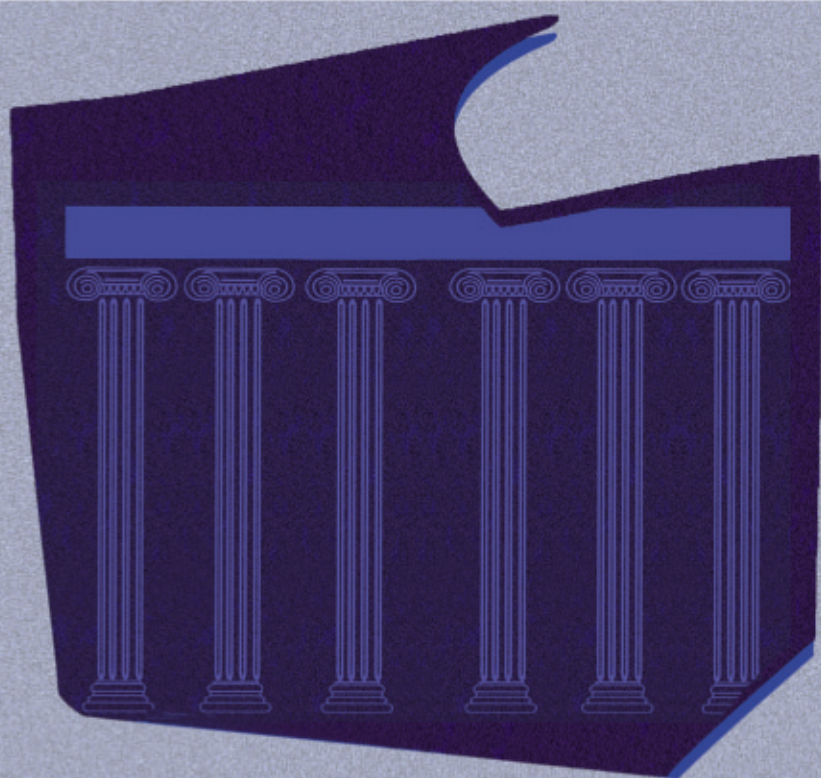


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# Civil Service in Poland



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WARSAW 2012

Publication cofinanced  
by the Faculty of Journalism and Political Science  
University of Warsaw

Reviewer: prof. dr hab. Tadeusz Mołdawa

Typesetting and layout: OFI, Warsaw

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ISBN 978-83-7545-404-8

Publisher:  
Oficyna Wydawnicza ASPRA-JR  
03-982 Warsaw, ul. Dedala 8/44  
email: [oficyna@aspra.pl](mailto:oficyna@aspra.pl)  
[www.aspra.pl](http://www.aspra.pl)

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# Introduction

This publication has been framed within the research project titled “Elaboration and dissemination of free of charge, English-Polish publication on the civil service in Poland”. The publication is a result of work of experts connected with the Faculty of Journalism and Political Science of University of Warsaw, within which functions the largest, political science academic centre in Poland.

This is the first publication on the civil service in Poland on the market available in English. Its main objective is to disseminate – in particular among foreign recipients – the knowledge regarding this issue.

The publication consists of three parts and two annexes. The first one includes a general picture of the civil service in Poland, the second one describes the system of human resources management. The third part compares selected, national solutions with solutions applied in other countries. Annex 1 constitutes a table, which in a concise form illustrates the basic information on the civil service in Poland. Annex 2 in turn shows a typical division between political and administrative positions which functions within the organizational structures of Polish ministries.





## Chapter I

# The Legal Foundations and the Quality and Ethical Standards of the Polish Civil Service

Jolanta Itrich-Drabarek

One of the key aspects of the public administration reform carried out in the Republic of Poland after 1989 has been the discussion concerning the reinstatement of the concept of civil service. It has been determined that the exchange of personnel employed at the respective public institutions needs to be effected in such a manner that the individuals working in public administration are not only capable of adapting to the changing conditions, but also of driving the change. While the very idea of change has been accepted without further debate, the exact manner in which such change was to be implemented as well as the implementation process itself have brought about many legal and organizational difficulties. The issues touched upon in the course of the debate included the improvement of the employment conditions of officials, the recruitment criteria (including recruitment for senior positions) as well as the question of promotion and termination of employment relationship in government administration. The attention of politicians, the public and the media has concentrated on the selection of the appropriate civil service model, resulting in a dozen-odd draft civil service bills

being prepared within the following 20 years as well as four civil service acts<sup>1</sup> being enacted within a 14-year period, each of them followed by an immense number of amendments. How is it possible to explain such frequent instances of legal intervention with regard to the status of the Polish civil service? It appears that such state of affairs was caused by a variety of reasons, the foremost being the process of socio-political transformation which has forced a change in the legal and social status of government administration officials not just in Poland, but in the entire Central and Eastern Europe. Another important reason has been the efforts made by the Republic of Poland in order to secure EU accession, since one of the preconditions for European integration has been the establishment of a civil service corps. Other important factors included the absence of political consensus as to the contemplated solutions with respect to civil service in Poland as well as the belief shared by every political party assuming power following elections that the starting point for state reform always had to involve changes in government administration, which were perceived as the main (if not exclusive) form of a “miracle cure” for all of the woes that plagued the state.

The legal solutions applied with regard to the structure and operation of civil service in Poland were based on the models implemented in Japan and France as well as the experiences of other European states in this regard. As a result, a total of three models were used – the career model, the positional model and the mixed model. Candidates were always required to be of an unimpeachable character, yet no mechanism aimed at the verification of this requirement

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<sup>1</sup> *Act on civil service* dated July 5, 1996 (Dz.U. [the Journal of Laws] No. 89, item 402; Dz.U. for year 1997 r. No. 106, item 679; Dz.U. for year 1998 r. No. 58, item 366 and No. 162, item 1126), *Act on civil service* dated December 18, 1998 (Dz.U. [the Journal of Laws] for year 1999 r. No. 49, item 483 as amended), *Act on civil service* dated August 24, 2006 (Dz.U. [the Journal of Laws] No. 170 item 1218 as amended), *Act on civil service* dated November 21, 2008 (Dz.U. [the Journal of Laws] No. 227 item 1505).

has ever been put in place; until 2008 citizens of other EU Member States were not allowed to hold civil service positions (this has changed following November 21, 2008). The powers of the Head of the Civil Service and the Civil Service Council have waxed and waned. Government positions were taken by individuals selected by way of recruitment processes and competitions. These and other examples of the solutions applied on one hand demonstrate a lack of consistency in the actions of the legislature and the dominant influence of political factors on the decisions adopted, while showing, on the other hand, that the search for an optimum civil service model has continued unabated.

The principles which govern the functioning of civil service in Poland are based upon the provisions of the Constitution. Article 153 of the Constitution of the Republic of Poland provides that a corps of civil servants shall operate in the organs of government administration in order to ensure a professional, diligent, impartial and politically neutral discharge of the State's obligations. Pursuant to Art. 153.2 of the Constitution, the Prime Minister shall be the superior of such corps of civil servants (who appoints the Head of the Civil Service), whereas Art. 7 thereof provides that the organs of public authority shall function on the basis of, and within the limits of, the law. The civil service operates on the basis of administrative law, i.e. the legal norms governing the organizational structure and conduct of government administration as a part of the state apparatus as well as of individual natural persons, unless other legal provisions apply. In the light of the underlying values of the Constitution of the Republic of Poland, public administration has four fundamental features (properties), i.e. competence, efficiency, political neutrality and servient nature<sup>2</sup>.

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<sup>2</sup> T. Mołdawa, *Konstytucyjny system wartości a jakość administracji publicznej – wybrane problem* [The constitutional system of values and the quality of public ad-

In the history of Poland since 1918, the issue of civil service was governed by the provisions of five acts and regulations, each of them subsequently modified by way of multiple amendments. The legislative framework for the operation of civil service is currently provided by the act on civil service dated November 21, 2008<sup>3</sup>. In the Third Republic of Poland, during a period which spanned a mere 20 years, a number of bills and four acts concerning the organizational structure and principles of operation of the civil service were drafted. Each of these acts followed a different path, with the first being based on the French civil service model (the act on civil service dated July 5, 1996). The second act (the act on civil service dated December 18, 1998) was modeled on the Japanese system, while the two subsequent acts, both of them dated August 24, 2006 (the act on civil service and the act on the national reserve of human resources and senior national positions) have raised controversies, being seen as either a breakthrough in the field of civil service or as a “nail in the coffin”. All in all, civil service in Poland is characterized by a lack of legal and institutional consistence. The solutions introduced under the provisions of the acts referred to above demonstrate the many different ways in which the legislator may conceptualize the nature of civil service as well as its role and objectives. The legal evolution of civil service in Poland indicates that the changes introduced were closely linked to the consecutive instances of reshuffling on the Polish political scene.

Neither the Constitution nor any of the four consecutive acts contain any definition of civil service as such, limiting themselves to delineating the purpose thereof. In my submission, civil service

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*ministration – selected issues*], [in:] *Praworządność – sprawność – rozwój lokalny a samorząd terytorialny [Rule of law – efficiency – development on a local scale and the local government]*, Warsaw 2004, “Zeszyty Naukowe CSSTiRL”, no. 8, p. 16.

<sup>3</sup> *Act on civil service* dated November 21, 2008, hereinafter referred to as ACS.

may be defined as a dedicated body of individuals employed on the basis of the provisions of either public or private law for the purposes of implementation of legally defined objectives, following a specific system of norms, values and procedures and acting with the aim of serving their society and maintaining the critical functions of the state.

The current legal status of the Polish civil servants is governed by the 2008 civil service act – the fourth consecutive act designed to govern the principles of civil service operations in the Republic of Poland. The undisputed advantages of this piece of legislation include solutions such as the abolishment of the national reserve of human resources, the reintroduction of the position of the Head of Civil Service, the reinstatement of senior positions in the civil service (i.e. the reincorporation of directors-general and directors of departments and their deputies into the Civil Service system (almost 1.7 thousand senior positions), the abolition of the concept of acting officials as well as the provisions prohibiting individuals without Polish citizenship from joining the civil service and the introduction of a prohibition of unrestricted transfer of employees of local government institutions and the Supreme Audit Office into the civil service. The disadvantages of the act include weakening the position of the Head of the Civil Service, a recruitment system which is not entirely transparent as well as the lack of a precise definition of the term “impeccable reputation” and the unclear rules on the withdrawal from, and reinstatement to, the civil service.

The civil service corps in Poland is composed of civil service employees and civil servants employed in government administration within the following entities: the Chancellery of the Prime Minister, the offices of ministers and chairmen of committees included into the Council of Ministers and central government administration au-

thorities, voivodship offices and other offices which constitute the supportive apparatus to field government administration authorities, subordinate to ministers or central government administration authorities, stations, inspection offices and other structural units which constitute support apparatus to heads of joined services, inspections and provincial guards and heads of poviats services, inspections and guards (unless other legislative provisions provide otherwise), the Forest Reproductive Material Office as well as the budget entities which handle state earmarked funds administered by government administration authorities.

The civil service corps also consists of district and border veterinary doctors and their deputies. Clerical positions in offices may also be staffed with individuals assigned on the basis of separate provisions for the purposes of performing their tasks outside the organizational unit in which they remain employed<sup>4</sup>.

Recruitment into the civil service corps is performed on the basis of the principle of openness and competitiveness. The requirement for a value-based civil service recruitment process is intended, *inter alia*, to result in the improvement in terms of compliance of the entire public employment system with the provisions of applicable laws<sup>5</sup>. As a result, the legislator has assumed that every individual who satisfies the applicable formal requirements shall have the opportunity to join the civil service corps. The civil servant recruitment system in the Republic of Poland is founded on the principle of universal access to the employment in government administration for every Polish citizen and every citizen of any other EU Member State (as well as other countries,

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<sup>4</sup> Art. 2 of the ACS.

<sup>5</sup> *European Principles for Public Administration*, SIGMA Papers: No. 27, IGMA-OECD, <http://www.oecd.org/puma/sigmaweb>.

provided that they have concluded applicable agreements with the Republic of Poland in that regard)<sup>6</sup>.

With respect to candidates to civil service, each consecutive act (save for the act dated August 24, 2006) has guaranteed the application of the following recruitment criteria: accessibility, openness and competitiveness. The appointment for positions in the civil service in Poland is formally independent from factors such as the candidate's political affiliation, social origin, material status, gender, religion or racial background. For the same reason, all the criteria applied in the course of recruitment process should be related exclusively to the evaluation of the given individual's relevant competences with respect to the specific work position, i.e. having regard to his/her education, qualifications and skills.

In order to become a civil service employee, one needs to satisfy certain conditions, defined by the provisions of applicable laws; these conditions are both uniform and commonly known. The recruitment is to be carried out by way of an open process, which requires compliance with the principles of openness, equality and transparency in the course of recruitment for positions in the civil service as well as the duty to ensure non-discriminatory access to information on the available vacancies. The openness of the recruitment process may also entail the duty to disclose documents and information as well as to allow the representatives of applicable institutions to participate personally in the procedures of selection. In general, access to civil service is to be granted on an equal opportunities basis.

In order to ensure the competitive nature of the recruitment process, the procedures in that regard need to be structured in such

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<sup>6</sup> In accordance with the judgment of the European Court of Justice (currently the Court of Justice) from the year 1982, every EU citizen shall be entitled to apply for a position in the public administration of any Member State.



manner as to allow for the selection from amongst all the applicants of an individual who satisfies the requirements specified for the given position to the fullest extent. The competitiveness principle may only be properly realized if uniform rules, methods, tools, assessment criteria and opportunities for self-presentation are provided to all applicants and if the requirements laid down in recruitment announcements remain consistent throughout all stages of the subsequent proceedings.

In accordance with the act dated November 21, 2008, in order to enter the civil service, the given individual must remain a citizen of the Republic of Poland (subject to the provisions of art. 5), enjoy full civil rights, have no past convictions with respect to any tax offences by way of a final and binding judgment of any court of law, possess the qualifications required for the given position and enjoy an impeccable reputation.

The act of November 21, 2008 introduces a distinction between civil servants and civil service employees. Civil service employees are individuals whose employment relationship is based on a contract of employment concluded for an indefinite period or for a fixed period not exceeding three years. The term “person taking up employment in the civil service for the first time” shall be construed as pertaining to any individual who has never been employed in the civil service for an indefinite period or has never been employed in the civil service for a fixed period of 12 months and was not given a positive evaluation.

An employment contract for an indefinite period may be concluded with any individual who has received positive evaluation or who had been employed in the civil service by virtue of a contract of employment concluded for an indefinite period or by virtue of nomination, in accordance with the requirements laid down in the act on state office employees dated September 16, 1982, as well

as with any individual employed in the civil service pursuant to art. 34.1<sup>7</sup>. In the case of individuals taking up employment in the civil service for the first time, the employment contract is concluded for a fixed period of 12 months with the option to terminate the contract with two weeks' notice. The decision on the conclusion of an employment contract for an indefinite period with the given employee is adopted by the director-general of the given office, on the basis of a positive evaluation of the employee in question. Individuals assuming employment in the civil service for the first time are under an obligation to complete preparatory service<sup>8</sup>. The above requirement does not apply to the graduates of the National School of Public Administration or to individuals relieved from the above obligation by the director-general of the given office, provided that their knowledge or skills allow them to perform their official duties in an appropriate manner. Preparatory service is aimed at the theoretical and practical preparation of the Civil Service employee for the proper execution of the tasks related to his or her position. Its duration may not exceed 4 months; it is followed by an examination which must take place prior to the lapse of 8 months from the day on which the given employee has assumed his/her position.

In order to apply for nomination to the civil service, one must be a civil service employee who can prove a duration of employment of at least 3 years in the civil service or who has received authorization from the director-general of the given office to participate in the recruitment proceedings before the lapse of the aforementioned

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<sup>7</sup> Persons relieved from professional military service performed on an official position at the Ministry of National Defence or in a field government administration authority subordinate to the Minister of National Defence, as a result of termination of the service relationship forming the basis of professional military service, may be employed at the same organizational unit on a work position which replaces another official position that had been abolished, or on an equivalent position.

<sup>8</sup> Art. 3.1 of the ACS.

