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**CIVIL SERVICE COUNCIL
OF THE REPUBLIC OF
ARMENIA**

The Role and Mission of the Civil Service Council Of the Republic of Armenia

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The Republic of Armenia “Law on Civil Service” was passed on December 4, 2001 and enforced on January 9, 2002 to ensure the legal protection and protection of rights of the civil servants; to ensure the replenishment of the state apparatus with human resources of professional high moral values irrespective of changes in the political proportion; implement an effective, well-balanced and unified human resources policy as a result of public administration reforms and anti-corruption policy.

Based on the law the Republic of Armenia Civil Service Council (hereinafter referred to as the Council) was established to ensure the enforcement of the law.

The Council is the body in charge of implementing a unified state policy of civil service. The Council is guided by the Republic of Armenia Constitution; Law on Civil Service (hereinafter referred to as the Law), other legal acts, as well as its bylaws.

The Council is composed of seven members: chairman; deputy chairman and five members. In order and terms established by the Law upon the nomination of the Prime Minister of the Republic of Armenia the President of the Republic of Armenia appoints and dismisses the members of the Council.

The Council organizes its activities by means of sessions and working discussions.

The major objectives of the Council are to ensure the introduction of the civil service system in the Republic of Armenia; effective management and organization of its activities and further improvement; transparency and publicity of the civil service system.

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The major functions of the Council are: implementation of a unified public policy of civil service; development of the legal acts concerning the civil service in order established by the Law, as well as adoption of the legal acts providing with the enforcement of the Law.

Consistent with its major objectives and functions the Council approves the general description of each group of the civil service positions; list of the civil service positions; list of positions included in each group and subgroup of civil service positions.

The Council gives no objection in case of business trip of a civil servant for a period more than a year with a purpose of improving the professional knowledge and working skills; approves the business trip of the head of staff of the Republic of Armenia ministry, public administration body under the auspices of a ministry, public administration body under the auspices of the Government, office of a governor with a purpose of improving the professional knowledge and working skills; approves one-year extension of service duty, in case the civil servant reaches the age of 65; approves the confirmation (changes) of the civil service positions' passports. It establishes the procedures of conducting competitions; attestations of civil servants; developing tests to conduct competitions and attestations; concluding term labour contracts; training of the civil servants; sending for business trips with a purpose to improve the professional knowledge and working skills; registering in the reserve of human resources of civil service and checking out of the reserve; conducting service examinations; rules of ethics of the civil servants and order to form ethics committees and their activities and their functions; the peculiarities of appointing and dismissing persons that hold civil service positions dealing with state and service secret information, their training, attestation; submission of semi-annual reports about the works done; official investigations, as well as other procedures linked with the civil service and the list of those positions. It approves the personal files of the civil servants and procedure to hold a registry; keeps the registry of the civil servants.

The Council performs the methodological guidance and supervision of human resources affairs conduct in the respective public administration bodies envisaged by the Law; in the established order reviews the recommendations, references and complaints about the civil service; in the established order and cases conducts an official inquiry; reviews the written complaints about the results of the competition and attestation; goes to the court with a purpose to annul the legal acts contradicting the legislation about the civil service; submits recommendations about reorganization of the respective public administration bodies envisaged by the law and issues concerning the civil service during the liquidation. It approves the application of strict reprimand and (or) in the order established by the law reduction of the salary in regard of the civil servant again during one year; strict reprimand and reduction of the higher rank of the civil service, except for the highest rank of the civil service, by one rank; application of the disciplinary sanctions during one year; reduction of the salary in the order established by the law and reduction of the higher rank of the civil service, except for the highest rank of the civil service, by one rank, as well as dismissal from the position upon the consent of the Civil Service Council. In case of applying the disciplinary sanction it approves the dismissal of the civil servant on the grounds of failing the probation period; it approves or submits a motion to dismiss a civil servant appointed to a civil service position in violation of the Law.

The Council performs other jurisdictions envisaged by the Law, other laws, legal acts stemming from it and its bylaws.

The activities of the Council are anchored on the principles of the civil service, which are the primary, starting provisions, which regulate the civic relationships connected with the civil service.

