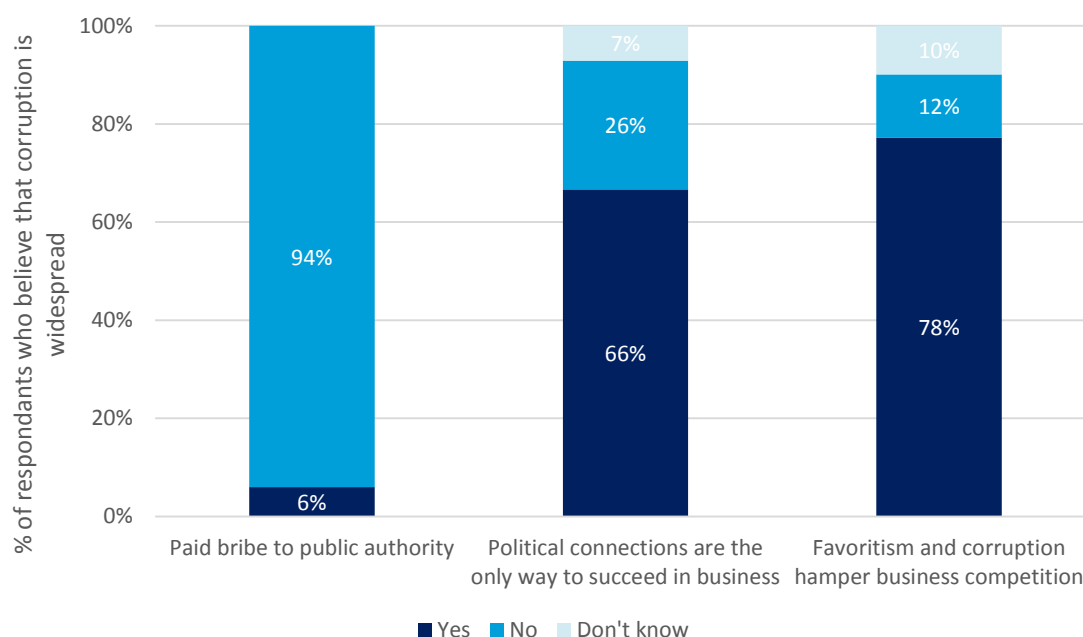
⁵² The report regarding the difficulties faced by the public administration when managing human resources (2013), pp. 10-11.

⁵³ World Bank (2011).

⁵⁴ <http://www.transparency.org.ro/>

Across EU Member States, political connections and favoritism—and bribe, to a lesser extent— affect the perception of integrity and trust in relation to public governance.⁵⁵ Favoritism and the discretionary use of power (e.g. abuse of office) by the dignitaries and/or civil servants are favored by the highly monopolistic nature of public institutions, which have privileged access to exercising power and faulty regulations or overregulation in the absence of adequate checks and balances mechanisms, coupled with feeble answerability of those in public office.

Figure 9. Perception regarding the integrity of public institutions in European countries, depending on the perception of favoritism, bribe and political connections, 2013



Source: Eurobarometer 79.1/2013

2.2.4.5. Reputation risks for the public sector and distrust in the public administration

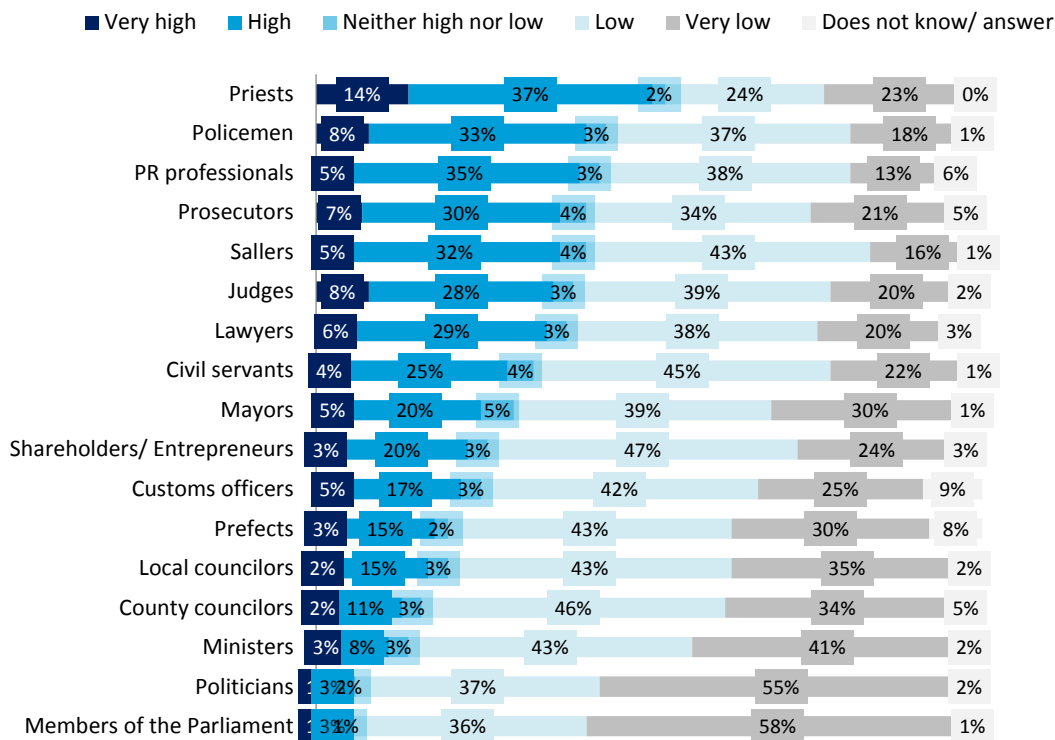
Trust in public administration is an important indicator of good governance in any country. According to a Dutch panel survey of 36 countries observed during 1995-2012, Romania performs poorly in this respect.⁵⁶ Local analyses confirm Romanian citizens' low level of trust in the public administration and politicians.⁵⁷ For example, the Romanians trust civil servants less than the commercial workers (salespersons). In the category of civil servants, police officers enjoy the highest level of trust. The ministers, mayors, politicians, and members of the parliament have even lower levels of trust than the civil servants (see Figure 10 below).

⁵⁵ Public integrity and trust in Europe and Eurobarometer 79.1/2013.

⁵⁶ The Netherlands Institute for Social Research (2015), Accomplishments of the public sector in 36 countries: a comparative analysis of the inputs, outcomes and impact, The Hague

⁵⁷ IRES Survey Romania – Society with limited Trust.

Figure 10. Romanians' levels of trust in socio-professional categories, including civil servants



Source: IRES

Since professionalism and integrity of the public administration are interwoven, the professionalization of the public administration as a goal relies on the following principles:⁵⁸

- Clear separation between the public and the political positions;
- Merit-based and competition-based recruitment and promotion;
- Ensuring a structure responsible for accountability and ensuring the right of the civil servants to refuse the enforcement of certain illegal provisions;
- Establishing a set of rights and obligations applicable to civil servants (especially obligations of impartiality and integrity, and observance of the regime of incompatibilities and conflict of interest);
- Implementation of a system to settle petitions/requests;
- Implementation of a system to evaluate professional performance in a correct manner, while observing the rights of the civil servants;
- A transparent pay system for the civil service members;
- Observing certain human resources management standards of universal applicability within the public administration.

⁵⁸ Cardona, F. and Eriksen, S. (2015), *Professionalism and integrity within the civil service*, Center for Integrity in the Defense Sector, Oslo, available at: <http://cids.no/wp-content/uploads/pdf/cids/7250-DSS-Professionalism-and-integrity-skjerm.pdf>.

The observance of these principles is a key conditionality to achieve a decrease of reputational risks currently affecting the public administration and to reduce the distrust of citizens in an administration that is neither sufficiently efficient nor effective.

2.2.4.6. Limited capacity to manage reform projects and contribute to economic and social development

Romania registered the lowest absorption rate of EU funds during the period of 2007-2013, and the absorption of structural funds was the lowest in the EU. By December 2015, it had absorbed close to 70% of the total amount available for the financial exercise.⁵⁹ Furthermore, as Romania proved to have an “insufficient pool of projects for the period 2014-2020, no list of priority projects was approved in 2015 in order to benefit from the European Union’s Investments Plan.”⁶⁰

In what concerns public investments, the Country Report underlines that they represent 20% of the total investments, or 4% of the GDP, yet they are “obstructed by management deficiencies, instability of the investment priority ranking and difficulties in absorbing EU funds.”⁶¹ With respect to foreign investments, “out of the countries with similar characteristics, Romania registered the lowest level of direct foreign investments in the GDP, both in terms of flows and stocks of direct foreign investments.”⁶²

2.2.5. Who is affected, in what ways, and to what extent?

An effective and efficient public administration is essential for turning the strategic vision of a country from an aspirational depiction of the future into a tangible day-to-day reality for citizens and businesses alike. It is the key ingredient to sustainable social and economic development. Various resources, among which human capital is essential, need to be made available at adequate levels for public administration to fulfill its mission. Individuals and organizations are, in turn, directly and indirectly affected by any institutional, legal, or organizational changes in the allocation of human resources within public administration. Therefore, they hold stakes in the process.

The whole public administration is directly affected by this issue, not only with regard to the regulation and management responsibilities of various institutions, such as NACS, MDRPA, MPF, MLFSPE and those regulating and managing special statute civil servants (described in section 2.2.1.3), but also from a strategic point of view. Strengthening the capacity of the human resources departments within the public authorities and institutions is essential in order to implement a coherent employment system. Therefore, all human resources departments are concerned with the problem tackled in this analysis.

Institutions at the center of the government, such as the Chancellery of the Prime Minister and the General Secretariat of the Government (GSG), are responsible for having a coherent employment system within the public administration. This means that the center of the government is key in developing a strategic approach to HRM and in driving further improvements in the system that can potentially help consolidate an employment system that tackles the current incapacity of the civil service system to attract and retain good personnel.

⁵⁹ Romania’s Country Report, p. 10.

⁶⁰ Ibid, p. 13

⁶¹ Ibid. p. 12

⁶² Ibid. p. 17

The Human Resources Working Group within the National Coordination Committee for the Implementation of the Strategy for Strengthening the Public Administration (CNCISCAP)⁶³ can play an important role in the process of strengthening the HRM within the public administration.

The need for training in public administration is also recognized. This necessity implies the rehabilitation of the National Institute of Administration, in addition to redefining the continuous training system (strategic, regulatory, methodological, and institutional frameworks) and developing a coherent competences framework for the public administration.

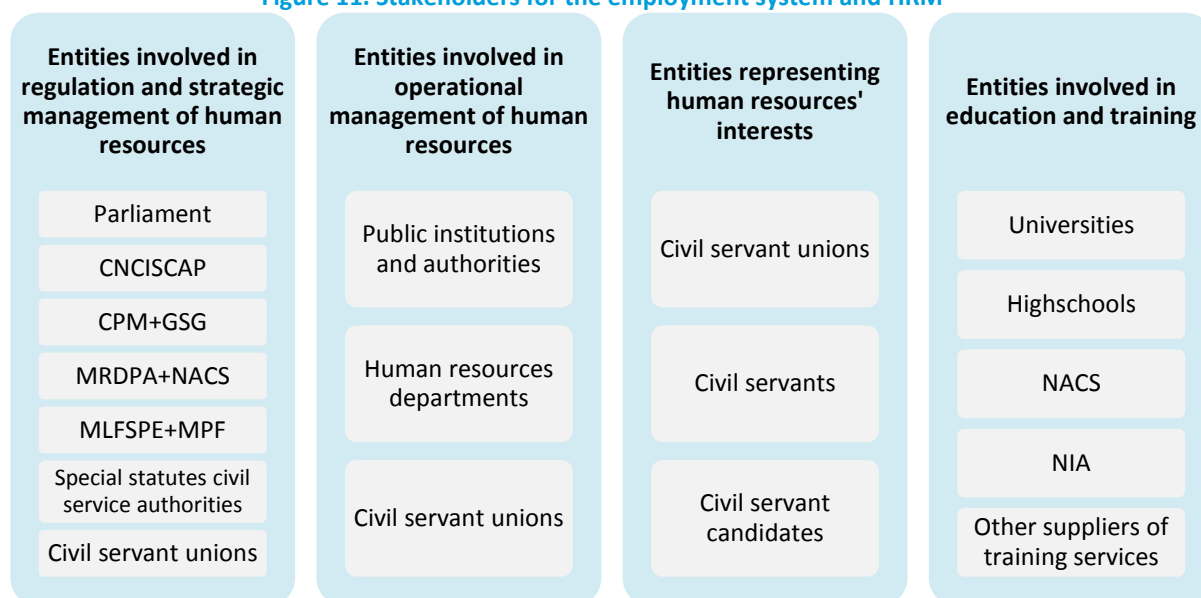
At the same time, the universities and other continuous training providers are important actors within the debates/consultations on HRM within the public administration, as well as within the training and up-skilling process by means of specialized educational programs in the field of public administration. Consolidating a system based on competences and merit implies also involving universities and training providers to support in these efforts.

Individual civil servants and civil servants' unions play an important role in developing and implementing a coherent employment system for the civil service/public administration.

Candidates for civil service positions and other positions within the public administration are beneficiaries of any employment system in place. The potential to improve a system that can be attractive for more candidates is essential for solving this problem, as current candidates face the negative effects described of the current situation.

In the figure below the main actors involved in the management of human resources are presented in a summarized manner and in relation to the design and operation of an employment system within the public administration.

Figure 11. Stakeholders for the employment system and HRM



⁶³ CNCISCAP was established by PM Decision 100/2015, as a central public administration non-legal entity that plays the strategic decision making role in implementing, monitoring, and assessment of the strategy. CNCISCAP includes the prime minister as coordinator of the committee and one representative at the minister or state secretary level of each of the following public institutions/authorities: CPM, GSG, MDRPA, MEF, MCIS, and MPF. Established technical working groups support the activity of CNCISCAP.

Section 3. Elaboration of regulatory and non-regulatory options and impact assessment

3.1. Objectives of the government intervention and policy options

As mentioned in the previous section, Romania is currently confronted with a reduced capacity of the central public administration to attract and retain adequate staff that would contribute to good governance, economic development, and the improvement of Romania's performance as an active player at the European and international levels.

Having identified the problem, alternative government interventions need to be designed and assessed, while taking into consideration the policy objectives that are defined clearly and in advance. The failure to be explicit about objectives, i.e., to evaluate options without considering what is to be achieved, led Keeney⁶⁴ to assert that "starting with options is putting the cart before the horse."

Options are important inasmuch as they contribute to achieving clearly defined objectives which reflect the proposed level of ambition of the decision maker: 1) general or all-encompassing objectives, linked with the existing policy setting with the same or similar objectives; 2) specific objectives that take account of the envisaged specific domain and particular nature of the policy intervention under consideration; 3) operational objectives, defined in terms of the deliverables or objects of actions.⁶⁵

Thus, it is clear that any government intervention in the matter of analysis has to contribute to the development of a public administration that aids the economic and social growth of the country (major impact expected in the long-term of the intervention). More short- and medium-term goals have to be pursued, particularly in building and promoting HRM practices that are based on merit, transparency, consistency, and predictability, i.e. the required results that will trigger impacts. The operational objectives in Table 6 show the main outputs that have to be achieved if the government is to address the problem in order to produce a causal chain of effects.

Table 5. Problem definition and policy objectives

Problem definition	Reduced capacity of the central public administration to attract and retain adequate staff that would contribute to good governance, economic and social development, and the improvement of Romania's performance as an active player at the European and international levels.	
Policy objectives	General objectives	Develop a public administration that actively contributes to the economic and social development of Romania, and position the country as an active participant at EU and international levels
		Ensure integrity within the public administration
		Promote good governance practices
		Improve public service delivery in Romania
		Ensure the rule of law in public administration
	Specific objectives	Promote meritocratic, transparent, consistent and predictable HR management within the central public administration
		Promote and implement an actual career-based civil service

⁶⁴ Keeney, R. L. (1992), *Value-Focused Thinking: A Path to Creative Decision Making*, Harvard University Press, Cambridge, MA.

⁶⁵ World Bank (2015), RIA Guidelines. Report prepared under the Advisory Services Agreement on Strengthening the Regulatory Impact Assessment Framework in Romania, Bucharest.

