

HUMAN RESOURCE DEVELOPMENT IN ALBANIAN PUBLIC ADMINISTRATION

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Abstract

The social-economic changes occurring in Albania the latest years have made that the expectation related to the Public Administration of Albanian citizen has grown.

Albanians need a public administration as qualified and ready to cope with the needs of Albanians citizens. During these years the Albanian Public Administration has made a many steps forward regarding the human resource development. The latest is the entered in force of Law no. 152/2013 "On the Civil Servant" that create the ASPA (Albanian School of Public Administration), which aim to prepare a public administration at the same level of the others states in the western Balkans.

This paper aims to analyze from the perspective of a qualitative methodology based on research in the literature and relevant legislation, important issues of public administration reform and the continues development of the human recourse of the public administration as one of the key of the continues improvement.

Key words: Public administration, human resources, continues development, improvement.

Introduction

The figure of "civil servant" is provided in the Constitution of Albania¹ according to this article they apply the law and are in the service of people. Following the constitution First law on civil service in the Republic of Albania is Law No. 8095, dated 21.03.1996, "On civil service in the Republic of Albania". Law itself was built taking into account the legal framework of the European Union countries. Although we can say that this law was an achievement, considering the social-political moment in which it was approved appeared the requirement of a reform in the field of public administration in order to create a reliable and establishment administration and a civil service on the basis of merit and professionalism. Law Nr. 8549, dated 11.11. 1999, "Civil Servant Status" created a mixed system (mix) of civil service, based mainly on position (position), combining it with elements of the career system. Dominating character of the positions of the system is distinguished in elements such as recruitment criteria, promotion, parallel movement etc. Spirit of the aforementioned law had as a purpose the creation of an open system of Civil Service, creating at the same time premises for internal mobility and career. After almost 14 years in May 2013 adopted a new law "On the Civil Servant" No. 152.

The need for public managers

Social and economic changes occurring in Albania over the years have increased the expectations of the population against civil servants, which suggests a need for well prepared staff such as public managers of a high level, able to coordinate their work with national institutions as well as international ones. This need is a continuity of what Western countries have been practicing for years. A troupe of top management level represented by public managers is very important for improving the performance of public administration. In this regard, Albania tries to follow the example of countries like France which in its system of career, has traditionally defined groups of senior officials. Individuals at the top of their career are managed and assisted in career development through training and mobility. Until the '90 as a result of centralized economic system in which Albania was, the concept of human resource management was very little known or different from that developed in Western countries. The socialist system itself as a result of the ideology in which it was based, had built for Public Administration a system where the state party decide the needs for jobs and persons regarded as suitable for the job. It was the party which made the planning and determining the persons needed.

¹ Article 7 of Albanian Constitution

On the other hand, the fact that coordination between policies and institutions, was done within the political party structure implied that there was a need for managers with a broader perspective than their technical fields.

The reforms of civil service undertaken by the Albanian state in 2013 aimed at creating the profession of public manager within the civil service which itself consists of some areas; training managers; introducing regulations, defining duties, responsibilities and corresponding rights of the staff, in other words a specific civil service regulations; improving the management of the personnel and management standards and above all, establishing an administrative context in which officials and public managers can carry out their functions in a professional, impartial, transparent and accountable way.

Law Nr. 8548, dated 11.11.1999 at the time of its adoption had as the main aim entering the civil service based on meritocracy, career development and construction of an acceptance procedure with standardized rules. The law aimed at establishing a fixed procedure for admissions as well as expulsions. Like any other law, more than well formulated articles what makes it successful is the will to implement it by its users. With the passing of time was noted that the law had some areas that could be used for political reasons, violations had different nature such as are employed as civil servants employees without undergoing the competition procedures.²

Such a thing has negatively impacted on applications for admission discouraging interested persons or persons professionally prepared.