3-year period, however not earlier than within two years from the day on which he/she assumed employment with the civil service, hold an M. A. degree (or an equivalent degree), know at least one foreign language which is either one of the EU working languages or one of the following languages: Arabic, Belarussian, Chinese, Icelandic, Japanese, Norwegian, Russian or Ukrainian and either have the status of a reservist soldier or a person who is not covered by the general defense duty<sup>9</sup>.

Nominations are made subject to the limits specified annually by the Prime Minister (art. 48.1). On the day of nomination, the existing employment relationship is transformed into a relationship of employment by virtue of nomination. Civil servants are therefore individuals who satisfy a set of specific requirements (Polish citizenship, clean criminal record, higher education, knowledge of foreign language) and who have completed the applicable recruitment proceedings (qualification procedure) resulting in their nomination.

Within those civil service systems under which the career model remains the dominant model, it is considered that in order to secure the availability of employees having the best possible qualifications, the state must, within its own capacity, provide prospective employees with institutions which shall ensure that they receive all the professional preparation and education they need in order to assume employment with the civil service. The establishment of the National School of Public Administration, modeled on the ENA in France, was intended to exemplify the change of approach to the issue of human resources in public administration in Poland.

The National School of Public Administration was established by virtue of a resolution of the Council of Ministers dated May 30,

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<sup>9</sup> Art. 40 of the ACS.

1990. The status of this institution is governed by the act dated June 14, 1991<sup>10</sup>, as well as the Charter conferred by the Prime Minister, dated August 23, 1991.

The provisions of the aforementioned act have laid down the legal foundations for the school's operation as well as the rights and obligations of students. According to the said provisions, the school and its director are directly subordinate to the Prime Minister. This solution appears to be the result of the legislator's intent, which has been to ensure the independence of the school as well as to place emphasis on the importance which the authorities of the Third Republic of Poland attach to the training of new public administration personnel. In February 1991, the Council of the National School of Public Administration was established, with educational operations commencing on September 4, 1991. The school has been granted a Charter which provides that its scope of activities shall include, *inter alia*, the education of applicants for senior positions in public administration, the preparation of programmes and training courses for public administration and the civil service in particular and the cooperation with the public administration, institutions of higher education as well as other institutions and organizations, both international and domestic. The school shall also be entitled to verify the command of selected foreign languages among public administration employees and persons performing public functions<sup>11</sup>.

The educational programme of the National School of Public Administration is interdisciplinary in nature and focuses mostly on the development of practical skills. The fundament of the programme are practical classes in the form of training sessions and

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<sup>10</sup> Dz.U. [the Journal of Laws], No. 63, item 266 as amended.

<sup>11</sup> The Charter of the National School of Public Administration conferred by way of regulation of the Prime Minister dated October 7, 1999 (Dz.U. [the Journal of Laws] No. 82, item 920 as amended), § 3.1.

research workshops, with traditional lectures comprising a mere 20% of all classes. The status of students has more in common with the status of employees of public administration than with that of a typical university student (for example, the students are entitled to a holiday leave, not vacations). In the course of their education, students must comply with the same obligations as those which apply to state officials. The school offers a full-time course, with no division into terms. The programme provides for an intensive foreign language course (two Western languages). Another component of the programme referred to under the provisions of the school's Charter are domestic and international internships (8–9 weeks) in the applicable public administration authorities<sup>12</sup>.

A component of the school's curriculum which plays an important role for its students is the mandatory internship programme (with one internship taking place in Poland, in a ministry or central institution, and the other taking place abroad, in administrative entities in countries such as the USA, France, Germany or the UK). The objective of the internship programme is to introduce the students to the most recent trends in government administration of highly developed countries. A side effect of the internship programme is that in the course of their work some of its participants acquire a deeper understanding of the career model while others become acquainted with the positional model, with both groups becoming ardent proponents of their respective models as a result. One might be inclined to believe that this in turn not only animates the debate concerning the question of which of these models would be a better solution for the Republic of Poland, but also encourages attempts to combine these two theories in everyday administrative practice.

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<sup>12</sup> Ibidem, see also <http://www.ksap.gov.pl/ksap/content/view/90/81/>, accessed 21.06.2012.

In order to sum up the achievements of the National School of Public Administration, one has to take a variety of factors into account. First, one must consider the manner in which the operations thereof are regarded by Polish policymakers. It appears that the prevailing political vision with regard to the School has indeed undergone a significant change. In the early 1990s most Polish politicians were convinced that the establishment of the School would bring about a profound change in the philosophy and rules which govern the functioning of public administration and the process of human resources management therein (resulting in most of the School's alumni being allocated senior positions in the civil service – from the position of department director up to, and including, the position of director-general in the so-called “attractive” ministries, i.e. the ministry of foreign affairs, ministry of finance or ministry of the economy). This has changed after 2001, without a doubt following the takeover of state power by the social democrats, who were reluctant to uphold the concepts implemented by their predecessors originating from a different political camp (although one needs to add that none of the subsequent governments were as enthusiastic in that regard as were their predecessors in the 1990s), resulting in a more complicated outlook for the School's alumni. The number of attractive employment offers has dropped, while other public administration employees who did not graduate from the from the National School of Public Administration have begun to regard its alumni with an increasing degree of distrust and even hostility. The School's alumni are considered to exhibit a number of deficiencies, including insufficient skills, professionalism and experience as well as exorbitant ambitions. It has been pointed out that the education process at the School entails excessive costs and that its alumni, despite their young age, enjoy a number of privileges, e.g. the right to select the place of their employment, automatic nomination to the

lowest civil service rank and accelerated promotion to directorship positions.

Discussion is currently underway on the future of the National School of Public Administration. In the view of the majority of directors-general, who in April 2012 were given the opportunity to evaluate its curriculum and educational methods, the operations of the school correspond to the actual needs of public administration and the changes in the full-time curriculum introduced in the years 2008–2011 have taken these needs into account. With respect to the evaluation of the individual components of the curriculum, the dominant view has been that all of those components remain essential. The classes taking place within the “Administration and public management” block were considered to be the most useful of all, with the “European Union and foreign policy” block and international internships<sup>13</sup> receiving the lowest grades. One of the most frequently raised issues has been the need to adjust the student profile in the light of the requirements of individual institutions. The National School of Public Administration, despite criticism, is therefore still considered as a useful and valuable component of the operations of the Polish civil service, with discussions on the School’s future being limited to the questions relating to the forms of education applied, since it is believed that the School’s profile should be modified so that it focuses on providing training to individuals already working in the civil service.

In the Third Republic of Poland great importance is attached to the ethical rules which civil servants should follow. The first codified regulations concerning the civil service corps were introduced at the beginning of the 21<sup>st</sup> century, in the form of the Civil Service Ethics Code of October 11, 2002<sup>14</sup>. This Code constituted a devel-

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<sup>13</sup> <http://www.ksap.gov.pl/ksap/content/view/746/94/>, accessed 21.06.2012.

<sup>14</sup> Order of the Prime Minister *on the establishment of the civil service code of ethics*.

opment of the rules contained in article 153 of the 1997 Constitution of the Republic of Poland and it contained a detailed discussion of the following standards: the public service principle, diligence, professionalism, impartiality and political neutrality<sup>15</sup>.

The Code was formally repealed with the entry into force of the civil service act dated November 21, 2008, yet despite that fact both civil service employees, civil servants and the public continues to regard it as a benchmark with respect to ethical dilemmas.

The legal foundation with respect to the determination of the rules on ethics is provided by art. 15.10 of the act on civil service. It provides that “The Prime Minister shall, by way of an order, determine the guidelines with respect to compliance with the principles of civil service as well as the rules on the ethics of the civil service corps”. The aforementioned statutory delegation of power has been exercised in the form of Order No. 70 of the Prime Minister dated October 6, 2011 on the guidelines with respect to compliance with the principles of civil service and the rules on ethics of the civil service corps<sup>16</sup>.

Order No. 70 is directed at the most significant civil service entities: ministers and other persons holding directorship posts in government administration, the Head of the Civil Service, the Civil Service Council, the National School of Public Administration, the directors-general or heads of offices performing the tasks allocated to directors-general of respective offices, referred to in the act on civil service dated November 21, 2008, as well as members of the civil service corps tasked with the management of subordinate members of the civil service. The aforementioned Order is directed at ministers and other persons holding directorship positions in government administration due to the fact that they remain under the

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<sup>15</sup> Ibidem, §2–5.

<sup>16</sup> Official Journal of the Republic of Poland (*Monitor Polski*) No. 93, item 953.



authority of the Prime Minister, which makes it possible to issue guidelines with respect to the said persons and imposes upon these persons an obligation to cooperate with the Head of the Civil Service for the purposes of ensuring that the principles of civil service are duly complied with – including that the said principles of civil service are followed and respected in the course of relations with members of the civil service corps.

The guidelines aimed at the Head of the Civil Service provide that he/she shall be under an obligation to perform organizational, supervisory and executive actions with respect to the directors-general of offices in order to achieve the objective of enhancing the ethical standards applicable to members of the civil service corps as well as the obligation to cooperate in the above respect with other public administration authorities, social partners, non-governmental organizations and representatives of the mass media.

As regards the Civil Service Council, the Prime Minister instructs that, in the course of its operations, the Council shall be under an obligation to take into account the civil service principles specified under the provisions of the Prime Minister's Order. The National School of Public Administration must include the accepted civil service principles in its curriculum. The Prime Minister also imposes upon the directors-general an obligation to perform organizational, executive and supervisory actions with respect to the members of the civil service corps who are employed in the offices remaining under the control of the said directors-general. Finally, the Order of the Prime Minister is also directed at the members of the civil service corps tasked with the management of subordinate members of the civil service for the purposes of ensuring that the civil service principles are complied with by the members thereof.

The Prime Minister's Order has been subdivided into two main parts. The first part contains guidelines with respect to compliance

with the principles of civil service, while the second presents the rules on the ethics of the civil service corps<sup>17</sup>.

As regards the guidelines concerning the civil service, the Prime Minister has pointed out nine most fundamental civil service principles, i.e.:

1. The principle of legalism, rule of law and reinforcement of the trust placed by citizens in public administration authorities;
2. The principle of protection of human rights and citizen rights;
3. The principle of selflessness;
4. The principle of openness and transparency;
5. The principle of non-disclosure of confidential information protected under the provisions of applicable laws;
6. The principle of professionalism;
7. The principle of responsibility for actions or omissions;
8. The principle of rational administration of public resources;
9. The principle of openness and competitiveness in the course of recruitment process.

The principle of legalism, rule of law and reinforcement of the trust placed by citizens in public administration authorities provides that every member of the civil service corps shall be under the obligation to maintain allegiance to the constitution<sup>18</sup>, i.e. to protect the interests of the state as well as human and citizen rights. Within the concept of allegiance lies the notion of attachment to the ideals of democratic state and civil society, not to the political parties in gov-

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<sup>17</sup> The presentation and overview of the individual ethical principles applicable to the members of the civil service corps were based on training materials prepared by the employees of the Civil Service Department of the Chancellery of the Prime Minister – “*Principles of civil service and ethical principles of the civil service corps*”. Source: <http://dsc.kprm.gov.pl/zasady-sluzby-cywilnej-oraz-zasady-etyki-korpusu-sluzby-cywilnej>.

<sup>18</sup> Art. 76, p. 1 of the ACS.

ernment at the given time. Allegiance to the law is a concept linked to the principle of legalism in the actions of public authorities – one of the most fundamental principles for any democratic state abiding by the rule of law.

Work performed by the Polish civil service is continuous in nature. This means that the civil service corps operates for the common good and may not take part in any strikes or protests which may disrupt the functioning of the given institution<sup>19</sup>. The principle of allegiance to the constitution implies allegiance to both the constitution itself and the laws enacted thereunder. This makes it possible to believe that the civil servant's task is to safeguard the applicable laws and at the same time remain compliant with the provisions thereof. The principle of protection of human and citizen rights provides that every member of the civil service corps must protect the interest of the state, yet such protection must never be afforded at the expense of human rights or the rights of citizens<sup>20</sup>.

Another important principle is the principle of professionalism, which encompasses a number of factors. Efficient administration requires effective human resources management, an organizational culture within which the development of knowledge and skills must extend to all aspects of the professional life of civil servants and civil service employees alike, the modernization of the process of selection, nomination and evaluation of the management staff within the civil service, the establishment of channels for the transfer of human resources within the civil service having the necessary capacity and the establishment of a clear connection between the evaluation of the given employee and the development of his/her professional career. The primary factor in the establishment of the foundations for a professional public administration remains the body of rules pro-

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<sup>19</sup> Ibidem, art. 78, p. 3.

<sup>20</sup> Ibidem, art. 76, p. 2.

vided for under the provisions of applicable laws, although political decisions and ethical standards also carry substantial significance in this regard. The professionalization of public administration is a task which “has a much wider scope than the simple implementation of provisions relating to public service and the introduction of developments in the field of personnel management”<sup>21</sup>.

The responsibility of the civil service corps members remains linked to the belief that a situation where the duties performed remain consistent with the views of the individuals performing the said duties is conducive to positive self-evaluation – including the self-evaluation of an individual in his/her capacity as a member of a specific professional group – while at the same time allowing the individual in question to remain fully conscious of the consequences – both legal and ethical – which would ensue if such consistency was absent.

The principle of rational administration of public resources provides that the members of the civil service corps are under an obligation to administrate public resources in an economical manner; the principle in question relates to economic interests, i.e. the expenditure of assets in accordance with the applicable public objectives and tasks while ensuring that such assets are used economically<sup>22</sup>. The aforementioned principle imposes upon members of the civil service the obligation to take the interests of the state and its citizens into account, to achieve the designated objectives as well as to be prepared for evaluation of the degree of care exercised with respect to the public property and resources<sup>23</sup>.

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<sup>21</sup> *European Principles for Public Administration...*, p. 25.

<sup>22</sup> Art. 76, p. 3 of the ACS.

<sup>23</sup> Order No. 70 of the Prime Minister dated October 6, 2011, *on the guidelines with respect to compliance with the principles of civil service and the rules on ethics of the civil service corps*, Official Journal of the Republic of Poland (*Monitor Polski*) No. 93, item 953, § 9.

In accordance with the authorization contained under art. 15.10 of the act on civil service dated November 21, 2008 which obligates the Prime Minister to determine the ethical principles to be followed by the civil service corps, the Order provides the following list of ethical principles for the civil service corps:

1. The principle of dignified conduct;
2. The principle of public service;
3. The principle of allegiance;
4. The principle of public neutrality;
5. The principle of impartiality;
6. The principle of diligence.

The principle of dignified conduct provides that civil service employees and civil servants alike must behave in a dignified manner both at work and off duty. While at work, members of the civil service corps are under an obligation to perform their tasks in a manner that ensures that the principles of community life and personal culture are complied with and that the dignity of other persons – including one’s subordinates, colleagues and superiors – are respected. The principle of dignified conduct with respect to off-duty employees imposes certain restrictions with regard to the freedom of choice of civil service corps members as to how to behave in their private lives as well – provided that their behavior could have a bearing on the reputation of the state, the civil service or the given office. The attitude exhibited by individuals employed in the civil service should command the respect of others. This means that a civil servant, acting in his/her capacity as a private individual, may not, through his/her actions, undermine the trust placed in public administration or damage the reputation of the institution in which he/she is employed.

The Order does not list specific examples of such conduct; nevertheless one needs to bear in mind that one of the statutory

requirements linked to the employment with the civil service is impeccable reputation and the loss thereof may even result in the termination of employment relationship (art. 71.1.3 of the act on civil service)<sup>24</sup>.

The principle of public service emphasizes the servient nature of the work performed by individuals employed in government administration and points towards two entities for the benefit of which this service is performed – the Polish state and its citizens. Serving the citizens means putting the common good of citizens before personal interests, whether individual or collective. Serving the state means acting for the purposes of affording protection to its interests and facilitating its development as well as with the view to ensure that a positive image of the state as well as its institutions and authorities (including the civil service) is projected both among its citizens and internationally. Public interest sometimes requires difficult or even unpopular choices to be made in a variety of cases<sup>25</sup>.

The duty to protect the interests of the state relates to intangible interests in the form of the protection of the state's independence and sovereignty, its internal and external security and the inviolability of its territory.

