

New dimensions of functions and status of employees in civil services of Bulgaria

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Annotation: The civil service is the goal of change throughout the European Union, especially in the period of economic crisis. The main starting point of all concepts for reforming the civil service in the Member States of the EU, are "different" standards of management and behavior in public administration. Not less important are also individual characteristics, specific to the administration - a hierarchical structure of organization, references to official documents, greater orientation to rules and processes, than on goals, etc. In this context, placing the fundamental question for and against specific rules of civil service and also the question of choice of disparate models and types offered by the Member States, the activation of a very important topic for our community. Even though important, this issue remains generally in shadow.

Keywords: civil service, human resources management, public administration, career system, position system.

I. INTRODUCTION

The establishment of efficient and effective system for managing human resources in state and municipal organizations is expectation with a relatively little probability of realization. This is one of the most important reasons for the relatively low efficiency and weaker competitiveness of the public sector worldwide¹.

The studies on the effectiveness of human resources² (including those in the report) reached to the formation of understanding that the promotion and development of public sector organizations is extremely topical issue - decisive factor of their effective functioning.

As a result of governance reforms in recent years in beginning of the 21st century, there is no longer a national model for public service, which could be described as a classic model of a career (this also applies to German, French and Spanish models). It may be briefly stated that the classical models of management lose their function as role models. However, many civil service systems can be better understood

¹ D. Popova, System for motivation: motivating opportunities in times of crisis, Proceedings of the Round Table "Management aspects of the crisis and their impact in the training process", Publishing House "Science and Economics", UE - Varna, 2009, p. 179-186.

² Виж по-подробно философията на моделите: Sontheimer, K., „Verfassungspolitische Perspektiven einer Reform öffentlichen Dienstes in der Bundesrepublik Deutschland“, в : Dagtoglou, P./Herzog, R./Sontheimer, K., Verfassungspolitische Probleme einer Reform des öffentlichen Dienstrechts, Baden-Baden, Vol. 6, 1973, p. 231

as an ideal type if they were arranged in a scale between career system and its opposite - the position system.

In this context it can be defended that *modernization of the civil service reduces the importance of models for the civil service, serving in Europe for example.*

In contrast to economic structural transformation from the government-managed and centralized to a market economy, the process of transformation of the civil service and the introduction of modern legislation on it, based on democratic principles, legal certainty, transparency and openness, received relatively little literary attention. Against this background appears need for better detailed examination of public services, which are sometimes characterized by striking differences in the countries concerned.

In the beginning of 21st century the status of civil servants was called into question in the classical bureaucratic state. The idea of national state and national citizenship, tendencies towards globalization and internationalization, the influence of European legislation (especially art. 39, § 4 and art. 136 to 141 of the EC Treaty), and the change of the concept of statehood, represent major challenges against the idea of classical status of the civil servant and his ability for reforming.

II. DIFFERENCE BETWEEN CAREER SYSTEM AND POSITION SYSTEM.

When organizing the civil service and determine the status of public officials, the Member States of the EU may in principle to choose between the classical career systems and position system.³ According to the definition, used by Boser,⁴ the distinctive characteristic of the career system is that the applicant enters into the service of the first post on a specific path for career development. Within this career the civil servant subsequently may to be promoted in accordance with the regulations set out requirements, to take on new positions and rise in remuneration scales (such as the principle of seniority).

The decision to adopt one or another model is directly related with national traditions in the Member States, as well as with the definition and the role, given to the state in its relation to society. The more the idea of the state rises above that of the society, the more likely is to take a decision for the adoption of the classical career system. In the contrary shall be taken decision about adoption of the position system.

³ See in details philosophy of models: Sontheimer, K., „Verfassungspolitische Perspektiven einer Reform öffentlichen Dienstes in der Bundesrepublik Deutschland“, в : Dagtoglou, P./Herzog, R./Sontheimer, K., Verfassungspolitische Probleme einer Reform des öffentlichen Dienstrechts, Baden-Baden, Vol. 6, 1973, p. 231

⁴ Source: www.nbu.bg/PUBLIC/IMAGES/File/departments/center.pdf, available at 31. 05. In 2012



According to the study Boser, D. and Demmke, K. among the Member States of the EU the Swedish model most closely resembles the classic model for position. Other countries with a position model are also Netherlands and Estonia.

With the system, tending to the *classical career model* are mainly the countries: Cyprus, Slovenia, Turkey (candidate member of the EU), Romania and Slovakia.

Generally speaking, over the last decade (i.e. since the beginning of the 21st century), there is a trend in more EU member states to orient somewhere between these two extreme forms. Countries with *mixed systems*, incorporating the career model and position model are mainly Hungary, Malta, Poland, Lithuania, Czech Republic and Latvia.

According to the same study, Bulgaria is defined as a country tending to the classical career model. This assumption, albeit with some degree of conditionality, we cannot accept unconditionally, and the reason is one - the importance of models for the civil service, serving in Europe for example, gradually decreases. And the arguments for this are several.

