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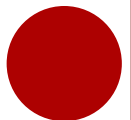
PUBLIC OFFICIALS

The role of public officials in the matters of their status and career

Lecture #5

STATUS AND CAREER OF PUBLIC OFFICIALS

- **Bureaucracy** as a specific profession was formed at the end of absolutist era. Specific service status combined advantages of higher social rank, stability and privileges, with higher disciplinary responsibility.
- Socialist law tried to remove all privileges and equalize public administration with any other professions
- Labour relationship between officials and their employers had private law character, since 50s of 20th century. Governing party wanted unification of all labor relationships regardless of their specifics.



SELECTION OF CANDIDATES IN PRESENCE

- Labour relationship of public officials can be formed pursuant to:
 - Contract
 - Election
 - Appointment
- The most common is formation of labor relationship pursuant to contract.
- Term „public official“ has wider interpretation than the term „employee“.



SELECTION OF CANDIDATES IN PRESENCE IN ADMINISTRATIVE SCIENCE

- Job description of public official is execution of public administration. So the optimal term for this activity is „civil, or public service“
- Basic prerequisites for public service should be:
 - **Citizenship.** This results from the need of loyalty to state. This prerequisite can't be taken as prerequisite on nationality, or denomination.
 - **Impeccability** within the meaning of world reliability
 - **Professionalism** combine prerequisite on education, practice and other specific skills asi communication etc.
 - **Impartiality.** Public official can't be generally biased, and has to give up activities, which could be in conflict of interests
 - **Majority, Legal capacity**

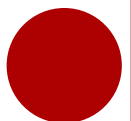


SELECTION OF CANDIDATES IN PRESENCE IN ADMINISTRATIVE SCIENCE

- Present public administration inherit negative attitude of the public for public administration from the times of totalitarian state. The greater should be prerequisites on tenders and receiving new public officials.

Tenders should be systematic and contain:

- **Preparation of tender includes** clarification of these questions:
 - Free position
 - Needs of public administration
 - Demands on employee
 - Team of tender professional
- **Realization of tender** starts with public announce of tender, which should contain:
 - Designation of promoter
 - Specifics of the work position
 - Demands on employee
 - Term for applications
- **Evaluation of results.** At first, tender team exclude clearly inappropriate applications and create preliminary ranking of other applicants. The second level is based on personal contact with applicant.
- **Use of the results.** After all commission create final ranking and announce results.



CATEGORIES OF PUBLIC OFFICIALS

Categories of public officials, by employer:

- Civil servants
- Public servants
- Communal servants
- Employees of career or similar public corporations

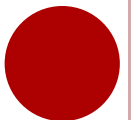
Categories of public officials by length of service:

- Candidate
- Temporary employee
- Permanent public servant
- Trainee



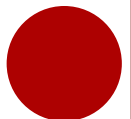
CIVIL SERVICE IN ADMINISTRATIVE SCIENCE

- There are very rigid elements in French – English system of civil service. It is very hard to become public official, but once someone succeed, he practically can't be discharged, unless he commit some serious disciplinary offence.
- Despite of above mentioned, principle of lawfulness requires impartial and professional apparatus
- Private law regulation of public service is inappropriate because of active participation of civil officials on executing power.
- Public service should be **public law relationship**



CIVIL SERVICE IN ADMINISTRATIVE SCIENCE

- Appropriate labor relationship between officials and state as employer is civil service.
- Usually certain groups of public employees are in **service relationship** - soldiers, policemen, prison guards, custom officers.
- Service relationship can be established only by decision about appointing candidate on concrete service position, not by private law contract.
- Whole service relationship can be regulated by administrative decisions
- Private law contracts can be used for employees authorized for operating activities



CIVIL SERVICE IN ADMINISTRATIVE SCIENCE

- Civil servants are limited in:
 - Behaviour – they can't endanger seriousness of public administration.
 - Right to undertaking
 - Some political rights
 - Right on strike
 - Opportunity to do some jobs, which are incompatible with civil service
 - In cases of armed forces, there are also limitations on some fundamental human rights and freedoms.

