

# SELECTION PROCESS AND EMPLOYMENT POLICY IN POLISH LOCAL GOVERNMENT ADMINISTRATION

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## **Abstract in original language:**

World Bank has created six main elements which are important in the process of implementation of good governance principles in European Countries. One of those elements is preventing the corruption. Pathologies in recruitment process and nepotism create the negative image of the public administration. The worst thing we can do is to modify the law in order to respect principles of good governance and to fight with corruption, but to leave open gate for those who want to treat public administration like they own private company.

## **Key words in original language:**

Selection process, employment policy, local government administration, corruption, legal regulation.

World Bank has created six main elements which are important in the process of implementation of good governance principles in European Countries. One of those elements is preventing the corruption. It is hard to define "corruption". In last few years the most popular definition has been made by Transparency International (TI). TI has chosen a clear and focused definition of the term: "corruption is operationally defined as the misuse of entrusted power for private purpose"<sup>1</sup>. Some incorrectness in the selection process we can also classify as one of public life pathologies and element of corruption in a general meaning.

It is said that to prevent corruption in public administration the recruitment process should be based on transparent and objective criteria. It should be emphasized that one of the best way to improve competence in public administration are formal procedure of recruitment process and examination. So appropriate selection is very important in preventing of corruption<sup>2</sup>.

In Poland the Act on local government employees has been recently changed. The reasons of these amendments were problems with:

- human resources management,
- selection process in local government administration,
- unclear regulation of the internal promotion rules,

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<sup>1</sup> P. Heywood, J. H. Meyer-Sahling, *Występowanie stref korupcji w zarządzaniu polską administracją rządową*, Warsaw 2008, p. 12

<sup>2</sup> W. Mikułowski, *Faworytyzm i protekcja przy naborze i obsadzaniu stanowisk w polskiej administracji. Przyczyny i konsekwencje*, (in:) „Patologie w administracji publicznej” (red.) D. R. Kijowski, P. J. Suwaj, Warsaw 2009r., p. 446.

- need to include rules of initial (preparatory) service to the regulation<sup>3</sup>.

That is why in my speech I would like to present how this Act solved mentioned problems and problem of corruption especially in the selection process. It is even more interesting because of the results of the scientific studies which were made by Batory Foundation in program against corruption. According this results 1/3 respondents (who were only civil servants) said that there is nothing bad in nepotism. They compared that kind of behavior to the situation when the owner of private company employs in this company members of his family or some of his friends<sup>4</sup>.

I will focus on the negative and positive sides of Act on local government employees considering the selection and recruitment process<sup>5</sup>.

### **First negatives**

In previous version of Act on local government employees if there was a vacancy, office manager had to organize the “contest” and now the “recruitment process” shall be prepared. What is the difference? “Contest” always verified knowledge of candidates and criteria in the “recruitment process” will be established by the office manager in internal regulations. So it is possible that when the office manager wants to employ someone (ex. member of his family) he/she will adapt criteria to the candidate.

Act on local government employees establishes three categories of office employees. First - office position (ex. inspector in one of the department), second - auxiliary position (ex. office help) and third - assistant position. There is no need to organize the recruitment process in case of internal promotion. So if office manager wants to employ member of his family, he/she can first employ such person on auxiliary position (with lower criteria in the recruitment process) and after that promote at office position.

It is the first time that in act relating to local government administrative we have such a kind of office workers as “assistants” and “advisers”. They can be employed without any recruitment process, for a term equal to the term of office of the executive body. They could be employ on the basis of political criteria. So it can make local government less politically independent, because we will have in local government something like “political office”<sup>6</sup>.

If someone has never worked in public administration and has no experience in that area but he has worked for at least 3 years in private sector he can hold managerial position in public local administration. The purpose of this regulation was to encourage managers to work in public administration. But we can't forget that there are big differences between earnings in private and public sector. So there is possibility that this regulation encourage only those

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<sup>3</sup> Grounds of Project of the *Act on local government employees*, 20 – th may 2008, [www.senat.gov.pl](http://www.senat.gov.pl).

<sup>4</sup> V. Krasnowska, T. Krzyżak, *Rzeczpospolita familijna*, „Wprost” z 23.08.2004r.

<sup>5</sup> Ust. z 21.11.2008 r.o pracownikach samorządowych (*Act on local government employees*), Dz.U. Nr 223, poz. 1458.

<sup>6</sup> A. Brzostek, S. Bułajewski, M. Giżynska, *Uzyskiwanie prywatnych korzyści przez funkcjonariuszy publicznych – ocena działania administracji publicznej na przykładzie wyników badania sondażowego przeprowadzonego w województwach: mazowieckim, podlaskim oraz warmińsko – mazurskim*, (in:) „Patologie w administracji publicznej” (red.) D. R. Kijowski, P, J. Suwaj, Warsaw 2009r., p. 791 – 802.

managers who didn't succeed in their own business and they will looking for warm and sure work in public sector.

According to new Act on local government employees on every level of local government in Poland have to be a "secretary". Main task of such person is to organize the work for whole office. By this time secretary of local government was chosen by council of local government (local legislative body) and it was independent decision of this body if they need secretary or not. Now local legislative body has no influence on decision who will be the secretary. It is not right solution, because secretary and council should cooperate strictly and the council should have influence on recruitment process. Now it is decision of executive body (office manager) who will be the secretary. It is another step to make local government more politically dependent.<sup>7</sup>

In Act on local government employees there is no direct and clearly stated obligation to dismiss employee who are convicted by final and legally binding court decision. Office manager can't employ such person. So there is a doubt if it is possible to dismiss that worker.

**Positives of polish regulation:**

- Obligation of preparatory service for new employ workers.
- Possibility of employing foreigners as office workers
- Office manager is obliged to assign funds for education and increasing qualifications of employees.
- Rules of: running business by civil servants, submitting of financial statements/declaration were precised.

All positives of polish regulation will be showed in the printed version of my contribution

Pathologies in recruitment process and nepotism create the negative image of the public administration. The worst thing we can do is to modify the law in order to respect principles of good governance and to fight with corruption, but to leave open gate for those who want to treat public administration like they own private company.

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<sup>7</sup> Cz. Tomalik: *Status pracowników samorządowych. Konferencja Związku Gmin Śląska Opolskiego (Opole, 9 września 2008 r.), „Samorząd Terytorialny” 10/2008.*