The difference between the career models and position models can be determined in several ways:

- Regulations in the career system only apply to public officials (with the public law contract in Germany, Civil Service Act in Bulgaria) the main elements of the career system affect only about 20 to 30% of employees in the public sector;
- Classical elements of the career system also apply in countries with the position model (it relates specific sectors such as the military, customs or police).
- Basically, the conditions of service for senior civil servants in the future will be more different. In some countries is implemented or separated the senior civil service and / or senior staff posts are awarded for a specific period after the selection procedure.
- Both systems distinguish additionally by the national implementation.

III. CONDITION AND TRENDS IN THE SYSTEM MANAGEMENT CAREER IN BULGARIA

Even though the system for management of human resources involved in the process of reforming the civil service in Bulgaria, it is into the background compared to career changes, in structures and organization, and also in the system for budget financing. Still the staff, whether there are senior managers or employees of a lower level, is viewed as an expense, rather than as a strategic resource. There are still no plans for the managers' development. Plans for new training, measures for the development of abilities, of motivation and management in order to achieve results, introduction of flexible working hours and arrangements for coordination of private and professional life are developed and applied only hesitantly. That state is hardly surprising if one considers that strategic policy for planning of the personnel meets not only financial difficulties but mainly organizational troubleshooting: decentralization of competencies does not allow strategic and coordinated overall planning.

It is undisputed problem to attract the qualified personnel to work in the public service and forming requirements and characteristics for the workplace so that the staff requirements and the needs of the employer to meet each other. Private study of the author among public officials of the district administrations in major cities shows the lack of overall strategic policy for movement of personnel. Measures are not enough to change the classical policy on recruitment and career development in the Bulgarian state administration. One reason for this is that a typical idealized civil service, organized in accordance with the career model is increasingly losing its appeal for young candidates who want to change careers, place of employment and sectors more frequently.

The legislation, governing entry into the civil service and career development has two tasks: personnel management and motivation for achieving results.

Seen from the fact that in the public administration exist two categories of employees - the civil servants and employees under labor contracts, Bulgarian laws governing two legal regimes: administrative law - relating to the civil servants and labor legislation - relating to those, who are employed under labor relationship.

The term "public servant" is more difficult to be defined now from the ever before. Administration Law⁵ provides that activities of the administration have to be carried out by civil servants and persons, employed under labor contract, without stating the reason and / or any criteria for such a distinction. The terms of their appointment and their status are determined by separate laws, while, however, civil servants and persons, employed under labor contract, occupy positions, whose names are defined in the Uniform Classification of posts in the administration⁶. This legal regulation is at least strange: in the same organization employs two categories of employees under different official status, but having the same functions - managerial and expert.

The Law on Civil Servants⁷ in its turn formulates specific method of performance of the duties of civil servants by identifying the state employee as a person who under the force of administrative act for employment is taking paid payroll position in the public administration and supports public authority in the implementation of its powers. At the same time, however, officers in employment relationship, engage in labor full-time position in the state administration, are appointed by an administrative act; assist the public authority in the exercise of its powers as his duties shall be determined with job description.

An attempt was made to determine the status of civil servants, but in this respect only proves that both law lacks clear criteria for distinguishing the civil servant status of employees from employment, engaged in full-time employment in the public administration. Probably the only differences are the fact that: in one category - civil servants, social security contributions are paid by the state, and in the other - employees under labor contract, they are at the expense of employees themselves, on the one hand and on the other - that the first category employees may not have companies at their name.

Career development is an important activity in the management and development of human resources. Good opportunities for development influence as on the motivation of the individual and on the efficient functioning of the institutions in the system.

Career development in public administration as a process practically there is no, or is limited to the minimum, the possibility of its implementation. The arguments in favor of this statement are following:

1. There are no established and thus public legitimized administrative policies bound by popular publicized strategies, plans and programs, for their implementation at central and local levels, including structural policies by administrative units, in certain pre-defined time intervals.

2. There is normatively restricted development of the civil service. Rising in the civil service is not bound by criteria

⁵ Administration Act, promulgated in SG, issue 130 from 5 November 1998, last amended in SG, issue 15 from 21 February 2012.

⁶ Unified classifier of positions in the administration last amended in SG issue 21 from 13 March 2012, in force since 15. 03. 2012 .

⁷ Civil Servants Act, promulgated in SG_ issue 67 from 27 July 1999, last amended _in SG, issue 38_ from 18 May 2012, effective from 01. 07. 2012.

for evaluating the implementation of previously agreed (planned) purposes.

3. There are no workable systems for planning *the career development of employees*.

4. Career development can only exist for experts with analytical and / or supervisory positions (minimum educational requirement to hold a bachelor's degree) and managerial positions to administrative level A 5.

So in public administration is possible limited in scope career development for positions, occupied only by official legal relation: Level B7 Jr. expert, at level B 6 Ch. Expert, Level A7-A8 (H-k sector / department), to a level A6 - A5 (Director of Directorate/Administrative Secretary).

