

**PROCEDURE FOR TRANSFER OF A MEMBER OF THE CIVIL SERVICE CORPS
TO THE POST OF DEPARTMENTAL DEPUTY DIRECTOR
(EQUIVALENT UNIT)
IN THE CENTRAL STATISTICAL OFFICE
WITHOUT CONDUCTING RECRUITMENT**

The Central Statistical Office (CSO) is a central office of government administration. The Office is directed by the President of the CSO as the central administrative governmental authority responsible for statistical matters, and is directly responsible to the Prime Minister. The President's tasks as set out in the Law on Official Statistics are carried out by the CSO, 16 regional statistics offices, and other entities subordinated to the President. In performing these tasks, the President of the CSO is supported by Vice Presidents, Civil Service Director and the directors of departments. Employees of the CSO and statistical offices holding posts that comprise the Civil Service Corps.

The Civil Service system was established in Poland to ensure the professional, reliable, impartial and politically neutral performance of state tasks, as well as to set forth the principles of access to this service and the rules of its organization, functioning and growth (art. 1 of the Civil Service Act of 21 November 2008).

The role of the Civil Service is to ensure the proper functioning of the state's administrative apparatus, independently of political considerations and changes in governments. Such efficiency can be ensured by the proper staff – competent servants, professionals properly and impartially performing their duties.

The construction of a modern state, increase in the effectiveness of its agencies and, most of all, social satisfaction, are the most important goals and tasks for members of the Civil Service Corps.

Everyone has the opportunity to join the Civil Service Corps. To ensure high-quality personnel, future staff members must pass a qualification procedure that selects the very best – professionals in their fields, solid, loyal individuals with the predisposition to work in public administration.

Members of the Civil Service Corps must continually improve their skills in order to meet new challenges and adapt themselves to constant change.

The Civil Service is also intended to contribute to the positive image of public administration staff. The qualification procedure is designed to select individuals with

particular characteristics, knowledge and skills, which increases the effectiveness and efficiency of the Civil Service' activities.

The primary act regulating the functioning of the Civil Service is the Civil Service Act of 21 November 2008. Thus, the provisions of this statute are also applicable to the CSO. The legal environment of the Polish Civil Service consists of not only the Act, but also a range of other regulations, including acts of international law, labour law, the rights and responsibilities of citizens and employees, and other rules.

Primary concepts:

Civil Service Corps – composed of employees holding the following administrative posts: higher positions in the Civil Service, middle-management positions, coordinator, independent, specialist and support positions. The Civil Service Corps shall consist of employees employed in officials' positions in:

- the Chancellery of the Prime Minister,
- offices of Ministers and Chairpersons of Committees which form part of the Council of Ministers and offices of central agencies of the Government administration,
- voivodships offices and other offices which are part of the apparatus supporting local agencies of Government administration subordinate to Ministers or central Government administration,
- headquarters, inspectorate offices and other organisational units which are part of the apparatus supporting heads of unified voivodships services, inspections and guards, as well as heads of poviats services, inspections and guards, unless otherwise provided by relevant statutory provisions of law;
- The Office for Registration of Medicinal Products, Medical Devices and Biocidal Products;
- Forest Seed Production Bureau;
- State budgetary units that support state appropriated funds subordinated to organs of government administration;

- hereinafter referred to as the "offices".

The Civil Service Corps shall also comprise poviats and border veterinary officers and their deputies.

Civil Service employee – an individual employed on the basis of a labour contract, in accordance with the Civil Service Act.

Civil servant – an individual employed on the basis of a nomination, in accordance with the Civil Service Act.

Member of the civil service corps – an individual who is either employee or servant in the Civil Service.

Head of the Civil Service – the central organ of government administration responsible for matters concerning the Civil Service, directs the Civil Service, is directly responsible to the Prime Minister as the constitutional head of the Civil Service Corps.

Head of the Civil Service:

- watch over the observance of the Civil Service rules;
- administer the process of staff management in the Civil Service;
- collect data on the Civil Service Corps;
- prepare drafts of normative acts concerning the Civil Service;
- monitor and supervise the use of resources referred to in Article 7 Section 1,
- plan, organise and supervise central trainings for the Civil Service;
- disseminate information on the Civil Service;
- ensure conditions to dissemination of information on vacant posts;
- ensure international cooperation in the matters concerning the Civil Service.

