

*Aleksandra Rabrenović**

KEY RECRUITMENT AND SELECTION CHALLENGES IN THE CIVIL SERVICE OF MOLDOVA

The objective of the paper is to analyse the legal framework and key challenges in the recruitment and selection process in the civil service of Moldova. The effectiveness of the recruitment and selection is assessed against the standards laid out in the SIGMA Principles of Public Administration for European Neighbourhood Policy Countries and supporting Methodological Framework. The key finding of the paper is that the legal framework governing recruitment and selection is generally in line with the SIGMA standards. In spite of this, the attraction capacity of the Moldovan civil service is highly limited, as the number of candidates per vacancy is very low. The key reasons for this should, in the author's view, be sought for in the low salary levels, especially at the entry civil service positions. The author concludes that Moldovan example clearly shows that legal regulation of different HRM functions cannot be analysed in isolation, as the effectiveness of the recruitment process is closely linked with the remuneration policies. In addition, existing budget constrains and limited general labour market capacities, caused by difficult economic conditions and large waves of immigration of Moldovan population, pose additional challenges for the Moldovan civil service to be able to compete for the best and the brightest.

Key words: recruitment and selection, civil service, Moldova

1. INTRODUCTION

The area of recruitment and selection is one of the most important segments of human resources management in any organisation. If recruitment and selection is done efficiently and effectively, the organisation has a great chance to improve its human resources and enhance its organizational performance (Gamage, 2014, p. 48; Ekwoaba *at al*, 2015, p. 29).

Recruitment and selection are two closely related and somewhat opposite processes. While the recruitment is the process of attracting as many as possible prospective employees into a "pool of candidates", the selection is the process of picking up the best candidates from the pool to fill in the job (Gamage, 2014, p. 41). The recruitment process itself may

* PhD, Research Fellow, Institute of Comparative Law, Belgrade. Email: a.rabrenovic@iup.rs.

be compared to the fishing of experienced fishermen – casting the wide net to get as many fish as possible, but then selecting only the one which makes the fisherman really proud of.

The recruitment and selection, however, are not simple and one off processes, as they are closely linked with other HRM functions. Recruitment and selection constitute initial stages of a dialogue among applicants and the organisation that shapes the employment relationship (Bratton & Gold, 1999). As applicants may have a specific view of expectations about how the company is going to treat them, the recruitment and selection provide an opportunity to clarify this view. If the expectations are not clarified at the initial stage of employment, high quality job seekers may leave the organisation and look for other options that suit their interests better (Bratton & Gold, 1999, p. 201). Furthermore, in order for any organisation to be able to attract and retain good quality personnel, the recruitment and selection necessitates to be “backed up” by a fair and competitive salary system, which would sufficiently motivate employees to join the organisation and consistently perform to their best abilities (Rabrenovic, 2009).

While many private sector organisations struggle to find the best candidates for their vacancies, recruitment and selection of the best candidates in the public sector appears to be even more challenging task. This is due to the fact that public services of the EU countries tend to involve two key principles – the principle of equality and the principle of merit (Cardona, 2006, p. 2). The principle of equality stems out of the constitutional principles that every citizen has a right to public employment, provided that he/she meets the general requirements established by law as well as the specific requirements set up in the vacancy notice. The merit principle refers to the interest of the public administration in recruiting the best available candidates for the civil service (Cardona, 2006, p. 2). In a broader sense, the merit principle can be defined as the setting up of a special public administration value system, based on professionalism, competence and integrity to pursue the public interest (Ingraham, 2006, p. 486). It represents a counterbalance to that of political loyalty, popularly known as the “patronage or the spoils system“, in which public administration posts are filled solely on the basis of political connections instead of professional merit (Pusic, 1973), which can also be found in many contemporary public administration systems.

