

HUMAN RESOURCES POLICY IN LOCAL GOVERNMENT IN REPUBLIC OF MOLDOVA IN THE CONTEXT OF IMPLEMENTING THE EU ASSOCIATION AGREEMENT

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Abstract

This article reflects aspects of public administration reform in Moldova in the context of implementing the European Union Association Agreement. It is underlined the role of the human factor in public administration reforms. The problems facing local government in Moldova in the human resources management are highlighted. The process of implementation of the Association Agreement with the European Union involves significant reforms in public administration. In this connection are identified current priorities of staff policy in local government in Moldova.

Key words: *human resources, performance, professional development, evaluation, motivation*

JEL Classification: [K10]

Moldova Association Agreement to the European Union was signed on 27 June 2014 in Brussels. This was a historic day for us. By signing this document our country was strongly committed to democratic reforms and European cooperation. Among the development priorities set out in the agreement mentioned public administration reform, including the formation of a body of professional civil servants, responsible and with integrity.

Thus Chapter 1, art. 21-23 of Title IV of the Association Agreement between Moldova and the European Union refers to the need for reform both central government and local authorities. Some provisions of Chapter 20, particularly Article 107 of the Association Agreement talking about the importance of local government: decentralization of decision-making from the central to the regional communities and to enhance partnership between all parties involved in regional development. Developing the capacity of local authorities to promote cross-border cooperation in accordance with the regulations and practices of the European Union, and improving the mechanism of the interaction vertical and horizontal central government and local governments in developing and implementing regional policies is stipulated in art. 108¹.

In accordance with art. 22-23 of the Association Agreement, the priority actions focusing on cooperation between Moldova and the European Union, valid for

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¹ Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, http://www.gov.md/public/files/2013/ianuarie_2014/ACORD_RM-UE_1.pdf 3

both central and local government and about which should report on measures taken are² :

- institutional and functional development of the public authorities to increase their efficiency and ensuring a decision-making process and strategic planning effective, participatory and transparent;
- modernization of public services, the process that includes the introduction and implementation of e-Governance, in order to increase efficiency of service delivery to citizens and reducing the cost of business management;
- creating a professional civil service, based on the principles of managerial accountability and effective delegation of powers , fair and transparent hiring, training, evaluation and compensation;
- efficient and professional management of human resources and career development;
- promoting ethical values in public service.

In this context the success of economic and social changes are in direct and close correlation with which the staff of public administration manages to understand and implement strategies, reform programs and plans drawn up by Parliament and the Government of Republic of Moldova. Thus the issue of human resources in public administration becomes imperative a priority in implementing the Association Agreement to the European Union.

Experience of Member States of the European Union highlights some key trends in human resources policy for this period³:

- Formalizing of the methods and procedures for selection of staff, based on the scientific criteria;
- Scientific analysis of the needs for administrative staff;
- Promoting young workers;
- Improve the functioning of personnel policy decisions;
- Creating a system, scientifically of the training and development of staff.

These trends are closely correlated. Making a judicious system of insurance with specialists of public administration must necessarily take into account these trends.

For a better understanding of the subject content we mention that the public administration system in Moldova is organized on two levels: central government and local government. The local government is made up of local public authorities of level I and level II. Mayors and municipal councils are authorities of level I, and presidents of district and regional councils are local authorities II level. Thus at the

² Law No. 112 din 02.07.2014 for the ratification of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part. Official gazette No. 185-199 from 18.07.2014.

³ S. Cojocaru S., T. Tofan T. a.o., *Managementul resurselor umane din administrația publică din Republica Moldova. Academia de Administrare Publică.* – Ch.:AAP, 2014, pp. 29-39.

moment we have 898 administrative units of level I and 34 administrative units of level II. In the local government of the Republic of Moldova there are 13537 people, including 6665 civil servants, or 38.8% of the total number of civil servants in the public service from our country. The average age of civil servants in local government is 45.0 years.

The activity of local government staff is governed by a set of laws that are based on principles: humanism, legality, transparency, accessibility, equity, cooperation, stability, professionalism.

The main normative act of legislation that builds management system of human resources in public administration in Moldova is the Law no. 158-XVI of 4 July 2008 on the public function and status of civil servant as amended⁴.