		Observe the constitutional right of citizens of equal access to civil service positions
		Improve transparency of HRM
		Reduce and prevent the influence of politics in recruitment and promotion
		Guarantee professional autonomy of the civil servants
		Ensure long term sustainability of in the HRM
		Rebalance the upside-down professional ranks pyramid
	Operational objectives	Improve and stabilize the regulatory framework in the field of civil service
		Reduce the negative incentives that prevent the central public administration from being an employer of choice
		Develop an employment system in the central public administration that corresponds to the meritocracy objective
		Establish, by law, an objective grading and remuneration system
		Prevent politicization and promote professionalism within the central public administration

Ideally, policy objectives need to be defined such that they observe the SMART rule,⁶⁶ and, in this respect, the above detailed objectives are discussed in further details here:

- **Specific:** the proposed objectives target the consolidation of a meritocratic system across central public administration; the policy intervention should aim to reduce negative incentives, prevent or decrease politicization, promote professionalism, establish a generally applicable and fair and efficient grading and remuneration system, and stabilize the regulatory framework in order to consolidate a transparent, consistent, and predictable HRM within the central public administration.
- **Measurable:** Even if data are not sufficiently available to define a coherent baseline and corresponding quantitative policy targets—due to the current HRM fragmentation—the proposed objectives clearly suggest the nature of the specific targets needed to facilitate the transition of the current HRM towards a more career-based one. As Doran puts it, “[...] these criteria don’t say that all objectives must be quantified on all levels of management. [...] It is the combination of the objective and its action plan that is really important. Therefore, serious management should focus on these twins and not just the objective.”⁶⁷ In this respect, the preferred policy option is accompanied by the required implementation plan. Furthermore, the implementation of the proposed M&E framework will contribute to the fine-tuning of specific indicators and set quantitative targets against which progress can be measured over time.
- **Achievable:** Considering that the intervention should be able to reach a coherent agreement on the need for reform and consolidation of the HRM in the central public administration, the suggested objectives are structured in a causal chain where inputs and activities will allow the consolidation of key outputs (operational objectives) that will result (specific objectives) in an impact (general objectives) for Romania.
- **Relevant:** The suggested objectives are thought to solve the problem that has been presented in Section 2, tackling the causes in order to reduce the negative effects that are currently present in the HRM practices in Romania in the central public administration.

⁶⁶ Specific, Measurable, Achievable, Relevant, and Time-dependent.

⁶⁷ Doran, G. T. (1981), "There's a S.M.A.R.T. way to write management's goals and objectives" in: *Management Review*. AMA FORUM. 70 (11): 35–36.

- Time-dependent: The proposed policy objectives cover a 10-year intervention period, during which at least the operational objectives need to be achieved and the specific ones start being monitored.

Based on the identified objectives, three policy options have been developed to address the issue at stake. One stakeholders' consultation meeting was organized on March 29th, 2016 with the aim of understanding the stakeholders' opinions regarding the problem definition on the proposed policy objectives and on the potential policy options. Stakeholders' feedback was subsequently incorporated and is reflected in the analysis.

For comparability purposes, all three options include three main and common elements, that are considered critical to any potential integrated solution to the identified problem. Each policy option is then assessed against the same set of criteria developed based on the identified policy objectives:

- Strategic HRM
- Employment procedures for civil service positions
- Training in HRM

This approach responds to the complexity and the nature of the employment practices currently applied in Romania and the fact that any further improvement to consolidate a meritocratic system goes beyond recruitment by itself. This also reflects the need to strengthen institutional capacities and competences within civil servants.

Option 1. Incremental reform of the employment system in the central public administration

This option implies the improvement of current practices already described in Section 2, the baseline scenario, and reforms specifically dedicated to the civil service, through the implementation of the measures included in the Strategy for the Development of the Civil Service 2016-2020 (SDCS).⁶⁸ An overview of these measures appears below.

Strategic HRM:

With respect to the HRM, the SDCS includes actions to clarify and extend the mandate of the NACS, strengthen the integrated approach of HRM, clarify the mandates of different HR categories within public administration, improve the capacity of HR departments, and ensure adequate technical support (ICT) to improve the public administration HR record keeping and HRM for civil service.

The SDCS envisages the clarification of the role and mandate of the NACS in order to ensure a higher quality HRM within civil service. In this context, NACS will continue to play its current roles regarding the HRM (regulation, methodological coordination, administrative tutelage, monitoring, and control). Its mandate is to be enlarged to include ex ante assessment of public institutions restructuring initiatives, the provision of technical assistance and monitoring for the restructuring processes. The HR monitoring role of the NACS is to be extended to also include other but not all categories of public administration personnel.

The SDCS also envisages the creation of a "council": an independent governance structure that is expected to issue opinions on the HR related strategies for both the public administration and the civil service within, and to assess their implementation. As described, the envisaged "council" will only

⁶⁸ The Strategy for the Development of the Civil Service 2016-2020 (SDCS) was adopted by the Government of Romania in July and published in the Official Journal in September 2016.

ensure a soft institutional instrument for the decrease of the current fragmentation of HRM in public administration.

The SDCS aims at clarifying the roles and mandates of various HR categories within public administration and integrating the institutional and management approaches of such categories.

According to the provisions of the SDCS, the further institutional consolidation of the NACS is to be postponed until 2020, taking into consideration the implementation outcomes.

Employment procedures for civil service positions:

By the end of 2019, the SDCS aims to implement a significantly improved system of recruitment, promotion and professional assessment based on standard required general and specific skills, relevant experience and the professional results obtained. The envisaged actions are expected to increase professionalism and stability and to ensure clear career options within civil service.

The SDCS provisions regarding employment in executive positions are to address a larger share of the HR within public administration, but only if categories other than civil servants are to be included in the civil service sector. The strategic actions related to employment within civil service foresee a combined system of national competition and job recruitment to be piloted starting 2018.

The provisions related to employment in the management positions refer to a distinction made between operational and executive management positions. For the latter category of positions, the SDCS introduces an additional selection criterion, namely the convergence between the shortlisted candidates' approaches and the mandate of the politically appointed employer.

Training in HRM:

According to the provisions of the SDCS, HR personnel will be considered a strategic target group for the training policies dedicated to the improvement of the public administration performance. Both the SDCS and the Strategy on Training for 2016-2020 foresee the implementation of leadership training programs in the field of HRM dedicated to the high-ranking civil servants and to management level civil servants.

The recently re-established National Institute of Administration is to become operational by the beginning of 2017. However, NACS is expected to retain its coordination role in the strategic planning design, implementation, and evaluation in the field of training.

Option 2. Consolidation of a career-based system in the central public administration

This option implies a comprehensive reorganization of the employment system and practices in the central public administration, including measures such as the following:

Strategic HRM:

Option 2 stresses the importance of having in place a clearer definition of civil service, an adequate institutional architecture, better planning of the human resources and consistent implementation of initial and continuous training programs in the field of HRM. These are preconditions for the central public administration to improve its capacity to attract and retain adequate staff.

Option 2 proposes i) the definition of professional corps within civil service depending on the content of the job descriptions and ii) professional grades depending on the seniority, specific skills and level of accountability required for each level.

In terms of institutional framework, Option 2 focuses on reinforcing the role of NACS in the HRM by becoming responsible for the strategic management of all human resources within the central public administration. Special statutes corps will make an exception to this rule. However, NACS will receive from these corps the necessary information to have a more comprehensive image of the civil service within central public administration.

Employment procedures for civil service positions:

Option 2 proposes a new employment system. According to this, any individual will be able to access civil service as a debutant civil servant. The initial recruitment procedure will be open, centralized, competitive, and merit-based and will be followed by a one-year induction and probation period.

Civil servants will have the opportunity to progress within a meritocratic and competitive career-based civil service organized in professional corps.

The promotion of civil servants shall be organized as a national, internal recruitment competition open to all eligible civil servants. Public management and high civil servant positions will also be occupied by internal recruitment and internal mobility and from sources outside the civil service as an exception (e.g., for professions established in the labor market or when the civil service lacks the internal resources that could be mobilized by internal recruitment or mobility). Temporary appointments will also be governed by the principle of exceptionality. Reserve civil servants will be eligible to apply for vacant positions open for internal recruitment procedures and they must attend such internal recruitment contests to retain the quality of reserve civil servants.

Training in HRM:

The civil servant's development of professional competences and career advancement in general will be supported by an adequate and consistent initial and continuous training process organized by the public administration.

Human resources departments from the ministries and the members of the employment committees will benefit from specialized training programs implemented by NIA under the methodological coordination of NACS.

Option 3. Improvement of existing HRM practices in the central public administration

This option implies the better use of existing instruments within the civil service (e.g., managerial, training, coordination and support), including these actions:

Strategic HRM:

The proposed option maintains the current structure and role of the stakeholders within the provisions of the current legal framework. The role of NACS shall be maintained and strengthened by (1) promoting the role of the human resources departments in human resources-related decision making within public institutions at the central level of public administration; (2) ensuring adequate training of the managers of central public institutions and human resources experts regarding the employment process; (3) developing unitary indicators for the measurement of professional performance; (4) improving the employment planning; (5) increasing the methodological support of public institutions regarding HRM; (6) standardizing job descriptions; (7) awareness raising campaigns.

Employment procedures for civil service positions:

The current employment system shall be maintained while trying to improve the transparency of the procedures. The announcement regarding the organization of employment competitions will be standardized by NACS so as to include necessary information such as job description (main duties), the necessary level of knowledge and skills, the salary, and promotion prospects.

Training in HRM:

In order to professionalize and streamline the recruitment process, the involved staff (members of the selection boards, including the corresponding procedure and the staff from the human resources departments will be trained on a regular basis.

3.2. Methodological approach of the policy options assessment. Multi-criteria analysis (MCA)

Due to the complexity of the proposed policy options, the fact that they generate impacts that are both quantitative and qualitative nature with various degrees of uncertainty attached, and the fact that only a few of the costs and benefits are susceptible to be expressed in monetary terms, a multi-criteria analysis is a more adequate assessment methodology for the comparison of policy options at hand when compared to other existing methodologies, such as cost-benefit or cost effectiveness analysis.

Following the policy options development, critical to any MCA employed to prioritize the policy options are the definition of adequate assessment criteria, the setting of the corresponding scoring system and the allocation of adequate weights to different assessment criteria. Finally, in order to ensure a satisfactory degree of objectivity and transparency of the policy prioritization process, the identification of all the relevant stakeholders is required, and their active involvement in the assessment is desirable.

3.2.1. Definition of the assessment criteria, sub-criteria and indicators

In the context of multi-criteria analysis, criteria and sub-criteria are usually derived to enable discrimination between the devised policy options alternatives. As performance measures of the policy options, criteria and sub-criteria are used to describe *“how well, according to the assessors’ opinion, the policy options under consideration meet the desirable policy objectives derived from the analysis of the identified and investigated problem.”*

The set of the assessment criteria was derived such that it meets the desirable qualities of being complete, non-redundant and operational while reflecting mutual independence of preferences, avoiding double counting and having a reasonable size.

The following table synthesizes the process of defining adequate performance criteria for the assessment of the policy options within the current exercise.

Table 6. Performance criteria for the policy options

Assessment criteria and sub-criteria	Effectiveness, measured by:	Openness degree of the system
		Competitive and depoliticized nature of the system
		Predictable nature of the system
	Political feasibility or acceptance by:	Political class
		Trade unions
		Society at large (businesses, citizens, candidates)
		Universities (including students)
	Administrative feasibility or acceptance by:	Individual civil servants
		Collective vested interests in public administration
	Adequate staff attraction and retention by means of adequate incentives, such as:	Professional career
		Training opportunities
		Fair and motivating pay system
	Better administration by means of promoting:	Public interest
		Integrity
		Responsibility
		Transparency
		Open governance
	Initial costs; staff, material and capital expenses incurred by:	Common interest of EU Member States
NACS		
Operational costs; staff, material and capital expenses incurred by:	Other central public administration	
	NACS	
	Other central public administration	

The following subsections elaborate on the identified criteria, sub-criteria and indicators where appropriate.

3.2.1.1. Effectiveness

“Effectiveness” usually refers to the ability of an action to be successful and produce the intended results. In the context of the current exercise, “effectiveness” describes the extent to which the public policy option contributes to the objective of having a meritocratic, depoliticized, and operational HRM system.

A meritocratic HRM system is professional, open, competitive, transparent, and competency-based, where the decisions are objective and predictable, being made according to the law. A depoliticized HRM system is neutral, professional, predictable, and promotes the public interest. An operational HRM system is one that generates expected results in an efficient manner.

3.2.1.2. Stakeholders and political feasibility

“Political feasibility” refers to the capacity of the public policies framework to be accepted by all the stakeholders affected by the problem in order to strengthen the role of the civil service as a legitimate power (based on the merit principle) that counterbalances the political power (based on the electoral process) in the public administration and represents the continuity of the public services.

Political feasibility takes into account all the stakeholders that may be involved in the public debate who can either support or hinder the implementation of the public policy based on different perspectives of the employment system within the central public administration. Various motivations, systems of values, resources required or willing to dedicate, and action frameworks determine the attitude and intensity of the reactions of each stakeholder category.

The following categories of stakeholders have been identified (as noted in Section 2.2.3.): NACS; other central government institutions and authorities (including the territorial level) both at the management and the technical level from human resources and financial departments; political parties, members of the parliament; universities as providers of higher education programs focused on public administration and students; civil servants unions and individual civil servants; candidates to civil service recruitment competitions; society at large, NGOs, and businesses.

Table 7. Stakeholders and political feasibility

Political class	A lower level of arbitrary influence of the political class in public administration, civil service employment included, can increase society's level of trust in the public administration, as well as, in turn, it can increase the trust of the political class in the professionalism of the public administration.
Trade unions	The improvement of the statute of civil servants and of the career prospects may lead to a decrease in the number of conflicts regarding the violation of the rights of civil servants. Trade unions need to evolve to assume a clearer role as “guardians of the merit system.”
Society (citizens, media and business environment)	It is expected that it would support the transition to a meritocratic, depoliticized and functional HRM system within the public administration, as it would benefit the society as a whole.
Universities	They must adapt their curricula so that students will acquire the necessary competences for a meritocratic system such as leadership, integrity and professionalism, communication, and analysis skills. Also, the universities can improve the performance of the employment system by having representatives from academia on the evaluation boards and by developing analyses, substantiating some options/versions of public policies, and facilitating innovation within the public administration.
Students/candidates in employment competitions	It is expected that they would support the transition to a meritocratic, depoliticized, and functional HRM system within public administration. They will develop their necessary competences in order to be able to access a meritocratic and depoliticized civil service system.

Stakeholders belonging to public administration and their potential acceptance of the policy options are treated distinctly in this RIA exercise, under administrative feasibility.

3.2.1.3. Administrative feasibility

The administrative feasibility refers to the extent to which the public policy option is accepted or can be implemented without strong resistance within the public administration, where there are distinct legitimate, individual, or group interests (i.e., of some of civil servants categories occupying executive, management, or high civil servants positions).

Potential resistance to change can come from the individual attitudes of the civil servants, psychologically determined by the need to make personal efforts in order to adapt to change and to facilitate it, as well as from the exercise of power relations within the bureaucracy.

The psychological resistance to change can be overcome through proper training and information. The opposition of the stakeholders, determined by the exercise of power relations within the administration, can be overcome with the argument of the authority, by amending regulations, through political will, and by defining and implementing the regime of incompatibilities and conflicts of interests.

3.2.1.4. The capacity to attract, retain (and develop) appropriate staff

The public policy option ensures the capacity of the central public administration to attract, develop and retain the appropriate staff and ensures a civil service system that is attractive to citizens, based on professional careers, offers real opportunities for training in order to acquire the appropriate competences, includes a motivating pay system, and enables professional prestige and social respect.

3.2.1.5. Good administration under the European Charter of Fundamental Rights (art. 41)⁶⁹

The public policy option provides the necessary conditions for good administration by promoting the general interest, integrity and responsibility within the public administration, transparency, open governance and serving the common interest of EU Member States (under the Treaty on the Functioning of the European Union (TFEU art. 197)).

3.2.1.6. Initial costs

The “initial costs” represent the costs incurred when transitioning from the status quo to the one proposed by the public policy option.

The initial costs refer to staff expenses, material expenses (goods and services), and capital expenditures (investments).

The NACS and the other institutions and authorities within the central public administration, mainly the human resources departments within the institutions and authorities, will bear these costs, in different percentages. This will occur only once for the initial change, if necessary. Conventionally, in order to simplify the assessment process, the initial costs are considered as being covered at present although, in practice, the transition may assume that the expenditures are broken down over several years.

⁶⁹The right to good administration:

- 1) Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- 2) This right mainly includes:
 - a) the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - b) the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - c) the obligation of the administration to give reasons for its decisions.
- 3) Every person has the right to have the Union make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
- 4) Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

The following indicators can be used to measure the initial (transition) costs of the public policy.

Table 8. Initial costs associated with the implementation of the public policy, broken-down by bearers and categories

Initial (transition) costs of the public policy	NACS	Staff expenses	Remuneration costs for the additional staff needed by NACS in order to develop the IT system
			Remuneration costs for the additional staff needed for the implementation of the policy option (other than in-house IT platform development)
			Staff training costs needed for policy transition
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the implementation of the policy option
	Costs for the implementation of the communication strategy regarding the transition to a new HRM system		
	Other central public administration	Staff expenses	Remuneration costs for the additional staff needed for the implementation of the policy option (other than in-house IT platform development)
			Staff training costs needed for policy transition
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the implementation of the policy option
Capital expenditures (investments)			Procurement costs in order to adjust the features of the existing IT system to meet the requirements of the newly improved IT platform operated by NACS, if appropriate (hardware and software)

3.2.1.7. Operational costs

The operational costs are the costs associated with the operation of the system within the timeframe considered (10 years), as a result of the implementation of the public policy. These may vary (can be reduced) significantly over time. The operational costs mainly include staff costs and material costs, but may also involve capital expenditures (required to update the IT system, for example).