Some transitional countries face serious problems in recruitment and selection of their perspective staff (Meyer-Sahling *et al* 2016; 2019). Many countries face the problem of a significant turnover of public servants, which endangers the smooth functioning of the civil service, and requires a quick action of recruiting new staff (SIGMA, 2017, p. 24). As hiring new qualified staff and their induction can be lengthy and resource-intensive processes, the countries always try to “catch up” to fill in the key vacancies, which usually results with overburdening of the existing staff with the everyday public administration tasks (SIGMA, 2017, p. 24). This further shows the importance of having an effective recruitment and selection process in the public service.

The issue of recruitment and selection in the civil service of Moldova has up to now not attracted significant academic attention. This area has been the subject of research of international organisations, such as, for example, SIGMA/OECD, which has produced several reports on human resources management in the Moldovan civil service since the

adoption of the Civil Service Law in 2008 (SIGMA/OECD, 2011; 2015). There is, however, a lack of academic research on this important topic.

The objective of this paper is to analyse the legal framework and specific challenges faced by the Moldovan civil service in the process of recruitment and selection of its staff. In order to attain this objective, the paper is organised within three key parts. The first section of the paper examines the international legal standards regarding recruitment and selection of the public sector employees, which serve as a benchmark for assessing the respective Moldovan legal framework and its implementation. In the second, central part of the paper, the relevant provisions of the Civil Service Law and supporting secondary legislation will be examined, backed up by empirical data on the effectiveness of the application of these rules in practice. The concluding section of the paper attempts to define an explanatory framework for the lack of effectiveness of the recruitment and selection rules and provide guidance on what would be the best ways to improve the current situation.

The methodology for writing the paper included the analysis of the primary and secondary legislation regarding the HRM in the Moldovan civil service (primarily the Law 158/2008 on the Public Function and Status of Civil Servants, hereinafter: Civil Service Law, and supporting secondary legislation), official government reports and reports provided by international donors. As an additional sources of information, interviews were conducted with around 20 human resources managers in selected Moldovan ministries and agencies in Chisinau in April 2019.

2. INTERNATIONAL RECRUITMENT AND SELECTION STANDARDS IN THE PUBLIC SERVICE

The area of human resources management in the public sector is not, as such, subject to specific international standards. The way Governments around the world manage their human resources is considered to be an area of a national interest. Nevertheless, there are several general international instruments which define the best international standards in the area of HRM in the public service, including the area of recruitment and selection.

Several international instruments require the observance of the merit principle in the recruitment and selection of civil servants. For example, the UN Convention against Corruption (2003) especially emphasizes the importance of merit and transparency in the recruitment process of public servants. In the similar vein, the Council of Europe's Recommendation No. R (2000) 6 on the Status of Public Officials in Europe, stresses the need for the existence of legal framework concerning the status of public officials and recruitment and selection based on merit and fair and open competition.

Recruitment and selection in the public service is not explicitly part of the EU *acquis*, but is governed by *soft acquis*, comprising shared standards of the EU member states and affecting indirectly the development of the national law (Keune, 2009, p. 52). Though not legally binding, these standards have significant practical effects on the aspiring countries, given that the European Commission assesses their progress against such standards. To provide a more detailed elaboration of the EU Commission's human resource management

requirements, in 2014 SIGMA/OECD³¹¹ programme prepared a document entitled “Principles of Public Administration” (SIGMA/OECD, 2014). In addition to this, a couple of years later, SIGMA developed a special set of principles for countries which fall under the European Neighbourhood Policy called “The Principles of Public Administration: A Framework for ENP Countries” (SIGMA/OECD, 2017). These Principles aim to support the national authorities, the European Commission and other donors to develop a shared understanding of what public administration reform entails and what countries could aim for with their administrative reforms (SIGMA/OECD, 2017).

Recruitment and selection of public servants is one of the areas covered in the principles, within the field of human resources management. The key SIGMA principles regarding recruitment and selection for public servants of ENP countries are presented in the table 1. below.

