

SPECIFIC DEONTOLOGICAL RULES APPLICABLE FOR THE PUBLIC MANAGER IN THE CONTEMPORARY ROMANIAN SOCIETY¹

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Abstract

The public manager is a civil servant with special status and attributions, whose specific duties imply carrying out the reforms in public administration, adapting the activity of Romanian institutions to the specific and standards of European Union institutions and ensuring the smooth running and the efficiency of public authorities and/or institutions. In the present paper we aim to analyze the institution of public manager mostly from the perspective of the applicable deontological rules. We will also refer to the particularities of the current period due to the COVID-19 pandemic and the measures that need to be taken in each institution, both to ensure the efficient carrying out of the specific activities and also to ensure the health protection for the civil servants and the beneficiaries of the public services. In order to achieve our purpose, we will analyze both the legal frame specific to public managers in several public institutions (such as hospitals, public libraries, universities) as well as the special legal norms established to prevent or restrict the spread of the pandemic, one of the most recent being the Decision no. 94 of 25th October 2021.

Keywords: public manager, democracy, ethics, public institution, law, right to health, right to opinion.

JEL Classification: H83, K10, K23

1. Introduction

Public management is a relatively new and increasing field within the Romanian public administration. In general, management means "the organizational function that ensures the carrying out of activities efficiently and intends to achieve the maximum level of results through the optimal use of resources."⁴ The idea of management, that is, of efficient organization of the activity and getting the best results within an organization, initially came out in the private system, where efficiency, yielding and profit are essential aspects of any activity. From the private area, it was taken over in the public administration, obviously being targeted the same purpose: carrying out specific activities at the level of public institutions and authorities in a more practical and efficient way. As some authors have noticed, "the managerial problem of administration appears pregnantly in difficult economic⁵ conjunctures when it is required to cope with the new challenges caused by the sharpened need for stability of community members, amid an acute decrease in the level of comfort with which they habituated"⁶ or which they want and consider they can have, we would add.

Moreover, life in the community necessarily involves certain areas and services that cannot be ensured by private organizations (some not at all and others not exclusively): defense of the territory, protection of citizens from possible violations of their fundamental rights (right to life, to physical and mental integrity, the right to health, the right to education, etc.). Through central and local public administration, there must be carried out activities specific and necessary for the proper functioning of society and for individuals to be able to exercise their fundamental rights peacefully and efficiently. The process of improving the activity in the public administration must be continuous and permanent. In this context, it was natural to be taken over a series of ideas, principles and functions, including from the private environment, that would lead to a higher the efficiency of the

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⁴ Verginia Vedinaș, Teodor Nacis Godeanu, Emanuel Constantinescu, *Public law dictionary. Constitutional law and administrative law*, CH Beck Publishing House, Bucharest, 2010, p. 94.

⁵ Florin Tudor, *Fiscal Policy and Tax Procedure in Romania*, Lambert Academic Publishing, Saarbrucken, 2011, p. 23.

⁶ Ioan Lazăr, *Public administration, public management and European sources of financing in the context of the new challenges imposed by the current situation of the world economy*, Roman Pandects 5 from 2009, <https://sintact.ro/#/publication/151001883?keyword=lazăr%20ioan%20pandecte&cm=SREST> accessed on 11.11.2021.

public administration⁷.

Good administration and good governance can only be achieved through a permanent and efficient cooperation of political representatives with career officials. As some authors have noticed, "the model of the New Public Management that positioned political leaders as strategists, setting broad, prioritized goals and then monitoring their achievement in a hands-off manner has seldom been realized in practice. In neither Eastern or Western Europe are there many political leaders who are simultaneously a) genuinely interested in management issues, b) personally competent in strategic management, c) willing to formulate, state and hold to clear, prioritized goals for organizational reform and d) prepared to stand back and leave the detail to professional managers."⁸ Further away, it is shown that in public administration "reforms go faster and more coherently when there is some kind of mutual understanding between political leaders and the public servants leading the reform effort as to the respective roles of the two parties. Getting and keeping such a *concordat* is almost as important as selecting the most appropriate reform."⁹

