

THE EUROPEAN PUBLIC SYSTEM OF HUMAN RESOURCES. PERFORMANCE IN ORGANIZATIONS AND GOOD PRACTICES FOR ROMANIA

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Abstract

Considering the fact that recruitment and selection activities are vital in ensuring the human resources flow in every private or public organization sector, the present paper seeks to elaborate a proposal aimed to modernize the recruiting and selection process within the Romanian public service based on best practices models implemented in other European states.

From the perspective of providing adequate training skills and abilities needed by the qualified personnel, initial training is very poor. Practical training is not on the same level of quality with theoretical one and the current system of examinations in education units, based predominantly on theoretical assessment, do not motivate learners well enough in order to gain practical skills. Continuous training programs organized by the units do not always take into account the needs of the personnel or are not adapted to the job description, the category and level of specialization of the beneficiaries' functions and the degree of novelty and utility of most of the presented theoretical information is usually low.

The costs of selecting one person for the public service are usually very high, including not only the cost of the initial recruiting, but also the long term cost, represented by the continuous training of the employee. Consequently, recruiting human resources is a basic part of both public and private systems.

Keywords: *public administration, occupation of vacant public positions, recruitment methods, transparency, equal opportunities.*

1. General Aspects of the Recruitment and Selection Process

The staffing process at the organizational level has been defined as a sum of activities indispensable in order to meet individual and organizational goals. Personnel recruitment and selection activities can be considered as the main ways to achieve the staffing process. The more important this process is when we talk about state authorities and institutions.

Personnel recruitment is defined as the process of seeking, locating, identifying and attracting prospective applicants from whom qualified candidates will be elected, who ultimately have the necessary professional characteristics or best fit vacant current and future posts¹. Recruitment is also the time when a job is searched for by someone seeking a person by an organization to fill in a post. It is concluded by achieving a full concordance between the requirements of the post and the personal and professional characteristics of the person, materializing through the employment offer².

At the same time, the selection of personnel is that human resource management activity which consists in selecting, according to certain criteria, the most competitive or the most suitable candidate to fill in a particular post³. The main objective of staff selection is

to identify those employees who are closest to the desired performance standards and who have the best chances to achieve individual and organizational goals.

In all European Union states, it is said that the administration is at the service of all citizens. The very term of administration comes from the Latin "administer" that translates as "agent", "helper", "servant", and in another sense - "instrument". It is therefore necessary for the recruitment and selection procedures to be finalized by selecting the most qualified persons for the fulfillment of the prerogatives of public power.

A new concept has emerged in recent years, namely the European Administrative Space, which involves a set of legally binding principles, rules and regulations that are respected in a given territorial area⁴. Each state has its own administrative culture and, implicitly, its own rules of public administration. So it can not be a single public administration for all the sovereign states of the European Union, but one can speak of the approximation in certain areas of the legislation, under the guidance of the Community legislation, the legislative activity of the European institutions and the cases of the European Court of Justice. Moreover, states borrow some from other successful experiences and practices in fields that have been the sole object of national sovereignty in the past and have proved to be somewhat permeable to change.

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¹ Aurel Manolescu, *Managementul resurselor umane*, Economica Publishing House, Bucharest, 2001, p. 26

² Cristina Manole, *Managementul resurselor umane în administrația publică*, ASE Publishing House, Bucharest, 2006, p. 83

³ Viorel Lefter, Alexandrina Deaconu, Cristian Marinaș, Eivira Nica, Irinel Marin, Ramona Puia, *Managementul resurselor umane. Teorie și practică*, 2nd Edition, Economica Publishing House, Bucharest, 2008, p. 45

⁴ Iorgovan Antonie, *Introducere. Organizare administrativă. Funcția publică*, All Beck Publishing House, Bucharest, 2005, p. 72

Administrative law in general and the public function in particular in Romania was one of these rigid domains. With the need to integrate into the structures of the European Union, the way for the modernization of the public office has been opened. This process had as its starting point the experiences of other European states which have a long democratic tradition⁵.

In this paper, I chose to present the practices of France and the United Kingdom of Great Britain and Northern Ireland as two representative states for the two systems of the civil service: the “career” system and the “post” system. We also considered that the recruitment and selection systems of these two countries contain fundamental elements in this area, which could represent good practices for Romania. This is the reason why the present paper is based on a comparison of the “career” system and the “post” system, followed by a detailed analysis of the public system of human resources in Romania.