Legislative terms are established "Career development", "Raising in the civil service" and "Raising the rank of civil servant". Changes are possible (and clean personalities, and regulatory partial predictable and entirely unpredictable) as well as obstacles and new and different challenges.

The only place where it speaks of "career development" instead of "career growth" is the Ordinance on the conditions and procedures for attestation of public administration employees (OCPAPAE) - Art. 1, para. 1, item 6.⁸ The civil servant Act uses the term "Raising in the civil service." The actual raising in the civil service is provided legally be done through subsequent passing a higher rank or position⁹, as the possibility of earlier promotion in rank even canceled.

Increasing the rank of the civil servant is legally provided only to employees in the official legal relation, but not for those in employment. The rank is determined by the law as a concept defining the professional qualification of civil servants - "combination of knowledge and skills necessary for quality performance of the position." But also the attestation assessment is an expression of professional qualification civil servant - "the degree of implementation of their duties and professional competences ", i.e. everything is an expression of something (art. 76, para. 3).

Rising in the civil service as a concept should be legally bound to the evaluation of job performance resulting from the appraisal and training and development of employees in the administration. From that - by default - follows that raising in the civil service as a concept *rather than career development of civil servants* concerns only employees in official legal relation.

Since it is not implemented succession planning of human resources, does not take place and training (in the last two years), due to the economic crisis and budget deficit, it follows that the increase in the civil service is not tied to criteria for evaluating the performance of pre-agreed (planned) purposes. *Therefore, practically there is no career development.*

The general conclusion is: there is not quite clear (from a legal and practical point of view) form of career growth of civil servants in our country, with practically no career development. Of course, the career development of civil servants is not a single but a continuous process, which influenced many factors. This conclusion is justified to a large extent to the impact of the global economic crisis. In conditions of risk is necessary to have a management planning, combined with a balanced continuity of staff. Absolutely necessary is the development and implementation of new management systems and human resource development in the administrative structures in our country, according to the best practices in this area of EU Member States and particularly, by:

⁸ Ordinance on the conditions and procedures for attestation of public administration employees, approved by Decree № 105 from 21.05.2002, Prom. in SG, issue 54 from 31 May 2002, last amended in SG, issue 21 from 13. 03.2012, in force from 15. 03. 2012.

⁹ As in the Civil Servants Act and the Ordinance on the conditions and procedures for attestation of public administration employees.

1) Rethink and approval of a new civil servant status, evidenced by the elimination of various concepts - employee in service relationship and the officers in employment relationship, with the respective consequences: the elimination of "privileges" for employees in service relationship.

2) Implementing a system for external evaluation of the activities of civil servants (rating system) by independent assessors and determining additional remuneration depending on the position, responsibility, loyalty to the administration, and innovation in services and overall efficiency in administration.

3) Implementation of a comprehensive policy and practice in career development planning (formulation of a set of assumptions about professional development, designing a model for understand the different factors associated with career development).

4) Career Development in the administrative sphere to be related to knowledge development, skills and competencies in the process of occupying and performing specific job positions in competition with other positions.

5) Carrying out subsequent qualification and training of human resources.

III. CONCLUSION.

The changing nature of both the internal and international environment of the administration and also the new tasks and functions, new difficulties and growing need in society for highly qualified public services - these are all factors that have a direct impact on the process of recruitment, appointment and promotion of civil servants.

As regards the human resources management, the demographic and market factors appear to reduce the stock of highly qualified applicants entering the traditional civil service entrance level. As in any large organization the public service would benefit from the infusion of new staff with different training and also bearing new ideas into the system. As far as career ambitions of the available staff are natural, it is necessary the public service to be more open organizations in order to ability for open recruitment for some middle and senior management positions. This will require in the future to continuously improving mobility between the public and private sectors.

According to the author, the reforms - the pension systems, of mobility between the private sector and the civil service, of the timely appointment of senior positions, the reform of the remuneration system, introduction of target agreements and management tools, according to the results of labor, the introduction of flexible working time and contractual relations, etc.) - in state departments of public administration in Bulgaria, will lead to a tendency to align with the private sector and partial abandonment of traditional principles of civil service legislation. There is a growing view that is often unjustified differential attitude and different status of civil servants - under employment and service relationships. In addition to this, social conditions, values orientation, customer orientation, desire for mobility, the qualification requirements, motivation and even the recruitment of personnel so as problems in the management of human resources in public administration in the future will become increasingly in the same manner - both in private and in public sector.

On the one hand, it assumes that there is no political will to solve the acute problems existing in this field, and on the other - is alleged the opposite, that there is political will in abundance, but they made some omissions. Is the problem only in the political will or the things are more complicated? Because of all these developments, the public service is not a static whole. There is no manifested example or model of administration system. In this context, it can be assumed that



the modernization of the civil service reduces the importance of models for public service, serving in Europe for example.

An important question remains that the civil service is in crisis and has been criticized from all sides. Therefore, the answer to the question about the meaning and purpose of specific legislation on civil service and its organization could be extended. It remains to be seen in the medium term, what practical effect in human resources will have legal measures to reform the stability and continuity in the civil service in Bulgaria.

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