A central element of public management is, of course, the public manager, the person who must effectively coordinate the activity of the institution, to foresee any problems that may arise, to anticipate solutions and to permanently improve its image and structure. In Romanian legislation and public administration, the *public manager* is a civil servant who "has the role of ensuring support for the reform policies of the Romanian Government as concerns of design and implementation from strategic to operational levels of procedures and activities targeting the acceleration of the central and local public administration reform."¹⁰

Within the Romanian public administration, along with the institution of public manager, there is also that of the public administrator. The latter was entered into Romanian legislation by Law no. 286/2006 amending the Law on local public administration no. 215/2001, now repealed and replaced by the Administrative Code. Law 286/2006 provided that the position of public administrator may be established "at the level of localities and counties, being able to be delegated coordination duties of the specialized defendant or public services, as well as the capacity of main credit release officer."¹¹ The main legal problem related to the position of public administrator is that this position is not constitutional¹², not being expressly provided by the constitution. However, in the literature it was noted that the public administrator position "proves its practical utility by relieving the mayor, as a politician, of a series of technical problems involved in the administration of a local government."¹³

2. The specific nature of the public manager activity in the public administration from Romania

The reason for introducing the public manager institution in the Romanian legislation is based on the idea of making more efficient the activity in the local and central public administration and of activating the implementation of reforms in the administration. In the literature it was held that they "are a special category of civil servants who, by exercising their duties and responsibilities, contribute to ensuring the efficiency and continuity of public administration reform, from strategic to operational

⁷ Mirela Paula Costache, *The Role and the Current Valences of Civil Liability Principles and Functions* in "Acta Universitatis George Bacovia. Juridica", vol. 3, no. 1/2013, pp. 497-517.

⁸ Christopher Pollit, Geert Bouckaert, *Public management reform: a comparative analysis*, second edition, Oxford, Oxford University Press, 2004, chapter 6; Christopher Pollit, *Introduction* in Vass L., Kulenkova-Orzhel O., Pollit C. (editors), *Leadership and Management in the Public Sector: Values, Standards and Competencies in Central and Eastern Europe*, NISPAcee Press, 2007, p. 12.

⁹ Christopher Pollit, *op. cit.*, 2007, p. 16.

¹⁰ Verginia Vedinaş, Teodor Narcis Godeanu, Emanuel Constantinescu, *op. cit.*, 2010, p. 94. See also Cătălin-Silviu Săraru, *Drept administrativ. Probleme fundamentale ale dreptului public*, Ed. C.H. Beck, Bucharest, 2016, p. 712-714.

¹¹ *Ibid*, p. 7.

¹² According to Article 121 paragraph (1) of the Romanian Constitution, "The public administration authorities, through which local autonomy is achieved in villages and cities, are the elected local councils and the elected mayors, in accordance with the law." http://www.cdep.ro/pls/dic/site2015.page?den=act2_1&par1=3#t3c5s2sba121 accessed on 11.11.2021

¹³ Dana Apostol Tofan, *Administrative Law*, Volume I, 5th edition, C.H. Beck Publishing House, Bucharest, 2020, p. 274.

levels."¹⁴ Also in the sphere of public manager capacities are the aspects related to a better integration in the European Union structures "by implementing and following the enforcement of the European Community *aquis*, within the public authority or institution where it carries out its activity".¹⁵

In the opinion of some authors, to which we agree, "the manager is the one who, after systematizing and synthesizing the information, it holds through the position held, adopts the most adequate decisions within the institution it manages, decisions which it then communicates to its subordinates and determines who and how will be involved in carrying them out, so as to reach the proposed standards in the most efficient way."¹⁶

The position of public manager was introduced in the Romanian legislation through GEO no. 56/2004 concerning the creation of the special status of the civil servant called public manager *The public manager status* and Decision 783/2005 for the approval of the Methodological Norms for the application of GEO no. 56/2004. Subsequently, it was adopted GEO no. 92/2008 *concerning the Statute of the civil servant called public manager*, this normative act expressly repealing GEO no. 56/2004¹⁷ and by GD no. 78/2011 on the approval of the Methodological Norms for the application of the GEO no. 92/2008 regarding the status of the civil servant called public manager.¹⁸ These normative acts remained in force even following the adoption of the Administrative Code.