The NACS and the other institutions and authorities of the central public administration, mainly the human resources departments, will bear different shares of costs, according to their specific roles in the process.

The following indicators can be used to measure the operational costs of the public policy.

Table 9. Operational costs associated with the implementation of the public policy, broken-down by bearers and categories

Operational costs of the public policy	NACS	Staff expenses	Staff remuneration costs related to monitoring, reviewing, and updating of the IT system
			Staff remuneration costs for the additional staff needed for operating the HR system devised by the policy option
			Staff training costs needed for policy implementation
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the operation of the policy option
	Capital expenditures (investments)	Procurement costs in order to review and update the existing IT platform, if appropriate (hardware and software)	
	Other central public administration	Staff expenses	Remuneration costs for the additional staff needed for policy compliance
			Staff training costs needed for policy compliance
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the implementation of the policy option
Capital expenditures (investments)		Procurement costs in order to adjust the features of the existing IT system to meet the requirements of the newly improved IT platform operated by NACS, if appropriate (hardware and software)	

3.2.2. Policy options assessment procedure

After the relevant set of assessment criteria was devised, the prioritization exercise of the policy options was designed and performed as a collaborative exercise with the participation of the stakeholders. The objective of the stakeholders' consultation meetings was twofold. First, it aimed to allow the working group to communicate to the stakeholders the current intermediary results of the RIA analysis (problem definition; policy options; assessment criteria). Second, it sought to stimulate the active involvement of the stakeholders in the assessment of the current situation and each of the identified policy options against the same set of criteria the policy options are expected to meet. Additionally, as part of the assessment exercise, stakeholders' representatives were asked to assign corresponding weights to criteria that would reflect their relative importance in the assessment process.

For each consultation meeting up to 15 participants from the same stakeholders category were invited to reflect the relevant stakeholders' points of view in the assessment.

The meetings, each of which lasted approximately five hours, included two plenary sessions, an initial and a final one, and three parallel working sessions.

During the initial plenary session, the organizers, NACS representatives, and a World Bank Group consultant presented the aim of the meeting and the documents on the problem definition, policy objectives, policy options, assessment criteria, procedure, and form and offered participants further explanations where needed.

During the parallel working sessions, participants were divided into working groups of three to five participants. Each working group was allocated the task of assessing one of the three policy options against the common set of criteria using the assessment form provided.⁷⁰ For each of the criteria, the working group decided by either consensus or voting the level up to which the policy option satisfied the criterion. Assessment results were substantiated by appropriate explanations.

For the final plenary session each working group nominated a representative who presented the results of the policy assessment to all the participants and stressed the underlying (qualitative) explanations where necessary. After the presentations were delivered, the remaining participants were asked to validate or modify, according to their understanding, the results of the assessment of the policy options they were not assigned initially by either voting individually or deciding consensually as groups. Additionally, each participant was asked to choose five assessment criteria among the seven proposed—specifically, those considered to be the most relevant for the assessment exercise.

3.2.2.1. Assessors of policy options

The following seven categories of stakeholders were identified during the RIA analysis working sessions: the NACS and other central government institutions and authorities (including the territorial level) at the management level and the technical level from human resources and financial departments; political parties and members of the parliament; universities as providers of higher education programs focused on public administration and students; civil servants unions and individual civil servants; candidates to civil service recruitment competitions; society at large, NGOs, and businesses.

Ideally, for each of the seven categories of stakeholders, a dedicated meeting session should have been organized, in order to carry out the collection of stakeholders' opinions in a potentially less conflictive manner. However, due to resource constraints, only three meetings were organized to help meet the objective of having a genuine consultation process.

The first meeting was dedicated to NACS staff other than those directly involved in the RIA exercise working group. The meeting was also meant to help testing the devised assessment procedure before involving the other stakeholder groups.

The second meeting involved the other central government institutions. Heads of public institutions, of human resources, and of financial departments from central public administration were invited to attend the meeting.

The third meeting was dedicated to civil society groups, such as representatives of universities, students, candidates, unions, and NGOs other than unions.

3.2.2.2. Scoring of the options against the criteria

The following documents (synthetic presentations) were prepared and made available to the stakeholders prior to each assessment meeting: the problem definition; the policy objectives; the three policy options (separate documents); the assessment criteria and the assessment form.

⁷⁰ Due to a low participation rate to the assessment exercise (i.e., only five participants were involved), participants in the third meeting, dedicated to universities, students, candidates, unions, and NGOs other than unions, were not split into three working groups. Instead, they were asked to assess the options as a single group, making decisions either through consensus or individual voting.

The assessment criteria were formulated as easily readable questions: “To what extent does the current policy framework meet the criterion on a scale from 1 to 10, where 1 means ‘to a very low extent’ and 10 means ‘to a very high extent?’” and “To what extent will the policy option meet the criterion in 10 years’ time, on a scale from 1 to 10, where 1 means ‘to a very low extent’ and 10 ‘to a very high extent?’”. Additional explanations regarding the exact content of each of the criteria were provided, as developed in previous sub-sections.

Following the procedure detailed above, each of the stakeholder groups made its own assessment according to its “common” understanding of the issues at stake. Equal weights were later assigned to the evaluation results of each stakeholders group.

3.2.2.3. Weighting of the criteria

As mentioned before, after the assessment of the current situation and of each of the policy options after 10 years, the participants in each of the consultation meetings were asked to individually choose five out of seven assessment criteria they considered to be the most relevant to the assessment exercise. Importance weights were thus derived by each stakeholders group for each of the criteria, according to the total number of participants in each assessment group. This means that the total number of votes collected from each criterion was divided according to the total number of votes (five multiplied by the number of participants in the respective working group).

The final weight of each criterion was later calculated as an arithmetic mean across the three stakeholders groups.

Table 10. Performance matrix model

Criteria	Assessment	Scores according to criteria ⁷¹ (1 to 10)			Weights of criteria ⁷² (%)	Weighted results				
		Now	In 10 years			Now	In 10 years			
			O1	O2			O3	O1	O2	O3
	0	1	2	3	4	5	6 = 1*5	7 = 2*5	8 = 3*5	9 = 4*5
	Effectiveness									
	Political feasibility									
	Administrative feasibility									
	Adequate staff attraction and retention									
	Better administration									
	Initial costs									
	Operational costs									
	TOTAL	-	-	-	-	100	Σ_p^{73}	Σ_{O1}^{74}	Σ_{O2}^{75}	Σ_{O3}^{76}

⁷¹ Arithmetic mean of the assessment results obtained by the stakeholders groups: NACS, other central public administration, and civil society.

⁷² Arithmetic mean of the weights assigned to criteria by the stakeholders groups: NACS, other central public administration, and civil society.

⁷³ Sum across criteria for the current situation assessment.

⁷⁴ Sum across criteria for the assessment of Option 1.

⁷⁵ Sum across criteria for the assessment of Option 2.

⁷⁶ Sum across criteria for the assessment of Option 3.

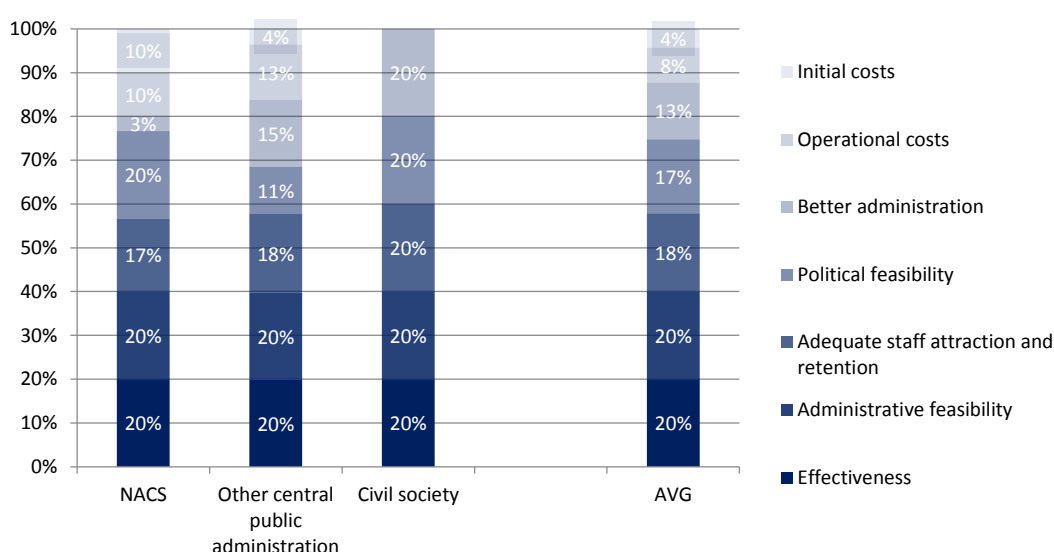
3.3 Main results of the assessment of the current situation and policy options against the full set of criteria

3.3.1. Main results of the evaluation of the importance of the criteria

Stakeholders' representatives participating in the assessment exercise considered that, on average, the effectiveness and the administrative feasibility were among the most important criteria to be met by the policy framework, with equal shares of 20%.

The capacity of the system or of the policy option to ensure adequate staff attraction and retention and to be perceived as politically acceptable followed, with a share of 18% and 17%, respectively.

Figure 12. Weights of the criteria according to stakeholders' assessment (100% stacked column chart)



Unlike other stakeholder categories, civil society representatives considered that all criteria should have an equal share in the assessment of the current situation and of the policy options. A notable exception, however, was the associated initial and operational costs criterion, which they debatably considered to be less relevant due to the fact that if political and administrative feasibility is ensured, and its importance is reflected in the stakeholders' assessment, the budgetary resources needed for implementation will be made available irrespective of the size of the costs. A more objective explanation of this approach, which was also mentioned during the consultations, is that the size of the associated initial and operational costs is difficult to assess due to the complexity of the policy options and their lack of necessary quantitative details. This explains the small weights associated on average by the stakeholders with the criteria of initial and operational costs of the policy option.

For a different presentation of the results of the weights assessment associated with the criteria (pie charts), please see Annex 1.

3.3.2. The current situation of the Romanian civil service: what would the future look like without the government's intervention (baseline scenario)?

The current policy framework regarding the civil service employment system is relevant to the multi-criteria assessment of the potential policy options since all of the options were assessed against the current situation and employed the same set of criteria. Taking into consideration the nature of the

identified problem, its underlying triggers, and its corresponding effects, the analysis of all policy options, including the current policy framework, concentrates on the civil service employment procedures within the central public administration. However, the lack of a strategic management of human resources, the dysfunctional remuneration system, and the ineffective continuous training in HRM are important dimensions of the identified problem.

Given the identified problem of the civil service employment at the level of central public administration, the consideration given to a policy option that aims at non-intervention in civil service employment might be unexpected. Nevertheless, the reason for seriously investigating such an option is manifold.

First, the current problem of the civil service might worsen in the future; it could potentially remain as difficult as it is today or improve without any of the policy interventions taken into consideration under the current RIA exercise. The latter outcome might be generated by other policy initiatives the decision makers are to implement, such as the Strategy on the Development of Civil Service 2016-2020, which has been adopted but not yet fully implemented. Multiple aspects reflected in the section dedicated to problem definition are addressed by considering the mentioned strategy. However, partly due to its very nature, the content of the strategic document lacks the necessary level of detail to accurately assess the impact it might generate. Furthermore, the impacts of strategic provisions are generally highly dependent on the implementing capacity of the decision makers. Thus, a high degree of uncertainty is affecting the future development of the current situation. The further the time horizon, the higher the degree of associated uncertainty.

Second, taking into consideration a “do nothing” policy option and its proper investigation in terms of potential impacts may offer the necessary reference scenario for the comparison and prioritization of the other identified policy options.

For all of the above reasons, the “do nothing” policy option is given proper consideration and equal treatment in terms of assessment procedure.

Due to the fact that no systemic change may be implemented instantly or in the short run, for each of the considered public policy options, a timeframe of 10 years is taken into account for the assessment of the impact.

3.3.2.1. The strategic management of human resources in the central public administration

NACS is a public institution subordinated to the MDRPA that plays the role of the regulation body and ensures the methodological coordination, administrative tutelage, monitoring, control, and training in the civil service field.

Other public authorities, institutions, or committees involved in the strategic management of human resources in the central public administration are MDRPA, CPM, GSG, MPF, MLFSPE, and CNCISCAP.

The human resources departments within the institutions of the central public administration are also important actors in human resources management. As shown in the analysis of the causes and effects of the central problem of the civil service employment system, human resources departments have a limited capacity to implement HRM particularly because they lack specialized training and focus on personnel management, thus concentrating almost exclusively on administrative and legal procedures related to civil service.

At the individual level, civil servants have the theoretical right to manage their own careers by improving their competencies through lifelong learning and training activities and by identifying and competing for the most suitable positions within the civil service system.

According to the *Law on the Statute of Civil Servants*,⁷⁷ the Romanian civil service system is career-based, with three classes and four professional levels. Theoretical procedures for internal promotion in higher professional levels and management positions are in place. In practice, the recruitment for public positions is to a large extent accomplished on-the-job rather than in a career-based system (i.e., through internal recruitment or promotion).

3.3.2.2. The civil service employment procedures

The law regarding the status of civil servants stipulates the following possibilities of employment in the civil service: 1) recruitment; 2) promotion; 3) mobility, which includes transfer, delegation, assignment/secondment, temporary appointment to a management position, and temporary appointment to a high civil servant position; 4) redistribution from the reserve body. No order of priority is provided in the law or the secondary legislation for the adoption of the employment method.

In addition, contractual employees from public administration can become civil servants if the institution decides to transform existing contract-based positions into civil service positions on the basis of job descriptions and if these include the types of activities of “public power prerogatives” (mentioned in the description of civil servants and personnel category). Although Law no. 188/1999 defines the scope of the civil service, in practice there is no clear and consistent delimitation between the job description of contractual positions and of civil service positions.

According to the regulations, there are several procedural steps for recruitment for all types of civil service positions and promotion to management positions. These steps are as follows: 1) announcement/notice of the competition; 2) establishment of the competition committee; 3) submission of the dossiers for the competition; 4) administrative selection of the candidates’ dossiers, 5) where appropriate, specific testing of computer usage and foreign language skills (based on general and specific conditions); 6) written test; 7) interview by the selection committee.

As required by law, in regard to both recruitment and promotion to a higher level or class or in a management position, the on-the-job selection of candidates is based on fulfilling general and specific conditions and on competition. The candidates are evaluated by a selection committee consisting of three members for operational positions and of five members for management positions.

In an actual career-based system, promotion procedures should be similar to those applicable for recruitment. Following promotion, the job description applicable to the successful candidate should be complemented with tasks and responsibilities corresponding to the higher professional level. However, in practice, once the civil servant fulfills the conditions for promotion (i.e., minimum years of seniority, “good” or “very good” levels of performance in the position, and a lack of administrative sanctions during the previous two years) and if the budgetary provisions allow, the position of the civil servant is transformed into one of an immediately higher professional level instead. The competitive character of the promotion procedure is thus diminished to a mere formality. Furthermore, there is no competency framework in place to consistently differentiate between various professional levels within public institutions and, most importantly, across central public administration.

⁷⁷ Law no 188/ 1999, as twice republished and subsequently amended and supplemented

For the appointment in high civil servant positions, the selection procedure includes alternative preconditions to be fulfilled by the candidates, such as the graduation of the specialized training program for holding a high civil servant position or having been a member of the parliament for a full term.

Mobility in the civil service sector (e.g., transfer, delegation, and temporary assignment) is used less frequently than promotion and recruitment as a means of filling in the public positions.

In the case of temporary appointment in a management or high civil servant position, the candidates are selected without any contest. This form of employment is frequently used. (Between 2011 and 2015, the number of positions for which public employers resorted to this form of mobility varied between 4,751 and 3,050, respectively.)

Redistribution from the reserve body is rarely used as a means of employment (in 2011, maximum number of redeployments during the 2011-2015 period was of 413).

3.3.2.3. Initial and continuous training in HRM

Since the National Institute for Administration was restructured and included within NACS as a department, NACS has been ensuring the initial and continuous training in the civil service field in general and, to a lesser extent, in HRM. NACS has also been playing strategic coordination roles in the field. Other public institutions currently develop and implement training programs tailored to their needs.

3.3.2.4. Anticipated impact of the current situation in 10 years' time

In the current context, the lack of clarity and the instability of the civil service regulatory framework regarding the management of human resources within the public administration and the pay of the personnel working within the public administration have significant negative effects on the quality of governance as well as on the Romanian economy and society.