The reform of the public office involved the reform of public recruitment, a process considered opaque and not accessible to the great majority of the population, according to the studies carried out by the European Institute of Romania, but also by the National Agency of Civil Servants.

The modernization of public service recruitment is a constantly evolving process. A first step was the establishment of principles of transparency, equal opportunities and merit, as well as the establishment of the open competition as the main recruitment method⁶.

Regarding the similarity between the Romanian public recruitment system and the other European models, it can be said that the Romanian state has traditionally been close to the French one (starting with the first Civil Code adopted under Alexandru Ioan Cuza, following the model of the Napoleonic Code and continuing to the present day), taking from it numerous regulations on public administration. This is also true of the civil service, which also follows a civil servant's career model. Also, the classification of the public service in Romania (state, territorial and local) presents some common points with that in France (state, territorial and hospital). Despite these similarities, there are points that differentiate them and I might recall here the preference of the French Republic towards a competition for access to the state public function organized at national level, rather than one organized by each public authority or institution.

The approximation of French administrative law should not prevent the taking of other examples of good practice from the states that have opted for a post-civil service system. Here, the Nordic states, the Netherlands and, of course, the United Kingdom can be mentioned. It should also be mentioned here that I do not support the adoption of such a system in the case of the Romanian civil service. However, some practices of

these states can be adopted and adapted, as we can see in the next analysis.

2. Recruitment to the public position in France

In the French public service, whether state, hospital or territorial, professional life is guided by the career principle. Thus, an official is recruited within a body of officials, who, depending on the position to be assigned, will be able to try out more trades. The continuity of his career is not interrupted neither by the change of employer nor by the change of activity.

A fundamental principle of access to the French civil service is the principle of equal access to public functions. This principle, governed by the statute of the civil service of 13 July 1983, is a general principle of public law and originates in Article 6 of the Declaration of Human Rights of 1789. It is the translation of the principles of democracy into the public function plan⁷.

2.1. Organizing the contest for the public function of the state

Established by Article 16 of the Civil Service Statute of 1983, it is considered to be the method which ensures the greatest possible recruitment of well-trained officials from a professional point of view. There are two forms of competition: the open one, for all citizens, and the internal one, organized for existing civil servants. Most contests are annual. Article 19 of Law No. 84-16 of February 11th, 1984 on the public function of the state provides for the possibility of acceding to a public position of the state either by external competition, either by internal competition or by the third competition.

The competition can be organized nationally or deconcentrated. The ministry's competence in organizing the contest may be delegated, by joint order of the ministry with competence in that specific area and the ministry of civil service, following consultations of the technical committees, representatives of the state in the region, the department, the territory or the overseas collectivity.

The contest has several stages:

- The organization of the contest falls under the responsibility of the competent public authority. The Minister is competent to set up examination and competition centers. The publication of the job offer must be sufficient. The presence of a person who is not a jury may result in the cancellation of the contest. The number of available seats differs at each contest. All members of the jury must be established before each contest, their number being editable before the tests start.

- Establishing the list of candidates to participate in the competition. This list approved by the Minister

⁵ Cezar Corneliu Manda, *Teoria administrației publice*, C.H. Beck Publishing House, Bucharest, 2013, p. 88

⁶ Abrudan Denisa, Novac Emilia, *Resursele umane și performanța în organizații*, Eurostampa Publishing House, Timișoara, 2013, pp. 29-33

⁷ Peiser Gustave, *Droit de la fonction publique*, 13 ed, Dalloz, Paris, 2003, p. 38

prior to any competition, allows the elimination of candidates who do not meet all the conditions. The examination is carried out by a jury, a collegial body that must be fair and impartial, and have knowledge in the field. The jury has the possibility to draw up the list of candidates admitted, in order of merits, a list that will be forwarded to the competent authority. If deemed necessary, the jury may be in groups of examiners and, at the end of the examination, to ensure equal grading, they will deliberate on the final marks. Within the jury, with the consent of the authority invested with the power to appoint the members of the jury, special examiners may participate on certain issues. They participate in the deliberations of the jury and have a consultative vote.

Each contest is finalized with a list that ranks by merit candidates nominated by the jury. This jury also establishes a supplementary list to allow candidates to be replaced on the main list if, for any reason, they can not be appointed.