In the substantiation report from the preamble of GEO no. 56/2004 it is shown that it was considered necessary to introduce this public office, among others in order to attract "young professionals well trained in the public administration of Romania [...] who will benefit from a special promotion system and a motivating salary level"¹⁹. Other reasons for setting up the position of public manager were: "the creation of a body of professional civil servants, ..., neutral and comparable to that existing in the European Union countries"²⁰, spending in an efficient manner the funds granted by the EU, etc. In the subsequent normative act, GEO no. 92/2008, the motivation is slightly different, compared to the new economic and social realities regarding aspects such as "taking away some dysfunctions occurred in the management of the professional body of public managers, which attracts the risk of lowering the interest in accessing and remaining in this professional body"²¹ and strengthening "the administrative capacity of the Romanian public administration and the reform process in general, by developing a coherent system of public managers, based on merit and performance, expanding the selection base to the whole public sector which would attract and keep in the system people with the required skills and potential"²².

In Article 1 para (3) GEO no. 92/2008 of the Statute of the public manager, the following are noted "in the exercise of the specific public function, the public manager has the role of providing support for the reform policies of the Romanian Government as concerns the design and implementation from strategic to operational levels of procedures and activities targeting the acceleration of the central and local public administration reform"²³ after, initially, in GEO no.

¹⁴ Mădălina Tomescu, *Deontology of the civil servant*, Pro Universitaria Publishing House, Bucharest, 2021, 5th edition, revised and added, p. 153.

¹⁵ *Ibid*, p. 153.

¹⁶ Greta Cristea, *Public Manager versus Public Administrator*, „Journal of Public Law”, no. 3-4, 2020, p. 104.

¹⁷ Article 42 para. (3) of GEO no. 92/2008 approved with amendments by Law no. 135/2009 published in the Official Gazette no. 294 of May 6, 2009, according to which "On the date of entry into force of this emergency ordinance, the Government Emergency Ordinance no. 56/2004 on the creation of the special status of the civil servant called public manager, published in the Official Gazette of Romania, Part I, no. 590 of July 1, 2004, approved with amendments and completions by Law no. 452/2004, with the subsequent amendments and completions, except for Article 11 para. (1) and (2), art. 14 para. (2) and (4), art. 19 and the annex to it, which is repealed on August 31, 2008, and art. 3 para. (1), (4) - (7), which is repealed on the date of fulfilling the obligations provided in Article 38 para. (1) lit. b)."

¹⁸ G.D. no. 78/2011 on the approval of the Methodological Rules for the application of the GEO no. 92/2008 regarding the status of the civil servant named public manager published in the Official Gazette of Romania no. 186 of 17.03.2011.

¹⁹ GEO no. 56/2004 regarding the creation of the special status of the civil servant called public manager (updated until March 7, 2005), <https://legisplus.ro/Intralegis6/oficiale/index.php>, accessed on 13.11.2021, the first paragraph.

²⁰ GEO no. 56/2004 regarding the creation of the special status of the civil servant called public manager (updated until March 7, 2005), <https://legisplus.ro/Intralegis6/oficiale/index.php>, accessed on 13.11.2021, the 2nd paragraph.

²¹ GEO no. 92/2008 on the Statute of the civil servant named public manager published in the Official Gazette of Romania no. 484 din 30.06.2008.

²² *Ibid*.

²³ Art. 1 paragraph (3) of GEO no. 92/2008.

56/2004 had stated that “the responsibilities of public managers result from the coordination of programs, projects and activities meant for accelerating the modernization of public administration and services, with the purpose of enhancing the quality of administrative acts and public services provided to the citizen, in order to harmonize them with the European Union standards”²⁴, emphasizing then, initially, the fact that the introduction of this public office targets especially a good integration of Romania within the European Union.