The law establishes the conditions that need to meet any person who aspires to public office, sets out the way of the establishment and classification of public functions and categories of civil servants, builds the mechanisms through which civil servants to be represented in their dealings with public authorities and institutions. The Law, also, establishes the rights and obligations, incompatibilities and restrictions of the civil servants and procedure recruitment, selection, performance appraisal, professional development and career advancement. This law stipulates the conditions of remuneration of labor and the social guarantees of civil servants, as well as liability and disciplining and termination of service in the public office.

In order to manage effectively the public administration staffs were approved and implemented and other legislation as follows:

- Law on the Code of Conduct for Civil Servants (2008)
- Law on Conflict of Interest (2008)
- Law on professional integrity testing (2013)
- Law on Wage System (2012).

For up to implement the laws This law stipulate the conditions of remuneration of labor and the social guarantees of civil servants, as well as liability and disciplining and termination of service in the public office, were elaborated and put into actions the regulations and guidelines, such as: Regulation on the probation period for the junior civil servant (2009), Regulations on civil service employment by competition (2009) and others. To ensure transparency and identifying the target-group of the potential candidates was released and is used government portal www.cariere.gov.md.

In accordance with the regulations in force, in the public administration was introduced the recruitment and selection system, which ensures to hold the public functions on a competitive basis. According to Art. 28 of the Law on public function and status of civil servant, legal, the occupation of public office shall be made in the following ways:

⁴ Law. No. 158-XVI from 4 July 2008 concerning the public office and status of public servant. Official gazette no. 231-232 from 23.12.2008.

- competition based on the principles of open competition, transparency, competence and professional merits;
- promotion to a higher public position in the merit including of the professional performances with the result "very good" ;
- transfer between public authorities or subdivisions same public authority;
- posting;
- interim management of public position.

Persons employed for the first time in public office apply a probationary period of six months⁵. During this period the junior officers receive at least 80 hours of training. At the end of the probationary period are evaluated and in depending on the outcome of the evaluation it is deciding their employment in the public authorities.

Annual is performed the performance evaluation of local civil servants. Organize and conduct the evaluation process is governed by the Regulation on performance appraisal of civil servants, approved by Government Decision No. 20 of 11 March 2011. Performance appraisal of personnel in local government is one of the important procedures of staff which is a cyclical process, and takes place throughout the year.

Professional development of civil servants is performed in line with the annual staff training plans of public authorities, including internal training activities, carried decentralized by public authorities and coordinated by the Service Human Resources of public authorities. External trainings are conducted by the Academy of Public Administration, development partners and other providers of training services⁶. According to the Law on public function and status of civil servant, local authorities are required to ensure each civil servant various forms of training with the period for at least 40 hours per year and once every three years a training course for 72 hours. The public authorities are obliged to provide in the local budget means for the professional development funding in the amount of at least 2% of the payroll. An important role in the professional development of civil servants has Academy of Public Administration.

The regulatory framework governing human resource management in public administration provides motivation of public servants, which is focused on two aspects: financial incentives and non-financial motivation. Thus under Article 40 of Law 158/2008, the public official is motivated for efficient fulfilling the tasks, also for the initiative in the lasting and irreproachable public service. Stimulation of civil servants is made by providing of: awards, thanksgiving, diplomas of honors. For remarkable achievements and merits to society and to the state the public official can be decorated with state awards. Article 42 of Law 158/2008 provides social benefits

⁵ Regulation on probation for public servant award (Annex no. 2 Government Decision no. 201 from 11 March 2009).

⁶ Regulation on the further training of public servants, approved by Government decision no.185 din 26.07.2004/Official gazette, 2004, no.132-134.

of civil servants. In accordance with Article 43 of the same law it is provided annual paid leave increase by 3.5, respectively 7 calendar days depending on the length of the activity in public service.

In this way we find that human resources policy in public administration in Moldova is based on an efficient legal support. However in local government there are a number of problems in human resource management, which directly influence the activity of local government and quality of public services delivered to citizens. The problematic situation is due to the fact that a long period of time Service of Human Resources Administration was only a technical structure with limited duties, who dealt with the record of employees, a mechanical activity but not conceptual. This service was not concerned about employee professional development, career development.

At present, one of the problems facing local authorities is the lack of specialists. The weak developed infrastructure in rural areas, low salaries are the cause of youth emigration from the rural. Although are organized competitions for employment vacancies, the candidates for the contest are very few. As a result it is attested a relatively high degree of aging of employees in local government.