New Law 152/2013 "On Civil Servant" was adopted by the Assembly on 30 May 2013 and was published in the Official Gazette no. 95, dated 7.06.2013. After the approval of the Law no. 152/2013, "On the Civil Servant", work in drafting the necessary legislation during the months October - December 2013 were prepared 10 drafts in detail of the law 152/2013. At first glance the new law contains almost twice the articles compared to the old one, in terms of content below will be listed the main changes that this law brings in relation to the efforts to depoliticize the administration.

For the first time the law requires the creation of a unit for the management of human resources³, which will be responsible for employees' management.

Targeting better human resource management the law requires formulation of Annual Plan for admission to the civil service.

For the first time in civil service enters into force the concept of the degree of career, stopping initially and limiting later appointments of leadership positions to persons who do not have proper experience in public administration, which was allowed according to the previous law. More specifically, the law requires that every person who enters for the first time in the civil service can not be appointed except in executive position, and only after a specified period of time (usually 3 years) can compete for a position in a higher level than the one in which he is positioned.

The law changes the process for entering the civil service, the previous law gave to the president of the institution the right to choose the winner among the three final candidates, while according to the new changes the independent commission is the one who selects the winners, based on the highest points after competing for the vacancy.

The biggest innovation of this law is the creation of a TND's (Senior Corps of the Management Level). To have a prepared governing body the law requires that the admission to TND can be done only by persons who have completed a depth formation at the School of Public Administration (ASPA). ASPA is established as an institution under the Interior Ministry with an administrative and academic autonomy. It aims professional training of civil servants, as well as any other individual, domestic or foreign, that is not part of the civil service and that meets the required criteria.

Vocational training includes in-depth training program candidates for the category of civil servants in senior management, members of the body of civil servants in senior management, and continuous training program for civil servants, as well as any other individuals outside this service.

² Department of public affairs, Annual Report 2013

³ Article 10, pg 6, law on civil servant nr 152

ASPAs have the following governing bodies;

- a) Leading Committee;
- b) The director.

The board consists of 12 members and is led by one of the rectors of universities, elected by the Conference of Rectors of Albania. It consists of representatives and senior officials of ministries, local government, DAP, universities, civil society and business, as defined by the Council of Ministers. The board approves policies, strategies and partnerships of ASPAs, and approves the draft and organizational structure of ASPAs. Detailed tasks of the Governing Board are determined by the Council of Ministers. In determining policy selection and formation, ASPA must cooperate with DAP, as the entity in charge of developing and overseeing the implementation of state policies in the civil service. ASPA's Director is appointed and relieved of duty, according to the criteria and rules set for members of the body of civil servants in senior management level. Exceptionally, until the beginning of the effects of this law, the Director of ASPA is appointed by the Council of Ministers on the proposal of the Interior Minister. ASPA's employee, until the beginning of the effects of this law, shall be appointed by the Director of ASPA, according to the procedures of the Labour Code.

Council of Ministers approves the detailed rules for the organization and functioning of ASPAs.

ASPAs have a duty to provide vocational training through the inclusion of the following programs:

- a) deepen training program, under which candidates are formed for members of TND's;
- b) continuous training program, under which civil servants of all categories are continuously trained and job-related, as well as any other individual outside of this service.

ASPAs offer the possibility of preliminary preparation of candidates to participate in an open competition for the executive category, it can also perform studies and publications in the field of public administration.

ASPAs' students, selected from civil society, business, and individuals outside the civil service are obligated to pay the fee approved by the Council of Ministers.

Filling a vacancy of managerial category in an institution of administrative state can only be made by a member of TND. Any appointment of senior management category, contrary to the provisions made in the law, is worthless. National competition, which is open only to civil servants of medium management category, as well as any other individual, domestic or foreign, that is not part of the civil service, who meet the specific requirements for admission in the TND.

The process of selection and appointment of candidates is made by a special commission which consists of nine members:

- a representative of the DAP;
- Two representatives of the ASPA, but not ASPA's employees, one of whom may be a foreign expert;
- a representative of TND's;
- five independent personalities with professional experience and integrity.
- Five independent personalities are appointed by the Council of Ministers for a five years term, with the exception of the first members, one of whom, chosen by lot, is annually replaced.