According to Article 1 para. (4) of GEO92/2008 “public managers have responsibilities regarding the coordination of programs, projects and activities meant to develop the administrative capacity, to forward the decentralization of competencies and to modernize the central and local public administration, with a view to bringing up the quality of the administrative act and public services provided to the citizens”²⁵.

In order to occupy the position of public manager, it is required the participation in and promotion of special training courses held by the National Institute of Administration or by the Government of Romania, under the conditions specified by Article 3-15 of GEO no. 92/2008.

Initially, the position of public manager was split “into 3 professional stages of employment, defined as follows: a) public manager stage 1, corresponding to the very fast promotion system; b) public manager stage 2, corresponding to the fast promotion system; c) public manager stage 3, corresponding to the speedy promotion system.”²⁶ In paragraph (2) of Article 11 of GEO no. 56/2004 was indicated the structure of the public manager position by professional degrees: “a) assistant, equivalent at least to the public position of head of office; b) special, equivalent at least to the public position of head of department; c) principal, equivalent at least to the public office of deputy director; d) superior, equivalent at least to the public office of director; e) general, equivalent to the public position of deputy managing director.”²⁷

In this regulation, the nomination in the position of public manager of the unit is made by the director of the unit, within 15 days from receiving the proposal of the National Agency of Civil Servants (Article 16 of GEO no. 92/2008) and the public manager position “is structured on 3 professional degrees, as follows: a) assistant; b) principal; c) superior, as a maximum level.”²⁸ In his/her activity, the public manager submits to the principle of hierarchical subordination to executive officers, his/her professional activity is evaluated annually, he/she can be promoted, degraded or excluded from civil servants depending on the manner in which he/she carries out his/her specific tasks and duties.

The duties and responsibilities specific to the public managers are provided in Chapter 4 of the Methodological Norms for the application of the Statute of the public manager, Articles 51-58. These civil servants have duties and responsibilities specific to their role in the public administration and related to the special prior training needed for acquiring this capacity²⁹. As concerns remuneration, to the basic amount is added a special increment for public managers given the complexity of their job duties.

First of all, it is specified that “the responsibilities of public managers derive from transitional programs, projects and activities, meant to accelerate the modernization and transformation of public administration and services, with the purpose to increase the quality of the administrative act, to improve public services and to harmonize them with the European Union standards”³⁰

Through the initial regulation of the public manager position it was required that this official have a number of specific skills in order to practice the position. These were provided by Article 53 of GD no. 783/2005 regarding the Methodological Norms for the application of the Statute of the

²⁴ GEO no. 56/2004, Article 1 para. (3), <https://legisplus.ro/Intralegis6/oficiala/index.php>, accessed on 13.11.2021.

²⁵ Art. 1 paragraph (4) of GEO no. 92/2008.

²⁶ GEO no. 56/2004, Article 11 para. (1).

²⁷ GEO no. 56/2004, Article 11 para. (2).

²⁸ Article 17 of GEO no. 92/2008.

²⁹ Art. 52 para. (1) of the Methodological Rules for the application of the Statute of the public manager “*The public manager leads, coordinates or assists the coordination of certain activities that, by their nature, require a more comprehensive perspective of essential aspects and the relations among these, as well as a specific level of expertise compared to those of other categories of civil servants.*”

³⁰ Article 51 para. (2) of the Methodological Rules for the application of the Statute of the public manager.