The value of public administration is appreciated by the professionalism of public servants who are employed in public authority and the quality of the provided services. A public administration what endowed with material and financial resources of great value, but unprepared professionally framed officials cannot perform their duties, just are wasted the resources that have been made available. Experience shows that the best laws do not give the expected results if not applied strictly in their spirit by the servants thoroughly prepared for their profession. At the moment this is the matter of the Republic of Moldova.

From lack of financial resources local authorities have not the possibility to ensure professional development of civil servants. Professional development plan developed and implemented at national level does not include all employees of the local government. So not all local public servants are trained. As a result it is attested reduced capacity of officials (especially public authorities of level I) in planning, development and management of programs and projects, regional development, decision-making, intercommunity cooperation, interregional and international cooperation.

Hiring the staff is a responsible moment in the activity of government. Although in the legal framework it mentions organizing the competition for employment with regret in the hiring process more of the civil servants are appointed not on the basis of professionalism, but on political or nepotism criteria.

Inadequate remuneration of civil servants sometimes lead to injury incompatible with a public servant through the manifestation of corruption, as a result is diminished reputation of all workers in local government. Although in 2012 was created National Integrity Commission, which is an institution involved in the application of standards of integrity, and discourage behaviors that generate corruption administratively so far not are elaborated and implemented special training

programs on the integrity of public servants. There is not sufficient methodological materials on the application of the regulatory framework in this area, there are no tools for monitoring, collection and analysis of data on the application of laws concerning the integrity of civil servants. Basically do not are taken sufficient measures to prevent acts of corruption. In this context, the integrity in the public service remains an extremely vital condition for establishing a professional civil service capable of providing quality services to beneficiaries.

Another problem facing local government in human resources management is the involvement of politics in public administration activity. To ensure the independence and disinterestedness of civil servant is necessary that the state to ensure the high legal, economic and social protection. The public official must be immovable. Civil servants in the Republic of Moldova are at risk of losing their work, not because of incompetence or lack of discipline, but because of the political situation or reforming the system of public administration staff reduction. We must notice that currently local authorities have not full autonomy to determine their own staff structure.

The implementation of the Association Agreement to the European Union impose new requirements for the preparation and training of local government. The effort in the training of local public servants need be done as rather possible. This will increase the perception level of problems in all sectors of government.

This in turn generates new requirements for specific training of public servants in EU policies legal framework and the EU institutions.

The main directions regarding areas of training civil servants and elected officials from local government in the implementation of the Association Agreement to the European Union would be:

- Training in planning, including urban planning;
- Training in management and development of projects;
- Training in the formation of public-private partnership;
- Training in sustainable development;
- Training in preventing corruption.

In Moldova, lately, the number of supporters of the European integration process has decreased dramatically. This decline is happening not only among the public but, unfortunately, and among the civil servants. This occurs, including, and from lack of information and knowledge about the European Union. In this context it is necessary the general training for local public servants in the following areas:

- European Union institutions and decision-making procedures;
- Sources of legislation of European Union;
- European Union policies;
- European Union information sources.

Knowledge of European practices, establishing partnerships with local authorities in the European community countries requires knowledge of international

languages. At the moment local authorities have shortage of civil servants, who know foreign languages. Thus the training in the areas of languages (French or English) has become a necessity for personnel working in local government.

The process of implementation of the Association Agreement to the European Union involves significant reforms in public administration. At present, public administration is facing changes on the operating framework, expectations of external partners and citizens. In these conditions the human resource is an important variable that determines the success or failure of local authorities. Public administration reform set out in the European Union Association Agreement must lead inevitably to a more professional activity carried out by public authorities and to the changing of values and mode of action of civil servants.

Bibliography

1. Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part,
http://www.gov.md/public/files/2013/ianuarie_2014/ACORD_RM-UE_1.pdf 3
2. S. Cojocaru S., T. Tofan T. a.o., *Managementul resurselor umane din administrația publică din Republica Moldova. Academia de Administrare Publică.* – Ch.:AAP, 2014, pp. 29-39.
3. Law. No. 158-XVI from 4 July 2008 concerning the public office and status of public servant. Official gazette no. 231-232 from 23.12.2008.
4. Law no. 112 from 02.07.2014 on the ratification of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part. Official gazette No. 185-199 from 18.07.2014.
5. Regulation on probation for public servant award (Annex no. 2 Government Decision no. 201 from 11 March 2009).
6. Regulation on the further training of public servants, approved by Government decision no.185 din 26.07.2004/Official gazette, 2004, no.132-134, approved by Government Decision no. 185 from 26.07.2004/Official gazette, 2004, no.132-134.