Within the scope of its powers the Council aspires to maximum maintain the principle of the civil service stability, which assumes a relative assertion and stability of civil service positions irrespective of the changes in the political powers' proportion. To perform this principle the law envisages a range of safeguards. In particular, the norms dedicated to the holding a civil service position, attestation and training of the civil servants, legal and social safeguards set up favourable conditions for the maintenance of this principle and the Council oversees it within the scope of its jurisdictions. The Council puts an importance to the principle that it ensures the professionalism assurance of the civil servants, allows them to identify their abilities, acquire experience, which will have a positive impact on the work they do. Besides, under the circumstances of multi-political system, struggle for the power or change of power as a result of the political fight the civil service stability is an important means of ensuring the stability of the state. The vivid example for it is the stable situation of the staffs after several national elections.

Within the scope of its jurisdiction the Council passes legal acts regulating the civil service relationships – maintaining the unity of major requirements put forward to the civil servants and the principles of equality of the civil servants towards the law, as the legal acts passed shall stipulate unified requirements for the civil servants. The legal norms established by the normative decisions passed by the Council shall contain safeguards for the effective enforcement of the civil service principles. The unity establishes explicit grounds and conditions during the organization and activities of the civil service and ensures equal conditions for performing the official duties.

The publicity of the civil service is a primary principle in the daily activities of the Council. By means applying the principles of publicity the Council ensures the public control over the civil service, in particular in the established order the presence of media and observers at the competitions to fill in the civil service vacancy and attestation of the civil servants; observations performed by the non-governmental organizations of the competitions and attestations; considerations of the recommendations submitted as a result of them, *etc.*

To effectively organize and perform its activities the Council maintains and contributes to the individual and overall principles of the civil service, as the enforcement of a single system.

Today the Law is extended to the staffs 45 public administration bodies (respective public administration bodies). There are around 8500 positions included in the list of the civil service positions. As a result of a unified policy conducted in the civil service system a range of achievements have been stated. Thanks to the efforts of the Civil Service Council the first training of the civil servants yielded its results, during which out of 5364 trained civil servants 5046 civil servants were attested. The campaign held by the Council lead to the positive outcome that with the time the citizens got convinced that in holding a civil service position a big role is ascribed to the knowledge and the most important is that it can be achieved on the competitive basis. Besides, the competitions to fill in the vacancies of the civil service have solved a range of important issues; in particular provision of publicity in a range of matters; announcement of the vacancies and the requirements to fill them in; publications of the test assignments, which also contributes to the accessibility of the civil service, *etc.* As a result of the experience and respective analysis accumulated during the time they began also to conduct grouped competitions.

There are also serious achievements in controlling the human resources. The Council is in charge of methodology guidance and supervision over the human resources management of the respective public administration bodies. Today we can state that the respective public administration bodies are approximately flawlessly enforcing the legal framework on the civil service and the decisions made by the

Council as a result of the reviews are an explicit proof of it. In particular, based on some objective circumstances, reviews have been conducted only in 28 out of 45 respective public administration bodies; the results of 23 of them were satisfactory and only in 5 public administration bodies they have identified shortcomings, in regard of which pertinent motions have been made.

This is the result of 7 years of joint, consistent and constructive work. One should state that the trust towards the service inquiries has increased among the civil servants and it has really become an institute to protect the interests of the civil servants. In 2002-2008 45 service inquiries and only 3 of them were appealed against in the court; however, the court has confirmed that the decisions of the Council made by the service inquiries are well grounded and stem from the requirements of the Armenian legislation.

From the beginning of its establishment the Council puts a special importance to the civil servant's competence, as it is an important precondition for the civil servant to perform his duties. In general saying competence one understands the overall scope of the civil servant's powers, as well as the necessary knowledge and skills that a civil servant shall have. If the issue of the professional competence is not relevant to the requirements of the time, then it can contradict the reality and hamper the development. If the aforementioned criteria do not match the data of the civil servant, then he is incompetent. The criterion to be used in measuring the competence of each civil servant is the preparation to make a correct and professional decision. The managerial skills and competence of each civil servant is a unique criterion for preparing, making and executing managerial decisions.