The principle of allegiance – in accordance with the provisions of Order no. 70 – provides that members of the civil service corps owe their allegiance to the Republic of Poland, i.e. must observe the provisions of applicable laws and respect the constitutional authorities of the state; this accords with the wording of the preamble to the Constitution of the Republic of Poland which refers to the equality

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<sup>24</sup> D. Długosz, W. Zawadzki, *Etyczny drogowskaz urzędników. Zasady etyki w praktyce administracji [An ethical signpost for government officials. Ethical principles in administrative practice]*, „Przegląd Służby Cywilnej”, Special edition No. 1, Warsaw 2011, pp. 10–11.

<sup>25</sup> Ibidem, p. 11.

of all citizens in terms of their obligations with respect to the common good, with the provisions of art. 82 of the Constitution which provides that all Polish citizens shall owe their allegiance to the Republic of Poland and shall be under an obligation to care for the common good, as well as with the civil servant's oath of office<sup>26</sup>.

Members of the civil service corps shall be under an obligation to maintain their allegiance to the government, which means that they must implement the programme prescribed thereby regardless of their own convictions or political views, applying the best of their knowledge and will, without resorting to any obstructive action. The actions performed by civil servants constitute a conscious and responsible service, rendered to every government established in accordance with the provisions of the Constitution.

Members of the civil service corps must act loyally with respect to their office and superiors, demonstrating the readiness to perform official orders while at the same time ensuring compliance with the applicable laws and striving to avoid any errors. Of particular importance to the notion of diligence is the interpretation of the principle of loyalty of the civil servant with respect to his/her superior, which provides that in cases where the superior authority, despite his/her protests, adopts a decision which the given civil servant believes to be incorrect, the civil servant in question shall perform such decision at the responsibility of his/her superior in a thorough and diligent manner, as if he/she were entirely convinced that the decision in question is correct. The civil servant's loyalty with respect to his/her superior therefore means that the civil servant may not issue any arbitrary decisions or opinions and must comply with the standards and legal norms which remain applicable in a democratic state abid-

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<sup>26</sup> „I shall serve the Polish State, observe the Constitution of the Republic of Poland, fulfill the obligations of a Civil Servant conscientiously and impartially, in accordance with my best knowledge and will”.

ing by the rule of law. The civil servant must observe his/her duty of loyalty as long as it remains consistent with the provisions of applicable laws.

Political neutrality, much like “incorruptibility and professionalism, has become the fundament to the civil service in all EU Member States”<sup>27</sup>. The principle of political neutrality of the members of the civil service corps may be inferred from the constitutional principle of equality before the law. For the above reason, civil servants are under an obligation to treat all citizens equally, regardless of their political views as well as racial background or religion. The requirement in question refers not only to the political neutrality in the actions of state administration, but also to the broadly construed notion of objectivity<sup>28</sup>.

The Order of the Prime Minister confirms the fact that the civil service corps member may – much like any other citizen – take advantage of the human and citizen rights and freedoms guaranteed by law, including the right to participate in public life. The Order precisely specifies the types of conduct which must be performed in order to ensure compliance with the principle of political neutrality: refraining from making public statements as to one’s political views and convictions, distancing oneself from political influences and pressures which may lead to biased actions, refraining from performing any public activities which support political actions, acting in a manner that does not give rise to any suspicion of favoring any particular political groups as well as ensuring that any relations established with persons holding public positions remain clear and

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<sup>27</sup> G. T. Grosse, *Śłużba cywilna w Polsce i możliwości jej rozwoju [Civil service in Poland and opportunities for development thereof]*, „Śłużba Cywilna”, No. 2, 2001, p. 86.

<sup>28</sup> B. Kudrycka, *Neutralność polityczna urzędników [Political neutrality of government officials]*, Warsaw 1998, p. 49.



transparent and that such relations do not undermine the trust placed in the political neutrality of a civil service corps member<sup>29</sup>.

The principle of impartiality is based upon the distinction between the sphere of official activities, aimed at the protection of the public interest, and the sphere of private activities. Members of the civil service corps must maintain neutrality with respect to political parties, trade unions, pressure groups, lobbyists acting both within and outside of parliament as well as with respect to individual interests. Every administrative decision must be made independently from any influences arising from memberships in interest groups. The observance of this rule is related to the guarantee that all citizens, irrespective of their political views and party affiliations, gender, racial background, religion as well as social and material status shall be treated in an equal manner<sup>30</sup>. Civil servants shall be responsible for the resolution of the issues related to public, state and individual interests.

The principle of diligence provides that all tasks must be performed in a diligent and prudent manner and that all obligations must be performed actively, to the best of one's efforts and in the interest of society, "which means something more than mere compliance with the applicable provisions", – the civil servant must tackle difficult problems and take responsibility for the manner in which they are resolved. The essential features of diligent conduct include: conscientious work, striving to achieve the best results and taking into account the provisions of applicable laws, the requirements of responsibility as well as the interest of society and the government for which the given official acts.

The principle of diligence finds its expression in the performance by the civil service corps of the obligations imposed by parliament

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<sup>29</sup> D. Długosz, W. Zawadzki, *Etyczny drogowskaz urzędników...*, pp. 12–13.

<sup>30</sup> Art. 76, p. 4 of the ACS.

on the basis of specific legislation: the Constitution, the act on civil service, the applicable regulations as well as the code of ethics. The Polish legislator has decided, much like in other democratic states, that when introducing separate legislation concerning civil servants, one must also clearly specify their rights and obligations. The diligence of the civil service has a bearing on the perception of the state as such. The preamble to the Constitution of the Republic of Poland contains a statement that the operations of public institutions must be characterized by “diligence and efficiency”<sup>31</sup>, which means that such institutions shall be under an obligation to act in a diligent and efficient manner. The prevailing concept of public administration provides that policymakers need to share responsibility with persons working in public administration; as a consequence, civil service employees often perform the function of both representatives of the authorities and the employees of the state. It is responsibility which “allows to demonstrate whether principles such as observance of the letter of the law, openness, transparency, impartiality and equality before the law are duly complied with”<sup>32</sup>.

## Conclusion

The process of socio-economic transformation in Poland in 1989 was not without impact on public administration. Whereas in the Second Republic of Poland the status of civil servants was governed by the act dated February 17, 1922<sup>33</sup>, which despite its many amendments has remained a single piece of legislation, in the Third

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<sup>31</sup> Constitution of the Republic of Poland of April 2, 1997, Dz.U. [the Journal of Laws] No. 78, item 483, Preamble.

<sup>32</sup> *European Principles for Public Administration...*, p. 12.

<sup>33</sup> The act on national civil service dated February 17, 1922 (Dz.U. R. P. [the Journal of Laws of the Republic of Poland] No. 21, item 164, as amended).

Republic no stable regulations of the status of civil service have emerged and the said issue has continued to form the subject of political bargaining and disputes within society.

The establishment of civil service in Poland following the year 1989 faced many difficulties, including the unclear socio-economic divisions in our country, the instability of the political scene (fallacious selection of persons making up the individual political groups, the weakness of political parties) as well as the existing system of patronage. The factors which facilitated the introduction of public administration reforms in Poland have, paradoxically, stemmed from the flaws inherent in the system.

The Republic of Poland, however, was not forced to rely solely on the models adopted from other countries. There were historical traditions which one has been able to draw upon – resulting in the reinstatement of the civil service concept derived from the Second Republic, along with its basic values such as the approach of civil servants which favoured the interests of the state, their impeccable civic attitudes, moral integrity, the respect associated with the status of civil servant, and the idea that service to the country and its society is an honourable activity in itself.

In the 1990s, most experts advocated the use of the career model, since – in their view – such a model ensured a greater stability for a state facing the process of constant changes which were taking place in the Poland at the time. In the first decade of the 21st century, however, the positional model has become more desirable. According to one of the evaluations made by the European Institute of Public Administration, the Polish civil service system has utilized a mixed model which, nevertheless, had more in common with the career model<sup>34</sup>. According to the OECD report on this subject, on

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<sup>34</sup> D. Bossart, Ch. Demmke, *Slużba cywilna w państwach akcesyjnych. Tendencje i wpływ procesów integracyjnych* [Civil Services in the Accession States. New Trends

the other hand, the Polish civil service system corresponded to none of the distinctive classic models, being characterized by a high level of delegation of power and a low level of individualization. This model has therefore been designated as a departmental model<sup>35</sup>.

It has to be concluded, however, that the Polish system remains a hybrid model which attempts to combine the main features of the career model and the positional model. The lack of a profound change and evolution towards a positional model is explained by reference to the need to create a civil service ethos (which requires more time and stability to be accomplished), the traditional attachment of the members of the civil service corps to the notion of stability of employment, the system of seniority as well as their fear of competition-based recruitment. Economic factors also play a significant role, since the career model does not result in a radical increase in civil servants' salaries.

The conditions of the functioning of the Polish civil service may be considered both in the context of the Polish political history and in a structural context. The difficulties which stem from our past revolve around the fact that Poland has inherited a strong anti-statist tradition – both the period of the Partitions and the era of the People's Republic of Poland were hardly conducive to the fostering of trust in public administration among citizens. The distrust and aversion towards the government apparatus and its officials which was widespread among citizens has also become one of the features of the Third Republic of Poland. The factors which, on the other hand, are favourable for the civil service, are: the increase in

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*and the Impact of the Integration Process*], Łódź 2003, p. 107.

<sup>35</sup> J. Czaputowicz, *Slużba cywilna w procesie integracji europejskiej [The civil service in the proces of European integration]* [in:] J. Czaputowicz (ed.), *Administracja publiczna. Wyzwania w dobie integracji europejskiej [Public administration. The challenges of European integration]*, Warsaw 2008, p. 273.

the importance of knowledge and information, efforts aimed at the improvement of the reputation of public administration, the process of modernization and the use of ICT (Information and Communication Technologies) as well as the Polish presidency in the European Union. The media may also become potential allies in the process of building a new civil service, provided that certain conditions are satisfied.

The above factors remain significant for the purposes of evaluation of the functioning of civil service in Poland – a civil service which still faces accusations relating to the typical deficiencies of the system of promotions, i.e. inflexibility, hierarchical nature or the lack of connection between work efficiency and the system of remuneration. The civil service system in Poland is characterized by a strict determination of the rules and conditions of the functioning thereof; unfortunately, the introduction of frequent changes results in the original assumptions becoming disrupted. The general solutions used by every successive civil service act have included, *inter alia*, the idea of prestige related to government work, the institution of the Head of Civil Service, the Civil Service Council (in 2006 – the Public Service Council) as well as the special scope of rights and duties.

Politicians have also continued to exert a strong influence on the functioning of the Polish civil service model; regardless of the political parties they represent, they always fail to adapt to the concept of civil service as quickly as civil servants themselves do. Unfortunately, at no time within the period described herein did civil service become the subject of cooperation above political divisions (despite the operations of the Civil Service Council, comprising policymakers originating from a variety of political backgrounds). Quite the opposite – the issue of civil service has always remained the subject of political bargaining. Solutions designed for the benefit of specific

governments would often last no more than the government that spawned them. Even when the given piece of legislation still formally remained in force, it would be modified by way of frequent amendments by subsequent governments, losing its original shape and meaning.

The discussion on the total political impartiality of civil service in Poland is, to a certain extent, a pointless debate, since it is the very essence of democracy that political powers (holding the mandate conferred upon them by society) exercise their control over state administration. The absence of political control over administration may bring about negative consequences in the functioning of the state: overgrown bureaucracy, an increase in the number of individuals employed by state institutions and a failure to give practical effect to the interests of society. On the other hand, it is the members of the political scene who may decide that employment in state sector shall be increased or that public administration shall be used to further particular or partisan interests. For the above reason, regardless of the particular organizational solutions, statements advocating the abolishment of the tradition of the system of spoils as well as the practices resulting with public administration becoming increasingly politicized have always continued to appear in the course of the debate concerning the future of the Polish civil service.



## CHAPTER II

# Human Resource Management in Civil Service – Selected Aspects

Kamil Mroczka

## Introduction

It is an undisputed fact that human resources are of critical importance for effective operation of any organisation, independently of the sector in which it operates. The evolution in approach to human resource management, which consistently heads towards strategic management, probably stems from this fact. The process has been started in organisations operating on the competitive market, and we may describe them – to make it simple – as business organisations. Methodology, solutions and tools have been developed which, when applied, make it possible to benefit from the so-called positive correlation between the staff management method and the level of organisation's effectiveness.

As P. Drucker says: “In 20<sup>th</sup> century, the four following sectors were the most dynamically developing ones: central administration, healthcare, education, and entertainment. (...) It is probable that from among the four most dynamic sectors of the 20<sup>th</sup> century, the administration sector has the strongest impact on the distribution of disposable income of the citizens. (...) a principal economic function of



central administration in a developed country is redistribution of 30 to 50% of national income of the whole country”<sup>1</sup>. This assertion illustrates the significance attached to the improvement of effectiveness of public administration and to making it operate in a more modern way for the benefit of citizens, enterprises, and other organisations.

The above also implies that it is necessary to assume a progressive growth of the importance of public administration sector, or at least that it will retain its present level. Therefore, it is possible to theoretically forecast the need of higher employment in this sector. Nevertheless, such forecast is not possible nowadays, given the prevailing downturn which influences Poland too. Thus, since it is impossible to rise the employment level, which would guarantee the execution of all the tasks public administration has to cope with in ever changing realities, there is a need for more efficient utilisation of all available resources, including also – and maybe even first of all – the human resources.

For a long time, public administration has been sceptical towards management of human resources applied by business organisations. Yet the progressive growth of the importance of public administration sector, with the concurrent economic slowdown exerting influence onto the labour market, and the awareness that human resources are limited caused that the process of changes in the approach to human resources has been started also in public administration, with the latter absorbing methods and tools applied successfully by business organisations.

The change in approach to human resource management is manifesting itself not only in the official foundations for strategic management in this field being prepared, but also in abandoning a hitherto common belief that methods and tools which are successfully applied in the private sector shall not be of any use in public

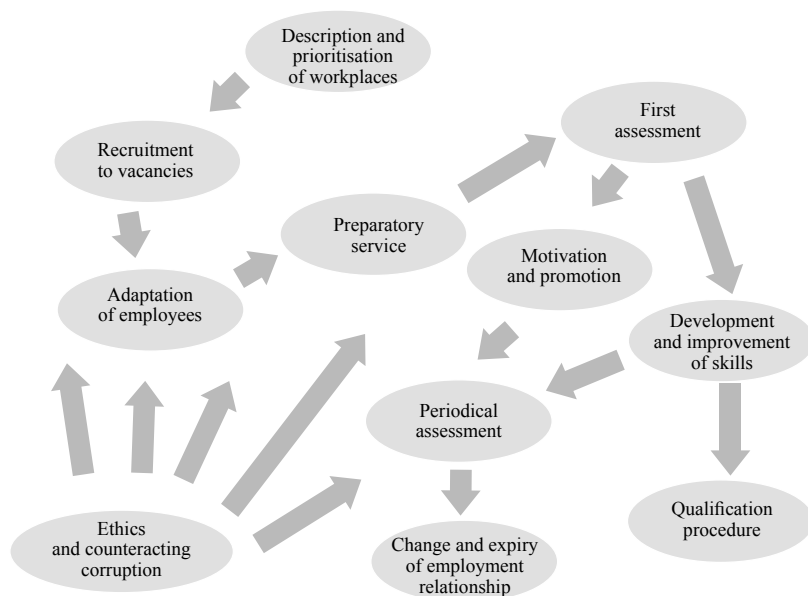
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<sup>1</sup> P. Drucker, *Zarządzanie w XXI wieku – wyzwania* [Management in 21<sup>st</sup> century – challenges], a supplement to *Rzeczpospolita Daily*, 16 September 2010, pp. 63–64.

administration, due to the specificity of the latter. Practical application of these tools and methods in public administration shows that they do may be applied also in this field – provided that they are properly adjusted.

The Law of 21 November 2008 on Civil Service<sup>2</sup> and secondary legislation issued under this Law introduced a number of important solutions related to human resource management in the Civil Service. The aim of this study is to discuss the most important questions connected with staff management process, from recruitment to termination of employment relationship. The process of human resource management is presented on the chart below.