2.2. Recruitment in the territorial public function

The competition is the main rule for recruitment in the territorial public function. It is organized either by the National Center for Territorial Public Functions or by the Departmental or Interdepartmental Centers for the Management of Territorial Public Functions or, in some cases, directly by the collectivities.

The general conditions for access to the public office are common to all three public functions⁸:

- Age at least 16 years of age;
- French nationality or another EU Member State;
- Compliance with national service obligations in France or the state of origin;
- The fullness of the exercise of civic rights;
- Fulfillment of physical fitness conditions;
- Lack of criminal convictions.

And with regard to the condition of studies, the general provisions apply, so that for external competitions applicants must submit:

- For category A: Bachelor's degree or equivalent;
- For category B: baccalaureate diploma or equivalent;
- For category C: no diploma;

There is also the possibility for candidates who do not have a diploma that allows them access to the competition, to apply for the equivalent of another diploma or, in the absence of a full diploma, to apply for the equivalence of their experience in the workplace, either in the public sector or in the private one.

European citizens have access to the territorial public function, except for the municipal police.

As in the case of the state or hospital civil service, there is the possibility of direct access to the job without a contest. Access to the first degree in certain bodies,

for category C, can be done through direct recruitment by collectives. Also, people with disabilities can be recruited directly, even without meeting the conditions⁹.

3. Recruitment to the public position in the United Kingdom

The documents governing the public office in the United Kingdom are the Civil Service Management Code and the Civil Service Code issued by the Civil Service Tribunal. They are issued under the Constitutional Reform Act of 2010 and come to provide specific instructions on how and when the public office functions.

According to Article 10 of the Constitutional Reform Guidance Act of April 8th, 2010, the selection of a person to hold a public office must be based on merit, based on an open and transparent competition. This rule excludes the following categories of people:

- Selection for appointment to a diplomatic post or head of a diplomatic mission;
- Selection of a special counselor;
- Selections excepted from the recruitment principles.

Special advisers are persons who hold a position in one of the following administrations and whose appointment is governed by Section 15 of the Constitutional Reform Government Act:

- Her Majesty's Government of the United Kingdom, with the following requirements:
 - The person is called to assist a Coronet Minister after being selected for appointment by that minister personally;
 - Appointment is approved by the Prime Minister;
 - The terms of appointment are approved by the Ministry of Civil Service.
- The Scottish Executive:
 - The person is called to assist the Scottish Ministers;
 - Appointment is approved by the Minister of Civil Service.
- The Welsh Government:
 - That person is called upon to assist the Welsh ministers and his appointment is approved by the Ministry of Civil Service.

3.1. Commission of the public function and its role in recruitment

Section 2 of the Governance Act for Constitutional Reform establishes the creation of a Civil Service Commission. Commissioners of the Civil Service, as well as representatives of the Civil Service Commission, lead the selection committees to fill a public position¹⁰. As a member of a selection committee, the Commissioner's role is to ensure the

⁸ <https://www.fonction-publique.gouv.fr>, accessed on January 15th, 2018, 18:40.

⁹ *Ibidem*

¹⁰ <https://www.gov.uk/government/organisations/civil-service>, accessed on January 27th, 2018, 13:15.

correctness of the recruitment process. The Commission is made up of commissioners and administrative staff. There are currently 13 civil servants. They are appointed by Her Majesty the Queen of the United Kingdom upon the recommendation of the Minister of Civil Service. They are recruited under the merit system following an open competition. They are guiding their work on the basis of a Code of Conduct approved in November 2010, replacing the old Code of Conduct approved by the 1995 Council Order. Paragraph 4 of this Code sets the following Commissioners:

- They will observe the highest standards of integrity, honesty, objectivity and impartiality;
- Will operate in a transparent and open manner, informing citizens about their activities, publishing an annual report, accountability to Parliament when they are interrogated;
- Not to abuse information acquired during the service in order to obtain personal gains;
- Not to be part of any political party;
- Not to publicly support or criticize any political party.

Commissioners of the civil service share a collective responsibility in relation to their activities within the Commission. These functions refer to:

1. Supervising the principles of recruitment of civil servants based on merit, open and fair competition;
2. Creating and publishing recruitment principles;
3. Chairmanship of Selection Committees for senior public functions;
4. Control of public authorities;
5. Solving complaints under the Civil Service Code.