public manager:

a) *capacity to act as an agent of change* - this first ability is specific to the management activity in the sense that through their activity, these officials must actively contribute to the successful implementation of administrative reforms, harmonization with the EU institutions activity, correct integration and enforcement of the *acquis communautaire*. All these means change in relation to the classic structure and activity of public administration;

b) *results orientation: planning and prioritization, solution orientation, resistance to external factors, proactive and responsible personality*³¹ - all qualities specific to management activity that involve anticipative thinking, knowledge and understanding of the result to be reached, the means that have to be used in order to achieve the goal, a realistic planning of the activity, the anticipation of the problems that may occur in the process of getting the results, solutions for answering these problems, etc.;

c) *availability of self-training* - these civil servants are usually quite young, they must attend beforehand a series of job-specific qualification courses, to promote these courses. This quality involves an important dose of realism, self-criticism, understanding the need for permanent change, creativity, getting out of the pattern.

d) *adaptability* - having an activity oriented towards the production and management of change, towards the new, it is natural that adaptability be a necessity for the efficient practice of this position;

e) *critical and analytical thinking* - this type of thinking implies the permanent analysis of the way of making decisions, the actual implementation of measures, what went well what did not, what should be kept, what should be maintained, etc.;

f) *risk assessment capacity* – the management activity involves making some decisions for the development of organizations. This activity implies the unfolding of new projects, investment expenses, the possibility of failure, etc. Therefore, a good manager must be able to anticipate all possible consequences of an activity and not involve the organization in too risky projects without having the efficient resources for managing and eliminating those risks;

g) *ability to identify and implement solutions*^{32,27} - when arising a crisis or problem within the organization it must have the ability to identify possible solutions for problems handling, choose the most appropriate (fast, less expensive, etc.);

h) *creativity and innovation* - are inherent in the process of managing changes within the organization;

i) *ability to establish efficient professional relationships*³³- managing change, obtaining results, resolving crises within an organization, institution or authority implies performing successfully the tasks assigned by the manager. An efficient assignment of them assumes the knowledge of the qualities and responsibilities of the subordinate officials and of the collaborators;

j) *abilities of communication, mediation and negotiation*;

k) *ability to work efficiently in teams*;

l) *any other general skills relevant to the position*.³⁴

Through the current regulation, respectively GD no. 78 of January 26, 2011, for the approval of the Methodological Norms for the enforcement of the Government Emergency Ordinance no. 92/2008 on the status of the civil servant named public manager³⁵, there have been repealed the previous methodological norms and it can be noticed a major change as concerns the view of the legislator regarding the distinctiveness of the public manager position. Basically, in this new normative act there are mentioned many capacities and abilities that the public manager must have, but these are mastered and checked on the occasion of graduating the specialization courses. With

³¹ Article 53 (b) of the Methodological Rules for the application of the Statute of the public manager.

³² Article 53 (g) of GD no. 783/2005 on the Methodological Rules for the enforcement of the Statute of the public manager.

³³ Article 53 (h) of GD no. 783/2005 on the Methodological Rules for the enforcement of the Statute of the public manager.

³⁴ Article 53 (i-l) of GD no. 783/2005 on the Methodological Rules for the enforcement of the Statute of the public manager.

³⁵ GD no. 78/2011 on the approval of the Methodological Norms for the enforcement of the O.U.G. no. 92/2008 regarding the status of the civil servant named public manager published in the Official Gazette of Romania no. 186 of 17.03.2011.

regard to the duties specific to the one who actually carries out a professional activity of public manager, they are left up to the units where these civil servants carry out their professional activity. At present, it is expressly provided, in Article 52 that “individual objectives and minimum responsibilities in accordance with the specific nature of the position are set so that the public managers activity to have as results the evaluation and review of current practices, respectively identification and proposal of measures for simplification, modernization and improvement of public services in relation to the beneficiaries.”³⁶