Head of the Civil Service undertakes tasks defined by statute with the help of Civil Service Directors.

Anyone who fulfils the criteria set out in article 4 of the Civil Service Act can be a member of the Civil Service, which means they must:

- is a Polish citizen, with the exception set out in Article 5;
- holds full civil rights;
- has not been penalised for committing a wilful offence or a wilful fiscal offence;
- holds qualifications required for a given position;
- enjoys an impeccable reputation.

Under art. 5 of the Civil Service Act, there is a possibility of an individual not holding Polish citizenship applying for and being hired to fill a post in the Civil Service. An individual

without Polish citizenship can apply for all positions in the Civil Service, with the exception of those whose work consists in direct or indirect participation in the exercise of public authority and functions intended to protect the general interests of the State. Thus, a foreigner can assume not only a support role, but also a leadership position insofar as the tasks assigned to this post do not fulfil the aforementioned conditions.

The possibility of applying for a Civil Service post by an individual not possessing Polish citizenship should be referred to directly in the recruitment announcement. In addition, the Civil Service Act assumes that, prior to publication of a recruitment announcement directed to individuals regardless of citizenship, the Civil Service Director of the office should apply to the Head of the Civil Service for permission to publish the announcement.

Conditions that must be fulfilled by an individual not holding Polish citizenship:

1. Possession of European Union citizenship or that of another country whose citizens are permitted by way of international agreement or EU law to undertake employment in Poland.
2. Knowledge of the Polish language confirmed by a document listed in the Regulation of the Prime Minister of 23 April 2009 *concerning the types of documents confirming knowledge of the Polish language by individuals not holding Polish citizenship and seeking employment in the Civil Service.*

As regards higher positions in the Civil Service, conditions for holding such posts are defined in article 53 of the Civil Service Act. They are:

- holds an MA degree (or its equivalent);
- was not punished with a prohibition to hold managerial positions in the public authority offices or to exercise functions related to disposition of public funds;
- holds managerial skills;
- has at least six years of professional experience, including three years of experience on a managerial position in the public finance sector units – while applying for the position of the Civil Service Director of Office;
- has at least three years of professional experience, including one year of experience on a managerial position or two years of experience on the individual position in the

public finance sector units – while applying for position referred to in Article 52 item 2-4;

- meets requirements specified in the description of the position and in the separate provisions.

Candidates for employment in the Civil Service are selected by way of recruitment for vacant positions, organized by the Civil Service Director of a given office. Each Civil Service Director is obliged to publically disseminate information about vacancies in the Civil Service office he/she runs by way of placing an announcement in a publically-accessible location at the office's seat, as well as by publishing it in the office's Public Information Newsletter and the Chancellery of the Prime Minister Public Information Newsletter.

The filling of a higher post in the civil service, *i.e.* Civil Service Director of an office, director or deputy director of a department (equivalent unit), in accordance with the Civil Service Act, takes place in an open and competitive recruitment process. At the time, due to the importance of higher positions in the entire system, additional minimum requirements have been implemented regarding people able to occupy such positions; the obligation to promptly conduct recruitment when a position becomes free has been established; the competitive character of recruitment has been established in law as well as the rules of its organization, including the requirement to summon a recruitment panel and to place in the announcement information on the methods and techniques applied in recruitment.

1) **Openness** of recruitment means its universality, openness and equality in applying for employment in a higher position of the civil service, as well as:

- the requirement to disseminate information about vacancies in the Civil Service and the results of recruitment;
- the requirement to make information and documents available and to enable the personal participation in recruitment of observers directed by an authorized organ – Head of the Civil Service and the Civil Service Council.

2) **Competitiveness** of recruitment means that the procedure leading to employment in a higher position of the Civil Service will result in the selection of the individual from among all the candidates who will perform their tasks in a manner best ensuring the achievement of the goals established for both the position and a given office. The principle of competitiveness means:

- ensuring unified rules, methods, tools, assessment criteria and conditions for candidates to present themselves;
- ensuring the stability of requirements defined in the recruitment announcement during all stages of proceedings.