Given the aforementioned issue and its importance, during these years in cooperation with the respective public administration bodies the Council tries to improve the passports of the civil service positions. During 2002-2008 the Council has approved 29158 civil service positions passports. During the improvement one shall identify the changes of the system, which took place in May 2006, when mandatory and functions-based managerial skills were established for all the groups of civil service positions. Besides, as a result of the Council activities there were established unified requirements for some structural subdivisions of the respective public administration bodies – connected with the number and positions passports.

Given the present challenges of the governance system – upon the initiative of the Council in the civil service system they introduced human resources management information system software, which enables to circulate the documents with the respective public administration bodies via e-communication.

The objective of the Council is to introduce effective governance institutes in the civil service system; however, one shall mention that for the activities of those institutes one shall first have an effective system of civil service and the policy of the Council heads for it. To achieve this objective the Council tries to further develop the institutes of civil service – to have a sustainable civil service. Today the Council faces numerous challenges that require new approaches for solutions. The priority in the civil service system is the development and implementation an effective human resources policy in the respective public administration bodies; introduction of effective mechanisms to replenish the civil service positions; introduction of new and applicable methods for staff evaluation; development of professional development plans for the civil servants; observance of rules of ethics and legislation on civil service of the Republic of Armenia, etc.

Another priority issue in the area of governance is the human resources policy, which is a system of perspective and coordinated work. The human resources policy is not only a development strategy, but it

shall also be deemed as a direction of public policy. The human resources policy has an equal place as economic, social, cultural, educational, youth and foreign policies. It will be quite complicated to identify the content, direction and significance of public human resources policy without comparing it with other public policies.

That is the reason that all the measures connected with the development of the human resources policy in this area – i.e. development of concepts; preparation of the program provisions, etc. – shall stem from the aforementioned context. The human resources policy in the civil service system is formed within the public administration bodies, to which the Law is applied. The Council policy leads to the maximum provision of the system with professional specialists that meet the requirements of the new value system of the civil service.

The Council puts a special importance both to the introduction of new mechanisms for replenishing the vacancies and the increase of public trust towards the competitions. During 2002-2008 7186 competitions were announced; 38672 citizens applied, 23074 of them participated and 11587 were winners and in 722 competitions there were no winners.

The draft RA “Law on Making Amendments in the Republic of Armenia Law on Civil Service” proposed a new option to fill in the vacancies, according to which an internationally accepted closed competition was offered. At the initial phase it will be used only for competitions of leading positions. The results will show the prospective for their follow-up development. Putting an importance also to the increase of the role of the respective public administration bodies during the selection of the specialists – as a result of the amendments the number of the respective public administration bodies’ representatives in the competition commission will be added by one instead of 2 in the past, which we think will contribute to the identification of persons with high professional preparedness in the given area.

The Council also put an importance to the introduction of new and applicable methods of evaluation. Today the experience shows that the attestation, which is though considered as one of the ways of assessing the personnel, to a certain extent has solved its issues; however, the imperatives of time make us find new mechanisms to solve this issue. During 2003-2008 1510 attestations have been organized with the participation of 10218 civil servants and only 476 were not relevant to the positions held. These data do not come to prove that only these 476 non-attested civil servants were unprofessional, but that presently the attestation as such is not efficient anymore. To solve this problem starting in 2004-2005 the Council was exploring the opportunity to introduce other options of personnel assessment in the civil service system. That process was quite complicated for the Council, as in the civil service system there are positions with different functions, for which the newly introduced system should be applicable.

One of the priorities of the Council is the development and implementation of programs aimed at the professional development of civil servants – considering it as an important ground to solve the other issues. As it was mentioned before the first training of the civil servants was conducted by 1 unified program, as at that time the Council had a mega objective – to train the civil servants to participate to the first attestation. Upon the completion of the first phase of the training the Council, putting an importance to the role of the respective public administration bodies in the training, involved them into the process, which yielded its positive results. Today the Council takes steps also to make the ongoing process of the civil servants’ training more massive – putting an importance to it as one of the instruments aimed at the increase of the civil servants’ professionalism.