Governance indicators utilized by the World Bank (Worldwide Governance Indicators) and by other rating and financial institutions include corruption control, rule of law, government efficiency, political stability, and quality of regulations. Therefore, the worsening of the indicators regarding corruption control and quality of regulations due to the failure of the public administration to attract and retain adequate personnel will have negative effects on the economy of the country and on its position in relation to international partners.

The lack of a personnel strategy within the public administration and of an electronic national system of employment record-keeping led to the ad-hoc management of human resources within the public administration, a hasty institutional reorganization, and reform measures that are not consistent with the fundamental norms of the state (see the emergency ordinances which led to reorganizations which were declared unconstitutional). The lack of a coherent and responsible approach to human resources management within the public administration led to the current situation in which, after more than 25 years of reform within the public administration, it has been acknowledged that the public administration does not have personnel with adequate competences (adequate level) in certain sectors, to implement reform programs for public services in order to promote Romania at the international level.

Although the regulatory framework promotes the principles of open competition, professional merits, and competition, equal opportunities, the practice utilized in order to occupy civil service management positions (e.g., through temporary appointments) mainly leads to a depreciative

perception regarding the employment system within the public administration and human resources management. We have illustrated these aspects in the sections above, regarding the causes and effects of the problem.

The no-action option (namely, maintaining the status quo) will lead to the perpetuation of the malfunctions signaled in regard to instability of regulations, institutions, management positions, and domination of the ad-hoc approaches, without accountability of the stakeholders, in order to temporarily solve certain issues in the field of human resources management within the public administration. It has to be emphasized that the no-action option can suffocate the initiatives for improving the human resources management, because in practice it is necessary to have “leverage” in the format of regulations and funding in order to implement the proposals for improving the employment process. At the same time, it is necessary to redesign the relationship between the elements of the current employment system (recruitment, promotion, mobility) in relation with the continuous training system, which is not operational at the moment.⁷⁸

3.3.2.5. Multi-criteria assessment of the current situation

As described in the methodological subsection on multi-criteria assessment, the NACS stakeholders groups, other central public administration institutions, and civil society representatives were asked to assess the current situation with a common set of criteria: effectiveness; political feasibility; administrative feasibility; adequate staff attraction and retention; better administration; initial costs; operational costs. The results of the assessment are synthetically presented below.

Table 11. Assessment of the current situation by the “NACS” group

	Score	Weight of criterion	WAVG score
Effectiveness	4.42	20%	0.88
Political feasibility	3.73	20%	0.75
Administrative feasibility	5.00	20%	1.00
Adequate staff attraction and retention	3.67	17%	0.61
Better administration	5.33	3%	0.18
Initial costs	5.67	10%	0.57
Operational costs	6.89	10%	0.69
TOTAL		100%	4.67

Table 12. Assessment of the current situation by the “Other central public administration” group

	Score	Weight of criterion	WAVG score
Effectiveness	5.33	20%	1.07
Political feasibility	4.67	11%	0.51
Administrative feasibility	7.67	20%	1.53
Adequate staff attraction and retention	5.00	18%	0.91
Better administration	4.00	15%	0.58
Initial costs	7.33	4%	0.27
Operational costs	6.67	13%	0.85
TOTAL		100%	5.72

⁷⁸ Ordinance 23/2016 regarding the setting up of the National Institute of Administration was published in the Official Journal on 29.08.2016.

Table 13. Assessment of the current situation by the “Civil society” group

	Score	Weight of criterion	WAVG score
Effectiveness	5.00	20%	1.00
Political feasibility	6.33	20%	1.27
Administrative feasibility	5.00	20%	1.00
Adequate staff attraction and retention	5.67	20%	1.13
Better administration	3.33	20%	0.67
Initial costs	4.33	0%	0.00
Operational costs	8.33	0%	0.00
TOTAL		100%	5.07

Table 14. Overall assessment of the current situation by the stakeholders groups

	Score	Weight of criterion	WAVG score
Effectiveness	4.92	20%	0.98
Political feasibility	4.91	17%	0.83
Administrative feasibility	5.89	20%	1.18
Adequate staff attraction and retention	4.78	18%	0.87
Better administration	4.22	13%	0.53
Initial costs	5.78	5%	0.26
Operational costs	7.30	8%	0.55
TOTAL		100%	5.22

3.3.3. Description of Option 1: “Incremental reform of the employment system in the central public administration”

Option 1 focuses on the improvement of current practices and the various measures that the implementation of Strategy for the Development of the Civil Service 2016-2020 (SDCS) might bring about.

In the case of the civil service employment system, beyond investigating the developments of the facts described in the analysis of the problem, its causes, and its effects, this option also requires taking into account the implementation impacts of the relevant strategies already adopted and to be implemented by the relevant actors. Such strategic initiatives are required by the European Commission as ex-ante conditionality for the implementation of the operational programs financed with EU funds during 2014-2020.

Thus, in what concerns the civil service, the Option 1 needs to take into consideration the adoption and implementation of the *Strategy for Strengthening the Public Administration (SSPA) 2014 – 2020*,⁷⁹ the amendment of the *Law on the Statute of Civil Servants*,⁸⁰ as well as the implementation of the *Strategy Regarding the Development of Civil Service (SDCS) 2016-2020*. The latter focuses on five topics, identified as related to the HRM in Romanian public administration: (1) strategic HRM for public administration including the institutional framework; (2) recruitment, performance assessment and promotion; (3) pay and motivation; (4) initial and continuous training; (5) ethics and integrity.

3.3.3.1. The strategic framework of the civil service employment system

The current legal framework is to be amended and complemented as a result of the implementation of the *Strategy for Strengthening the Public Administration for 2014-2020 (SSPA)* and of the *Strategy for the Development of the Civil Service for 2016-2020 (SDCS)*. The main provisions of the mentioned strategic documents, with respect to the strategic management of human resources in the central

⁷⁹ Approved by Government decision no 909/2014.

⁸⁰ Law no 188/ 1999, as twice republished and subsequently amended and supplemented.

public administration, the civil service employment procedures, and continuous training in human resources management, are synthesized below. As implementation is under way, there is uncertainty about the final outcomes.

The strategic management of human resources in the central public administration

According to the provisions of the SDCS, the main existing institutions will remain responsible for the HRM within the central public administration. An additional “council” type governance structure is to be created. The council will have a consultative role in the strategic management of human resources.

NACS will retain the duties provided for by the current legislative framework regarding the HRM within the civil service, namely regulation, methodological coordination, administrative tutelage, monitoring and control, but not for the central public administration as a whole. Additional duties will include the assessment of the institutional restructuring and the methodological coordination of the strategic planning, implementation, and evaluation of human resources, especially in the field of recruitment.

The categories of civil service positions are to be redefined,⁸¹ according to the following principles: clearer delineation of positions involving the exercise of public power prerogatives within public administration and distinction between the civil service positions which represent the political level and those belonging to the administrative level.⁸²

The “*executive management*” and “*operational management*” positions are to be differentiated and different recruitment approaches for these are to be introduced (see details below.) The “*executive management*” positions are to include management positions at the level of general director and director, with at least 25 subordinates. Civil servants at the executive management level will be required to coordinate complex activities. The “*operational management*” positions are to include management positions at the level of head of department or head of office, with up to 24 subordinates. If implemented, this action will contribute to further politicization of an already highly politicized public administration.

Competences frameworks relevant for recruitment, promotion and training processes are to be implemented.

The civil service employment procedures

According to the provisions of the SDCS, a new selection procedure is to be implemented as a pilot in 2018 for certain categories of operational positions and operational management positions (to be identified by December 2016).

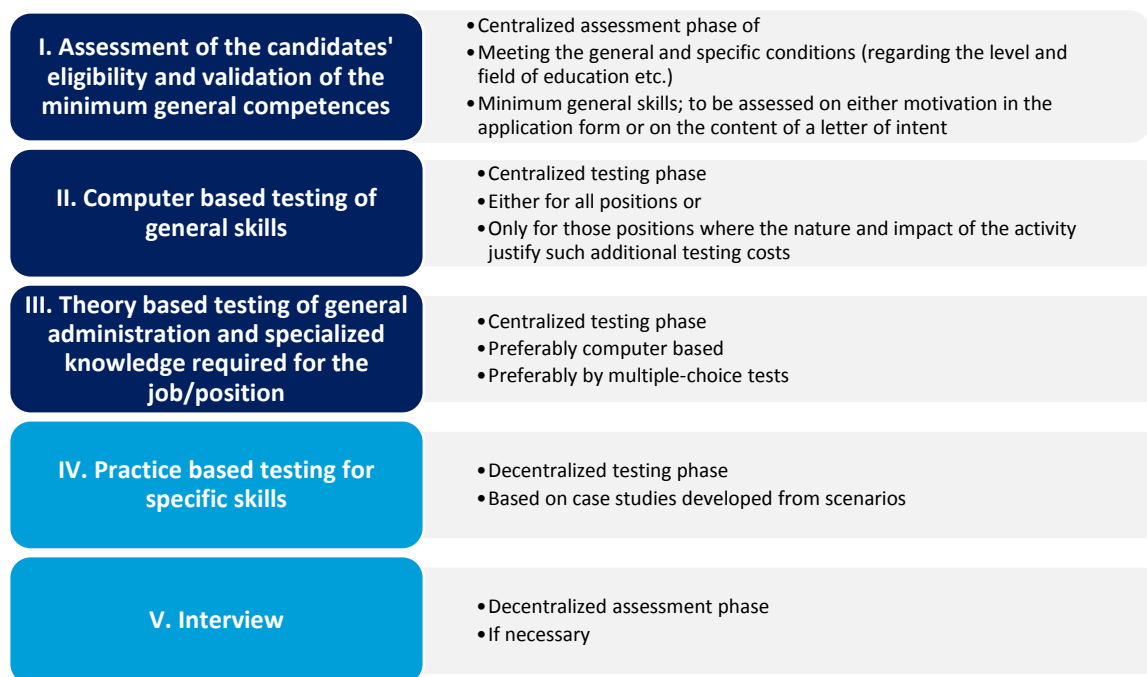
The procedure includes three “centralized” and computer based selection phases referred to as “national competition” and one or two “on-the-job” selection phases, at the level of the public institution (the “decentralized” phases).

The employment competition procedure is illustrated in the figure below. The strategy mentions that for the selected civil service positions specific “models of recruitment” will be developed and they “*will be integrated into the recruitment system (by means of legislative amendments, complemented by methodologies and working instruments meant to facilitate the implementation of these reforms).*”

⁸¹ e.g., Law no. 188/1999 on the Statute of Civil Servants.

⁸² e.g., the prefect and sub-prefect positions, which are currently high civil servant positions, will become public dignity positions; the position of governmental inspector shall be terminated; the position of secretary general of the prefecture shall be re-established as high civil servant position.

Figure 13. Selection of the candidate procedure according to the Strategy for the Development of the Civil Service for 2016-2020



The strategy also includes specific measures to improve the transparency and quality of the competitions: 1) improvement of the competition advertising (by including required competencies and a job description in the ad); 2) capacity improvement of the institutions to perform decentralized testing and interviews; 3) ensuring the necessary infrastructure for the gradual transition to ICT-based testing; 4) training of the staff involved in the recruitment and promotion processes, especially of the members of the selection committees and of the committees for appeals settling.

In addition to the employment competition model displayed in the figure above, the recruitment procedure for the “executive management” positions (general director/director) envisages a final stage (the equivalent of the more general “interview” phase) in which the most successful three candidates are shortlisted and from which the manager of the institution is to select the person who “*proves to have the closest approach to the content of the mandate of the dignity*”. For these types of positions, it is provided that the selection can be made from both inside and outside the civil service, based on the following criteria: 1) relevant experience in management; 2) education and professional experience; 3) prior completion of specialized one to two year courses organized by NACS or by the National Institute for Administration.⁸³ This recruitment procedure clearly guarantees neither the merit principle nor the constitutional right to equal access in recruitment to the civil service, as it allows further politicization by decreasing the hierarchical level down to which political actors may influence or decide on public administration recruitment matters.

The strategy also provides for the limitation of the cases of temporary appointment within a management position or senior civil servant position and to outline mandatory criteria and procedures for this type of employment. Voluntary mobility is provided for operational positions and compulsory mobility for all the positions defined as being “sensitive” according to the law and for high civil servants.

⁸³ A public institution similar to the previously existing one specializing in training programs within civil service.

Training in human resources management

The National Institute for Administration (NIA), which will run specialized training programs, is to be re-established, according to the provisions of the SDCS. The same strategic document aims for the human resources departments in the ministries to benefit from specialized training programs for HRM in general and for the implementation of the new employment system in particular. In this context, the government has adopted the GO no. 23/ 24.08.2016 regarding the establishment of the NIA, which is expected to become operational at the beginning of 2017.

3.3.4. Anticipated impact of the Option 1 in 10 years' time

Dysfunctionalities in HRM, the selection of the candidates, promotion, mobility, and the training of civil servants within central public administration will likely remain or worsen in the absence of policy intervention. The current SDCS either leaves many of the causes of the current situation of the employment in central public administration unaddressed or its provisions lack adequate clarity and their positive impact following implementation cannot be anticipated.

The impact of the expected policy interventions is, therefore, characterized by high uncertainty, both in terms of size and actual scope. Additional uncertainty is added by the quality of the implementation process, which may, for instance, be delayed or might result in unexpected results.

The current situation of employment within the central public administration, with most of the (successful) candidates participating in on-the-job competitions and coming mainly from sources outside of civil service, is not expected to significantly change during the following 10 years without clear and solid career-based provisions. Since many of the causes of the identified problem remain, the problem itself and the effects identified will less likely improve within the 10-year time horizon.

The proposed recruitment procedure for the “executive management” positions may lead, in fact, to increased politicization of the public administration to the detriment of the observance of the meritocratic principle within public administration. A recruitment criterion for civil servants regarding the “closest approach to the content of the mandate of the dignitary” does not guarantee the merit principle, which is required for a politically neutral and efficient public administration at the executive level.

There are no provisions in the SDCS regarding the uncoiling of the recruitment process within the central public administration during the transition phase, when the new procedure will only be piloted for a few selected categories of civil service positions. It is not clear what recruitment procedure will be followed in the case of non-selected civil service positions.

The drafting of specific “recruitment models” for certain categories of civil service positions, provided for the implementation of the new employment model (either through “national competition” or through specific position-based recruitment), will further increase the fragmentation of civil service management within the public administration.

The SDCS only provides certain HRM duties for NACS and training duties for the training institution to be established (NIA). It is unclear what roles the other institutions involved in the strategic management of human resources will have and how these roles will be synchronized (e.g., regarding the strategic management of human resources, the definition of professional levels within a career-based system for civil service, the training of staff working with the human resources departments).

The anticipated costs of option one include both initial and operational costs. Initial costs reflect the financial effort for the transition to the new system of recruitment such as those necessary for the development of the IT platform NACS is currently using for recording and management of civil service positions, civil servants, and some of the employment competition phases; training costs of the staff working with human resources departments and members of the selection committees; costs related to the development of the necessary guidelines on human resources management in general. The operational costs reflect the repetition of the employment procedure (vaguely described in SDCS) during the 10-year time horizon and the costs to maintain the mentioned IT system operational related to the training of the staff from the human resources departments and members of selection boards.

The phases of the competition described in SDCS will probably lead to an increase in the costs of civil service employment, but without guaranteeing foreseeable significant improvement of the recruitment process and outcome (i.e. to attract candidates with adequate skills for the needs of the central public administration and select civil servants on meritocratic criteria).

3.3.5. Multi-criteria assessment of the Option 1

As described in the methodological subsection on multi-criteria assessment, the stakeholders' groups of NACS, other central public administration institutions and civil society representatives were asked to assess the proposed policy Option 1 against a common set of criteria: effectiveness; political feasibility; administrative feasibility; adequate staff attraction and retention; better administration; initial costs; operational costs. The results of the assessment of Option 1 are summarized below.

Table 15. Assessment of Option 1 by the "NACS" group

	Score	Weight of criterion	WAVG score
Effectiveness	5.33	20%	1.07
Political feasibility	3.60	20%	0.72
Administrative feasibility	3.00	20%	0.60
Adequate staff attraction and retention	4.67	17%	0.78
Better administration	4.33	3%	0.14
Initial costs	6.67	10%	0.67
Operational costs	6.55	10%	0.66
TOTAL		100%	4.63

Table 16. Assessment of Option 1 by the "other central public administration" group

	Score	Weight of criterion	WAVG score
Effectiveness	5.00	20%	1.00
Political feasibility	6.00	11%	0.65
Administrative feasibility	2.67	20%	0.53
Adequate staff attraction and retention	4.00	18%	0.73
Better administration	3.00	15%	0.44
Initial costs	6.00	4%	0.22
Operational costs	6.00	13%	0.76
TOTAL		100%	4.33

Table 17. Assessment of Option 1 by the "civil society" group

	Score	Weight of criterion	WAVG score
Effectiveness	5.75	20%	1.15
Political feasibility	5.33	20%	1.07
Administrative feasibility	3.00	20%	0.60
Adequate staff attraction and retention	4.00	20%	0.80
Better administration	4.50	20%	0.90
Initial costs	6.00	0%	0.00
Operational costs	7.17	0%	0.00
TOTAL		100%	4.52

Table 18. Overall assessment of Option 1 by the stakeholders groups

	Score	Weight of criterion	WAVG score
Effectiveness	5.36	20%	1.07
Political feasibility	4.98	17%	1.00
Administrative feasibility	2.89	20%	0.58
Adequate staff attraction and retention	4.22	18%	0.84
Better administration	3.94	13%	0.79
Initial costs	6.22	5%	0.00
Operational costs	6.57	8%	0.00
TOTAL		100%	4.28

3.3.6. Description of Option 2: “Consolidation of the career-based system in the central administration”

This public policy option focuses on consolidating a career-based system for employment in the central public administration based on merit, performance, and competences. It will certainly require, as a final consequence, amending the current legal framework in order to strengthen the career system in the central public administration, given the fact that most of the measures have to be applied through legal interventions. Besides a reformed recruitment process for civil service positions, the policy option should be complemented by additional policy measures regarding the strategic management of human resources.