**Figure 1.** Human resource management in the Civil Service



Source: *Author's own study*

<sup>2</sup> Law of 21 November 2008 on Civil Service, Dz.U. [the Journal of Laws], No. 227, item 1505 as amended, hereinafter LCS.

## Recruitment

Recommendation of the Committee of Ministers of the Council of Europe no. R/2000/6 of 24 February 2000 establishes standards of recruitment to public service that should be pursued by the member states. In the light of the Recommendation, recruitment to public service should proceed with the principle of equal access to the duty abided by, as well as on the basis of subject-matter criteria, within an open and competitive procedure<sup>3</sup>. The content of the Recommendation corresponds to art. 25 of the International Covenant on Civil and Political Rights, ratified by Poland<sup>4</sup>.

The principles of the process of recruitment to Civil Service are defined in the Law of 21 November 2008 on Civil Service. In accordance with regulations contained therein, the recruitment to Civil Service should be open and competitive<sup>5</sup>, where:

- openness – is understood as general access, openness of criteria and equality in the scope of applying for employment in the Civil Service; any person who fulfils the requirements defined in a recruitment announcement may apply for the job in line with the recruitment procedure;
- competitiveness – is a feature implemented through a recruitment conducted in line with the same principles for all the candidates applying for the job; a person is selected who guarantees in the most comprehensive manner the achievement of objectives set for a given position at a given office<sup>6</sup>.

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<sup>3</sup> H. Szewczyk, *Stosunki pracy w służbie cywilnej* [Employment relationships in civil service], Oficyna 2010, LEX OMEGA, (23.08.2012).

<sup>4</sup> Dz.U. [the Journal of Laws], No. 38, item 167.

<sup>5</sup> Compare art. 6 of LCS.

<sup>6</sup> See B. Stolarczyk, *Praktyczne aspekty zarządzania zasobami ludzkimi w służbie cywilnej. Poradnik* [Practical aspects of human resource management in civil service. A guide.], ed. J. Itrich-Drabarek, A. Filak, R. Hancewicz, K. Mrocza, E. Zajęc, War-

In Civil Service, any person may be employed who (is):

- a Polish citizen (with the exception of positions on which foreigners may be employed);
- holds full civic rights;
- has not been convicted with a lawful ruling for an intentional indictable offence or an intentional fiscal offence;
- holds qualifications required for the Civil Service;
- enjoys an impeccable reputation<sup>7</sup>.

In accordance with art. 28 of the Law on Civil Service, the Director-General of an office is obliged to disseminate information on vacancies by publishing a recruitment announcement. The content of the recruitment announcement is of key importance for the recruitment process, because it determines what candidates will apply for placement, and at the same time it should be most conducive, in terms of conditions defined therein, to choose a candidate who suits the needs of the organisation best.

A recruitment announcement contains *inter alia*<sup>8</sup>:

- name and address of the office;
- description of the post;
- requirements following the respective post description, with an indication which of those are obligatory, and which are optional;
- information about conditions of work on a given post as well as information, whether in the month preceding the date of publishing the announcement, the rate of employment of disabled persons at the office, within the meaning of regulations applicable to vocational and social rehabilitation and employment of disabled persons, amounted to at least 6%;

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szawa 2012, p. 9.

<sup>7</sup> Compare art. 4 of LCS.

<sup>8</sup> See art. 28 section 2 of LCS.

- scope of tasks performed in a given post;
- list of required documents, e.g. cover letter, CV, photocopy of education credentials, necessary declarations, etc.;
- date and place of submission of the documents;
- recruitment methods and techniques (obligatory in the scope of recruitments to senior posts in the Civil Service, and desirable in other cases);
- other information required by law.

The recruitment announcement is subject to the obligation of publication in:

- announcement data base of the Public Information Bulletin of the Chancellery of the Prime Minister, available on [www.dsc.kprm.gov.pl](http://www.dsc.kprm.gov.pl),
- the Public Information Bulletin of the office, and also
- in a place generally accessible at the headquarters of the given office (e.g. on a noticeboard)<sup>9</sup>.

The time limit for submission of documents, defined in the recruitment announcement, may not be less than 10 days as of publication of the recruitment announcement in the Bulletin of the Chancellery of the Prime Minister, and in the case of a recruitment announcement aimed at replacement of an absent member of the Civil Service corps – not less than 5 days as of publication of the announcement in the CPM Bulletin<sup>10</sup>.

The recruitment shall be conducted by:

- a team – in the case of recruitment for senior posts, or
- a committee – recruitment for other posts in the Civil Service.

The team may commission the assessment of knowledge and leadership skills of a candidate to a person who is not a team

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<sup>9</sup> See art. 28 section 1 of LCS.

<sup>10</sup> See art. 28 section 3 of LCS.

member, but whose skills are necessary to perform such assessment<sup>11</sup>.

Methods, tools, and techniques of selection are each time chosen in such a way so as to verify as comprehensively as it is possible that the candidate has necessary and desirable skills defined for a given position:

- definition of the position for which the recruitment was conducted, and the number of candidates,
- first and last names, and addresses (within the meaning of the Civil Code) of not more than 5 best candidates (with disabled candidates indicated if the recruitment was conducted with the priority given to disabled persons),
- the number of submitted applications, and the number of applications incompliant with formal requirements, indication of the applied methods and techniques of recruitment,
- substantiation of the choice made,
- line-up of the team or the committee conducting the recruitment<sup>12</sup>.

After the recruitment has been conducted, the Director-General of the office announces the recruitment results without undue delay.

## Employee adaptation process

The process of adaptation of the employees who commence their work in a new working place constitutes an important element of the human resource management system in an organisation, and at the same time it is the last stage of the recruitment.

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<sup>11</sup> See B. Stolarczyk, *Praktyczne aspekty...*, p. 12.

<sup>12</sup> See art. 30 section 2 of LCS.

## **Aim of the adaptation process**

The main objective of the adaptation process is to effectively and efficiently incorporate an employee into the organisational structure and to convey desirable standards of attitudes and behaviours, applied by a given employer. In the case of a governmental administration office, the adaptation process should result in the employee becoming acquainted with the organisational structure of the unit, its aims, organisational culture, legal basis for operation, quality and knowledge management methods, etc.<sup>13</sup>

The essence of the adaptation process consists in communicating, to an employee who gets acquainted with the organisation just as of the commencement of their job, the information necessary and related both to the structure of organisation and principles of conduct applicable in it, as well as the scope of tasks and requirements for the position assumed, so as they would be able, in as short time as possible, to efficiently perform tasks entrusted to them.

## **Stages of adaptation process**

The literature on the subject distinguishes the following stages of the adaptation process<sup>14</sup>:

- Identification and recording of change

It is a key stage both for the employer, as well as for the employee. When a new person is hired, the employer must be prepared for possible problems connected with the employee's entering into the organisational structure, and also for the necessity to release financial resources, e.g. for the purposes of training of the employee. From the perspective of the employee it is a crucial change because

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<sup>13</sup> B. Stolarczyk, *Praktyczne aspekty...*, p. 30.

<sup>14</sup> See in more detail: A. Żarczyńska-Dobiesz, *Adaptacja nowego pracownika do pracy w przedsiębiorstwie* [Adaptation of a new employee to work in an enterprise], Cracow 2008.

s/he is entering a new organisational structure, which is a stressful process in itself. Moreover, it is a time of confrontation of the employee's expectations related to the organisation with its actual picture, which may be of key importance for her/his functioning in it in the future.

- Searching for adaptation solutions

This stage covers the analysis of adaptation mechanisms so that the process would proceed as quickly as possible, but at the same time effectively.

- Selection of relevant adaptation forms

Selection of relevant mechanisms constitutes a natural consequence of the analysis process performed at the preceding stage.

- Launching adaptation processes

At this stage, the key role is played by the employee's line manager, who is responsible for the adaptation process. Actions adopted by her/him – aside from the achievement of goals constituting the core of the adaptation process – should also help the employee to get to know her/his way around the new working place, and reduce the related stress.

- Monitoring

Monitoring in the process of adaptation consists first of all in exchange of information between the line manager and her/his direct report. At the same time, the line manager has the opportunity to assess the actual usefulness of the just hired employee, diagnose possible competence gaps, and the employee has the opportunity to obtain precise information on the scope of tasks and assessment of their performance.

- Achieving desirable balance

In this context, balance means that the employee enters the structure of organisation and undertakes tasks entrusted to her/him, and becomes accustomed with the new working place. From the



perspective of the line manager, this stage is equivalent to including the employee in the work of the team managed by her/him, and to achieving the expected level of effectiveness.

- Conclusion of adaptation process

Benefits stemming from the adaptation of a new employee include:

- stabilisation of employment, reducing fluctuation connected with non-adaptation,
- shaping positive working attitudes,
- improvement of employee integration,
- improvement of work atmosphere and interpersonal relationships,
- obtaining 100% efficiency of newly employed staff in the shortest time possible,
- reducing tension and stress connected with undertaking a new job<sup>15</sup>.

## First assessment in the Civil Service

Another important element of the human resource management system in the Civil Service is the employee assessment process. Pursuant to applicable regulations, the assessments are divided into first assessment and periodical assessments.

The assessments of members of the Civil Service corps have three basic aims and serve the purpose of:

- motivation of employees,
- adjustment of behaviour of employees,
- development of skills of employees<sup>16</sup>.

In line with the article 37 of the Law of Civil Service, persons who are employed for the first time in the Civil Service are sub-

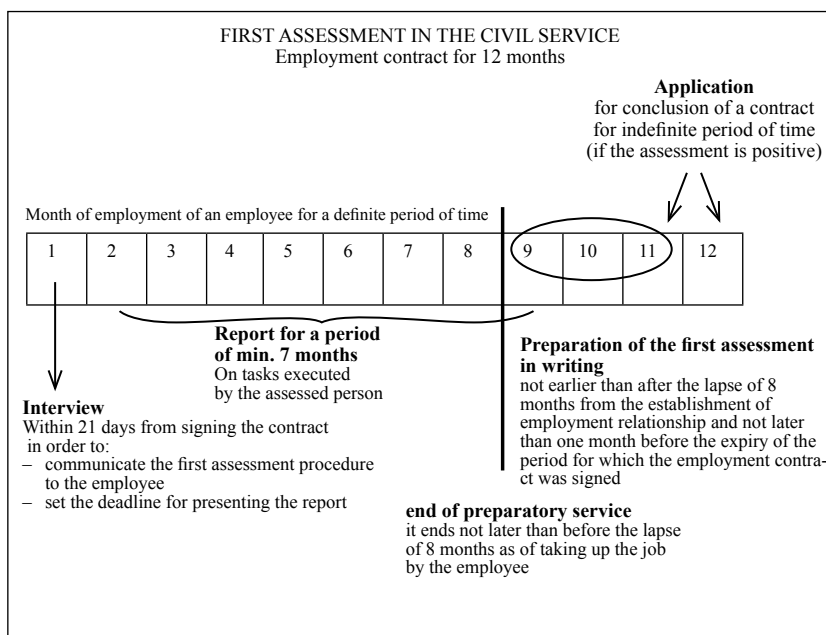
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<sup>15</sup> B. Stolarczyk, *Praktyczne aspekty...*, p. 31.

<sup>16</sup> *Ibidem*, p. 37.

jected to the first assessment. Thus, the assessment is obligatory and covers all newly hired persons. Graduates of the National School of Public Administration who have submitted applications for nomination in the Civil Service, constitute an exception here.

**Figure 2.** Stages of the first assessment in the Civil Service



Source: *Training material of the Mazovian Voivodship Office in Warsaw.*

The line manager, within 21 days as of the conclusion of the employment contract of a limited duration, holds an interview during which s/he presents to the employee the principles and the procedure of the first assessment, its consequences, and sets a time limit for submission of a report (for a period of 7 months at most).

During the assessment, the following items shall be taken into account:

- attitude of the employee,
- her/his dedication and progress at work,
- relationships with colleagues,
- timeliness in implementation of tasks,
- result of examination in preparatory service, and
- report prepared by the assessed person.

The first assessment is performed by the line manager, not earlier than after 8 months as of the establishment of the employment relationship, and not later than a month before the lapse of the period for which the employment contract was concluded.

The first assessment in the Civil Service is important as it is connected with the decision as regards further employment of the employee in the Civil Service at a given office. After the first assessment is performed, the head of the organisational unit applies to the Director-General of the office for conclusion of an employment contract of unlimited duration with the assessed employee – should the assessment's result be positive, or, if it is negative – for non-conclusion of such contract with the employee or for termination of the hitherto employment contract of a limited duration. The assessment has been introduced first of all to ensure that only the best-qualified persons will be involved in work in the Civil Service and constitute its professional staff<sup>17</sup>.

The conditions, method, and procedure of conducting the first assessment in the Civil Service, including the assessment sheet specimen, scope and specimen of report, conditions of awarding positive

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<sup>17</sup> *Pierwsza ocena i służba przygotowawcza* [First assessment and preparatory service], informational material of the Civil Service Department of the Chancellery of the Prime Minister, <http://dsc.kprm.gov.pl/pierwsza-ocena-i-sluzba-przygotowawcza>, accessed 10.08.2012.

or negative assessment are defined in the Regulation of the Prime Minister of 15 June 2009 on Detailed Conditions and Procedure of First Assessment in the Civil Service<sup>18</sup>.

## Preparatory service

A person who assumes employment in the Civil Service for the first time is obliged to undergo preparatory service. It should be noted here that the legislator who imposes such obligation onto an employee, has reinstated the concept of obligatory preparatory service<sup>19</sup>.

The legal definition of “a person who assumes employment in the Civil Service for the first time” is contained in art. 35 section 5 of the Law on Civil Service. In accordance with its content, this notion denotes a person who has not been employed before in the Civil Service for unlimited duration, or a person who has not been employed for a limited period of 12 months and has not been granted a positive first assessment<sup>20</sup> or a person who is not employed in the Civil Service under art. 34 section 1, i.e. after the discharge from the professional military service at the Ministry of National Defence or its subsidiary. One may assume then that the essential aim of the first contract (for a definite period of time) is to enable preparatory service for an employee<sup>21</sup>.

In accordance with art. 36 of the Law on Civil Service, preparatory service is aimed at theoretical and practical preparation of an employee who assumes employment in the Civil Service for the

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<sup>18</sup> Dz.U. [the Journal of Laws], No. 94, item 772.

<sup>19</sup> W. Drobny, *Komentarz do art. 36 ustawy o służbie cywilnej* [Commentary to art. 36 of the Law on Civil Service], LEX OMEGA (22.08.2012).

<sup>20</sup> See art. 37 of LCS.

<sup>21</sup> J. Jagielski, K. Rączka, *Ustawa o służbie cywilnej. Komentarz* [Law on Civil Service. Commentary], Warsaw 2010, p. 201.

first time, for due fulfilment of professional duties<sup>22</sup>. It is important that such preparation is not focused only on a specific position at a specific office, but on Civil Service in general.

The obligation to organise preparatory service lies with the Director-General of the office, who defines its scope and duration on the basis of an opinion of the manager of the organisational unit at which the employee has been employed<sup>23</sup>.

Preparatory service lasts four months and ends with an examination not later than within 8 months as of assumption of employment by the employee<sup>24</sup>. The scope of examination, procedure of its conducting and conditions of passing it are defined by the Director-General of the office.

Graduates of the National School of Public Administration are exempt *ex lege* from the preparatory service. The exemption is of unconditional character, so it also covers the final examination. Pursuant to legislation, a conditional exemption from preparatory service may be granted by the Director-General of the office to an employee upon a request of the head of an organisational unit at which the employee is employed. However, such exemption does not cover the final exam.

After the employee has underwent preparatory service and taken the examination, the Director-General of the office takes a decision on the conclusion of a contract of unlimited duration. Nevertheless, the Director-General is not obliged to conclude such contract, even if the examination result is positive<sup>25</sup>.

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<sup>22</sup> See art. 36 section 2 of LCS.

<sup>23</sup> See art. 36 section 3 of LCS.

<sup>24</sup> See art. 36 section 4 and 5 of LCS.

<sup>25</sup> J. Jagielski, K. Rączka, *Ustawa o służbie cywilnej...*, p. 204.