Table 1. SIGMA/OECD Principles of Public Administration for ENP countries – Public Service and HRM chapter – section on recruitment and selection

Principle 3: The recruitment of public servants, including those holding senior managerial positions, is based on merit and equal treatment in all its phases; the criteria for demotion and termination are explicitly stipulated by law and limit discretion.

1. The recruitment and selection process in public service, either external or internal and regardless of the category/class of public servants, is clearly based on merit, equal opportunity and competition. The public service law clearly establishes that any form of recruitment and selection not based on merit is considered legally invalid.
2. The legislation covers general criteria and detailed procedures related to recruitment and selection.
3. The recruitment and selection committees include persons with expertise and experience in assessing different sets of skills and competences of candidates for public service positions, with no political interference.
4. Protection against discrimination of persons applying for and those employed in public service positions is ensured by all administrative bodies in accordance with the principle of equal treatment. In the cases explicitly established in the law, comprehensive equitable representation is taken into account in the recruitment process.
5. The objective criteria for demotion of public servants and termination of the public service relationship are explicitly established in law.
6. Legislation related to recruitment to the public service is applied in practice.

As shown in the table, SIGMA requires that the recruitment and selection process, either external or internal and regardless of the category of public servant, is based on the principles of merit and equal opportunity, which assumes the existence of an open

³¹¹ Having recognized the importance of well-regulated and organized state administration for compliance with membership requirements in all sector areas, in 1992 EU and OECD founded SIGMA - *Support for Improvement in Governance and Management*. This programme aims at supporting public administration reform activities of (potential) EU candidate countries. SIGMA, largely financed through EU, represents one of the main European Commission’s instruments for promoting the development of public administration capacity in Central and Eastern Europe, and providing technical assistance to (potential) candidate countries.

competition for any vacancy. In order to ensure impartiality, competition procedure needs to be implemented by recruitment and selection committees, operating independently from political influence. Members of these committees should possess solid understanding of the tasks performed in the advertised position, along with the skills and knowledge required for their performance. SIGMA also underlies the necessity of the establishment of the objective criteria for demotion of the public service and termination of employment. Last, but not least, the legislation related to the recruitment procedure needs to be implemented in practice.

In order to be able to monitor the progress in achieving the benchmarks set in the Principles, SIGMA has also developed a document entitled “Methodological Framework”, which provides a comprehensive monitoring framework for assessing the state of a public administration against each Principle set out in the Principles of Public Administration (SIGMA/OECD 2017a). The Framework includes a set of indicators, which attempt to define preconditions for a good public administration (good laws, policies, structures and procedures) with the special emphasis on actual implementation of legislation and its effects and outcomes in practice.

3. LEGAL FRAMEWORK AND CHALLENGES IN RECRUITMENT AND SELECTION OF CIVIL SERVANTS IN MOLDOVA

The foundations of the human resource management in the civil service in Moldova were laid by the adoption of the Civil Service Law in 2008 (Law No. 158 on Public Office and the Status of Civil Servants, Official Gazette No s. 230 - 232/ 2008). The Civil Service Law introduced modern HRM practices, such as competitive recruitment, job descriptions, performance appraisal, continuous professional development, new system of classification and disciplinary provisions.

The Civil Service Law provides a sound basis for merit-based recruitment and selection of civil servants. Article 29 of the Civil Service Law establishes that any competition should be open, based on professional merits, competence and transparency, and that there should be equal access to public positions for all citizens, which is in line with the principles of merit and equal treatment, promoted by SIGMA/OECD. The key institution in charge of the management of human resources in Moldova is the State Chancellery, while the National Training Academy is responsible for systematic civil servants training.