Although the initial regulation was much more detailed as concerns the capacities and abilities specific to public managers, being mandatory their entering in the job description for each official of this kind, subsequently, following several years of practical activity proper, it was considered more appropriate that the specific responsibilities be established at the institution level, within the normative framework remaining the most general aspects. In addition, it was probably considered that, if all these abilities are acquired and evaluated at the time of attending the specialization courses, they remain acquired by the public manager and used in the practical activity in relation to the specific needs. Thus, in Article 50 is shown that “for the positions of public managers, the job description is prepared by the hierarchical superior, by taking into account the following aspects: a) the purpose of the specific public position of public manager, as it is defined by law; b) the general duties assigned in accordance with the purpose of the position; c) the minimum responsibilities stated in accordance with the distinctiveness of the position; d) the goals set for the respective public authority or institution.”³⁷ We notice that all the specific duties are now mentioned in general, allowing the management of each institution or authority within which the public manager carries out activities to assign him/her specific duties and responsibilities that would enable the achievement of the proposed goals, manager ship of change and reforms, overcoming the difficulties, etc. As a matter of fact, in practice, the public manager is met in various institutions: hospitals, public libraries, theaters, etc. and, in such a situation, it is natural for its duties to be fixed in a concrete manner so that the activity of those institutions is guided as efficiently as possible. The public manager duties are assigned by his hierarchical superior, as provided by Article 19 of GEO no. 92/2008, the public manager being hierarchically subordinated to him.

Nevertheless, the competencies stated in the job description for the public manager must be related to the specific nature of the position and include at least one of the following areas provided by Article 51 of GD no. 78/2011: „a) strategic planning and impact analysis; b) European affairs; c) budgeting and financial management in the public sector; d) operational management, supervision and quality control at the level of institutions, departments and projects e) performance management, human resources management and project management; f) management of information, communication and public relations.”³⁸

3. Deontological norms applicable to the public manager

Being a special category of civil servants, we must specify, first of all, that to the public managers will be applied the general rules of the public office deontology. Thus, in their professional activity, public managers must comply with the laws of the country, starting with the Constitution, to prove honesty and integrity, transparency (of course to the extent that they do not refer to those activities for which the obligation of professional secrecy is incidental) , professionalism, attention and orientation towards the citizen who is the main beneficiary of the public service, responsibility towards the job tasks by carrying them out properly, political neutrality, etc.

Public managers are graduates of higher education who participate in specialization courses usually lasting for 2 years and having to finally show a good knowledge of the theoretical notions acquired, which will then be implemented during the actual exercise of a position. Due to their delicate professional mission, their professional activity is evaluated both internally (by the

³⁶ Article 52 of GD no. 78/2011.

³⁷ Article 52 of GD no. 78/2011.

³⁸ Article 51 of GD no. 78/2011

hierarchical superior) and externally (by the commissions appointed especially for this purpose). So, we are talking about highly qualified people who should manage difficult situations, implement changes or reforms, ensure that the institution they lead continues to function efficiently and ensure the delivery of a quality public service, adapted to social needs.

In their work, public managers must show respect for the dignity of citizens, beneficiaries of public services, to their intimate and family life. "Human dignity is the very basis of fundamental rights, first of all the right to life and integrity of the person, as well as those concerning the prohibition of torture, inhuman or degrading treatment or punishment, slavery or forced labor."³⁹ The respect for human dignity is imperative in any field, but it has special values in the current context of the Covid 19 pandemic, when many of our fundamental rights undergo setbacks with a view to protecting and maintaining the health and lives of citizens.

In the current context, the public manager involves special responsibilities. Thus, for example, the managers of many hospitals face problems as concerns care for the ill, both of covid and other pathologies. Due to the large number of infestations with Covid 19, the managers of the institutions were forced to rethink the organization of the wards in the hospitals, the set up of new wards, the procurement of the necessary medication, the organization of the labor force, the protection of the staff, etc. From this point of view, we can say that the managerial challenge is unprecedented. In order to manage as effectively as possible, the problems occurred, among others, several conferences on the management of hospitals in pandemics⁴⁰ were held, there have been taken measures for preventing the spread of the virus followed by their implementation, etc.⁴¹

A real challenge is actually carrying out most of the activities that involve program with the public in institutions. An important step has been taken through the digitization of a large number of services and interactions. In terms of ensuring the opportunity that people have direct access to public institutions, this has certainly been a challenge for managers. There are required special measures of hygiene, access to a limited number of people, appointments.