3.2. The recruitment process involving the Civil Service Tribunal

Commissioners for the civil service participate in recruitment procedures only to the extent required by the regulations in force. Thus, a commissioner participates as chairman of the recruitment commission in the following cases:

- For the external recruiting of permanent secretaries and competitions for salary bands 2 and 3 as well as for internal competitions for secretary and salary band 3;
- In internal or external source competitions preceded by an official request from the department concerned and with the Commission's agreement that the direct involvement of the Commissioner is timely.

Steps of the selection procedure:

- a) Planning: refers to a good identification of selection criteria and their hierarchy, but also to the level of remuneration and how to publish the ad.
- b) Publication of the notice. There must be open and fair advertising of the vacancy notice using appropriate means. The commissioner who chairs the competition must agree on the manner of publication.
- c) Longlisting: The committee must make decisions based on the merits of the applicants at each stage

of the competition. The decision is collective, and if unanimity can not be obtained, the decision is taken by majority vote.

- d) Shortlisting: this stage should be completed by selecting those candidates who will be interviewed (usually 3-5 applicants are selected).
- e) Pre-interview used to assist the committee in choosing the right candidate.
- f) Interview with the committee and final evaluation: it is the culmination of the competition finalized with the selection of the most suitable candidate for the post. The decision shall be taken unanimously, and if this is not possible, with the agreement of the members of the committee, the decision shall be taken by a majority. If the members of the committee do not agree on the majority vote, the competition may be abandoned. Interviews last between 45 and 50 minutes for each candidate. In the case of external source competitions for a salary band 3, time may be exceeded, and the committee may opt for another way of interviewing by dividing the commission. In the final interviews it is not customary to address the salary theme. It is true that the department has posted a salary in the ad, but may vary depending on the qualifications of the candidates. Thus, the recruiting authority is free to offer a salary different from the one published (but obviously the variation may be within reasonable limits).
- g) Post-interview stage: The Commissioner will write a note to the department or the agency reporting the outcome of the competition. The role of this letter is to endorse the Commission's permission to the department or agency to make the appointment. So it is up to the department or the agency to appoint to the public office, in keeping with the Commissioner's recommendations for the public office. Moreover, its department is not obliged to make an appointment unless it comes to an agreement with the candidate nominated by the selection committee. In this case, the post will be given to the candidate with the next score.

4. Modernizing the recruitment of civil servants in Romania

4.1. Recruitment of civil servants in Romania

The statute of civil servants in Romania is regulated by Law No. 188/1999, which defines the civil servant as "the person appointed, according to the law, to a public office" (Article 2, Paragraph 2).

Chapter VI, entitled Career of Civil Servants, deals extensively with the topic of recruitment in public office. Pursuant to Article 54, a person who fulfills the following conditions may hold a public position:

- a) is a Romanian citizen;
- b) has domicile in Romania;
- c) knows Romanian, written and spoken;
- d) is at least 18 years old;

- e) has full exercise capacity;
- f) has a state of health appropriate to the public office for which he/she is a candidate, certified on the basis of specialized medical examination;
- g) fulfills the conditions of study provided by the law for the civil service;
- h) fulfills the specific conditions for the employment of the public office;
- i) has not been convicted of committing an offense against humanity, against the state or against authority or service, which impedes the execution of justice, forgery or acts of corruption or intentional crime, which would render it incompatible with the exercise of public office, except in the case of rehabilitation;
- j) has not been dismissed from a public position in the last 7 years;
- k) did not conduct political police activity, as defined by law.

Occupation of vacant public positions can be done through promotion, transfer, redistribution and competition (Article 56). The conditions for participation and the procedure for the organization of the contest will be determined under the present law and the contest will be organized and managed accordingly:

- a) by a competition commission for senior civil servants;
- b) by the National Agency of Civil Servants, for the occupation of vacant public civil service, except for the public office of the head of office and head of department;
- c) by the public authorities and institutions in the central and local public administration, for the occupation of the public office of the head of the office and the head of the service, as well as for the filling of the public execution positions and respectively the specific public vacancies with the opinion of the National Agency of Civil Servants.