3) **Acting without unnecessary delay** boils down to taking all activities related to the intake in the briefest possible time, after occurrence of the circumstances justifying taking the office, considering both the staff needs of the office as well as the benefit to civil servants. Immediate action taken in making high level appointments eliminates the interim period of the office's functions or its part. It does not lead to the use of measures which are not in line with law. Making high level appointment can not be effected by way of allocating duties.

4) **Protection of information on candidates** obliges persons carrying the supervision over the procedure to protect all information, especially personal data of candidates acquired during or in relation to the selection process, with the exclusion of those information under law which are public. Especially sensitive information regards personal or intellectual predispositions, preferences or convictions of the candidate.

5) **Equality and ban on discrimination** - means equal employment procedures with regard to non-discrimination, directly or indirectly in particular with regard to sex, age, disability, race, religion, nationality, political convictions, union membership, ethnical background, sexual preferences, as well as with regard to employment or specified and unspecified time, or in full or part-time job. Apart from equal treatment, the rules of the Civil code introduce also the ban on discriminating with regard to the aforementioned features, as well as the duty of the employer to prevent discrimination.

6) **Transparency in action** – means that the whole process of selection should be documented in such a way that all activities, as well as premises which were applied while taking the decision during the preparation and conducting the selection, would be possible to justify and enable an honest flow of information both to the participants of the process and to appropriate bodies.

The Act on Civil Service allows also the possibility to **transfer** the member of the core to the Civil Service onto a higher position in the Civil Service. This procedure regards only the position of the deputy director of the department (equivalent unit), while it cannot be

employed in relation to the position of Civil Service Director of the office and the director of the department (equivalent unit).

Premises of transferring into higher position within the civil service

- 1. transfer regards only the position of the deputy directing the department (equivalent unit),**
- 2. the transferred member of Civil Service Corps fulfills the requirements related to the position regarding both the employment in Civil Service as well as the employment on a higher level position in Civil Service,**
- 3. he/she has a recent positive periodical appraisal on one of two highest levels provided in the evaluation scale prepared for the period of 24 months preceding the transfer.**

The transfer institution formulates towards the candidate **the same transfer requirements** as those posed before candidates taking part in the open and competitive selection.

Apart from the indicated requirements resulting from the provisions of the Act on the Civil Service, separate provisions were prepared by the Head of the Civil Service, *standards regarding the higher level appointments within civil service as a result of transferring the member of the staff of the Civil Service (so-called internal promotion)*.

According to the above mentioned standard, it is also beneficial to establish additional conditions the fulfilling of which will guarantee to a larger degree that the promotion decision will be correct as regards professionalism and proficiency of implemented tasks in a given position and will ensure acceptance of the following criteria of promotion:

- 1. high quality of work** justifying the transfer – understood as honesty and meticulousness (including timeliness) in performing the office duties, resulting in obtaining of at least two good results related to work and avoiding the repetition of errors, especially those related to coordination;
- 2. successful implementation of allocated tasks** – taken as readiness to absorb new tasks with high degree of advancement, complying with the allocated tasks in the face of difficulties, ability to conduct appropriate implementation of tasks and achieving the goal while being guided only by the superior;
- 3. creativity** – dealing with not standard situations, requiring action taking and preparation of solutions to solve new tasks or implementation of tasks in new conditions, creative thinking aimed at preparation of new concepts in a given field;

4. **professional qualifications aimed at professional development** – understood as having the appropriate professional qualifications to implement tasks in a given position and the ability to use the obtained qualifications and knowledge in practice, as well as taking care of professional development and improvement of qualifications useful in a given position, especially in senior positions;
5. **internal motivation** – drive to better allocate tasks for the benefit of public welfare as a goal in itself, by a constant improvement of the working method;
6. **employee competences** – inborn or acquired capability useful from the point of view of the implemented tasks in a given position e.g. managerial competences including planning skills, problem solving, decision taking, responsibility, effective communication, conducting negotiations, delegating tasks;
7. **supporting goals set by superiors** – ability to cooperate effectively with superiors in order to work on a constructive problem solving with the aim of improving the quality of work and the office's image;
8. **the needs of the office and real possibilities of promotion** – including the organizational needs of the office resulting from the workload in a given position and division of priorities tasks implemented in the office as well as financial possibilities of the office.