## Periodical assessment

The system of periodical assessments covers all members of Civil Service corps employed on the basis of an employment contract of unlimited duration. It stems from article 81 of the Law on Civil Service, pursuant to which “civil servant and Civil Service employee employed under an employment contract of unlimited duration is subject to periodical examination performed by her/his line manager.” In the case of positions of Directors-General, the assessment is performed by: the Head of the Chancellery of the Prime Minister, a competent minister, a chairman of a committee included into the line-up of the Council of Ministers, head of the office of a central government administration body or a regional (voivodship) governor (after having consulted the Head of the Civil Service).

The periodical assessment concerns performance of tasks which ensue from the employee’s job description and shall be prepared in writing once every 24 months. The assessment is performed on the basis of obligatory and supplementary criteria.

The assessing person, when selecting the assessment criteria, should discuss with the assessed person the scope of responsibilities of the latter and also the assessing person’s own expectations as regards the level of fulfilment of the assessment criteria in the period subject to the assessment, and objectives for the employee and manner of their execution.

Before performing the assessment in a written form, the assessing person – in accordance with § 9 of the Regulation of the Prime Minister of 8 May 2009 on the conditions and procedure of periodical assessment of Civil Service corps members<sup>26</sup> – should hold an assessment interview with the assessed person. The aim of the assessment

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<sup>26</sup> Dz.U. [the Journal of Laws], No. 74, item 663.

**Table 1.** Catalogue of obligatory and supplementary assessment criteria

<i>Posts which are not senior posts in the Civil Service</i>		<i>Senior posts in the Civil Service</i>
<b>Mandatory criteria</b>		
1	Reliability and timeliness	Resource management
2	Specialist knowledge and skill in using it	Staff management
3	Target oriented	Taking decisions and responsibility
4	In-service training	Effective communication
5		Target oriented
<b>Supplementary criteria</b>		
1	Technical and computer literacy	Technical and computer literacy
2	Foreign language	Foreign language
3	Creativity	Creativity
4	Team player	Team player
5	Skilled negotiator	Skilled negotiator
6	Emergency handling skills	Emergency handling skills
7	Analytical skills	Analytical skills
8	Resource management	Strategic planning and thinking
9	Staff management	In-service training
10	Taking decisions and responsibility	Specialist knowledge and skill in using it
11	Positive attitude towards customer	Reliability and timeliness
12	Independence and initiative	
13	Effective communication	

Source: *Oceny okresowe w służbie cywilnej* [Periodical assessments in the Civil Service], A guide prepared as part of cooperation between Gamma sp. j. and the Civil Service Department of the Chancellery of the Prime Minister, Warsaw 2011, pp. 31–32.

interview is, *inter alia*, to motivate the employee, to adjust her/his conduct, and to discuss and plan her/his professional development.

After the assessment interview, the assessing person – taking into account the conclusions drawn on the basis of the interview – shall prepare an assessment in writing. The assessment consists of 6 stages:

1. Granting partial score for individual criteria.
2. Substantiation of partial scores in the case of the following grades: substantial underperformer, underperformer, and substantial overperformer.
3. Calculation of arithmetical mean of the partial scores and determination of the general level of fulfilment of a criterion, in accordance with the scale of grades described in the regulation:
  - from 1 to 1.5 – substantial underperformer
  - more than 1.5 to 2.5 – underperformer
  - more than 2.5 to 3.5 – performer
  - more than 3.5 to 4.5 – overperformer
  - more than 4.5 to 5 – substantial overperformer
4. Awarding the assessment.
5. Planning the conclusions related to the individual professional development program of the assessed person and entering them to the assessment sheet.
6. Presenting the written assessment to the assessed person and conveying a copy of the sheet to them. The original sheet should be recorded in personal files of the assessed person<sup>27</sup>.

Should the assessed person who is a civil servant be granted a positive assessment, the assessing person may, in the indicated place on the sheet, contain a substantiated motion for promotion to a higher service grade.

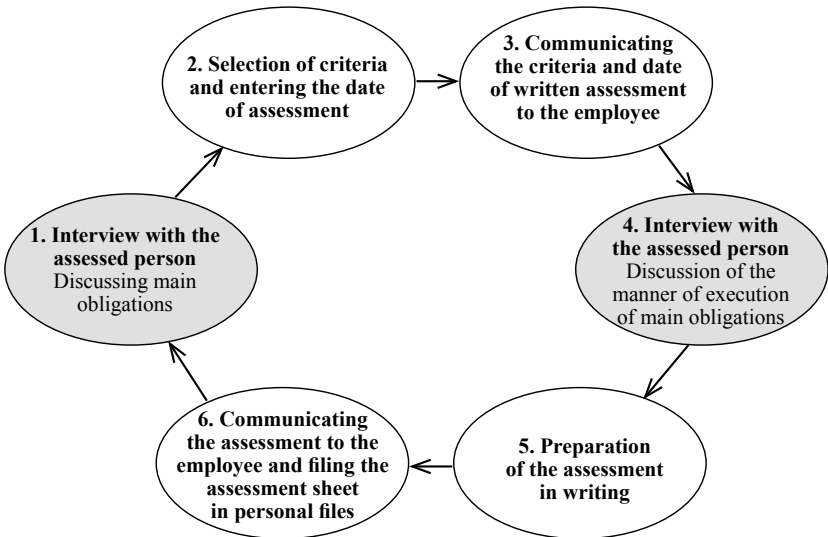
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<sup>27</sup> B. Stolarczyk, *Praktyczne aspekty...*, p. 44.



Should a periodical assessment be negative, the member of Civil Service corps is subject to repeated assessment after 6 months as of the day of being presented the assessment. It is possible to submit an appeal against the periodical assessment to the Director-General of the office. It should be submitted within 7 days as of the date of being presented the assessment. The appeal will be considered within 14 days. Should the appeal of the employee be considered positively, the periodical assessment is changed or another one is prepared. Should the appeal not be considered or be considered negatively, the member of Civil Service corps may, within 14 days, lodge an appeal to the Labour Court.

**Figure 3.** Periodical assessment cycle



Source: *Training material of the Mazovian Voivodship Office in Warsaw.*

## Development and improvement of professional skills

In the catalogue of obligations of a member of Civil Service corps, the legislator indicates the obligation of improvement of professional knowledge<sup>28</sup>. The manner of fulfilment of this obligation is regulated first of all by regulations of art. 106–112 of the Law on Civil Service.

In accordance with art. 106 section 2, training in the Civil Service covers:

- central training – planned, organised and supervised by the Head of Civil Service,
- general training – planned, organised and supervised by the Director-General of the Office,
- training within an individual professional development program of a civil service corps member – planned, organised and supervised by the Director-General of Office in consultation with the civil service corps member employed in a given Office,
- specialist training – planned, organised and supervised by the Director-General of the Office, and covering issues related to the tasks of the Office.

Central trainings are organised in particular in order to:

- support fulfilment of tasks of Civil Service;
- disseminate Civil Service principles and ethical principles of Civil Service corps;
- disseminate human resource management standards;
- develop skills of coordinating works at the level of an office and between offices;

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<sup>28</sup> See art. 76 section 1 item 6 of LCS.

- disseminate knowledge necessary to execute tasks in the Civil Service<sup>29</sup>.

On an annual basis, the Head of Civil Service shall establish a plan of central training in the Civil Service. The plan of central training includes in particular:

- training priorities involving Civil Service corps members,
- types of training of particular importance in a given year,
- other recommendations and information for persons who organise and supervise training in the Civil Service<sup>30</sup>.

General training is organised in order to develop knowledge and skills of civil service corps members, which are necessary to perform tasks in the Civil Service correctly, and include *inter alia* issues in the scope of administrative law, public finance, standards of efficient and effective work in public administration, or ethics in public service<sup>31</sup>.

Specialist training is organised in particular for persons holding specialist positions, in order to deepen knowledge and enhance skills in the fields related to the tasks of the office.

Finally, the legislator obliges the employers to determine individual professional development programs for members of Civil Service corps, which will constitute a basis for referring an official for training, taking into account in particular:

- conclusions contained in the periodical assessment,
- planned promotion track in terms of the position held and the remuneration,
- professional development plans and opportunities, and

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<sup>29</sup> See § 8 section 2 of the regulation of the Prime Minister of 6 October 2010 on detailed conditions of organisation and conducting of training in civil service – Dz.U. [the Journal of Laws], No. 190, item 1274.

<sup>30</sup> See art. 107 section 2 of LCS.

<sup>31</sup> See § 9 of the regulation of the Prime Minister of 6 October 2010 on detailed conditions of organisation and conducting of training in civil service.

- needs and capacities of the office in the scope of employment<sup>32</sup>.

The individual professional development program of a civil servant is implemented by way of participation in central, general, or specialist training, provided that curricula thereof are compliant with the individual professional development programme.

Participation in training is considered as equivalent to fulfilment of professional duties, and the employee shall not bear any charges due to it. A consequence of this fact is contained in a provision of art. 109 section 3, which asserts that only in exceptional cases, the Director-General of the Office may grant the consent for the participation in other training courses than determined for the civil service to be financed (in whole or in part).

## Qualification procedure in the Civil Service

Aside from employment on the basis of an employment contract, there is also another form of establishing an employment relationship – on the basis of a nomination. Nomination in the Civil Service is an individual administrative act issued by a body, confirming that the employee of the Civil Service fulfils the defined requirements. As it is stressed by J. Itrich-Drabarek, it is a specific expression of will of the state to employ the employee<sup>33</sup>.

The act of nomination of a Civil Service employee who accomplished in a given year the qualification procedure with positive result and with a rank authorising to nominate<sup>34</sup> or graduated from the

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<sup>32</sup> See art. 108 section 2 of LCS. See in more detail: H. Szewczyk, *Stosunki pracy...*

<sup>33</sup> J. Itrich-Drabarek, *Slużba cywilna w Polsce – koncepcje i praktyka* [Civil service in Poland – concepts and practice], Warsaw 2012, p. 70.

<sup>34</sup> Nominations in civil service are awarded within a limit. In 2000, the nomination limit totalled 2,800, in 2001 – 2,200, in 2002 – 2,500 people. After the adjustment it was determined that the effective limit of nominations for 2001 – 2003 shall amount to

National School of Public Administration is performed by the Head of Civil Service in the name of the Republic of Poland.

The act of nomination of a civil servant is prepared in writing and contains first name and surname of the civil servant, and the date of nomination.

In line with the article 40 of the Law on Civil Service, for the nomination in the Civil Service a person may apply who:

- is a Civil Service employee;
- has at least three-year job experience in the Civil Service or obtained the consent of the Director-General of the office to attend the qualification procedure before the lapse of the set timeframe, however not earlier than two years from the establishment of employment relationship in the Civil Service;
- holds a professional master title or equivalent title;
- has a command of at least one foreign language from among working languages of the European Union, or at least one of the following languages: Arabic, Belarusian, Chinese, Icelandic, Japanese, Norwegian, Russian, Ukrainian;
- is a reserve soldier or is not subject to the general compulsory military service.

Fulfilment of the above conditions is confirmed by the Director-General of the office on the basis of documents held by the office or which have been presented by the employee applying for nomination.

The qualification procedure for Civil Service employees applying for nomination is conducted by the National School of Public

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500 people each year, but in 2004 the limit totalled 600, and in 2005 – 1,500 people. In 2006 – 2,000, in 2007 – 3,000, in 2008 – 1,000, in 2009 – 1,500, in 2010 – 2,000, and in 2011 – 2,500 people. Unfortunately, due to economic slowdown in 2008–2010, the limit was decreased to 1,000 , and in 2011 to 500 people. See in more detail: J. Itrich-Drabarek, *Sluzba cywilna...*, p. 73. In 2012, the limit was defined at the level of 500 nominations.

Administration. A Civil Service employee interested in nomination submit to the Head of Civil Service, from 1 to 31 May of a given year, an application for admitting to qualification procedure. In the same period, NSPA graduates submit applications for nomination to the Head of Civil Service.

The basic objective of the qualification procedure is to verify knowledge and skills of candidates, necessary to execute Civil Service tasks. The examination is divided into two stages, and the results of qualification procedure are expressed as scores. Scores are awarded separately for each stage of the examination.

Pursuant to § 11 of the Regulation of the Prime Minister of 16 December 2009 on the qualification procedure in the Civil Service<sup>35</sup>, the part of examination which verifies knowledge lasts 90 minutes and is in the form of a single choice test (consisting of 90 questions). A part of the examination which verifies skills of the candidate is held in the form of a psychological test or exercises. This part is assessed on a scale from 0 to 60 points and lasts – correspondingly to the applied test or exercise – at least 60 minutes and 120 minutes at most.

The fee for participation in qualification procedure is 35% of the minimum remuneration for work, provided for in separate regulations<sup>36</sup>.

In the case of obtaining a nomination, the employment relationship of an employee hired on the basis of employment contract is transformed into employment relationship based on nomination. Only the basis of employment changes. Other elements stemming from the concluded contract, such as work place, remuneration, or position – remain unchanged.

The Director-General of the office, within 7 days as of the date of nomination, awards the lowest official rank to the civil servant.

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<sup>35</sup> Dz.U. [the Journal of Laws], No. 218, item 1695.

<sup>36</sup> In 2012, the minimum salary amounts to PLN 1,500.

Due to the official rank, the civil servant receives a Civil Service allowance. In accordance with the Regulation of the Prime Minister of 9 December 2009 on determination of official posts, mandatory professional qualifications, official ranks of civil servants, multipliers for the purposes of calculation of remuneration, and detailed principles of determination and payment of other allowances to which members of Civil Service corps are entitled, there are nine official ranks<sup>37</sup>.

The legislator – when designing the status of a civil servant – has strengthened and stabilised the form of employment relationship of nominated officials<sup>38</sup>. The officials are entitled to additional leave and the Civil Service allowance already mentioned. Also obligations and limitations are imposed onto this group of employees, e.g.:

- less favourable manner of compensation for overtime work – art. 97 sections 7 and 8 of the Law on Civil Service,
- Civil Servants are not allowed to establish or participate in political parties – art. 78 section 5 of the Law on Civil Service,
- an obligation of submission of financial disclosure irrespectively of the position held – art. 10 of the Act on Restrictions on Conduct of Business Activities by Persons Performing Public Functions<sup>39</sup>.

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<sup>37</sup> Dz.U. [the Journal of Laws], No. 211, item 1630.

<sup>38</sup> However it was possible to note certain inconsistency in action here. In a bill of 16 December 2010 on rationalisation of employment in state budget units and certain other units of public finance sector, in years 2011–2013, the protection against dismissing nominated officials was cancelled, and at the same time this privilege was granted to employees responsible for occupational health and safety. This action seems to be unjustified in the light of activities undertaken with an aim of professionalization of the Civil Service by way of constant increasing of the percentage of nominated officials.

<sup>39</sup> *Nomination*, information material of the Civil Service Department of the Chancellery of the Prime Minister, <http://dsc.kprm.gov.pl/mianowanie>, accessed (11.08.2012).

## Motivating and internal promotions

Motivation is a psychological mechanism triggering and organising human behaviour aimed at achievement of a particular end, which constitutes its internal strength. Strength means drives, instincts, tensions which are considered to be mechanisms of human organism. On the motivation, general psychical and physical activity of an individual depends, as well as mobilization and willingness to take more difficult tasks and risk<sup>40</sup>.

There are two forms of motivators applied to employees: financial and non-financial ones. However, it is necessary to be aware that a limited remuneration budget causes that in the Civil Service, financial motivators are of limited use. In this way, the importance of non-financial motivators grows. One should bear in mind that it is a good practice to grade awards and place financial awards at the end of the chain of motivation tools.

Among non-financial motivators, it is possible to indicate, for example:

- a non-material motivators
  - increasing of the decisiveness level of an employee,
  - broadening of the scope of responsibility of an employee,
  - entrusting more difficult and ambitious tasks,
  - possibility of training,
  - training support in development of individual skills,
  - participation in prestigious projects and events,
  - clear promotion criteria,
  - flexible work,

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<sup>40</sup> J. Reykowski, *Motywy ludzkiego działania* [Motives of human actions], „Zeszyt Nauk Instytutu Psychologii”, UW 1972, no. 2.



- material motivators
  - medical insurance,
  - business mobiles,
  - notebooks,
  - commutation (railway ID cards)
  - leave travels (recreation subsidies),
  - gift coupons<sup>41</sup>.