The competition is based on the principle of open competition, transparency, professional merits and competence, as well as equal access to public functions for every citizen who fulfills the legal conditions. The conditions of the contest will be published in the Official Gazette of Romania, Part III, at least 30 days before the date of the contest. The persons participating in the contest must meet the seniority requirements in the civil service specialty provided by the present law. The conditions for the participation and the conduct of the contest, the bibliography and other data necessary for the competition to be displayed, shall be displayed at the headquarters of the public authority organizing the contest and on its website.

The procedure for organizing and conducting competitions is established by a Government decision, at the proposal of the National Agency of Civil Servants, according to the principles and conditions established by the statute¹¹.

G.D. No. 611/2008¹² on the organization and development of civil servants' career, stipulates that recruitment of civil servants is carried out through a competition organized within the limits of the vacant public positions, provided annually for this purpose through the civil service plan. We observe from this legal regulation that competition is established as a rule, a recruitment method that dominates all national systems and the European civil service system, thus becoming the common law in the recruitment of civil servants¹³.

Once the conditions stipulated by the law have been met in order to enter a public office, the candidate wishing to apply has to take part in the competition for the respective civil service. The contest consists of three stages¹⁴:

- I. Selection of registration dossiers;
- II. Written test;
- III. Interview.

So a first step is to submit a registration dossier. This file is to be reviewed by the contest committee to verify that the conditions for participation are met.

The written test consists of elaborating a synthesis work or solving some grid tests in the presence of the competition committee. The purpose of the test is to verify the degree of speciality knowledge of the candidate, the necessary knowledge in the exercise of public office.

The written test and the interview are scored with points from 1 to 100 each. It is believed that the candidate who has achieved a minimum of 50 points for public execution positions and 70 points for leadership has been promoted. In order to promote the contest, the final score must be at least 100 cumulative points on both samples. Candidates who have passed the two tests are admitted. The interview can only be sustained after the written test has been promoted.

The competition commissions, as well as those for solving the appeals, are constituted by an administrative act of the head of the authority or the public institution organizing the contest. The membership in the contest committee is incompatible with that of the member of the appeal panel. The appointment of the president of the contest committee, respectively the resolution of the contestations, is done by the administrative act for setting up commissions among their members¹⁵.

¹¹ Ibidem

¹² Government Decision No. 611/2008 (H.G. nr. 611/2008)

¹³ Iorgovan Antonie, *op. cit.*, p. 74

¹⁴ Ioan Alexandru, *Dreptul Administrativ în Uniunea Europeană*, Lumina Lex Publishing House, Bucharest, 2007, p. 93

¹⁵ Marius Profiroiu (coordinator), Tudorel Andrei, Dragoș Dincă, Radu Carp, *Study no. 3: Reform of public administration in the context of European integration*, European Institute of Romania – Impact studies, pp. 19-23

Members of the competition commission or the appeal panel may not be members of the dignity, husband, wife, relative, or cobbler (4th degree of kinship) including any of the candidates.

At the request of the interested candidates, the authority or public organizing authority of the contest shall make available to them the documents drawn up

by the contest committee, respectively the resolution of appeals, which are information of public interest. Also, the public authority or institution that organized the contest is obliged to ensure that each candidate has access to the individual work written in the written test of the contest upon his request.

4.2. Particularities of recruitment and selection in the three analyzed countries

Table 1: Comparison on recruitment and selection in France, UK and Romania

Criterion	Similarities	Differences
Legislative framework	In all three countries subject to the analysis there are legislative regulations on the recruitment and selection process.	While in France and Romania these processes are governed by clear rules (Law No. 83-634 of 13 July 13 th , 1983 on the Rights and Obligations of Officials, Law No. 84-16 of January 11 th , 1984 on State Public Function, Law No. 84-53 of January 26 th , 1984 for the territorial public function, namely Law No. 188/1999 on the status of civil servants, Government Decision No. 611/2008 on the organization and development of the career of civil servants) in the UK we meet the Civil Service Code and the Civil Service Code.
Access conditions	In France and Romania the conditions of clear access stipulated in the legislative norms regulating this area and mainly concern the following aspects: French or Romanian nationality or a member of the European Economic Area, the exercise of their civil rights, the lack of a criminal record make them incompatible with the exercise of a state function, the fulfillment of psychological skills requirements for the exercise of the position.	In the UK, the public office is governed by the principle of merit. Thus, even the document titled Recruitment Principles states that merit implies the appointment of the most appropriate person for that function. Therefore, certain conditions of general access are not expressly regulated, since the agencies and departments are the only ones able to determine the requirements for each post. However, there are some conditions of professional and senior experience for the senior public and Top 200.
Principles of the civil service	All three states recognize general principles as free access to public office, the transparency of the recruitment process.	It should be noted that while in France and Romania these principles are found in the statutes regulating the activity of public servants, it was considered necessary in the United Kingdom to adopt a distinct document (Principles of Recruitment) in order to make these principles.
Recruitment methods	In all three countries the contest is preponderantly seen as a recruitment method. Apart from the competition, there is also the possibility of being recruited without a competition in the public function of the state for functions in category C. In France, autonomy in the recruitment of agencies and departments is the same.	Although concussion prevails in all three countries, there are some peculiarities. In France, the competition is conducted separately for the public function of the state and for the territorial public function, while there is a distinction between competitions for the categories of functions