Additionally, it is commissioned to prepare the employee to the promotion by directing him to the training as well as taking the transfer decision one should be guided by the results and recommendation included in the periodic evaluation report of the Civil Service Corps member and the facts established by individual program for professional development.

In relation to the possibility which is offered by law on Civil Servants as well as recommendation of the Head of the Civil Service, in the Central Statistical Office as an alternative to the appointment of the deputy director by way of selection, the procedure of internal promotion was implemented. It is regulated by the Directive 15 of the Civil Service Director of CSO dated 17 May 2011 *in the matter of standards of making appointments of the deputy director of the department or equivalent unit in CSO by way of transferring the member of the staff of Civil Service*

The basis for the transfer of the employee to the position of deputy director is constituted by the application of the director of the organizational unit in which the deputy position is to be appointed. The application after being accepted by the member of the

management directly supervising a given organizational unit i.e. the president of CSO or vice president, is filed to the Civil Service Director of the Office.

To the application one should include a periodic evaluation required by provisions of the Act on Civil Service.

During the application processing, the evaluated aspects include:

- 1) fulfilling the requirements for the given position congruent with the description of the job,
- 2) result of the last periodic evaluation
- 3) CSO needs and financial possibilities of transferring the staff member of the Civil Service:

and additionally what is evaluated is:

- 1) The basis for the implementation of the allocated tasks,
- 2) Creativity,
- 3) Support for the goals and activities of the CSO's Civil Service Director

The application includes the following elements:

1. Acceptance of the member of the governing body,
2. Data of the employee, being transferred to the director's deputy
3. Fulfilling the requirements according to the Act dated November 21 2008 on Civil Service,
4. Evaluation of directorial competencies (evaluation is being performed by an outside company)
5. Fulfilling the requirements according to the description of the position,
6. Information on the present position and remuneration,
7. Applied transfer date,
8. Information on the proposed remuneration,
9. Justification of the application,
10. Position of the Office of Organization and Staff and the Administrative and Bookkeeping Bureau.

After considering the application the final decision of transferring the employee to the position of the deputy director is taken by the Civil Service Director of the Office.

Thus far in the CSO such a procedure was applied in the case of making 6 appointments to the deputy director post.

Internal promotion is a very positive signal for employees. This is a relevant information that their work was appreciated, that they can develop professionally in their own organization, the possibility of promotion tightens the bond of the employee and the office.

This is also a huge benefit to the organization which obtains a manager familiar with the specificity of the office, thanks to which he can quickly adapt to new tasks without the necessity to start anew. The costs of selecting an employee is low or non-existent the time of waiting for the effects of work is short.

The new boss is, at the same time, a new employee. He knows their employees well and surely knows what reactions can be expected as a response to their decisions or behavior. He knows also their skills and interests which can be very helpful in motivating and allocating new tasks.

Fundamental benefits resulting from the carried procedure of internal promotion:

- increase of motivation and rotation of key employees in the organization,
- increase of attachment and loyalty of employees in relation to the real possibilities of development of skills and knowledge,
- the use of employee potential,
- the return of current investment in the progress of employees,
- limiting the risk of taking wrong decision on employment being a consequence of a good knowledge of internal candidates' potential (their level of knowledge, skills and methods of work),
- quicker process of adaptation in a new position in relation to the knowledge of structures and inner workings of the office, organizational culture and co-workers,
- lowering of the costs of employing a new employee - financial expectations of outside candidates are higher than persons from the inside,
- elimination of employee rotation costs.

Internal promotion procedure, despite many benefits, can cause also tension in the office. It may lead to competition between the employees to obtain this position. Internal promotion can be differently perceived by other employees. The reaction can be anger, disappointment or jealousy, which can negatively influence relation at work. In most cases the

internal promotion reactions depend on relation at work that were already the case prior to the promotion between newly promoted person and the rest of the employees.

Therefore it is very important to prepare and implement clear and equal rules for all employees and implement them persistently.

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