Only candidates evaluated with a minimum of 70 percentage of the overall points of the assessment of the national competition, according to the ranking and within the approved number of accessions to the TND, according to the annual plan, are accepted to study in-depth training program for TND. Candidates who complete the in-depth formation, are appointed by the DAP as civil servants in senior management, members of TND's, based on the final ranking. Council of Ministers approves the specific requirements for admission to the TND and detailed admission procedure in-depth training program in the ASPA.

Filling a vacancy of managerial category in a state administrative institution can only be made by a member of TND. Any appointment of senior management category, contrary to the provisions made in the law, is absolutely worthless.

A member of TND's may be appointed to a position of secondary category management, with his consent and the consent of DAP.

An independent institution or a unit of local government, with the consent of the employee and approved by the Department of Public Administration, can directly elect a member of TND and appoint him to a high position category management at the institution.

TND member is released from civil service when not assigned to a regular position for at least 8 months in a 5 years period or if it is considered twice "not satisfactory" during the evaluation of its performance.

The exemption is declared by the decision of:

- a) human resources unit of the institution, where the officer holds his duties;
- b) DAP to TND's members.

The need to meet the vacant managerial positions, made that exclusively, until the emergence of the first group of students of ASPA's or when ingoings from ASPA are not enough, admission to TND is made through a national competition.

The law took care that in the transitional provisions in Article 67 that eligible employees in the civil service under the procedures of law no. 8549, dated 11.11.1999 "On civil servant status" to be, due to the law, members of TND's they are forced to undergo admission procedures in the TND, within one year from the making of this law effective. If these employees will not be appointed as members of TND's by the end of this period, their relationship ends because of the law.

In January 2015 DAP held the first competition of TND's, the largest number of free positions advertised (total 82) were to confirm the position as competitors were subject to this transitional provision of the law. A very small portion of these positions were open to new applicants who meet the requirements for positions.

The need to have an independent and prepared governing body was very evident and constantly mentioned in the EU recommendations for Albania. Also, this process aims to create a professionally capable administration, where special attention should be given to individuals with better education and more experience in public administration through appropriate means for "the reinstatement of the brain". Does this law fulfill the goal for which it was built? It is still too early to come to conclusions, this year ASPA will announce for the first time positions for its students, and will need time until the end of the process. Also during May, the Department of Public Administration is expected to publish the Annual Report 2014, which will reflect the accurate data for all appointments in the administration process.

Conclusions

From the above said we can come to some conclusions;

From the '90s 'until now the importance of human resources and public administration in Albania has changed, we have passed from the stage at which it was the state party which planned positions and appointed persons in positions at the stage where officials are appointed after a competition process was open. However, during this time there have been a lot of difficulties encountered where political parties have tried to use public administration for their electoral promises, by misusing it. Social and economic changes and mainly Albania's aspirations to become a member of the EU have increased the attention paid toward Administration and civils, giving them the rightful place and Albanians a well prepared administration and at the right height.

This requires well educated and capable public managers. Job protection, durability and enough level of payment and rights and duties defined for civil servants. Creating a high-level leading body aims precisely meeting these requirements, yet there is still much room for improvement, especially in the management of competition, selecting and appointing processes. Legal changes should also be associated with a particular attention to the practical implementation to avoid possible abuses of the process. Only during the next year we will be able to analyze in detail the achievements or non achievements of these changes, taking the opportunity to study concretely data on the process.

Biography

Ornela Shqarri was born in 10 April, 1984, in Albania. From October 2009 to December 2013, she has been working as a professor in Marin Barleti University, Economics Faculty, Finance-Accounting Department. From 2013, she is a candidate of PhD in Tirana University, Faculty of Economics, research thesis "Human resource management". She received her Second Level Master degree in Internal Auditing at University of Pisa, Italy. From 2013 at continues she work as Budget Analyst at Albanian Deposit Insurance Agency.

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