		(A, B or C) ¹ . In Romania, the contest has a relatively homogeneous character, being regulated in detail by the legislative framework. In the UK, agencies and departments have great autonomy in determining how to conduct the contest.
Running the contest	As a rule, the contest involves passing a written (theoretical) stage as well as an oral phase.	In the United Kingdom, more emphasis is placed on the interview stage.
The organizing institution of the contest		In France: for the public function of the state, ministries and other central or deconcentrated authorities, and for the territorial public function, the National Center for Territorial Public Functions. In Romania: public authorities and institutions in central and local public administration ² . In the UK: each agency and department, and for some functions, with the participation of the Civil Service Commission.
The institution for the control and coordination of the recruitment process		In France: the Ministry of Public Service at central level and the National Center for Territorial Public Function at local level. In Romania: National Agency for Civil Service. In the UK: The Civil Service Commission through its specialized commissions.
Facilities for young people and disadvantaged categories of people		In France, the PACTE program; in the UK, the fast-track program.

4.3. SWOT analysis of the recruitment process in the public service in Romania

4.3.1. Strengths

- A well-regulated normative framework by the existence of Law No. 188/1999 on the status of civil servant and G.D. No. 611 of June 4th, 2008 for the approval of the norms regarding the organization and development of the civil servants' career. Moreover, there is an interest in updating the legislation in this area in the sense of modernizing the public function. Thus, Law No. 188/1999 was amended by Law No. 251/2006, but also by various emergency ordinances.
- The National Agency of Civil Servants has the legal and institutional capacity to monitor and evaluate the performance of recruitment and selection activities of public institution staff.
- The predominant application of the contest method for public recruitment. As mentioned above, it is considered to be the most appropriate recruitment

method. Also, by organizing the multi-stage contest (submission of files, written exam, interview), a better selection of candidates is ensured.

- Advertising of competitions (on the site of the institution, at its headquarters, on the ANFP (Romanian National Agency of Civil Servants) website, in the Official Journal for certain functions) ensures the access of a good part of the population. Moreover, citizens' access to information on the activity of public institutions is doubled by Law No. 544 of October 12th, 2001 on free access to information of public interest
- Publication of the Agency's recruitment and promotion reports. On a semi-annual basis, the ANFP publishes on its website a report on the situation of recruitment competitions in the public, central, territorial and local level.
- Developing by ANFP guides and manuals aimed at facilitating legal provisions in the field of civil service and civil servants. Regarding recruitment, a Guide on Recruitment and Promotion of Civil Servants

¹ <https://www.legifrance.gouv.fr>, accessed on February 5th, 2018, 11:45.

² http://www.anfp.gov.ro/continut/Informatii_de_interes_public, accessed on February 7th, 2018, 15:30.

has been developed, a guideline available in electronic format, free of charge, on the Agency's website.

- Giving autonomy in recruitment to the local public office.

4.3.2. Weaknesses

- In the perception of citizens, but also in the specialized studies carried out, it is considered that the recruitment and selection processes are not fully ensured, that the involved staff is not specialized and that performance indicators are not used in a proper manner.

- There is a strong political influence on the recruitment process. Among the conditions of access to a public office the prohibition to be a member of any party is not mentioned specifically. Moreover, in Ordinance No. 611/2008 it is stated that during the selection interview, it is forbidden for the evaluators to ask questions regarding political affiliation.

- Personnel responsible for human resource management do not always have sufficient knowledge to identify those truly prepared candidates, limiting themselves to using the recruitment and selection tools required by law.