A line manager, when selecting the motivation method, should follow the needs of the employee and – or maybe first of all – should avoid the common practice of “equal awards for all”.

Also a promotion possibility may have a motivational aspect, which is especially the case for internal promotion. However, in article 54 section 1 of the Law on Civil Service it is stated that senior positions in the Civil Service shall be manned by way of an open and competitive recruitment, which means that an internal promotion to a Director-General of an office, head of department and peer units in government administration offices is not possible, as well as it is not possible to be promoted to the position of a voivodship veterinary physician, with the exception of delegation to perform tasks outside the organisational unit at which the employee is employed. Nevertheless, regulations allow a possibility of manning senior positions in the Civil Service – deputy heads of departments and peer units, and the position of deputy voivodship veterinary physician – by way of a transfer, namely the so-called internal promotion<sup>42</sup>.

Aside from the necessity of fulfilment of conditions provided for a given post, an employee who is to be transferred in connection with internal promotion, must obtain a positive periodical as-

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<sup>41</sup> See B. Stolarczyk, *Praktyczne aspekty...*, p. 53.

<sup>42</sup> See art. 54 section 2 of LCS.

assessment at one of the two highest levels provided for in the scale of grades<sup>43</sup>.

## Description and prioritisation of workplaces (job evaluation)

A system of describing and prioritisation of work posts in an organisation is an important issue from the point of view of human resource management. It enables putting most of the related processes in order. The requirement of describing and prioritising work posts is provided for in the Act of 21 November 2008 on Civil Service, while the description of the manner of describing and prioritising work posts is contained in Ordinance No. 1 of the Prime Minister of 7 January 2011 on principles of preparation of job descriptions and prioritising work posts in the Civil Service<sup>44</sup>.

The job description is a document that contains information related to main tasks pursued on a post, requirements which should be fulfilled in order to execute these tasks, and indicates the scope of responsibility and factors distinguishing work on this post.

Moreover, a correctly prepared job description, aside from the information indicated above, makes it possible and facilitates rational decisions related to staff, starting from planning of employment at the office, and ending with liquidation of ineffective work posts.

The scope of usage of job descriptions is as follows:

- Recruitment – on the basis of information contained in a job description, a job announcement is prepared and recruitment tools are developed to verify knowledge and skills of possible candidates applying for a specific job at the office.

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<sup>43</sup> Ibidem.

<sup>44</sup> Official Journal of the Republic of Poland [*Monitor Polski*], No. 5, item 61.

- Introduction of a new employee – job description is a valuable source of information for a just employed employee. Information contained in it determines obligations of the employee and the scope of responsibility in a given post.
- Remuneration – in result of valuation of individual criteria contained in a job description we achieve a result which enables classification of a position under a relevant score range. On the basis of the score range, the amount of base salary is determined.
- Periodical assessment – required competences related to the executed tasks contained in a job description should constitute a starting point for setting development goals and for the assessment of work effectiveness and competences contained in the job description. Moreover, the competences indicated in the job description should be reflected in the selection of periodical assessment criteria.
- Professional development and determination of career path – job description is a necessary tool for determination of development needs on the post held by an employee. Thanks to the job description, we create a hierarchy of posts on the basis of which we determine paths of vertical or horizontal promotions.

On the basis of a prepared job description, the post is prioritised in accordance with analytical and scoring method contained in the Regulation. To prioritise work positions at an office, a Prioritisation Team is appointed by the Director-General. The Team prioritises a position on the basis of major tasks, taking into account the following criteria: responsibility, complexity of work, education, work experience, command of foreign languages, authorisations.

In result of the process of prioritisation of posts we obtain a score which qualifies a given post to a relevant score range. Score ranges

are determined immediately after post prioritisation results are approved by the Director-General. After determining the score ranges, a payroll table is created which contains: classification categories (score ranges), minimum, average maximum value of the multiplier of the base amount. On the basis of an indicated scheme, a payroll table is created that supports the employer in implementation of rational remuneration policy at the office.

Thanks to the requirement of describing and prioritising work posts at the office contained in the Law on Civil Service, the employer may in a reasonable way manage human capital, in particular in the field of designing employee career paths and determining the amount of base salary.

## Anti-corruption prevention—methods of reducing corruption

- “Example from the top” – it seems that the most important element of an efficient strategy of fighting corruption is promotion of honest, transparent, and clear principles by the management of the institution. The employees must be aware and confident that their line managers are honest themselves. What is also important is dissemination of the conviction among the officials that no offences will be tolerated and hushed up and every offence will be reported and explained. The management acts honestly and shall firmly enforce the same manner of conduct of the reports.
- Designing and implementation of a task performance reporting system. The line managers should be aware of tasks pursued by their reports. Reporting which is maintained on an ongoing basis is a disciplining tool for the employees, as well as an important evidence in case irregularities are detected.

- The employees should know the procedure of reporting suspicions to the line managers. It is important to ensure discretion of the reported irregularities so that the employees who report would not be harassed.
- Taking binding decisions; works on a single issue should not be conducted by one person. At least two persons should be responsible for consideration of a given issue.
- Rotation in employee teams.
- Preparation of a map indicating procedures and places exposed to the highest risk of corruption, to cover them will detailed protection.
- Introduction of integrity codes for individual professional groups<sup>45</sup>.

## Change and expiry of employment relationship

When designing the Civil Service system, the legislator provided for a possibility of efficient allocation of human resources by way of transfers within an office or within the Civil Service corps. Transfer of a civil servant within an office (in the same locality) may be effected by the Director-General of the office, if it is justified with the needs of the office. A transferred official has the right to retain remuneration (if it is higher than one to which they are entitled in the new post) for a period of three months after the month in which the employee was transferred to the new position. The amount of Civil Service allowance remains unchanged.

Transfers between offices in one locality are effected by the Head of Civil Service if it is compliant with the interest of the Civil Serv-

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<sup>45</sup> *Poradnik antykorupcyjny dla urzędników* [Anti-corruption guide for officials], Central Anti-corruption Bureau, Warsaw 2010, source: <http://antykorupcja.edu.pl/index.php?mnu=12&app=docs&action=get&iid=9969>.

ice. The Head of Civil Service has also the right to transfer an official to another office in another locality, however the period of such delegation may not be longer than 2 years. What is more, it may be effected only in response to a vital interest of the Civil Service.

In the light of applicable regulations, it is not allowed to transfer a civil servant which is a pregnant woman or a person who is the only guardian of a child aged up to fifteen years. It is also not allowed to effect a transfer when there are particularly important personal or family matters of the official that prevent the transfer.

In the case of a Civil Service corps member who is not a nominated official, transfer to another office in the same or another locality, on their request or with their consent is possible at any time. The transfer is effected by the Director-General who will employ the employee in agreement with the Director-General of the office at which the employee currently works.

To preserve the interest of the Civil Service, the legislator provides for a necessity of transfer of a civil servant to another entity in the case of liquidation of their office. In such a case, it is an obligation of the Director-General of this office to indicate a post for the official which would take into account his/her experience and professional background.

A change in employment relationship of a member of Civil Service corps occurs in the case of a detention – it is suspended by virtue of law. In this period the employee receives a half of the remuneration to which they were entitled until the day of detention. Also the Director-General of an office may suspend a member of Civil Service corps. The above is conditioned by the fact of commencement of disciplinary or penal proceedings. However, such period may not be longer than 3 months.

The employment relationship of a civil servant terminates if the civil servant:

- refuses to take an oath;
- loses citizenship of a member state of the European Union or another country entitling under international agreements or community law to take a job in the territory of the Republic of Poland;
- when a final and binding disciplinary penalty of expulsion from the Civil Service is adjudicated upon the servant;
- has been convicted with a lawful ruling for an intentional indictable offence or an intentional fiscal offence;
- when a final and binding ruling adjudicating the loss of public rights or an interdiction in the scope of performing civil servant function is issued;
- after three months of absence at work due to detention;
- if the servant refuses to implement a decision in the scope of a transfer or if the servant does not take up a job at the office to which s/he was transferred.

Termination of the employment relationship with a civil servant takes place (with a 3-month period of notice) in the case of:

- double successive negative assessment;
- when a certifying physician of the Social Insurance Institution testifies a permanent disability making it impossible to fulfil obligations of a civil servant; for the examination of health, the official may be referred to the Social Insurance Institution *ex officio* or on her/his request;
- loss of impeccable reputation;
- liquidation of the office, if transfer is impossible.

Termination of the employment relationship with a civil servant without termination notice by fault of an official may take place in the case when:

- the official commits a gross breach with regard to basic obligations of a member of Civil Service corps, provided that the fault of the official is obvious;

- the official commits a crime during the employment period which makes further employment impossible, provided that the crime is obvious and has been confirmed by a final and binding verdict;
- the official loses, by his/her fault, the entitlements necessary to work on a given position, unless it is possible to appoint the official to another post taking into account their professional background.

## Summary

In the recent years, the public administration sector has remained sceptical towards solutions applied by business organisations in human resources. There was a common opinion that methods and tools used by business organisations cannot be implemented in public administration due to its specificity. But it is obvious that every solution or tool, before it is applied in a new organisation, requires adjustment to its specificity. Nevertheless organisations – independently of the sector in which they operate – do not differ from each other sufficiently so as not to apply similar management methods. It seems that it was first of all lack of knowledge in the methods of human resource management in business organisations, resulting from the lack of transfer of specialists between business and administration, and fear of substantial change, which determined the sceptical attitude of public administration.

The most recent activities of the legislator and bottom-up initiatives of individual office managers evidence that the above view will fortunately land on a scrap heap. The policy makers, aware that public administration must face always new tasks with limited financial resources and not that much attractive image as an employer, have undertaken actions aimed at possibly most effective



usage of available human resources so as to increase the level of effectiveness of organisations in the public sector. This awareness caused that proved business solutions and tools were used. In effect, foundations were created for strategic management of human resources in public administration. And while they obviously take into account the specificity of this sector, the methodology applied for development of their formal grounds is identical with the methodology applied in the business sector.

## CHAPTER III

# Selected Polish Solutions vs. Solutions of other Countries

Łukasz Świetlikowski

## Introduction Europeanization of public administration

Public administration over the world is changing. The reforms involve its staff, structures, ways of operation. They are often prepared on the basis of solutions of other countries serving as examples. The analysis of the latter makes it possible to select the optimum solution and to avoid making the same mistakes. In Europe, the model systems of public administration which serve as a standard for other countries are the administrations of the United Kingdom, Sweden, Germany, and France<sup>1</sup>. What is more, there is so-called public administration Europeanization process in the course in the EU member states, which stems from the integration. There are two mutually opposing ways of understanding the Europeanization. Within the first one, it is possible to build a universal model of public administration in the European Union. Therefore,

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<sup>1</sup> H. Izdebski, M. Kulesza, *Administracja publiczna. Zagadnienia ogólne* [Public Administration. General issues], Warsaw 2004, pp. 29–56.

it is desirable to introduce solutions which would be very much alike (common), in all fields of operation of administration. The other definition provides in turn for a possibility of development of common quality standards. Hence, it is expected that similar tasks will be performed/handled in line with a similar standard. This way of understanding the Europeanization takes into account national and historical determinants of operation of public administrations, and calls into question the possibility of assimilation of the solutions applied within them<sup>2</sup>. It should be noted here that not all standards which are subject to reception are a result of functioning of the European Union. They are created on the basis of the principle of democratic state of law also by other international organisations, such as e.g. the Organisation for Economic Co-operation and Development (OECD)<sup>3</sup>.

In general, Europeanization of public administration takes place on three levels: standards (e.g. right to good administration), tasks (e.g. implementation of public policies), and other organisational solutions. An element which connects these three levels is focus on quality criterion. At the present time, the priority is to enhance the efficiency (effectiveness, performance) and usability of activities of public administration<sup>4</sup>.

Grzegorz Rydlewski, a former Head of the Chancellery of the Prime Minister, indicates five capacities of public administration which are essential for its quality and usability. They include “(...) capability of enhancing synergies inside institutional structures of public administration.” Thanks to this capacity it is possible to over-

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<sup>2</sup> G. Rydlewski, *Problemy europeizacji administracji publicznej* [Issues of europeanisation of public administration] [in:] J. Czaputowicz (ed.), *Administracja publiczna. Wyzwania w dobie integracji europejskiej* [Public administration. Challenges in times of European integration], Warsaw 2008, pp. 100–101.

<sup>3</sup> *Ibidem*, p. 103.

<sup>4</sup> *Ibidem*, pp. 108–109.

come sectorial nature of administration and counteract the process of atomisation of its structures<sup>5</sup>.

In Poland, the issue of silo structures [fragmentation, non-interoperability] of public administration has been diagnosed in the majority of reports on the condition of the state<sup>6</sup>. It should be also noted that this disadvantage is not a feature of the Polish system only. Most major organisations, not only state ones, have smaller or bigger problems with ensuring consistent cooperation between entities comprising them. Silo structures mean that administration units/segments operate in isolation from one another, do not cooperate, and sometimes openly compete<sup>7</sup>. It is a serious dysfunction of the process of managing public affairs which significantly decreases efficiency of the state. Most often it occurs in relationships between:

1. central and local administration,
2. offices (e.g. ministry-ministry),
3. organisational units of a given office (e.g. department-department),
4. parts of a single organisational unit (e.g. sections of a department).

There is a couple of methods of limiting this dysfunction. It may be, for instance, building-up awareness of pursuing one goal, appointing intra-departmental task teams, improvement of internal communication, knowledge management, strengthening of values (such as team work and professionalism), education of future staff

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<sup>5</sup> Ibidem, pp. 109–110.

<sup>6</sup> E.g. A report of Team of Strategic Advisors of the Prime Minister, *Polska 2030. Wyzwania rozwojowe* [Poland 2030. Development challenges], Warsaw 2009, p. 308.

<sup>7</sup> K. Olejniczak, A. Domaradzka, A. Krzewski, B. Lenzion, Ł. Widła, *Polskie ministerstwa jako organizacje uczące się* [Polish ministries as learning organisations], Warsaw 2009, p. 51.

as part of state educational programs, increasing horizontal mobility of officials<sup>8</sup>. In this chapter we are going to discuss the two last of them. Polish solutions in these fields shall be presented in comparison with the solutions of other countries.

## Education of administrative staff within state educational programs – Polish NSPA, French ENA, and British *Fast Stream*

The National School of Public Administration (NSPA) is a state school with administrative profile. It was established in 1991 as the first such educational institution in the Central Europe. It was created in answer to a need stemming from the lack of competent, apolitical administrative staff after the period of the People's Republic of Poland. It is excluded from the higher education system and is subject directly to the Prime Minister. Pursuant to statutory provisions, its aim is to “educate and prepare for service public servants and staff of senior officials of the Republic of Poland's administration”<sup>9</sup>. NSPA pursues its objective by way of full-time learning (addressed to graduates of universities) and continuing education (training activity).

Students are recruited within a competitive, open recruitment. A condition for participation in the recruitment procedure is, *inter alia*, to have a master degree, to be in a relevant age (less than 32 years), and to command one foreign language (English, French, or German). The recruitment procedure consists of three stages.

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<sup>8</sup> In this chapter, word “official” used in relation to the staff of Polish administration does not only refer to civil servants (unless the expression “civil servant” is used explicitly).

<sup>9</sup> Art. 1 section 2 of the Act of 14 June 1991 r. on the National School of Public Administration, Dz.U. [the Journal of Laws], No. 63, item 266, of 1991 as amended.

The first stage is a standard test of general knowledge containing closed questions related to public administration, European Union, social and economic situation, and also culture and science. It also includes a skill test which examines aptitude for work in administration and is similar to the test applied within qualification procedure for a civil servant.

The second stage consists of a test of selected foreign language, and a written task. The language test consists of a couple of stages and is modelled on popular examinations conducted e.g. by the British Council. Its level is between B2 and C1 in accordance with the classification of the Council of Europe. The written exercise in turn verifies the level of analytical skills of the candidates. For example, it may consist in comparing two documents on the basis of predefined criteria. Due to a limited time, this part also verifies the skill of work under the pressure of time.