Most of the measures go beyond reforming the recruitment scheme. However, they are needed in order to ensure that the policy option meets its objectives.

3.3.6.1. Strategic management of human resources

Critical to addressing the current shortcomings in the field of strategic management of human resources within central public administration are a clearer definition of the civil service, an adequate institutional architecture, better planning of the human resources, and the consistent implementation of initial and continuous training programs in the field of human resources management. The aim is to ensure that the central public administration will improve its capacity to attract and retain adequate staff who will contribute to good governance, economic development, and the improvement of Romania’s performance as active player at the European and international levels.

Definition of the civil service system

Certain civil servant corps or professional categories need to be defined at the central level of public administration. The definitions of the professional bodies could be based on the duties existing in the current job descriptions. Such professional bodies could be made up of persons who perform the same type of professional activity, such as economists, statisticians, and “general administrators.” A limited number of existing special statute corps, such as the judiciary, the army, the police and assimilate corps, and the diplomats should remain in place.

Furthermore, the civil service system should be divided into professional grades, depending on the seniority, specific skills, and level of accountability required for each level. The grades system will include both operational and management levels of civil service. The operational level should include the debutant level and three more levels, while the management level should include four more levels: the head of office, the head of the department, the director and the general director. Additional professional steps should be added within each professional level to allow and reflect increasing seniority (by year) and progress within the civil service career, especially with respect to the management levels for which promotion prospects are to be objectively defined.

An integrated framework of competences differentiated according to professional levels needs to be implemented and taken into consideration in the recruitment, promotion, and training processes

applicable within civil service. Moreover, current civil service positions need to be adequately defined according to the new system.

Table 19. New professional levels and steps within civil service according to Option 2

		Professional Steps			
		Step 1	Step 2	Step 3	Step 4
Professional levels					
Debutant	operational/ execution				
Professional level 1	operational/ execution				
Professional level 2	operational/ execution				
Professional level 3	operational/ execution				
Head of office	management/ executive				
Head of department	management/ executive				
Director	management/ executive				
General director	management/ executive				

Similar to the case of other European countries, the civil service salary system should be transparent and adjusted to the levels of competencies and responsibilities, as well as performance. The pay should include a fixed base, structured in consideration of the corresponding professional levels and steps within each level. It should also include a variable part, based on professional performance, within a certain pay range corresponding to each professional step, which is to be correlated with the annual results of the civil servant’s professional performance appraisal.

Institutional architecture

The current fragmentation of the civil service system and, consequently, the poor strategic planning of human resources within the central public administration cannot be addressed in the absence of a coherent institutional approach.

The regulation, monitoring, and control roles currently played by NACS as the public authority of the central public administration in the field of civil service should be reinforced. In addition, its responsibilities should be extended to include the strategic management of all human resources within the central public administration, including the employees under a labor contract, with the notable exception of special statute corps. However, minimal information regarding the strategic management of human resources within special statute corps should be reported to NACS in order to offer a more comprehensive image of the civil service within central public administration.

Other public institutions and authorities within central public administration such as the MPF and MLFSPE should remain involved in the strategic management of human resources within the central public administration, according to their specific responsibilities, such as developing specific codes of conduct, professional standards, and initial training programs without unnecessary interference by the strategic management policy objectives of the central public administration as a whole. Authorities that manage special statute corps may retain more comprehensive responsibilities regarding the strategic management of human resources within such corps but must comply with the minimum reporting requirements of NACS.

The current IT platform of employment record-keeping within the central public administration, operated by NACS should be developed to accommodate the need for better and extended strategic management of human resources within the central public administration.

The human resources planning within the public administration

NACS will be the authority responsible for the overall short and medium-term planning of human resources within the central public administration according to the long-term development goals of

the country. Line ministries and other central public institutions and authorities will be actively involved in the overall planning according to their specific sectoral needs and policy objectives. Other central public institutions and authorities responsible for the management of special statute corps will retain their planning responsibility. Sectoral personnel plans will be developed within the central public administration. Personnel planning should aim at eliminating the deficiencies induced by the aging of the civil servants' body and by the reversed pyramid of professional grades, while addressing the need of adequate staff in areas with personnel deficit.

A current challenge of HRM is that of rebalancing the pyramid of professional levels and of consequently streamlining the civil service pay system during the following 10 years. In terms of human resources planning objectives, this first requires the identification of the employment needs across the central public administration in terms of competencies and an adequate design for a central civil service structuring of professional levels. Second, taking into consideration the competency needs, certain thresholds may be established regarding the share of each professional level in the total number of civil service positions. The table below provides examples of thresholds.

Table 20. Theoretical maximum share of each professional level in the civil service according to Option 2

Civil service professional levels	Level type	Theoretical maximum share in total positions ⁸⁴
Debutant	operational/ execution	21%
Professional level 1	operational/ execution	20%
Professional level 2	operational/ execution	20%
Professional level 3	operational/ execution	20%
Subtotal	operational/ execution	81%
Head of office	management/ executive	5%
Head of department	management/ executive	7%
Director	management/ executive	5%
General director	management/ executive	2%
Subtotal	management/ executive	19%
TOTAL		100%

⁸⁴ The percentages in the table only represent an example derived from the current situation of the French public administration using the following hypotheses:

- 1) Almost one-fifth of the civil service positions could be management positions. The current legal threshold for management positions in Romanian public administration is 12% in total, whereas in France the number of corresponding management positions account for almost one-third of the civil service positions (http://ec.europa.eu/eurostat/statistics-explained/index.php/Public_employment_-_France).
- 2) The following distribution of execution positions could be taken into consideration for a general directorate:

2 offices	5	5	-
3 departments	7	7	7
2 directorates	18	15	-
1 directorate general	34	-	-

An average general directorate could include 34 execution positions divided between 2 directorates (18 and 15 execution positions, respectively) and a department (7 execution positions). One directorate may further include 2 offices (with 5 execution positions each) and 1 department (with 7 execution positions). The other directorate may include 2 departments (with 7 execution positions each) and an office (with 5 execution positions).

- 3) Each of the 4 professional levels of the execution positions could account for one fifth of the total number of positions within the general directorate (both the execution level and the executive level). Professional levels 1 and 2 would ensure that half of the execution positions are of average level of competencies, with the rest of the positions being divided among entry-level positions.

Actual percentages could be established following a more in-depth analysis of the needs of the public administration after the mandates of the public institutions (and authorities) and of the HR categories are clarified and a public administration competency framework is defined.

Given the current situation of the civil service, a possible initial advancement toward the objective would be to fill in the currently debutant vacant public positions if such positions are required and to gradually transform the civil service position levels 2-3, which become vacant due to the retirement of the civil servants, into debutant or level 1 civil service positions.

For example, the human resources planning process might go as follows: One public institution reports that it has a vacant position of “tax inspector, professional level 2” and proposes to fill the position by means of internal recruitment. The Ministry of Public Finance manages the body of tax inspectors. The public institution with the vacant position notifies the ministry, which in turn notifies NACS, the institution responsible for the civil service strategic management at the central level, which includes the said position in the planning of the internal recruitment national contest. As an alternative, the institution responsible for the civil service strategic management at central level proposes to the institution where the vacant position is to transform the said position having “professional level 2” into a “debutant level” position, in order to contribute to the strategic objective of the civil service as a whole, of reconfiguring the professional levels (reversing the professional levels pyramid).

3.3.6.2. A new employment process for civil service positions

Option 2 proposes a new employment process detailed below. As a general rule, according to this proposed new employment process, any individual meeting certain eligibility criteria and passing an open, centralized, competitive, and merit-based employment procedure will be able to access the civil service as a debutant civil servant. Following access and confirmation, civil servants will have the opportunity to progress within a meritocratic and competitive career-based civil service organized in professional bodies. The civil servant’s development of professional competences and career advancement will be supported by an adequate and consistent initial and continuous training process organized by the public administration.

Initial recruitment

Initial recruitment by means of a national competition will be open to the persons with a certain level of general education and/or training (medium and higher education, respectively), following which candidates are selected to enter in specific professional civil service corps and debutant positions in institutions for which they opted, following a merit-based procedure described below. For the selected candidates, there will be initial and specialized induction training programs according to the needs of the corresponding professional corps.

The national competition will consist of a centralized and computer-based testing of the candidates’ competencies and general knowledge on the field of public administration (e.g., the general legal framework in the field of the public administration).⁸⁵ The national competition will be organized for all the debutant vacant positions within the central public administration in accordance with the recruitment plans centralized by NACS.

The national competition for debutant positions will include the following steps: competition announcement; candidates’ applications; initial assessment of the candidates’ eligibility; centralized testing of the candidates; ranking of the candidates; assignment of debutant civil servants; induction and probation period; confirmation test; permanent appointment within civil service.

The announcement of the national competition containing all the relevant information and applicable forms will be published on the NACS website, in the official journal (*Monitorul Oficial*), as well as in

⁸⁵ This would include constitutional, administrative, and human rights law.

other media (e.g., national journals, governmental website with public administration jobs, other specialized or well-known recruitment websites) several months prior to the test date.

The interested candidates will be able to submit their application forms and the necessary documents in electronic format, through the improved IT platform managed by NACS. When registering their applications, the candidates will be able to select the professional corps as well as the central public institutions or authorities they would like to work with, in their preferred order.

The testing phase can include the following types of tests:

- On-line tests for reasoning/analytical skills, including for verbal, numerical, abstract, and situational judgment skills;
- On-line tests for general knowledge regarding the operation of the public administration (e.g., Constitution and basic legislation regarding the public administration);
- Written case study tests;
- Interview.

Following the national contest, a “pool of qualified candidates” shall be established, namely a list of candidates who obtained at least the minimum mandatory score, in descending order of the scores obtained, within the limit of the positions foreseen in the civil service recruitment plan and announcement. The qualified candidates will provide their eligibility documents in the form required by law. If a qualified candidate fails to provide the necessary eligibility documents in the form required by law, the next candidate in the ranking will take her/his place.

The qualified candidates shall be assigned as debutant civil servants in specific corps within the public institutions based on the scores obtained during the national competition and also based on their options, within the number of positions available at the level of each public institution.

Debutant civil servants will undergo a one-year induction and probation period. The initial training will take into account developing the skills necessary for the activities of the public administration, as well as developing and strengthening an administrative culture which focuses on principles, such as competence, citizen-focused orientation, observing the Constitution, laws, and human rights.

At the end of the probation period, the debutants will be evaluated or tested in order to establish if their level of knowledge and skills is adequate for a civil service position. The debutants who pass this confirmation test are to be appointed to the civil service positions in operational level 1 (see the table above regarding the professional levels).

The debutants who fail the confirmation test are dismissed from the debutant level positions they held during the induction and probation period. The vacancies thus created may be included in the corresponding recruitment plans at the public institution and central levels and may become the object of a new initial recruitment process.

The following logistical options may be taken into account for the implementation of a national on-line testing for debutants: (i) partnership with relevant universities to allow the organization of the competition on their premises; (ii) partnership with the Ministry of Internal Affairs to allow the organization of the competition in the centers for the theoretical tests for a driver’s license, category B; (iii) partnership with the new NIA to allow the organization of the test in their premises; (iv) on-line secured (password protected) testing of the candidates in premises of their choice.

Promotion of civil servants

The promotion of civil servants to higher professional levels of operational positions and to management/executive level positions (vertical promotion) shall be organized as a national, internal recruitment competition open to all eligible civil servants. Horizontal promotion of civil servants (within the same professional level) shall be conditional upon increasing seniority and previous professional performance.

Employment in public management positions and high civil servant positions

Promotion or internal recruitment contests shall be organized in order to fill in the public management positions. A second source of employment for such positions is internal mobility.⁸⁶ External recruitment procedures for management positions from sources outside the civil service shall only be organized in exceptional cases that are justified by strategic needs or a lack of civil servants meeting the eligibility requirements for the promotion or internal recruitment contests, and when mobility is not an available option either.

In order to limit the negative impact of excessively using the temporary appointments for certain management and high civil servants positions for the predictability of decision-making within central public administration, for recruitment and career development within the civil service sector, this employment method shall be governed under the principle of exceptionality and subject to clear and strict temporary appointment criteria.

Recruitment for the professions established in the labor market and other special recruitment programs

Special employment programs shall be created for the experts/professions established on the labor market (architects, engineers, doctors) by means of lateral (external) recruitment.

At the same time, the “Fast Stream” type of recruitment programs (e.g., Young Professionals Scheme), which promote competition and meritocracy, will be implemented.

Employment of the reserve civil servants

This category includes civil servants whose positions with public institutions have been terminated due to institutional restructuring. Such civil servants will have the right to benefit from career counseling, continuous training, and mobility within the civil service field. At the same time, they will have the right to be paid a limited amount of financial aid for a determined period of time (e.g., 3 months) by the institution where they worked, in the event in which they did not find a job.

NACS will be the responsible institution for the management of the reserve civil servants database. Reserve civil servants will be eligible to apply for vacant positions open for internal recruitment procedures. They must also attend such internal recruitment contests to retain the quality of reserve civil servants for a limited period of time (e.g., 3 years). Proper planning of institutional restructuring, career counseling, and mobility within the civil service, in which NACS will be involved, can help reduce the prospects of civil servants becoming part of the civil service reserve body.

⁸⁶ Internal mobility can take the form of transfer, delegation, assignment, and temporary appointment.

3.3.6.3. Training in the field of HRM and implementation of the employment system

For the implementation of Option 2, NACS will ensure a methodological coordination, strategic planning, and the enforcement and evaluation of HR policies, particularly in recruitment and training.

According to the provisions of GO no 23/24.05.2016 on the establishment of the National Institute for Administration, "NIA's mandate is to implement the strategic decisions of the government in the field of increasing the public administration efficiency by means of professionalizing the personnel from central and local public administration." In this context, human resources departments from the ministries and the members of the employment committees will benefit from specialized training programs provided NIA becomes fully operational.

3.3.7. Anticipated impact of Option 2 in 10 years' time

The career-based system relies on a rigorous approach to filling public positions. It includes bodies of professional civil servants and promotes meritocratic employment within the public positions, by means of initial recruitment, induction training, and internal recruitment (promotion). The career system, along with a homogeneous remuneration system based on grades, adds flexibility to the HRM making redeployment and transferring easier.

At the same time, the career-based civil service system reduces the arbitrary influence of the politicians in the recruitment process since recruitment is performed by means of a national *concurs*, based on meritocracy and competition principles.

Considering the pyramid of professional levels discussed in the section dedicated to the effects of the problem, the implementation of the proposed competitive and career-based employment system is expected to lead in a loosely estimated time frame of 10 years to the reconfiguration of the structure of professional levels, which will, in turn, be more cost effective for the central public administration.

The described career-based system will be more attractive for the higher education graduates who would like to develop a career in the public administration, because the system will offer genuine equal opportunities with respect to career and pay prospects, stability, protection from illegitimate political influence, and social status.

The transparency of the employment procedures in the career-based system will be ensured by publishing the announcements for national contests and other types of contests, as well as by publishing the contests procedures and all the applicable legal provisions. Experts, not politicians, will control recruitment. Increased transparency of the procedures and proper training of the members of the selection committees and of the human resources departments' personnel will ensure the observance of the employment procedures in civil service. They will also prevent the politicization of the recruitment process and will promote trust in the civil service employment system, as well as improve the reputation of the public administration.

The anticipated costs of Option 2 include both initial and operational costs. Initial costs reflect the financial effort for the transition to the new system of recruitment such as those necessary for the development of the IT platform NACS is going to use for recording and management of civil service positions, civil servants' careers and employment competition phases, an IT platform the NACS needs to adopt anyway; costs for developing the on-line tests for the national contest; training costs of the staff working with human resources departments and members of the selection committees; costs related to the development of the necessary guidelines on human resources management in general and on the implementation of the candidate selection procedure.

The operational costs reflect the necessary actions for implementation of the employment procedure over time, such as the costs to maintain the mentioned IT system operational, related to the training of the staff from the human resources departments and members of selection boards, and costs of the initial training during the probation period for the recruited debutant civil servants.