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The most recent challenge is represented by Decision no. 94 of October 2021 by which the National Committee for Emergency Situations set up new restrictions in relation to the access of persons to public institutions⁴² (among others). All these measures must be implemented quickly within the institutions, taking into account clearly the related exceptions, and the task of doing in such a manner that the activities are carried out without disturbances often belongs to the public manager. The measures taken by managers are reflected in the entire activity of the public institution and we consider that it is an urgent need that the beneficiaries of public services be able to access them in a timely and safe manner, thereby showing respect for citizens, life, time and their health.

4. Discussions and conclusions

The public manager position represents, from our point of view, one step ahead, required for the implementation of reforms in the public administration, for the continuation of the digitization process and for the increase of the trust of citizens in the administration. The measures taken efficiently and professionally pass the idea that in the administration the individual, the beneficiary is respected, is not prevented from exercising his/her rights or fulfilling his/her obligations. In order

³⁹ I. Crăciun, *The human dignity of the citizens of the European Union*, Human Rights Monitor no. 5/2005.

⁴⁰ <https://www.spitalepublice.ro/comunitatea-osc-spitalepublice-ro-dezbatere-profesionala-despre-managementul-spitalelor-in-pandemie/>, accessed on 13.11.2021.

⁴¹ <https://anmcs.gov.ro/web/recomandari-anmcs-pentru-unitatile-sanitare/>, accessed on 13.11.2021.

⁴² Decision CNSU no. 94 of 25.10.2021 regarding the establishment of additional measures applicable during the alert period to prevent and combat the effects of the COVID-19 pandemic <https://www.agerpres.ro/social/2021/10/25/hotararea-cnsu-nr-94-din-25-octombrie-2021-text-integral--802449> accessed on 13.11.2021

to improve the image of public institutions in front of the citizens, it is needed a body of professional, well-trained civil servants, ready at any time to adopt the necessary measures in the face of crises and change. The public manager is such a professional. For being able to enter for a competition for a public manager position, candidates should meet the conditions provided by law, and these involve prior participation in stringent training programs and their promotion, the conditions provided by Article 6 of GEO no. 92/2008 (higher education, not to have been dismissed from a public position or not to have terminated his/her employment contract for disciplinary reasons in the last 7 years, not to have committed intended crimes, etc.). These conditions are natural if we refer to the mission that the public manager has in an institution. This official “carries out his/her activity under the direct subordination of a high official. In case there is no high official in the institution or public authority where the public manager was assigned, he/she performs his/her activity under the senior civil servant at the highest level within that authority or public institution, but not less than the position of director or the specific functions assimilated to it”⁴³. The public manager is a special public function in full development, whose need comes from the idea of modernizing and managing as efficiently as possible institutions implying activities in various fields⁴⁴ so that they can best serve the public interest. Hopefully in the near future an increasing number of public managers will be able to perform in the Romanian public administration in an effective way and the purpose for which this position was established will be finally reached.

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⁴³ Emilia Lucia Cătană, *Administrative law*, 2nd edition, CH Beck Publishing House, Bucharest, 2021, p. 261.

⁴⁴ Grety Cristea, *Public Manager versus Public Administrator*, „Journal of Public Law”, no. 3-4, 2020, pp. 104.

- Gazette of Romania no. 484 din 30.06.2008.
5. *** GD no. 78/2011 on the approval of the Methodological Rules for the enforcement of the O.U.G. no. 92/2008 regarding the status of the civil servant named public manager published in the Official Gazette of Romania no. 186 of 17.03.2011.
 6. *** Law no. 135/2009 for the approval of the Government Emergency Ordinance no. 92/2008 regarding the status of the civil servant called public manager, published in the Official Gazette no. 294 of May 6, 2009.
 7. *** Decision CNSU no. 94 of 25.10.2021 regarding the establishment of additional measures applicable during the alert period to prevent and combat the effects of the COVID-19 pandemic <https://www.agerpres.ro/social/2021/10/25/hotararea-cnsu-nr-94-din-25-octombrie-2021-text-integral—802449>.