The third and the last stage is a qualification interview whose aim is to assess usability of the candidate to public service. A committee assesses the candidate taking into account e.g. aptitude for work in senior posts, development potential, creativity, and personal culture. The qualification interview is in part held in a foreign language.

In order to pass to the next stage of the recruitment process it is necessary to successfully accomplish the previous one. To pass two first stages in turn, it is necessary to obtain, in each of the parts, a determined score. The recruitment capacity of the school in 2011 was exceeded more than eleven times<sup>10</sup>. There is presently one recruitment procedure a year (due to financial reasons the second recruitment has been abandoned), and 30–35 students are accommodated each year. A definite majority of the students is constituted by

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<sup>10</sup> [http://dsc.kprm.gov.pl/sites/default/files/informacja\\_o\\_profilu\\_absolwenta.pdf](http://dsc.kprm.gov.pl/sites/default/files/informacja_o_profilu_absolwenta.pdf), accessed 12.07.2012.

graduates of arts: international relationships and political science. Until 2011, a thousand of students graduated from the School.

The education process lasts 18 months and it is applicative (practical). The students undergo obligatory administrative internship in the country (8 weeks) and abroad (6–8 weeks). It is the most remarkable added value of education at NSPA. Foreign internships make it possible to get acquainted with the manner of operation of public administrations in other countries, their structures, work culture. It is a positive, inspiring experience which often changes the way of looking on the Polish administration.

The education program is intense (courses 5 days a week), and performing paid job under an employment contract during learning is forbidden. The students receive a monthly scholarship amounting to PLN 2,400 gross (ca. PLN 1,700 net). After accomplishment of education, students have a guaranteed job in administration. The Prime Minister indicates work posts to graduates of subsequent school years. In that way, the graduates are obliged to work off five years in public administration. In other case, they are obliged to reimburse the education costs, which amount to approx. PLN 100,000<sup>11</sup>.

Thus, NSPA offers a facilitated career path. It is an assumption that the school graduates will hold senior positions in the Civil Service (there is approx. 1,600 such positions in Poland), which is why the School accommodates a relatively small number of candidates. However in practice, after the accomplishment of education, more and more graduates assume specialist positions, which

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<sup>11</sup> K. Szarkowska (team leader), *Raport podgrupy utworzonej w ramach grupy roboczej ds. systemu edukacji członków korpusu służby cywilnej i Krajowej Szkoły Administracji Publicznej* [Report of a subgroup created as part of the working group for education system of civil service corps members and the National School of Public Administration], Warsaw 2010, p. 17.

are relatively junior in the official hierarchy. Authors of the report on NSPA indicate that the reason for this state of affairs is too general educational profile of the students (mainly arts), and their education at the School (a generalist conception<sup>12</sup>). It should be mentioned here that higher specialisation was one of the aims of the reform at ENA on the turn of 2000s<sup>13</sup>. However, the problem affecting NSPA is much more complicated and needs a separate study.

There are two official education/talent management programs on the European continent, based on a similar assumption: British *Fast Stream*, and the education program implemented by the French National School of Administration (*École Nationale d'Administration*, ENA). NSPA has been modelled on ENA, and there is even a view that it is her younger sister. Such comparisons are justified *inter alia* with the aim for which the French school was established. It was created in 1945 by order of General de Gaulle who wanted professional staff to replace employees disgraced with cooperation with Germans. Presently, ENA offers 24-month education cycle. Recruitment procedures, as well as the amount of scholarship, depend on the status of a candidate. A university graduate status, state official status, and private sector employee status are distinguished here. The scholarship for the first category of persons amounts to approx. EUR 1,400 net, while for two remaining ones, approx. EUR 2100 net<sup>14</sup>.

The recruitment is based on knowledge tests and skill tests. A preliminary condition of participation in the recruitment procedure is

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<sup>12</sup> Ibidem, pp. 13–15.

<sup>13</sup> T. Kapera, *Reforma École Nationale d'Administration we Francji* [Reform of École Nationale d'Administration in France], "Służba Cywilna", 2001, No. 2, pp. 168–169.

<sup>14</sup> <http://www.ena.fr/index.php?/en/formation/initiale/Students-official-status>, accessed 15.07.2012.



a diploma of a university (for graduates), four-year job experience in the public sector (for officials), or eight years of professional experience in the case of private sector employees. The recruitment is open and competitive.

ENA graduates, called “enarchs” (from monarch) create the political elite of France. Among the graduates there is, *inter alia*, present President François Hollande, Minister of Labour Michel Sapin, and Minister of Finance Pierre Moscovici<sup>15</sup>. Two factors are decisive as regards involvement of ENA graduates in politics – a legal and a cultural one. As opposed to officials of the Civil Service in Poland<sup>16</sup>, civil servants in France may belong to political parties. Their political activity, with minor exceptions, is legal<sup>17</sup>. One may also encounter an opinion that political careers of officials are nothing reprehensible. Just the opposite – it is acknowledged that mobility between the sphere of politics and administration facilitates mutual understanding which is necessary for efficient operation of the state, success of its reforms, and effective implementation of government plans. Meanwhile in Poland, a part of experts is of the opinion that such career, due to the principle of political impartiality, should not be taken in account by officials<sup>18</sup>.

Facilitated programs of professional career are not only conducted as part of government schools such as NSPA or ENA, as it

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<sup>15</sup> *Hollande zebrał ekipę* [Hollande gathered the crew], *Gazeta Wyborcza* daily, 17.05.2012.

<sup>16</sup> It should be noted that this limitation does not apply to civil service employees who constitute approx. 94% of civil service corps.

<sup>17</sup> J. Itrich-Drabarek, *Uwarunkowania, standardy i kierunki zmian funkcjonowania służby cywilnej w Polsce na tle europejskim* [Determinants, standards, and directions of changes in operations of civil service in Poland on the European background], Warsaw 2010, p. 416.

<sup>18</sup> Such opinion in relation to the civil servants was expressed e.g. by Jacek Czaputowicz during KSAP conference entitled *Civil Service in Poland—history, present state, outlook*, <http://www.ksap.gov.pl/ksap/content/blogsection/10/94/21/168/>, accessed 27.08.2012.

is evidenced by British *Fast Stream* program, which was mentioned above. This program, piloted by the Cabinet Office (the Office of the Council of Ministers), is dedicated to graduates of universities and civil servants. It attracts enormous interest. In *The Times Top 100 Graduate Employers 2010–2011* ranking, *Fast Stream* was ranked third, next to the most prestigious, international consulting companies, such as PwC, Deloitte or KPMG<sup>19</sup>. The program offers a couple of specialised career paths<sup>20</sup>:

1. *Graduate Fast Stream* – the biggest one, making it possible to work in four fields:
  - 1.1. *Central Departments* (career in central administration/ ministries)
  - 1.2. *Diplomatic Service*
  - 1.3. *Houses of Parliament* (career connected with the legislature)
  - 1.4. *Science and Engineering* (career in science and technology)
2. *Analytical Fast Stream* (economics, statistics, sociology)
3. *HR Fast Stream* (HR management)
4. *Technology in Business Fast Stream* (IT, science)
5. *The European Fast Stream* (career in institutions of the European Union)
6. *Northern Ireland Fast Stream* (career in the Civil Service of the Northern Ireland)
7. *In-Service Fast Stream* (internal career path addressed to civil servants with a year job seniority)

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<sup>19</sup> <http://www.top100graduateemployers.com/employers/>, 11.06.2011.

<sup>20</sup> <http://faststream.civilservice.gov.uk/The-Fast-Streams/> and <http://faststream.civilservice.gov.uk/FAQs/Already-a-Civil-Servant/>, accessed 15.07.2012.

In general, recruitment to *Fast Stream* is based on the philosophy of “talented amateur” which to a greater degree prefers persons with high intellectual potential than specialists in a given field<sup>21</sup>. Initial requirements relate first of all to the grade average during the studies and citizenship. The main recruitment is a many-stage, complex process of candidate selection, in which such tools are used as predisposition tests or an Integrated Assessment Centre. What is subject to examination are skills, and not knowledge of the candidate. For example, it is examined as part of the integrated assessment whether a given candidate shows key skills from the point of view of the Civil Service, that is focus on results, learning ability, ability of decision-taking and building-up relationships (interpersonal skills), creativity, and efficient communication skills<sup>22</sup>.

After being qualified, a program participant (*Fast Streamer*) is referred to an office, with her/his preferences (to the extent possible) taken into account. What is important, participants must change their working place each 9–12 months<sup>23</sup>. The aim is to enable them to get acquainted with the specificity of work in three key fields of Civil Service operation, that is public services, development of public policies, and provision of support services. The first field is connected with direct service of citizens at the first contact offices (e.g. employment office). The second one is related to participation in the process of designing and evaluation of public policies, which most often means a job at strategic or legal departments. The third area is related with the office service (staff, finance, or IT services).

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<sup>21</sup> Guy B. Peters, *Administracja publiczna w systemie politycznym* [Public administration in political system], Warsaw 1999, pp. 121–122.

<sup>22</sup> <http://faststream.civilservice.gov.uk/Global/Docs/Fast-Stream-Assessment-Centre.pdf>, accessed 28.07.2012.

<sup>23</sup> <http://faststream.civilservice.gov.uk/Global/Docs/Graduate-Fast-Stream.pdf>, accessed 28.07.2012.

Therefore, it is related with gaining experience at HR bureaux or public procurement offices<sup>24</sup>.

What is more, participants of the program are referred to places where they are needed, e.g. to work at offices outside London. It makes it possible for them to view the government administration from a broader perspective. It is a valuable experience, as the Civil Service does not only include offices of ministers located in the capital city, but also small regional offices.

*Fast Stream* also offers a career path dedicated to officials. When applying to the program, they should have one-year job experience in the Civil Service and work on a position which is not a managerial one. The decision on the participation of an employee in the recruitment is usually taken in agreement with the line manager. While the procedure itself consists of two stages. The first stage takes place in the parent office which may at its discretion choose the selection tools (e.g. competence tests, qualification interview, integrated assessment centre)<sup>25</sup>. The second stage is a verification procedure organised by the *Fast Stream* team. Subject to the assessment are six of competences indicated above. A qualified participant usually pursues a career path at their office. It should be noted that officials may also participate in other *Fast Stream* programs, even-handedly with graduates. In the latter case however, retaining the hitherto position and the level of remuneration is not guaranteed<sup>26</sup>.

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<sup>24</sup> <http://faststream.civilservice.gov.uk/What-is-the-Fast-Stream/Career-Path/>, accessed 28.07.2012.

<sup>25</sup> <http://faststream.civilservice.gov.uk/Global/Docs/Fast-Stream-In-Service-Guide-For-Applicants.pdf>, accessed 28.07.2012, p. 13.

<sup>26</sup> <http://faststream.civilservice.gov.uk/FAQs/Already-a-Civil-Servant/>, accessed 28.07.2012.

**Table 1.** Comparison of selected elements of graduate education systems in NSPA, ENA, and within *Fast Stream*

	<b>NSPA</b>	<b>ENA</b>	<b>Fast Stream</b>
Age limit	32 years	None	None
Number of candidates per place	11 (2011)	14 (years 2006–2008)*	78,7 (2010)**
Recruitment focus	Knowledge/skills	Knowledge/skills	Skills
Recruitment methods	Knowledge test Competence test Language test Qualification interview	Knowledge test Skill tests Language test Qualification interview	Competence tests Integrated assessment centre Qualification interview
Number of accommodated participants	30–35	80–90	191 (2010)
Status of participant	Student	Official on trial period	Official
Monthly remuneration	PLN 2,400 gross approx. PLN 1,750 net	approx. EUR 1,400 net	GBP 2,200 gross at average
Mobility	None	Obligatory change of working place after two years from graduation	Obligatory change of working place each 9–12 months
Graduate profile	Generalist	Generalist (profiling)	Generalist (profiling)
Loyalty contract	Yes (for a period of 5 years)	Yes (for a period of 10 years)	No

\* <http://www.ena.fr/index.php?/en/formation/initiale/Competitive-entrance-examinations/Key-figures>, accessed 12.07.2012.

\*\* <http://www.cabinetoffice.gov.uk/sites/default/files/resources/fast-stream-2010.pdf>, accessed 14.07.2012, p. 9.

Source: *Author's own study on the basis of materials indicated in footnotes.*

The National School of Public Administration, ENA, or *Fast Stream* provide education to persons who in their subsequent work think of themselves as officials working in favour of the whole state, and not only one office. They understand that Civil Service not only means the biggest prestigious ministries located in Warsaw, Paris, or London, but also, and maybe first of all, hundreds of offices throughout the country. They finally know that public administration/public sector is comprised of many parts, that e.g. local government administration whose offices provide basic public services to citizens, is of equal importance, as the central one. Such awareness prevents the major dysfunction of public sphere, namely insolence and arrogance presented by one institution towards another<sup>27</sup>. Relationships between state institutions should be shaped in a manner stemming from the applicable regulations, ensuring efficient implementation of public tasks. Patronisation of smaller (e.g. regional) offices by larger ones (e.g. providing service for ministers) is an evidence of lack of professionalism.

At this point there is an argument raised by critiques of government schools, who assert that their graduates create a kind of official corporations in the bad meaning of the word. They are accused of mutual favouritism and striving for protection of particular group interest<sup>28</sup>. Nevertheless, it seems that this hypothesis is to extreme, as the motivation of the straight majority of the graduates is to serve the country.

## Horizontal mobility of officials

What draws attention in the facilitated career paths offered by ENA and *Fast Stream* is the important role of the horizontal mobil-

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<sup>27</sup> J. Itrich-Drabarek, *Uwarunkowania, standardy...*, op. cit., pp. 269–271.

<sup>28</sup> <http://www.economist.com/node/4198541>, accessed 27.08.2012.

ity. It is understood broadly, first of all as a change of working place of an employee made:

1. within an office (e.g. transition to another organisation unit)
2. between offices performing identical functions (e.g. between ministries)
3. between offices connected with a given set of interconnections, but performing different functions (e.g. between the ministry performing strategic functions and a governmental executive agency supervised by this ministry)
4. between offices belonging to different parts of administration (e.g. central and local administration offices)
5. between sectors (public/private/non-governmental)

Change of working place does not have to be permanent. There are solutions available such as delegation in the form of e.g. *cross-training*, which is a temporary transition to another department, or periodical rotation of employees.

Facilities for such mobility are another activities apart from governmental schools which overcome divisions in administration. It is a tool enabling mitigation of the non-interoperability [fragmentation]. On the other hand, mobility supports professional development, because change of the scope of tasks of an employee enriches their experience and may be treated as a certain type of promotion, especially in the situation where chances for vertical promotion (from junior to senior position) are limited (open systems without defined promotion paths). Introduction of such solutions makes it also possible to transfer employees with relevant qualifications to an office which does not have sufficient expert potential to execute a given task. Finally, it serves as an anticorruption mechanism. In the European Commission, employees handling so-called “ethically sensitive” services connected with public procurements or granting donations are rotated from time to time.

However in Poland, the mobility level is very low. An examination conducted by the Supreme Audit Office (SAO) revealed that “A decisive majority of them (author’s comment: civil servants whose careers have been the subject of SAO analysis) have obtained a nomination and work at the working place at which their career in the Civil Service started”<sup>29</sup>. Negative consequences of this situation are pointed out by, *inter alia*, expert in the field of Civil Service Barbara Kudrycka, and a former Deputy Head of Civil Service, Jacek Czaputowicz (presently the Principal of the National School of Public Administration). Barbara Kudrycka ascertained that a situation in which an official holds the same working post for twenty years should have not had place and indicated valuable solutions of other countries, where periodical change of work post is mandatory<sup>30</sup>. Jacek Czaputowicz expresses a similar view, as he considers the low level of mobility a serious dysfunction of the Polish public administration and refers to the *whole-of-government* concept, promoted by the Organisation for Economic Cooperation and Development (OECD), which may be explained as a concept of coherent government/administration. It assumes that effective implementation of government’s goals, especially those of comprehensive character, requires a coordinated, harmonized action of all state institutions<sup>31</sup>. Coherence in state activities is also an element of most definitions of good governance. The Polish Ministry of Regional Development recognises that “Coherence of the implemented state tasks which requires building up coordination mechanisms

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<sup>29</sup> *Funkcjonowanie służby cywilnej w ramach obowiązujących regulacji prawnych* [Civil service functioning within applicable law regulations], Information on results of the Supreme Audit Office inspection conducted in 2011, p. 41.