3.3.8. Multi-criteria assessment of Option 2

As described in the methodological subsection on multi-criteria assessment, the stakeholders groups of NACS, other central public administration institutions, and civil society representatives were asked to assess the proposed policy Option 2 with a common set of criteria: effectiveness; political feasibility; administrative feasibility; adequate staff attraction and retention; better administration; initial costs; operational costs. The results of the assessment of Option 2 are synthetically presented below.

Table 21. Assessment of Option 2 by the “NACS” group

	Score	Weight of criterion	WAVG score
Effectiveness	8.44	20%	1.69
Political feasibility	7.23	20%	1.45
Administrative feasibility	8.33	20%	1.67
Adequate staff attraction and retention	8.00	17%	1.33
Better administration	7.33	3%	0.24
Initial costs	6.00	10%	0.60
Operational costs	6.67	10%	0.67
TOTAL		100%	7.65

Table 22. Assessment of Option 2 by the “other central public administration” group

	Score	Weight of criterion	WAVG score
Effectiveness	8.00	20%	1.60
Political feasibility	7.67	11%	0.84
Administrative feasibility	7.33	20%	1.47
Adequate staff attraction and retention	8.00	18%	1.45
Better administration	7.00	15%	1.02
Initial costs	6.00	4%	0.22
Operational costs	6.00	13%	0.76
TOTAL		100%	7.36

Table 23. Assessment of Option 2 by the “civil society” group

	Score	Weight of criterion	WAVG score
Effectiveness	6.60	20%	1.32
Political feasibility	2.67	20%	0.53
Administrative feasibility	4.67	20%	0.93
Adequate staff attraction and retention	6.33	20%	1.27
Better administration	4.50	20%	0.90
Initial costs	5.67	0%	0.00
Operational costs	7.50	0%	0.00
TOTAL		100%	4.95

Table 24. Overall assessment of Option 2 by the stakeholders groups

	Score	Weight of criterion	WAVG score
Effectiveness	7.68	20%	1.54
Political feasibility	5.86	17%	1.17
Administrative feasibility	6.78	20%	1.36
Adequate staff attraction and retention	7.44	18%	1.49
Better administration	6.28	13%	1.26
Initial costs	5.89	5%	0.00
Operational costs	6.72	8%	0.00
TOTAL		100%	6.81

3.3.9. Description of Option 3: “Improvement of existing HRM practices in the central public administration”

As a governmental type of action, Option 3 falls within the better enforcement and implementation of the currently applicable legal framework, as it does not require changing the *Law on the Statute of Civil Servants*.⁸⁷ However, in order to improve its enforcement, the secondary legislation might require certain amendments.

Option 3 assumes that no significant changes are introduced in the central public administration in the next few years. Therefore, the option focuses exclusively on possible improvement of current practices in the civil service field. Option 3 is useful to reflect on what could be improved regarding the civil service employment in case the measures proposed in SDCS are not fully implemented. Alternatively, the measures included under this option could be taken into consideration to complement the approach of the SDCS.

Thus, Option 3 focuses on improving the implementation of the current legal framework regarding the management of human resources within the public administration and, therefore, regarding the process of filling civil service positions, by creating and applying managerial, training and coordination instruments.

3.3.9.1. Strategic management of human resources within the proposed Option 3

In what concerns the strategic management of human resources within the public administration, the proposed option maintains the current structure and role of the stakeholders, within the provisions of the current legal framework. Therefore, in order to ensure the coherence and efficiency of the measures proposed by this public policy option, the role of the NACS regarding the management of human resources within the civil service shall be maintained and strengthened.

The measures proposed within this option include *strengthening the capacity of the human resources departments* in relation to the recruitment process and HRM at the level of public institutions within the central public administration. This action aims to professionalize and limit the involvement of the politicians or management in the outcomes of the recruitment, evaluation, or layoffs, and it can be achieved through these means:

- Promoting the role of the human resources departments in what concerns the management of human resources within the organizations of the central public administration in the form of information brochures, awareness-raising sessions, and publications in the NACS portal;

⁸⁷ Law no 188/ 1999, as twice republished and subsequently amended and supplemented.

- Ensuring adequate training of the managers of central public institutions and human resources experts regarding the employment process (criteria, methods, instruments, procedures, transparency), as well as regarding the professional performance assessment of the civil servants, including aspects related to the definition of performance indicators;
- Developing unitary indicators at the central level of the public administration in order to measure the performance of the staff working within the human resources departments;
- Separating within the human resources departments, the human resources experts with competencies for transactional, administrative assignments from the experts who can be involved in analysis activities of a conceptual, strategic nature, such as job/activity analysis, required skills analysis, training, and an up-skilling plan. Such a delimitation might have certain advantages, such as the adaptation of the training programs for human resources experts, and the specialization of the human resources personnel thus generally streamlining the human resources management.

Another aspect is related to *improving the use of already existing instruments* in the field of HRM, in regard to the following:

- Drafting the annual public employment plan in connection with the budget of the public institution in order to avoid the cases in which the employment plan is not observed because insufficient funds were allocated.
- Aligning the employment plan with the institution's objectives and needs in order to increase the relevance of the employment plan and its chances to be observed, as well as in order to make it more flexible depending on the staff needs identified by the organization during the year.
- Broadening the communication between NACS and other central public institutions regarding the human resources management, by utilizing the portal for managing civil service positions and the electronic signature.
- Standardizing the job descriptions within the central public administration in order to facilitate the transition toward an approach mainly relying on the professionalization of civil service, career development, transparency and fairness in relation to the recruitment, and promotion and professional performance evaluation procedures. An example of best practices in this regard is the manner in which the specialized positions are filled in at the level of the Ministry of Internal Affairs, where the job descriptions correlate with the ranks and required levels of professional skills.
- Raising awareness about the negative effects that might occur because of temporary appointments in certain management and high civil servants' positions. They should complement clearer legal limitations that allow for temporary appointments.

For all these measures and actions proposed by Option 3 for improving the recruitment process within the current legislative framework, NACS will have the role of facilitating the establishment of certain communication networks and platforms. In this regard, the professionals in the field of human resources working within the public institutions in Romania will have the opportunity to draft and disseminate guidelines and best practices and will be able to benefit from the relevant exchanges of experience.

3.3.9.2. The employment process in the civil service according to Option 3

In order to increase the level of transparency and attractiveness of the recruitment process, and to observe the constitutional right of citizens to access civil service positions, the announcement

regarding the organization of employment competitions will be standardized by NACS. It will include necessary information such as a job description (main duties), the necessary level of knowledge and skills, the salary, and promotion prospects.

Furthermore, a higher level of publicity for the competitions is to be ensured by utilizing additional mass media—not only those required by the legislation in force, but also the governmental portal that includes information on all vacant positions open for recruitment in the public administration (<http://posturi.gov.ro/>). A similar portal could be created for posts available for civil servants' mobility to facilitate and support the principle of mobility within the central public administration.

Option 3 includes the improvement of the quality of the recruitment and promotion competitions with respect to the content of the tests and the interview procedure applied to test the knowledge and skills of the candidates. In addition, recruitment and promotion competitions will be improved by using computer-based tests.

3.3.9.3. Training of the staff in the field of HRM

In order to professionalize and streamline the recruitment process, the involved staff (members of the selection boards, including the corresponding procedure) and the staff from the human resources departments will be trained on a regular basis.

Although there is no current mandatory legal requirement, this Option 3 envisages the implementation of induction (initial) training programs following the recruitment of civil servants. Such programs are not only for the entry-level positions but are also for all the operational and management level positions within the civil service if required/on demand, especially in the case of external recruitment.

Thus, a training curriculum will be developed for newly employed civil servants within the public administration system. It should include a compulsory training module for the new recruits, including, for instance, practical aspects related to their integration into the institution and their adaptation to the institutional role and objectives, as well as more general aspects related to the public administration activity.

3.3.10. Anticipated impact of Option 3

If the managerial instruments presented above are applied in a unitary manner, the role of NACS is strengthened in the field of monitoring and controlling the recruitment process, and the general knowledge and specific competencies of the candidates are tested in a rigorous and professional manner. The proposed policy option will contribute to meeting the general objective of improving the capacity of the public administration to deliver good governance, in accordance with its specific duties.

In what concerns the objective of appealing to and retaining adequate personnel, the attractiveness of the civil service system will increase due to the fact that the citizens will trust the objectiveness, fairness, and transparency of the recruitment procedures. A correct recruitment process can eventually lead to the depoliticization of civil service.

Strengthening the capacity of the human resources department is essential in order to address the identified causes of the problem in the field of human resources. Thus, the human resources departments, enjoying decisional autonomy, can improve their capacity to positively impact the recruitment process by limiting the political influence in the process.

The feasibility of the employment system could be ensured in certain ways: by adequate planning of the employment of human resources in civil service positions, within budgetary constraints, as well as by improving the transparency and monitoring of the employment process within the civil service.

The constitutional right of citizens to access public positions is supported through the advertising of the competition on a large scale and through the extensive use of information and communication technologies during the recruitment process.

Option 3 could improve the transparency of and access to the employment system in the civil service and the quality of tests for the recruitment process. However, it cannot tackle the core problem regarding the lack of a genuine meritocratic career system and the lack of competency frameworks for recruitment and training. It also cannot guarantee the decrease of temporary assignments for managerial positions and high civil servants.

The types of costs required for the operationalization of this option are the ones related to using the existing but improved IT platform for HR management and on-line recruitment; costs regarding the training of the personnel from the human resources departments and of the members of the selection committees; awareness raising campaigns regarding the role of the human resources department, including for developing guidelines and methodologies.

3.3.11. Multi-criteria assessment of Option 3

As described in the methodological subsection on multi-criteria assessment, the stakeholder groups of NACS, other central public administration institutions, and civil society representatives were asked to assess the proposed policy Option 3 with a common set of criteria: effectiveness; political feasibility; administrative feasibility; adequate staff attraction and retention; better administration; initial costs; operational costs. The results of the assessment of Option 3 are synthetically presented below.

Table 25. Assessment of Option 3 by the “NACS” group

	Score	Weight of criterion	WAVG score
Effectiveness	5.67	20%	1.13
Political feasibility	2.00	20%	0.40
Administrative feasibility	4.33	20%	0.87
Adequate staff attraction and retention	4.33	17%	0.72
Better administration	5.33	3%	0.18
Initial costs	7.00	10%	0.70
Operational costs	8.00	10%	0.80
TOTAL		100%	4.80

Table 26. Assessment of Option 3 by the “other central public administration” group

	Score	Weight of criterion	WAVG score
Effectiveness	6.50	20%	1.30
Political feasibility	6.00	11%	0.65
Administrative feasibility	7.00	20%	1.40
Adequate staff attraction and retention	5.67	18%	1.03
Better administration	4.67	15%	0.68
Initial costs	6.00	4%	0.22
Operational costs	5.67	13%	0.72
TOTAL		100%	6.00

Table 27. Assessment of Option 3 by the “civil society” group

	Score	Weight of criterion	WAVG score
Effectiveness	6.00	20%	1.20
Political feasibility	5.00	20%	1.00
Administrative feasibility	5.67	20%	1.13
Adequate staff attraction and retention	5.67	20%	1.13
Better administration	4.50	20%	0.90
Initial costs	5.33	0%	0.00
Operational costs	7.83	0%	0.00
TOTAL		100%	5.37

Table 28. Overall assessment of Option 3 by the stakeholders groups

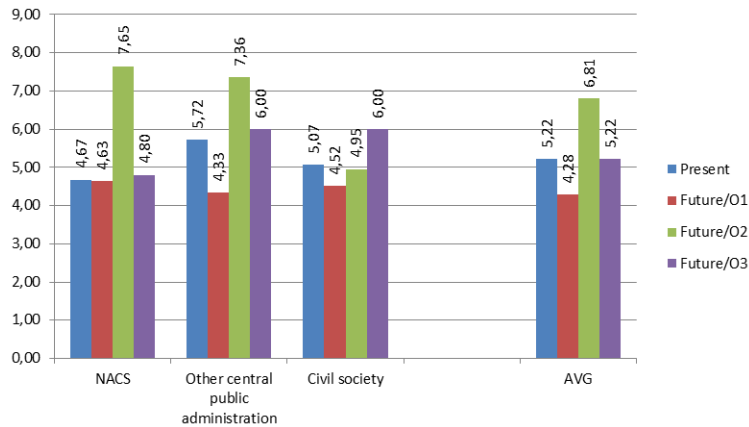
	Score	Weight of criterion	WAVG score
Effectiveness	6.06	20%	1.21
Political feasibility	4.33	17%	0.87
Administrative feasibility	5.67	20%	1.13
Adequate staff attraction and retention	5.22	18%	1.04
Better administration	4.83	13%	0.97
Initial costs	6.11	5%	0.00
Operational costs	7.17	8%	0.00
TOTAL		100%	5.22

Section 4. Comparative analysis of the current situation and the policy options. Option selection

With 6.81 points on average in the multi-criteria analysis, Option 2 is ranked as the best both among the proposed policy options and against the current situation. With the exception of the civil society group, Option 2 is the preferred one by all of the stakeholders groups. According to the stakeholders' assessment, Option 3 is expected to preserve the performance of the current framework applicable to civil service employment within the central public administration. Similar scores received in the assessment by the current situation and Option 3, respectively, from both NACS and other central public administration representatives, explain the result.

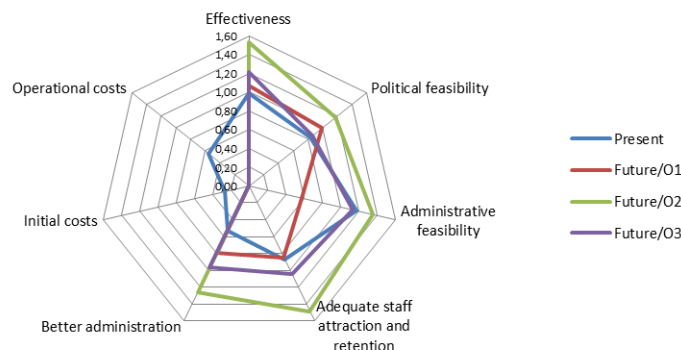
A potential explanation for this stems from the fact that the “soft” instruments provided for in Option 3 are expected to maintain rather than to improve the current situation.

Figure 14. Overall scores of the current situation and policy options



In terms of the performance of the current situation and policy options against the assessment criteria, Option 2 outperforms both the current situation and the alternative policy options on most of the criteria, especially with respect to effectiveness, political and administrative feasibility, and the capacity to attract and maintain adequate staff and to generate better administration results.

Figure 15. Scores of the current situation and policy options by criteria



In summary, by weighing the three options against each other and against their estimated capacity to have positive impacts on the professionalization and depoliticization of the civil service, Option 2 appears to be the one able to produce more positive results from the government intervention.

Option 2 is the one that can make a genuine difference concerning the proposed outcomes of achieving a state public administration that is better able to foster economic development and good public governance and to increase the standing of the country in international fora, particularly in the European Union.

However, Option 2 is also the more difficult option, as it has to overcome a number of lingering attitudes and inertias pertaining to politics in Romania and to administrative behavior. This option may also be difficult to undertake during the current political scenario because political support from the whole parliamentary political spectrum seems necessary for the deep reforms envisaged by Option 2 to succeed.

In addition, Option 2 entails reopening a political debate about civil service by including it as part of the political agenda once again. This fact should be avoided in principle in order to prevent the politicization of the options for civil service models and the role of the civil service as an instrument of the checks and balances of the political activity. This debate in Romania, as indicated above in the text, was never exhausted, and the civil service remained as an item of the spoils for the winners of electoral processes. This is one powerful reason why it could be welcome as this moment. It can open a new political debate on the kind of civil service that is necessary for the interests of the Romanian citizenry and to redress the current plight faced by the Romanian state, as described above in the problem identification section of this report.

In order to overcome the difficulties inherent in the choice and implementation of Option 2 at present, a progressive phasing in could be established that first implements Option 3 or Option 1, i.e. that improves the extent of the possibilities of the current situation while paving the way to a more resolute embrace of Option 2 by the upcoming new government.

Section 5. Public consultation process (art. 7 of Law 52/2003)

The current report is a deliverable of a RIA exercise developed according to the requirements of the project “Developing the capacity of the central public administration to carry out impact assessments.” This project was funded through the 2014-2020 OPAC and was implemented by the General Secretariat of the Government and the World Bank Group, in collaboration with the National Agency of Civil Servants. The scope of the project is to develop the capacity of NACS to develop impact assessments in order to substantiate the regulations and strategies/policies regarding the management of human resources in the field of civil service/public administration. Therefore, the report was drafted prior to any public consultation process requested by the provisions of the law regarding the transparency of decision-making processes within public administration.⁸⁸ However, this RIA exercise was not solely performed by the authors; instead, it was carried with the active involvement of the relevant stakeholders whose valuable inputs—for which proper acknowledgement is due—were taken into account and included in the analysis.