- There are few sources of information available to potential candidates. There is no public recruitment portal. Announcements on recruitment competitions posted on the ANFP website are insufficient and incomplete in the sense that they do not cover all central and local posts and all the information necessary for participation in the competition, being limited to the announcement of the contest and the sending on the organizing institution's website.

- Excessive autonomy of public authorities and institutions in organizing the contest: setting up an evaluation and resolution committee, setting bibliography and contest evidence, as well as specific participation conditions.

- Establishment of seniority conditions for participation in the recruitment competition organized to fill public positions, minimizing professional competence and disfavoring the promotion of young people:

- 1 year in the specialty of the studies necessary for the participation in the recruitment competition organized for the occupation of civil servants in the first grade, 8 months for filling the civil servants of second grade or sixth grade professional for employment of the third grade professional civil servants;

- 5 years in the specialty of the studies necessary for the exercise of the public function for the occupation of the public functions of execution of the main professional degree;

- 9 years in the specialty of the studies necessary for the exercise of the public function for the occupation of the higher professional public execution positions;

- 2 years in the specialty of the studies necessary for the exercise of the public office for occupying the leading positions of the head of office, head of department and secretary of the commune;

- 5 years in the specialty of studies necessary for the exercise of public office for the other public management positions.

- As regards the bibliography required in order to support a contest, great emphasis was placed on memorizing normative acts and less on testing candidates' skills or on case studies and practical exercises.

- Lack of regulations to facilitate the employment of people with disabilities.

- Lack of regulations to promote the employment of young graduates.

4.3.3. Opportunities

- An intense concern of ANFP in the sense of collaboration with international bodies for the exchange of experience for the modernization of the public office:

- a) Collaboration of ANFP-OECD-SIGMA (Support for Improvement in Governance and Management) based on ideas that were funded by the European Commission;

- ANFP together with OECD-SIGMA organized as the main partner the Central Unit for Public Administration Reform, the Public Sector Quality Management Seminar – Romania, regional level.

- Making a technical visit to the OECD headquarters in Paris of a team of ANFP representatives to discuss the modernization of the public office.

- Carrying out a case study entitled Development of the Civil Service Career in Romania – Comparative ex-ante and ex-post comparative study.

- b) ANFP-Council of Europe: ANFP managed a project with financial assistance from the Council of Europe – Ethical Policies: Mechanisms and Instruments – a project that proposed the pilot use of two innovative tools used by quality management in several Romanian public institutions and authorities (these are scoring cards and peer reviews). The result was the publication of the Manual of Ethical Procedures.

- c) The ANFP-EIPA (European Institute for Public Administration) collaboration through EPSA (European Public Sector Award)

- d) The ANFP Collaboration and the EUPAN Network, which proves to be a forum for exchange of experience and good practice information, allowing a comparative perspective of the Member States' reforms and modernization measures

- The possibility of absorption of structural funds for the development of human resources both through the Sectoral Operational Program of Development for Human Resources, but also through the Administrative Capacity Development Operational Program.

- Developing partnerships with similar institutions from other countries, such as France, Belgium, UK, for the exchange of know-how.

4.3.4. Threats

- The negative image of the status of civil servants in the opinion of the citizens, which determines a low

degree of attractiveness for the young graduates;

- Low payroll level;
- The current economic, social and political crisis;
- The high degree of migration of civil servants to the private sector;
- Excessive bureaucracy;
- Resistance to change;
- Legislative instability;
- Changing parties from the governance process.

4.3.5. Recommendations

1. Establishment and development of well-defined performance indicators for the career development of civil servants.
2. Diminishing the number of public positions that can be filled on political criteria, through political appointments.
3. Diminishing the political interference in the competition for recruitment and selection of civil servants.
4. More specialization of staff responsible for the recruitment and selection of civil servants.
5. Use of sources of information on the availability of a vacancy and the manner of conducting the competition, more accessible to potential candidates.
6. Reduce seniority for public service promotion.
7. The transition from an evaluation (for the purpose of employing public functions) based on memorization to the testing of skills and competences.
8. Introduce specific regulations to help disadvantaged categories of staff (disabled persons).
9. Introduce measures in order to implement equal opportunities policy by encouraging women's promotion.
10. Encourage the attraction of young graduates to public sector activities.

