

# საქართველოს ახალგაზრდა იურისტთა ასოციაცია GEORGIAN YOUNG LAWYERS' ASSOCIATION



## The Civil Service Reform running with deficiencies

Introduction of innovations, provided by the Civil Service Reform, in the Ministries and the Office of the State Minister is underway with deficiencies and, in some cases, in violations of the requirements established by the law. **Problems identified as a result of the study are related to issues such as:** the tendency of increase of person □ appointment without competition on the basis of labor contract in the Ministries, delayed launch of the Civil Servants □ Performance Appraisal System and disproportionate distribution of assessment results among the civil servants, also low level of mobility of civil servants, dismissed based on reorganization, in other Ministries and a large amount of compensation paid to civil servants dismissed by the Ministries.

Based on the information received from the Ministries and the Office of State Minister, the following problematic issues were identified:

**1. The current situation:** In 2018, the Ministries employed a total of 197 persons in the service by a labor contract, out of which the simplified competition was conducted in 67 cases, and 130 persons were recruited without competition (75 to fulfill support, and 55 for non-permanent tasks).

**Evaluation:** The number of persons employed by the Ministries on the basis of labor contract without competition is 2 times higher than the number of persons employed on the basis of the competition, which, on the one hand, disregards simplified competition provided by law □□ Civil Service A for the employment of a person by a labor contract and, on the other hand, significantly increases the risk of nepotism in public institution.

**2. The current situation:** Most of the Ministries (Ministry of Regional Development and Infrastructure; Ministry of Education and Science; State Ministry for Reconciliation and Civic Equality; Ministry of Defense; Ministry of Culture and Sport; Ministry of Foreign Affairs) adopted decrees on the Approval of Rule and Methodology of Civil Servants □ Performance Appraisal in violation of the term established by the law (from March 2018 to June 2018), and in the Ministry of Internal Affairs of Georgia, in 2018, the Rule and Methodology of Civil Servants □ Performance Appraisal have not been implemented.

**Evaluation:** Introduction and Implementation of Civil Servants □ Performance Appraisal System were conducted with significant deficiencies, because according to Georgian legislation, the public institution should determine the appraisal rule and methodology at the beginning of the assessment period, which has not been implemented by the majority of the Ministries.

**3.The current situation:** In 2018, a total of 984 civil servants were evaluated, out of which 243 officials are on leading positions. According to the results of the Civil Servants □ Performance Appraisal, 427 (44%) civil servants received an excellent appraisal, 546 (55%) - good, and 11 (1%)-satisfactory. Out of 243 civil servants on leading positions, excellent appraisal was given to 130 (53%) civil servants, good to 112 (46%), and satisfactory to 1 (0.4%).

**Evaluation:** The Ministries could not provide rational and proportionate distribution of the results of Civil Servants □ Performance Appraisal, which does not allow you to see an objective picture of the work performed by civil servants.

**4.The current situation:** Based on the results of the assessment, the total amount of monetary reward given to the civil servants by the end of 2018 made up 1 831 281 GEL. The amount of monetary reward given to each civil servant varies from 60 to 100% of the monthly pay.

**Evaluation:** Taking into consideration that 99% of the civil servants received a positive assessment the public institution gave all of them monetary reward, which disregards the motivation.

**5.The current situation:** In 2018, 89 civil servants were dismissed on the basis of the reorganization carried out in the section of the Ministries. During the reorganization process, the Ministries transferred 42 civil servants based on the mobility principle (39-in the same public institution, and 3- in another institution □□ system), and 47 civil servants were enrolled in the reserve of officers. On the basis of reduction in the number of posts due to the reorganization total amount of

remuneration given to the dismissed civil servants made up 354 200 GEL.

In case of reduction in the number of posts during the reorganization, the mobility institution operates only inside the system of the Ministry, and there is almost no practice of transferring civil servants from one ministry to another based on the mobility principle. Non-existence of effective functioning of the mobility system cannot decrease the amount of money paid out of the state budget as compensation.

**The following recommendations should be taken into account in order to eliminate the deficiencies identified as a result of the study:**

*-The Ministries, as a rule, shall announce a simplified competition to employ a person based on labor contract and allow recruitment without competition only in exceptional case, when functioning of a public institution can be significantly hindered;*

*-The Ministries shall approve the rule and methodology of Civil Servants □ Performance Appraisal right after the start of appraisal year, conduct interim assessments in time and provide rational and proportionate distribution of assessment results considering the work performed by civil servants;*

*-The Ministries shall promote transferring of civil servants dismissed as a result of reduction in the number of posts on the basis of reorganization, based on the mobility principle, both in the system of the Ministry and on vacant positions in other Ministries.*

**The aim of the presented study is to monitor progress of civil service reform and assess the implementation of new institutions of law of Georgia □□□ Civil Service A in practice. The study is about issues such as a) recruitment in civil service; b) Civil Servants □ Performance Appraisal; d) amount of the civil servants dismissed by the public institutions based on reorganization and their employment based on the mobility principle; e) amount of the remuneration paid to the civil servants dismissed on the basis of reorganization; **The study includes a one-year period, from January 1, 2018 to December 31, 2018.** The study is based on the public information received from the Ministries and the Office of State Minister. **The Ministry of Justice of Georgia and Ministry of Finance of Georgia haven not provided us with public information;** accordingly, the presented study does**

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not include the current situation in the mentioned Ministries.

The study is available [here](#) (Georgian version).