The stakeholders who took part in the exercise, particularly in the assessment procedure, included NACS representatives (other than those directly involved in drafting as members of the working group); members of the human departments within line ministries and other central government authorities and public institutions, including PMC, GSG, MRDPA, MPF, MEF, MLFSPE, and MFA; members of the trade unions, universities, associative structures of the public administration, and other nongovernmental organizations interested in the public management of human resources within the public administration, CNS Cartel ALFA, the National Federation of Trade Unions within the Administration, the National Alliance of Civil Servants Unions, SED LEX, the National School of Political and Administrative Studies, the Centre for Academic Excellence, and the Association of Municipalities.

In the framework of the preparation of this RIA Report, two stakeholders meetings were held.

- The first meeting, held on March 29th, 2016 at the World Bank premises in Bucharest, aimed at collecting responses from stakeholders representatives (at the center of the government) insights on the following questions: “Has the problem been correctly defined?”; “What role should the government play in trying to address the problem?”; “What are the possible solutions (policy options) to the identified problem?” The draft document developed within NACS and presented for consultation was sent by mail to participants in the meeting for systematic observations and amendment proposals.

Participants in the public consultation expressed reservations about what they perceived to be a “too general formulation of the problem.” However, during the discussion, it was made clear that the main problem concerns the reduced capacity of the public administration to fulfill its mission—namely, to provide good governance and economic development and to improve Romania's role in Europe. The same limited capacity manifests itself in attracting and retaining appropriate personnel, thus contributing to the tasks of the public administration. The problem definition, as reflected in this report, is the “[r]educed capacity of the central public administration to attract and retain adequate staff that would contribute to good governance, economic and social development and improvement of Romania’s performance as an active player at the European and international level.”

⁸⁸ Law no 52/ 2003, on the transparency of decision-making processes within public administration, (republished), amended and supplemented, art. 7

Participants in the consultation provided additional details that were later included in the substantiation of the analysis. Furthermore, participants validated the directions of the analysis of the recruitment system in public administration. Participants also discussed examples of best practices in European countries (Germany, the United Kingdom and Hungary) focused on the definitions of “civil servant,” the Civil Service Commission, and other terms. Additionally, they proposed compiling an inventory of the best recruitment practices in public administration in Romania. The working group later performed a comparative analysis at the EU level, and its conclusions helped draft the policy options, as presented in more detail in the previous section.

- The second consultation process included three focus groups organized during June 10th and 16th, 2016, at NACS and the World Bank premises in Bucharest, with the stakeholders who were identified during the problem definition process. They included NACS employees (other than the working group members on June 10th and 13th, 2016 at NACS); personnel from the ministries’ human resources departments and personnel involved in the drafting of the regulations or strategic documents in the field of civil service human resources management; representatives of the trade unions, universities, associative structures of the public administration, and other nongovernmental organizations interested in the management of human resources within the public administration (June 15-16, 2016 at the World Bank premises).

The aim of the focus groups was to assess, according to the proposed multi-criteria assessment methodology, the identified policy options against the current situation using a common set of assessment criteria. The six assessment criteria were as follows:

1. Effectiveness;
2. Political feasibility or acceptance;
3. Administrative feasibility or acceptance;
4. Adequate staff attraction and retention by means of adequate incentives;
5. Better administration by means of promoting the ideas on good administration displayed in the European treaties;
6. Initial costs (staff, material, and capital expenses incurred);
7. Operational (costs; staff, material, and capital expenses incurred).

Additional recommendations regarding the content of the proposed policy options were also gathered in the process.

Policy Option 2, the consolidation of a career-based system in the central public administration, performed best among all the proposed options when assessed against the current situation according to the same set of criteria. Therefore, it is the preferred option. A detailed assessment methodology and corresponding results are included in the previous section.

Section 6. Post-adoption arrangements (for preferred option only)

6.1. Implementation arrangements

The starting point for the implementation of policy Option 2 is the situation described in Section 1. Implementation implies the revision of the current legal framework in order to introduce the required changes to consolidate a career-based system in the central public administration. Option 2 will require the corresponding amendment of the following regulations and draft regulations:

- Law amending Law no. 188/1999⁸⁹, to be adopted;
- Government decision amending GD 611/2008⁹⁰, to be adopted
- Other applicable sectoral regulations, amended after the adoption of the draft law amending Law no. 188/1999;
- Government decision amending GD no. 1000/ 2006 on the organization and functioning of the National Agency of Civil Servants, to be adopted.

The implementation of policy Option 2 will be financed by the state budget, including EU funds. This requires sustained and committed political support, since resources have to be clearly allocated for the major reforms in the employment system and financing mechanisms have to be promoted over time.

The implementation plan for Option 2 should include the phases listed in the table below.

Table 29. Implementation plan for Option 2

Policy action	Implementation phase
1. Strategic Management of Human Resources	
1.1. Detailed concept or policy paper, based on this RIA Report, to promote a wide public/political debate on the “new civil service.” The draft legal text is and should only be a technical exercise. Preparing a draft law amending Law no. 188/1999 and consequently drafting a government decision amending GD 611/2008.	1.1.1. Definitions:
	1.1.1.1. Civil service, including types of specific activities
	1.1.2. Institutional framework: Analysis of the institutional framework for human resources management in public administration and clarification of responsibilities of MDRAP, NACS, MFP, etc.
	1.1.3. Competencies framework
	1.1.3.1. Analysis of the basic competencies needed in the central government based on analyses carried out at the institutional level and/or by a comprehensive survey of stakeholders (public authorities and institutions, NGOs, universities, unions, etc.)
	1.1.3.2. Development of competencies frameworks based on the analysis, detailing implementation processes including training, recruitment, and promotion
	1.1.4. Definition of professional bodies:
	1.1.4.1. Analysis on the establishment of professional bodies in public administration (depending on the functions and powers)
	1.1.4.2. Analysis on special statutes (and limiting their unnecessary proliferation)
	1.1.4.3. Develop proposals for professional bodies
1.1.5. Career of civil servants	

⁸⁹ Law on the Statute of civil servants, republished (2), as amended and supplemented

⁹⁰ Approving the rules for the organization and development of the civil servants’ careers, as amended and supplemented

Policy action	Implementation phase
	1.1.6. Develop proposal on the structure of the recruitment process
	1.1.7. Develop proposal on the structure of professional degrees, coupled with competence, responsibility, salary levels, and the promotion process
	1.1.8. Development proposal for workforce planning in public administration
	1.1.9. Public consultations on the issues above
	1.1.10. Develop bill to introduce amendments to Law no. 188/1999 on skills frameworks, professional bodies, and the career of civil servants.
	1.1.11. Develop A draft Government Decision 611/2008 amending GD
1.2. Strengthening the capacity of human resources departments	1.2.1. Strengthening HRM responsibilities
	1.2.2. Specialized training
1.3. IT System for record keeping of public administration staff	1.3.1. Revising the regulatory framework to create an IT system dedicated to staff record keeping
	1.3.2. Development of an information system
1.4. Regulatory framework for the collection of data necessary for human resources management	1.4.1. Review the regulatory framework so that data collected from public institutions are relevant to the strategic management of human resources
1.5. Implementation of the developed competencies framework into the civil service positions	1.5.1. Integration of competencies in job descriptions
2. Restructuring of the process of employment within civil service	
2.1. Preparing the national competitions for recruitment concerning debutant level positions and for promotion within the civil service	2.1.1. Development of IT system for the national competitions
	2.1.2. Development of tests for national competitions
	2.1.3. Information campaign for national competitions
	2.1.4. Establishment of partnerships for the national competitions' implementation, if necessary
	2.1.5. Selection of the members of the national competition committee(s)
	2.1.6. Training of human resources personnel (members of the competition committees, staff of human resources departments) for the implementation of national competitions
2.2. National recruitment competition for debutant positions	2.2.1. Recruitment competition announcement
	2.2.2. Appointment of the competition committee
	2.2.3. Electronic submission of the application files
	2.2.4. Preliminary selection of the eligible candidates
	2.2.5. Testing of the candidates
	2.2.6. Announcement of the successful of candidates/ formation of the reservoir of admitted candidates
	2.2.7. Distribution of the successful candidates according to their scores and options
2.3. National competition for promotion in the civil service (within professional bodies)	2.3.1. Announcement of the promotion competition
	2.3.2. Appointment of the competition committee
	2.3.3. Electronic submission of the application files
	2.3.4. Preliminary selection of eligible candidates
	2.3.5. Testing of the candidates
	2.3.6. Announcement of the successful of candidates for promotion

Policy action	Implementation phase
	2.3.7. Appointment of the successful candidates into higher professional levels, according to their scores and options for public institutions
3. Continuous training of civil servants to support the implementation of the new system of employment	
3.1. Up-skilling training programs	3.1.1. Training of personnel involved in the implementation of the new employment system (members of the competition committees, staff in human resources departments)

6.2. Monitoring and evaluation activities

Starting from the criteria against which all the policy options were assessed, the following M&E framework and sub-sets of indicators have been developed to measure the performance of the policy option during the implementation period:

- M&E framework for effectiveness;
- M&E framework for political feasibility;
- M&E framework for administrative feasibility;
- M&E framework for good governance;
- M&E framework for initial (transition) costs of the public policy;
- M&E framework for operational costs of the public policy.

The M&E framework is further detailed in the tables below. For each one of the criteria that has been used to assess the options, a non-exhaustive set of indicators is suggested at the end of the tables to help evaluating the implementation of the preferred option. Additional indicators that are currently used by the Government of Romania can complement the list.⁹¹

Table 30. Monitoring of policy option effectiveness

The level of openness of the system	The content of the recruitment competition announcement is comprehensive and contains all the necessary information
	The level of dissemination of the employment competition announcement
	The candidates can freely and easily access the justice system in order to defend their employment-related rights, freedoms, and legitimate interests through administrative or judicial-administrative procedures, subject to judicial control by the competent court, according to the law
	Clear definition of the regime of incompatibilities and conflicts of interest for the members of the competition committee
	Compliance with the regime of incompatibilities and conflicts of interests by the members of the recruitment competition committee
	Training of the members of the recruitment competition committee
	Recruitment board members are experts, not politicians
	Votes in recruitment boards on the merits of each candidate are secret and boards' chairpersons have no decisive vote: in the case of a tie, the voting has to be repeated
	The correction of written tests is anonymous
	The knowledge and analytical tests have more weight in the final score than all the remaining tests combined (i.e., interview, scrutiny of the CV, psychological test, etc.) Psychological tests are not used except to discard candidates from especially sensitive positions (e.g. policemen, managers, etc.)

⁹¹ For instance, indicators provided in key documents, such as the Strategy for the Consolidation of Public Administration 2014-2020, the National Anticorruption Strategy 2016-2020, the Strategy for the Development of the Civil Service 2016-2020, etc.

	Knowledge test refers not only to legislation but also includes management, geopolitics, and public governance-related themes, such as ethics and values in public office
The competitive and depoliticized nature of the system	Observing the rule that “the candidate with the highest score chooses the job/ position”
	Non-discretionary nature of the selection of candidates: all decisions on candidates shall be comprehensively motivated and reasoned; ambiguous statements shall be banned
	No political influence or intervention in the selection of candidates is allowed
Predictable nature of the system	Clear definition of the procedures regarding the civil service recruitment system
	Consistent application of the procedures regarding civil service recruitment
	Pre-established tests in terms of format, characteristics, and the criteria of assessment but not the content
	The public nature of the selection tests in terms of format, characteristics, and the criteria of assessment but not the content

Examples of indicators:

- Number of courses for members of the competition committees (yearly)
- Number of training courses for staff from human resources departments (annual)
- Number of people trained annually by categories of positions and categories of training
- Number of national recruitment competitions for debutant civil servants/ year
- Number of national promotion competitions/year
- Annual fluctuation of civil servants at the executive level in central government
- Fluctuation of civil servants in leadership positions (annually and within six months after any government change)

Table 31. Monitoring of political feasibility

Political feasibility	Electoral manifestos of political parties contain references to public administration reform, civil service professionalism, administrative efficiency and the like.
	Government programmatic documents contain the issue of administrative reform, modernization or Europeanization.
	Analyses of the Prime Minister speeches mentioning the issue of administrative reform
	Analyses of Parliamentary debates on state modernization or administrative reform
	International recommendations, especially from the European Commission, World Bank, IMF or OECD urge the Romanian government to undertake administrative or civil service reform efforts
	Press statements by local politicians, representatives of foreign governments and distinguished foreign visitors encourage Romanian institutions to undertake reform efforts in the field of the functioning of the public sector (public administration, civil service, anti-corruption, policy-making, etc.)

Examples of indicators:

- Number of parties addressing references to public administration reform
- References to improvements made by Romania in its efforts to undertake reforms at the central public administration published by international organizations
- References to recommendations to Romania to undertake reforms at the central public administration published by international organizations
- Quantitative and qualitative assessments performed by international organizations with respect to Romania’s political spectrum engagement toward to the reform of the central public administration

Table 32. Monitoring of administrative feasibility

Observance of the terms for the implementation of the public policy	It is estimated that the resistance to change will lead to delays in implementing the proposed reforms and to non-observance of deadlines.
Clear definition of the regime of incompatibilities within public administration	See also the table "Monitoring of the effectiveness" above
Compliance with the regime of incompatibilities and conflicts of interests within public administration	See also the table "Monitoring of the effectiveness" above

Examples of indicators:

- Time delays (months) in implementing the reform of the public central administration
- Time (days, months) necessary to effectively implement legal changes to introduce the career-based system
- Number of incompatibilities registered/year
- Number of conflict of interests registered/year
- Qualitative assessment of incompatibilities and recognized conflict of interests

Table 33. Monitoring of public administration attractiveness

The existence of incentives in the civil service system	Real civil service career
	Real opportunities for training and development, prestige, etc.
	Motivating salary
	Professional prestige and social respect
Transparency of the opportunities offered by the civil service system	See also the table "Monitoring of the effectiveness" above
Professional autonomy of the civil service system	Protection of civil servants who resist compliance with illicit or unethical orders
	Protection of whistle blowers

Examples of indicators:

- Competencies framework developed and implemented in the processes of recruitment, training, and promotion
- Professional bodies defined and implemented
- Easily accessible information regarding the available positions and the corresponding minimum, average, and maximum wage in the central public administration
- Number of institutions in which remuneration is based on performance
- Number of registered complaints regarding illicit or unethical orders
- Share of population that trusts the public administration

Table 34. Monitoring of good governance

Number of integrity incidents in the public administration system	The lower the number of incidents, the higher the probability the public administration is able to provide good administration
Indicators measuring the level of trust in the public administration	Eurobarometer
	As devised and measured by other specific surveys
Indicators of governance quality	Worldwide Governance Indicators (World Bank)
	Indicators/data of the Quality of Government Institute of the University of Gothenburg
Indicators of social values	World Values Survey
Weberianness (Evans and Rauch)	The more Weberian a bureaucracy is, the more it is able to promote economic growth and good governance ⁹²

⁹² See Peter Evans and James E. Rauch (1999): *Bureaucracy and Growth: A Cross-National Analysis of the Effects of "Weberian" State Structures on Economic Growth*, in *American Sociological Review*, Vol. 64, No. 5 (Oct., 1999), pp. 748-765. Stable URL: <http://www.jstor.org/stable/2657374>

Examples of indicators:

- Romania’s scoring in the Transparency International Corruption Perception Index
- Citizens' perceptions of integrity and trust in the government (surveys)
- Eurobarometer
- Worldwide Governance Indicators

Table 35. Monitoring of initial (transition) costs of the public policy

Initial (transition) costs of the public policy	NACS	Staff expenses	Remuneration costs for the additional staff needed by NACS in order to develop the IT system
			Remuneration costs for the additional staff needed for the implementation of the policy option (other than in house IT platform development)
			Staff training costs needed for policy transition
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the implementation of the policy option
			Costs for the implementation of the communication strategy regarding the transition to a new HRM system
		Capital expenditures (investments)	Procurement costs in order to develop the existing IT platform, if appropriate (hardware and software)
	Other central public administration	Staff expenses	Remuneration costs for the additional staff needed for the implementation of the policy option (other than in house IT platform development)
			Staff training costs needed for policy transition
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the implementation of the policy option
Capital expenditures (investments)		Procurement costs in order to adjust the features of the existing IT system to the requirements of the newly improved IT platform operated by NACS, if appropriate (hardware and software)	

Examples of indicators:

- Measurement of costs/year

Table 36. Monitoring of operational costs of the public policy

Operational costs of the public policy	NACS	Staff expenses	Staff remuneration costs related to the monitoring, reviewing, and updating of the IT system
			Staff remuneration costs for the additional staff needed for operating the HR system devised by the policy option
			Staff training costs needed for policy implementation
		Material expenses (goods and services)	Cost of goods and services (including rents) needed for the operation of the policy option
	Capital expenditures (investments)	Procurement costs in order to review and update the existing IT platform, if appropriate (hardware and software)	
	Other central public administration	Staff expenses	Remuneration costs for the additional staff needed for policy compliance
			Staff training costs needed for policy compliance
Material expenses (goods and services)		Cost of goods and services (including rents) needed for the implementation of the policy option	

		Capital expenditures (investments)	Procurement costs in order to adjust the features of the existing IT system to the requirements of the newly improved IT platform operated by NACS, if appropriate (hardware and software)
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Examples of indicators:

- Measurement of costs/year

Channels of data collection

- Annual reports on the management of the civil service and servants (NACS).
- Biannual and annual monitoring reports (NACS, CPM).