4.4. The results of the analysis undertaken and the elaboration of a model for improving the process of recruitment and selection of civil servants in Romania

Starting from the particularities of the recruitment and selection process in the three countries as well as from the ones identified with the SWOT analysis, several proposals can be made to improve the recruitment and selection in public function in Romania, as follows:

1. In terms of recruitment sources:
 - a) Establishment of a National Administration Institute (similar to the Ecole Nationale d'Administration), as an autonomous institution, for the initial training of civil servants holding public functions at central and territorial level. The Institute would have its headquarters in Bucharest for the initial training of civil servants from central structures and territorial offices in each region (the eight development regions established by Law No. 151/1998 could be taken as territorial units).

Graduation of such an institute allows the automatic occupation of a leading public office or a high public office. By this measure, I believe that the professionalisation of high-level public functions will be ensured.

- b) The access to the schooling within this institute is done through a contest, organized under conditions of transparency, equality of opportunity and merit.
 - c) Local public officials, whether leaders or executives, can join anyone who fulfills the general and specific conditions for a public office.
2. As regards the competition for recruitment:
 - a) For Central Public Execution Functions, they propose to organize a national competition by ANFP, similar to the competition for a state public office in France. Thus, all eligible citizens can participate in the contest and those declared admitted will be placed on a list with an established validity period (at least two years), a list which will determine their distribution, in order of the score obtained in the competition, in public positions. In this way, the arbitrariness of competitions organized by each public authority or institution can be eliminated.
 - b) For the public functions in the territory, a competition will be held at the level of each county following that the declared candidates admitted to be assigned to public positions within the county where they held the contest.
 - c) For the public functions in the territory a competition will be organized at the level of each county, following that the declared candidates admitted to be assigned to public positions within the county where they held the contest.
 - d) For local public functions, based on the principle of administrative decentralization, a competition is organized by the recruiting authority.
 - e) The contest has the following stages:
 - Verification of fulfillment of the participation conditions by the evaluation committee;
 - Written evaluation by a test that includes sections to verify: Candidate's knowledge of the Romanian language (grammar and spelling), logical reasoning of the candidate;
 - Oral evaluation to check on one hand the candidate's specialized knowledge and on the other hand the ability to cope with concrete situations from the practice of public servants.
 - f) The bibliography for the contest should be limited to the normative acts that are essential for the activity within the public authority or institution that recruits.
3. Implementing regulations to encourage youth recruitment:
 - a) Decreasing the duration of seniority;
 - b) Developing opportunities for rapid promotion.
 4. Regarding the ways in which posts are advertised:
 - a) Creating a public function portal where all vacant public functions can be traced;
 - b) The possibility for declared candidates admitted to

the national or county competition to apply online to public posts.

5. With regard to monitoring the conduct of competitions, I am proposing the establishment of a Public Service Committee similar to that of the United Kingdom and the Civil Service Commission. It would be made up of personalities recognized as specialists in public administration, and it would be the primary responsibility to oversee the process of recruitment, to ensure that it is carried out in accordance with the principles of transparency, equal opportunities and merit, and to resolve complaints about irregularities reported by candidates, members of the evaluation or appeal commissions or other persons proving a legitimate interest.

5. Conclusions

The paper proposed a comparative view of the process of public recruitment and selection in France and the UK and the identification of those practices that could be taken, implemented and adapted to the factual situation in Romania.

While maintaining the current structure of the public (state, regional and local) civil service, as well as the current civil service career system and starting from the weaknesses identified in public recruitment, I selected some proposals in order to improve the procedures for filling the vacant public positions:

- Re-establishment of a National Institute of Administration to ensure the initial training of a class of prestigious public servants;
- Organizing a national competition for central government positions at the expense of the competition organized by each authority and institution;
- Implementing regulations to encourage the promotion of young people;
- Create a public function portal with up-to-date information on where to keep track of all vacant public functions;
- Establishment of a Civil Service Commission to supervise the conduct of competitions according to the principles of transparency, equal opportunities and merit.

All these measures would have the primary objective of improving the overall image of civil servants and as secondary objectives:

- Limitation of political interference;
- Transforming the body of civil servants into an elite social class;
- Increase the professionalism of civil servants;
- Increase the transparency of the public recruitment and selection process.

Romania has taken important steps towards opening up its public function and its orientation towards the democratic principles of the rule of law, but this process needs to be further developed and improved.

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