<sup>30</sup> <http://www.ksap.gov.pl/ksap/content/blogsection/10/94/21/105/>, accessed 4.08.2012.

<sup>31</sup> [http://www.sprawynauki.edu.pl/index.php?option=com\\_content&view=article&id=2208:o-rzetelnej-administracji-i-standardach-publicznych&catid=305&Itemid=30](http://www.sprawynauki.edu.pl/index.php?option=com_content&view=article&id=2208:o-rzetelnej-administracji-i-standardach-publicznych&catid=305&Itemid=30), accessed 4.08.2012.



in all dimensions of operation of the state” is one of the five features of good governance<sup>32</sup>.

From this point of view, the biggest threat for effectiveness of the state is the fragmentation of its structures. On the other hand, the main tool counteracting this negative phenomenon is, according to OECD, precisely the horizontal mobility.

However, this type of mobility is a phenomenon conditioned by a couple of factors which should be taken into account. The first one is the cultural factor, namely readiness in itself to change a job. In Poland, only 29% persons agree with the view that it is good to change job every couple of years or so. While the European average amounts to 40%, not to mention Nordic countries, Sweden or Denmark, where more than 70% of citizens are of the opinion that change of job is something positive<sup>33</sup>. An important role is also played by team work skill. It is commonly recognised that Poles are individuals and prefer not to play for the team. Fortunately, the present reforms of education system put more stress on developing of the team work skill.

The second factor is comprised by employment conditions adopted in a given Civil Service model, or more broadly, employment status in the whole public sector. As it is known, the open model is conducive to mobility between public and private sector. It is because in such situation the basis for employment status of the employees of both these sectors is private law. In opposition to the career model, there are no laws, separate from the labour code, which would regulate differently the manner of employing officials (so-called service pragmatics). Thus, the transition from public to

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<sup>32</sup> [http://www.mrr.gov.pl/aktualnosci/fundusze\\_europejskie\\_2007\\_2013/documents/koncepcja\\_good\\_governance.pdf](http://www.mrr.gov.pl/aktualnosci/fundusze_europejskie_2007_2013/documents/koncepcja_good_governance.pdf), accessed 4.08.2012, p. 9.

<sup>33</sup> A report of the Team of Strategic Advisors of the Prime Minister: *Polska 2030. Wyzwania rozwojowe*, Warsaw 2009, p. 100.

private sector is relatively easy and it is not connected with loss of privileges which in the career model are vested only in officials (e.g. additional thirteen or fourteen salary, higher retirement benefits paid out from a separate retirement system for officials, additional leave days). An important issue for the mobility of officials is constituted by differences in the employment status in different parts of public sector or public administration. There are many service pragmatics in Poland. These are, apart from the Law on Civil Service, separate acts on self-government employees or employees of state offices (offices which are not subordinated to the government, such as the Chancellery of the President, Chancellery of the Sejm, Chancellery of the Senate, the Ombudsman Bureau), to mention only the most important ones. What is more, as part of the Civil Service itself there is e.g. a separate regulation related to diplomatic service, which is criticized – probably legitimately, by the former Undersecretary of State at the Ministry of Interior and Administration, a graduate of French ENA, Paweł Soloch. He assumes that foreign service (under the supervision of the Minister of Foreign Affairs), separated as part of the Civil Service, is a corporation in a corporation, excluded from the supervision of the Head of Civil Service<sup>34</sup>.

As it is accurately pointed out by Hubert Izdebski, “(...) the employment in administration (...) was most flexible in 1975–1982, that is in the period when there were no detailed rules of employment in, to use modern terminology, the public service, and only general principles of the labour state were in force”<sup>35</sup>. The system

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<sup>34</sup> <http://www.sobieski.org.pl/panstwo-w-ajencji/#autonomia-wobec-centrum>, accessed 4.08.2012.

<sup>35</sup> H. Izdebski, *Transformacja administracji w Polsce po 1989 roku* [Transformation of administration in Poland after 1989] [in:] A. Jezińska, W. Mikułowski (ed.), *Główne kierunki modernizacji państwa – budżet zadaniowy i decentralizacja* [Main directions of the modernisation of state – task budget and decentralisation], Warsaw 2009, p. 33.

of today is too complicated and therefore, it makes the mobility difficult<sup>36</sup>.

A similar problem occurs in France where Civil Service is divided into hundreds of official corps. The gradual process of their liquidation/consolidation in order to increase mobility has been assumed as the priority of the great reform of French administration called the General Review of Public Policies, which has been implemented since 2007. In result of the reform, the number of corps was decreased in 2005–2009 from 700 to 380. In broader perspective, next 130 corps are to be liquidated. It is also worth mentioning that the authors of the White Paper on the Civil Service reform in France, published in 2008, have been much more strict in this matter, because they recommended reducing the number of corps from 700 to 50<sup>37</sup>.

The third factor is constituted by the diversified level of remunerations between offices. In Poland, there are groundless, historically shaped differences in this scope. It causes that officials move in one direction only – to offices which offers them better payment<sup>38</sup>. It is not specific to Polish administration, because the same state of affairs occurs in e.g. France<sup>39</sup>. The paradigmatic example is constituted by ministries of finance where the amount of remuneration is also to a certain extend determined by their informal prestige.

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<sup>36</sup> Possibilities in the scope of delegation of an official, provided for in the Law on Civil Service, are described in chapter II.

<sup>37</sup> D. Schuffenecker, *Reformy służby cywilnej i statusu członków służby cywilnej we Francji* [Civil service and civil service members status reforms in France] [in:] A. Jezierska, W. Mikułowski (ed.), *Wyzwania rozwoju zasobów ludzkich administracji publicznej w dobie kryzysu ekonomicznego – jak działać lepiej, mając mniej?* [Challenges of human resources development in public administration in times of economic downturn – how operate better with lesser resources?], Warsaw 2011, pp. 56–57.

<sup>38</sup> [http://www.sprawynauki.edu.pl/index.php?option=com\\_content&view=article&id=2208:o-rzetelnej-administracji-i-standardach-publicznych](http://www.sprawynauki.edu.pl/index.php?option=com_content&view=article&id=2208:o-rzetelnej-administracji-i-standardach-publicznych) &catid=305&Itemid=30, accessed 4.08.2012.

<sup>39</sup> D. Schuffenecker, *Reformy służby...*, p. 58–59.

The factors described above are influencing to a significant extent the level of mobility in a given country. And of course, the list is longer. For instance, it is impossible to imagine an obligatory change of work positions without an efficient system of knowledge management. An organisation which is not able to retain knowledge of an employee leaving it is exposed to the risk of loss of institutional memory. Categories of officials, which should be first of all covered with a mobility program, should be precisely determined.

It seems that such category is constituted by senior officials, as it is them who have a prevalent influence on the way of operation of offices. The above applies not only to the present senior officials, but also those who aspire to hold important positions. However in Poland, there are study results available that evidence that the management staff, when asked about the further career path, do not take into account any horizontal promotion, and defines it strictly as a series of subsequent vertical promotions<sup>40</sup>. The mandatory change of work is also not an obligation of NSPA graduates.

Meanwhile in the countries of Western Europe, experience gained on different work positions in many sectors is more and more valued. Finland may serve as an example here, with its recruitment criteria for senior management changed in such a way so as to recruit persons with wide experience derived from various organisations<sup>41</sup>. A similar approach is applied by the British. Rod Clark, a former Principal of the National School of Government (transformed this year) also recognises the value of experience gained in various

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<sup>40</sup> A. Zybała (ed.), *Wyzwania w systemie ochrony zdrowia – zasoby ludzkie i zasoby organizacyjne w centralnych instytucjach* [Challenges in healthcare system – human and organisational resources in central institutions], Warsaw 2009, pp. 18–19.

<sup>41</sup> M. Kannisto, J. Nurmi, *Finland: Requirements for executive and senior management*, a presentation for the meeting of the Human Resources Working Group in the European Public Administration Network (EUPAN) in Copenhagen, 27.02.2012, available at the webpage <http://www.eupan.eu/en/documents/show/&tid=616>, accessed 4.08.2012.

public institutions. According to his opinion, practical experience gained in first contact offices at earlier stages of career may turn out to be the most valuable asset of senior officials<sup>42</sup>. What is more, some British experts propose to refer the best managers to other institutions, with lesser institutional potential<sup>43</sup>.

## Conclusion

In political science, a theory which may be of use in understanding the reasons of incoherence of operation of public institutions is the neo-institutionalism of rational choice. In accordance with this theory, individuals strive to maximise their own benefits within systems comprised of formal and informal rules. These rules motivate or discourage certain types of conduct and activities. Being aware of the rules, individuals adjust action strategies in order to maximise own benefits<sup>44</sup>. Therefore, if we assume that individuals are officials and ministers struggling for prestige and bigger budgets for their offices, and the system of rules is a political system (a subsystem of public administration), the theory seems to be quite convincing. From this point of view, the system of rules should be redressed in such a way so that it would award joint activities and punish corporative, egoistic behaviour. On the other hand, lack of cooperation between public institutions does not necessarily have to be a result of intentional actions, but it may e.g. be caused by the lack of comprehensive knowledge of the tasks pursued by other offices.

In governance practice, the cohesion of public administration ac-

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<sup>42</sup> M. Ross, *Across the barricades*, available at the webpage <http://network.civilservi.celive.com/pg/pages/view/262879/>, accessed 5.08.2012.

<sup>43</sup> *Ibidem*.

<sup>44</sup> V. Lowndes, *Instytucjonalizm* [w:] D. March, G. Stocker (red.), *Teorie i metody w naukach politycznych* [Theories and methods in political science], Cracow 2006, pp. 94–95.

tivities is a challenge faced not only by Poland. Also other countries have problems with ensuring it. Such problems stem both from actions of policy-makers, as well as officials. And it is not known who is more accountable for such state of affairs. As it is accurately noted by Jolanta Itrich-Drabarek, a member of the Civil Service Council, there are no studies carried out in Poland aimed at determining whether ministers have the skill of “(...) distinguishing between a professional official advice and pushing narrowly-departmental (or even worse – sectional) point of view”<sup>45</sup>.

Education of officials by government schools and facilities for horizontal mobility are exemplary, mutually complementing tools preventing the occurrence of such situations. Graduates of governmental career programs and officials who are mobile in functional and geographical sense overcome institutional divisions in administrations, enhancing thereby the coherence of activities and in result, improving efficiency of the state. A mandatory change of a job of the graduates of governmental programs in France and the United Kingdom is an inspiring solution, worth of being implemented in the National School of Public Administration. It would be possible then to talk not only of full-time education, but also an actual talent management. As a target, the best graduates at a later stage of their career can be referred to offices with the least institutional potential in order to enhance their efficiency. It requires however substantial changes in law and mentality of the officials themselves. The state should encourage change of working place, but also compensate in some way to line managers the fact that their most talented employees leave. Accounting for such actions would enable avoiding situation in which mobile officials would be blocked and called jumpers.

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<sup>45</sup> J. Itrich-Drabarek, *Uwarunkowania, standardy...*, op. cit., pp. 367.

From the point of view of political science, an interesting issue in this context is assumption of political positions, e.g. of secretary of state, undersecretary of state, or minister, by officials. In the opinion of Edward C. Page, the number of politicians with relevant competences and the *locus* from which they are recruited (public/private sector, parliament) are determinants of the quality of political leadership. For example, approx. 40% of members of parliaments in France and Germany (including teachers) have experience in work in administration<sup>46</sup>. Assessments of such transfers are diverse. More pragmatic (and less strict) experts state that it is a necessary element of the process of professionalization of politics. Thanks to this process, policy-makers obtain knowledge of the specificity of operation of administration, and officials – of the mechanisms of governing. It facilitates cooperation and mutual understanding. Thus, it seems that if an official is able to return, after the period of performing political function, to an official post and retain impartiality in action, such career cannot be seen as something reprehensible.

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<sup>46</sup> Ibidem, s. 233.

## ANNEX 1

### Basic information on the civil service in Poland (2011)

<i>Civil service (CS) model</i>	Hybrid
<i>Number of civil service corps members</i>	ca. 122.000
<i>Scope</i>	Government administration (central and territorial) /then civil service does not encompass e.g. local government employees/
<i>Legal framework</i>	Constitution of the Republic of Poland (1997) Civil Service Act (2008)
<i>Constitutional superior of civil service corps</i>	Prime Minister
<i>Organ competent in civil service issues</i>	Head of Civil Service
<i>Office responsible for civil service issues</i>	Chancellery of the Prime Minister
<i>Job categories within the civil service corps</i>	Civil service employees Civil servants (5,9% of the corps)
<i>Employment status</i>	Employment contract (civil service employees) Nomination (civil servants)
<i>Senior Civil Service</i>	Director General of Office Director of office's organisational unit Deputy Director of office's organisational unit
<i>Representation of women in senior civil service positions</i>	49% (one of the highest in the European states)
<i>Percentage of women employed in civil service</i>	70% (highest in the OECD countries /2009/)
<i>Ethics</i>	Adopted civil service rules and principles regarding civil service corps ethics (2011) Disciplinary liability

Source: Research team's own elaboration based on the "Report of the Head of Civil Service on the state of the civil service and the accomplishment of its tasks in 2011" and OECD data ("Government at a glance 2009" Report).



## ANNEX 2

### Typical division between political and administrative positions within a Polish ministry

Minister	Member of the Council of Ministers	<b>Political positions</b>	Politics
Secretary of State	1st Deputy minister		
Undersecretary of State	Deputy ministers		
Director General	Top civil servant	<b>Senior Civil Service</b>	Civil Service
Departments' directors	Department is ministry's basic organisational unit		
Departments' deputy directors			
Heads of units (line managers)	Units are department's components	<b>Positions that are not included in Senior Civil Service</b>	
Regular employees	E.g. counsellor general, counsellor to the minister, chief/senior specialist		

Source: *Research team's own elaboration.*

## Biographical Notes



**Associate Professor Jolanta Itrich-Drabarek** – employed in the Science of the State and Public Administration Section in the Institute of Political Science at University of Warsaw. Member of the Civil Service Council. Has experience in work in public administration, i.a. as advisor to the Prime Minister, head of advisors to the Minister of Agriculture and Rural Development, deputy director of the Social Policy Bureau in the Chancellery of the President of the Republic of Poland, member of the Commission for Qualification Procedure to the Civil Service. Author of numerous research publications, i.a. *Determinants, standards, and directions of changes in operations of civil service in Poland on the European background*, Warsaw 2010, *Government administration in XXI century. Opportunities, challenges and threats*, Warsaw 2011, *Civil Service in Poland – concepts and practice*, Warsaw 2012 and *Civil Service in Poland 1922–2012 – continuity and changes in legal acts*, Warsaw 2012.



**Kamil Mroczka** – graduated from political science at University of Warsaw, Institute of Political Science (2009). Completed postgraduate studies in control of public institutions (2010) and government/self-government administration (2010). Junior expert of the Centre for Political Analysis of University of Warsaw. Ph. D. student at University of Warsaw, Faculty of Journalism and Political Science, Institute of Political Science. Co-author of publications regarding

civil service system and public administration, i.a. *Government administration in XXI century. Opportunities, challenges and threats*, Warsaw 2011, *Practical aspects of human resource management in civil service*, Warsaw 2012 and *Civil Service in Poland 1922–2012 – continuity and changes in legal acts*, Warsaw 2012. Currently employed in the position of Deputy Director of the Personnel and Organization Bureau at the Mazovian Voivodship Office in Warsaw.



**Lukasz Świetlikowski** – political scientist, graduated from University of Warsaw (2008) and the National School of Public Administration (2011). Completed postgraduate studies in management of projects co-financed by the EU funds, organized by Kozminski University (2009). Erasmus student at Stockholm University, Department of Political Science (2007/2008). Ph. D. student at University of Warsaw, Faculty of Journalism and Political Science. Junior expert of the Centre for Political Analysis of University of Warsaw. Chief specialist at the Chancellery of the Prime Minister. He did a foreign administrative internship in the British civil service at the Ministry for Business, Innovation and Skills (BIS) within the full-time training in the National School of Public Administration.