Actors involved

- All line ministries;
- Co-responsible institutions for the coordination of the public policy: PMC, GSG, MRDPA, and NACS.

Monitoring period

- The indicators will be monitored half-yearly and on an annual basis during 2017-2026. Monitoring reports are to be drafted accordingly and policy adjustments should be made in order to ensure meeting of the government initiative.

The main objectives of monitoring

- Monitoring of the implementation schedule;
- Record keeping of the output;
- Identification and solving of the implementation related problems.

The main objectives of the evaluation

- Impact evaluation;
- Ensure transparency of inputs;
- Assessment of the outputs;
- Identification of failures in implementation;
- Estimation of outputs.

Planning of the policy option monitoring and evaluation

The following tentative planning of the policy monitoring and evaluation is proposed for the entire duration of the implementation.

Table 37. Monitoring and evaluation planning

Implementation semesters	Y1S1	Y1S2	...	Y5S1	Y5S2	...	Y10S1	Y10S2
Quarterly monitoring report on the implementation								
Annual monitoring report on the implementation								
Interim evaluation report on the impact								
Final evaluation report on the impact								

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Annex 1. Weights of the criteria according to stakeholders' assessments (pie charts)

Figure 16 Weighting of the criteria by all groups

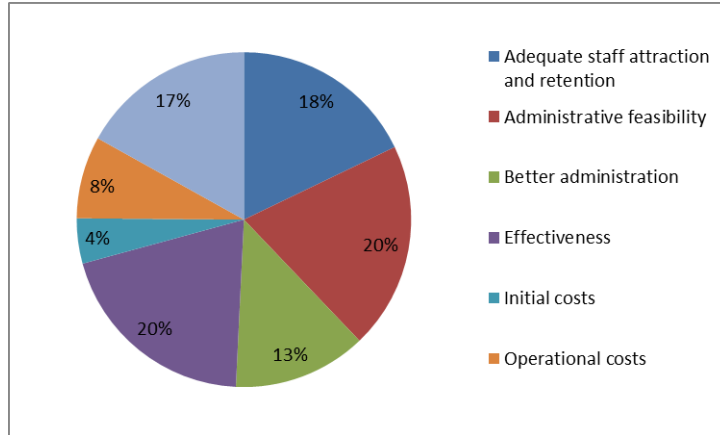


Figure 17 Weighting of the criteria by the "NACS" group

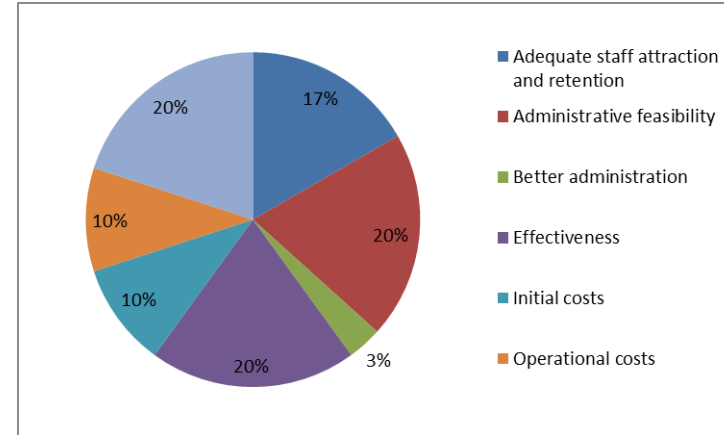


Figure 18 Weighting of the criteria by the "other central public administration" group

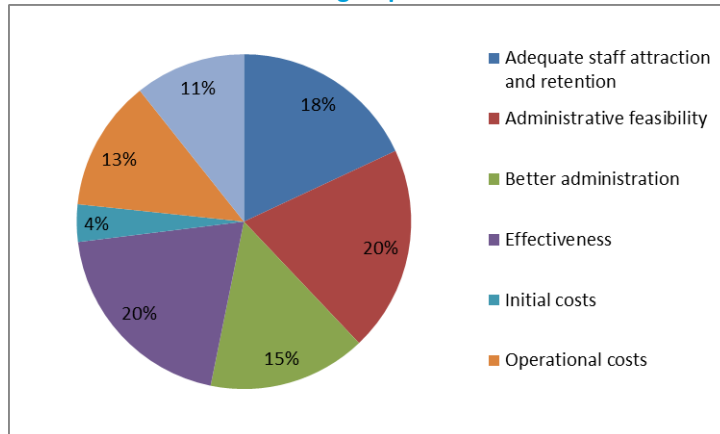
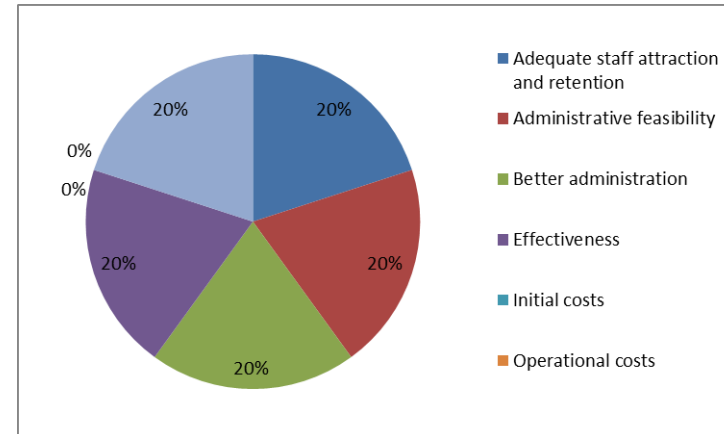


Figure 19 Weighting of the criteria by the "civil society" group



Annex 2. Evaluation of the policy options against the current situation, according to the assessment criteria

OPTION 1

OPTION 2

OPTION 3

Figure 20 Weighted scores of Option 1 by all groups



Figure 21 Weighted scores of Option 2 by all groups

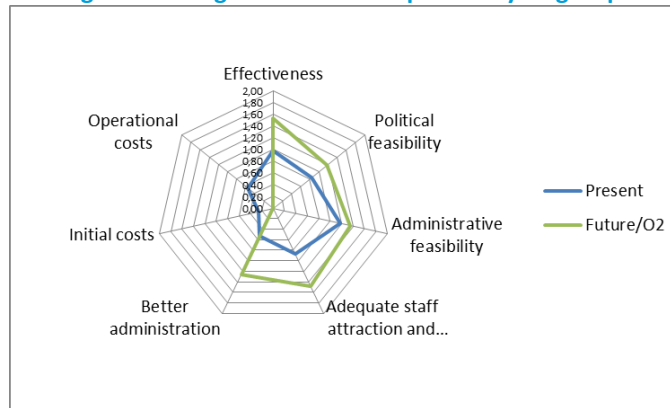


Figure 22 Weighted scores of Option 3 by all groups

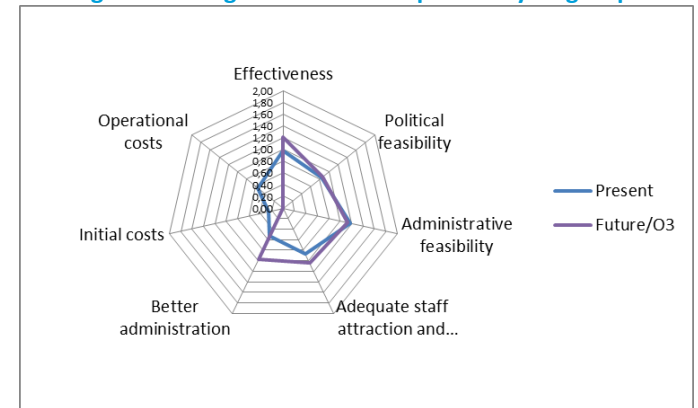


Figure 23 Weighted scores of Option 1 by the "NACS" group

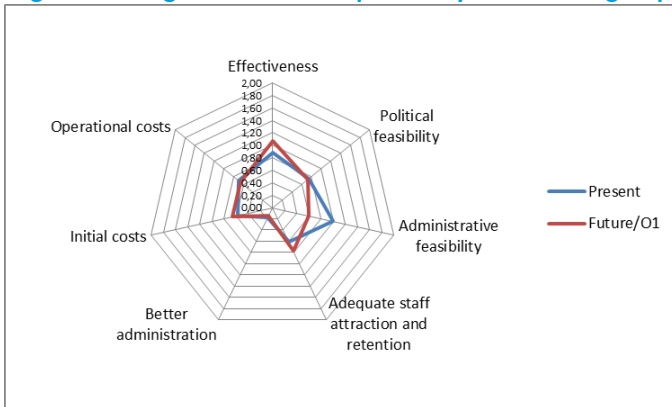


Figure 24 Weighted scores of Option 2 by the "NACS" group

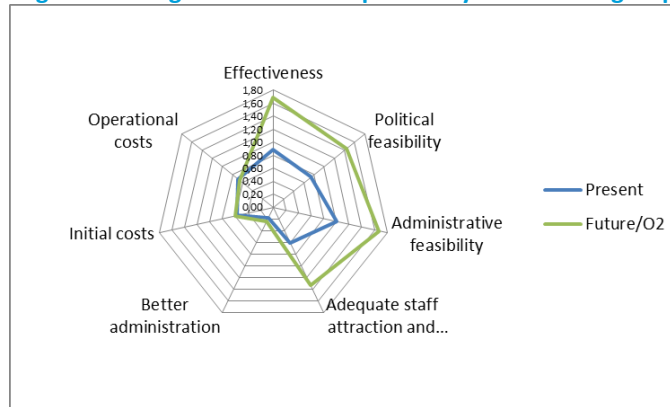


Figure 25 Weighted scores of Option 3 by the "NACS" group

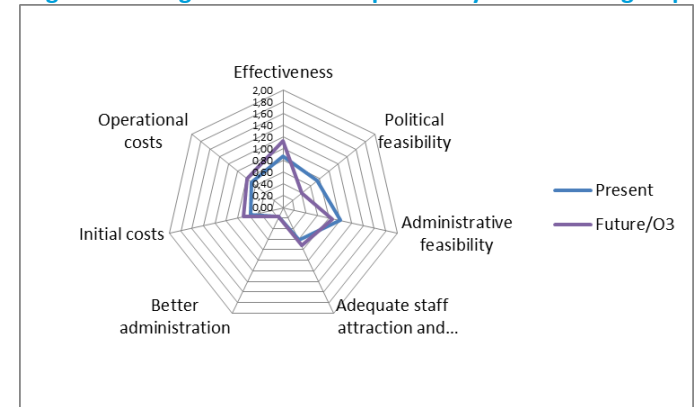


Figure 26 Weighted scores of Option 1 by the "other central public administration" group

Figure 27 Weighted scores of Option 2 by the "other central public administration" group

Figure 28 Weighted scores of Option 3 by the "other central public administration" group

OPTION 1

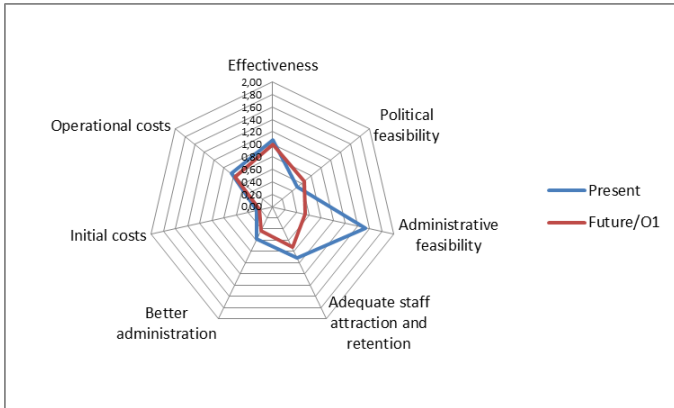


Figure 29 Weighted scores of Option 1 by the “civil society” group

OPTION 2

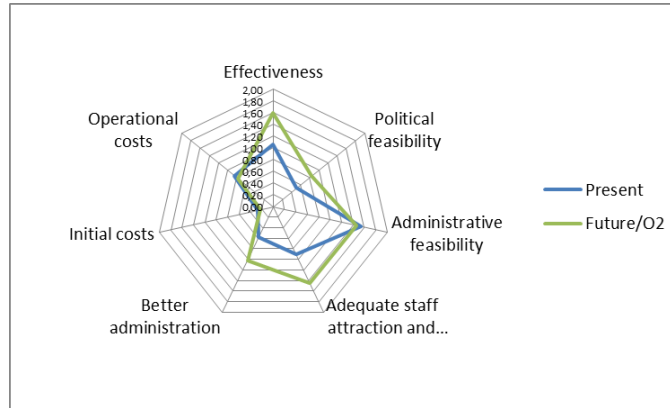


Figure 30 Weighted scores of Option 2 by the “civil society” group

OPTION 3

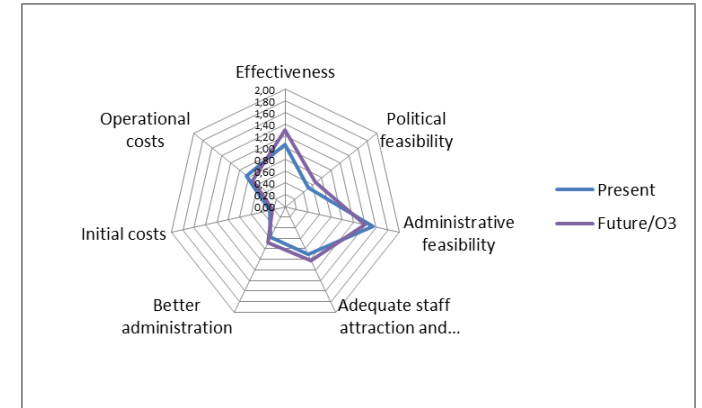
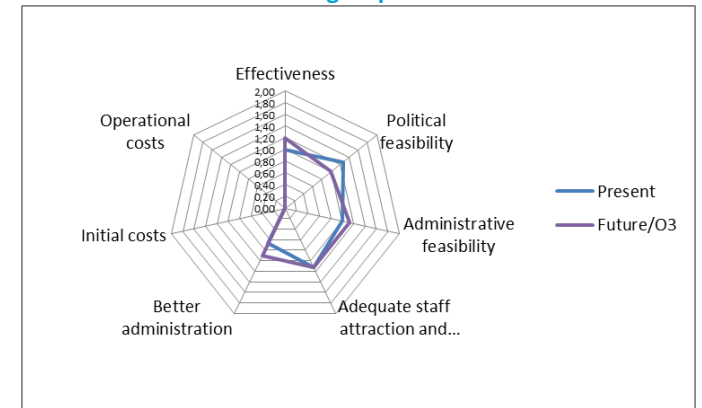
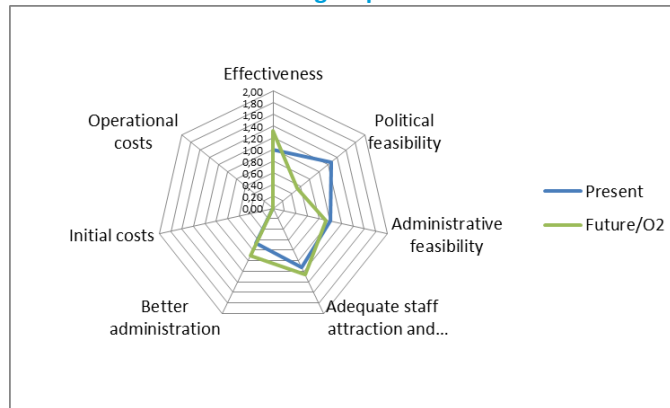
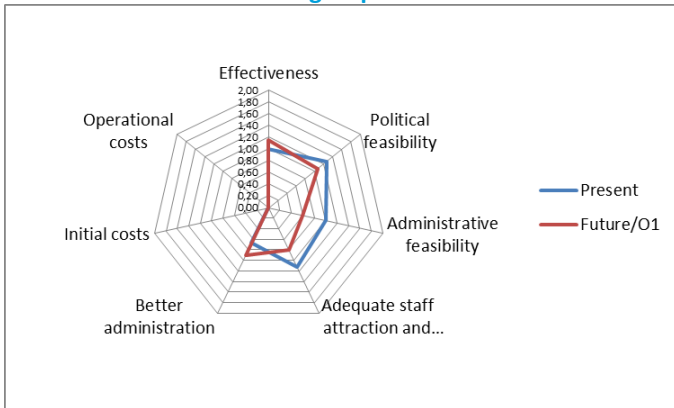


Figure 31 Weighted scores of Option 3 by the “civil society” group



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