Given the modern challenges of the civil service at the present phase the Council, more than ever, puts an importance to the code of conduct and ethics rules observance by the civil servants.

The status of the civil servant, whose official duties deal with the interests of both the state and the citizens, several times increase his responsibility for the proper actions and their social consequences towards the state, as well as the citizens, whose interests are dealing with those actions.

Being entitled to perform on behalf of the state, the civil servants are responsible for the degree of trust and its reputation among the citizens. However; historically in the mindset of the society it has been formed, and in recent years under the conditions of deepening corruption it has substantially rooted the negative image of “chinovnik”. Given also that in the perception of the masses the civil servant is equalized with the state, then the reputation of the latter is dependant and even becomes an auxiliary, on the specific actions of the civil servant, which the society first and utmost assess on the scale of “fair-unfair”.

The modern approaches for solving the managerial issues among the civil servants besides the practical characteristics (responsibility, organization, initiative, consistency) also require moral features (honesty, integrity, impartiality, moral stability, ability of self-assessment, i.e. professional and moral preparedness and training) to perform the task committed to them by the state.

Recognizing this situation in the civil service system the Council considered it as priority to form such a structure of the civil service, which with its professional, business and moral qualities will face the most important challenge of the civil service - put an importance to the moral aspect of the civil servant's personal assessment and content of his activities. Together with it, the current policy will lead to the point, when the citizens and society visualize the social meaning of the civil servants and civic responsibility towards their consequences.

Given the importance and public significance of this matter, as well as recognizing that it is a delicate issue that is not unilaterally accepted by the civil servants, for the implementation of the policy in this context the Council adopted the phase-by-phase option. In particular, by the Decision No 13 dated May 31, 2002 the Council approved the rules of ethics of the civil servants and sanctions for not observing them. The practice showed that for effective application of the rules of ethics a certain body is needed, which will contribute to the observance and application of the rules of ethics. On December 1, 2004 the Council made a Decision No 1050-N “On Approving the Bylaws of the Ethics Commissions”, according to which ethics commissions (Commissions) were established. The following persons were included in the Commission – two Council representatives, two respective public administration body representative, one of them a civil servant, one representative of a public association (union) of the given sector with an advisory vote and one representative from the Armenian Apostolic Church – upon the proper consent. The main objective of the Commission is to contribute to the formation of the moral-ethics normal ambiance in the respective public administration body and its further reinforcement. Within the scope of its jurisdiction the Commission reviews the issues addressed to it; makes decisions about the issues in consideration; regularly holds sociological surveys in the respective public administration body and conducts analysis; upon the recommendation of the Council and other respective public administration bodies conducts studies and submits recommendations; submits motions to the Council and the respective public administration bodies; makes publications in the media; organizes workshops-conferences; one week prior to the end of its jurisdiction submits a communication to the Council and the respective public administration body about the proper activities.

Committing the Commission with such objective and giving to it a broad scope of jurisdictions, the purpose of the Council is to restore and form pertinent moral-professional characteristics among the civil servants, as well as to increase the roles of the rules of ethics and the need to observe them while performing the official duties.

The undertaken measures did not fully satisfy the Council's expectations and the practice showed that for infringing the rules of ethics liability shall be established, which is a substantial precondition for solving the ethics rules. The international experience also comes to prove it.

Today the Council has put into circulation the Republic of Armenia "Draft Law on Public Service", which among other issues will also regulate the issues concerning the ethics of the public servants; in particular the rules of ethics will be general for all the public servants (civil, tax, customs, judicial, community servants, etc.). They have established disciplinary sanctions for not observing the rules of ethics; in all the public administration bodies they will establish ethics commissions and in the relevant cases the conclusions given by them may be appealed to the ethics commission, etc. We think that the steps undertaken will ensure the identified and expected results.

Today, more than ever, the Council puts an importance also to the public service experience of the countries and international organizations and with this purpose it cooperates with the respective public administration bodies of Bulgaria; Cyprus; France; China; Lithuania; Egypt, as well as international organizations (DFID; USAID; EU; EC; CE; Yerevan Office of OSCE and the World Bank).