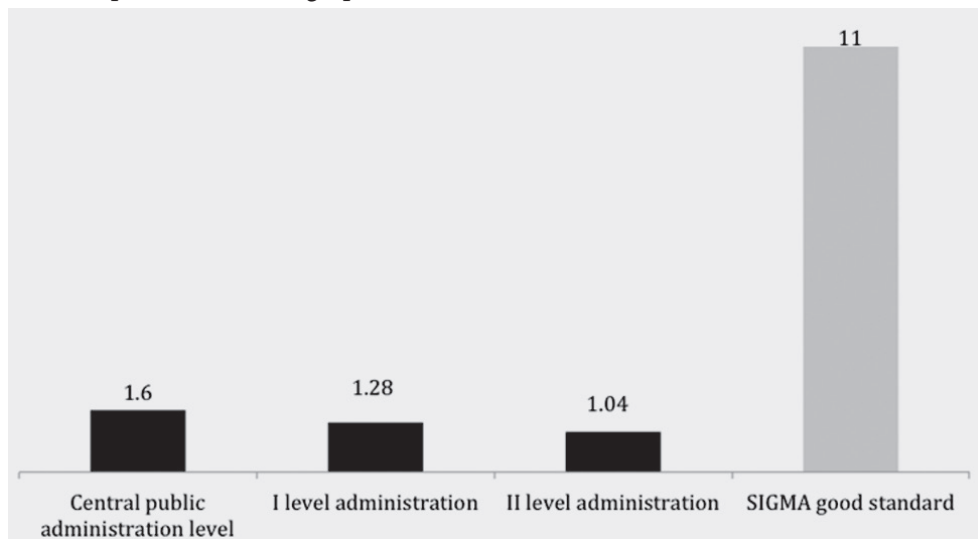
The procedure for organising a competition is laid down in the Government Decision N° 201 of 11 March 2009, which provides well-defined and detailed rules on the recruitment and selection procedure, types of selection methods (written tests and interviews), as well as the parties involved (commission, public authorities, HR unit, and candidates) and their responsibilities. The selection procedure includes examination of application documents, a written test composed of multiple tasks and an interview for all civil service positions, except for the senior managerial positions.

The regulations require that all vacancies be advertised on the government website, on the website of the public authority and in national media outlets at least 20 calendar days prior to the date of the competition (Article 7 of the Regulation on Competition Procedure),

which is in line with best international practices. There is no obligation to publish the vacancy notice in mass-media, nor the Official Gazette, only on the government platform and on the website of the authority, as well as to display it on the information panel at the public authority concerned, in a visible and publicly accessible place. The advertisement contains elements of the job description of the perspective job, but does not include the information about the remuneration.

Although the recruitment and selection procedures are legally well defined, the interviews conducted with the HR managers revealed several challenges, which start very early on in the procedure. A number of HR managers stressed that it is very difficult to attract candidates for announced vacancies and that sometimes they even have competitions where no candidates apply. Furthermore, some of them find the deadline for the application to a position of 20 days as overly long, as there is a problem with keeping the interest of the applicants in the respective vacancy. It appears that candidates who are looking for a job in the civil service, even if they have initial interest in the vacancy, lose it rather quickly, possibly after gaining information about the amount of remuneration for their perspective position.

In order to examine this issue further, we have looked at the data from the latest Civil Service Report on the functioning of Moldovan civil service for 2018, which confirm the finding that the average number of candidates per vacancy is very low. In 2018, the number of candidates per vacancy at the central public administration level was only 1.6 (State Chancellery, 2019). This number was even lower at the regional administrative level standing at 1.04 candidates per vacancy and 1.3 candidates at the lowest administrative level (State Chancellery, 2019). This is in sharp contrast to the good international practices, defined in the SIGMA Methodological Framework (SIGMA/OECD 2017a), which envisages that the number of candidates per vacancy should be higher than 10 in order to have an effective recruitment process. The comparison of the good European practice and the situation in Moldova is presented in the graph 1 below.



Graph 1. The number of candidates per vacancy in Moldova in comparison to good European practices

The question which naturally arises is what is the key reason for such a low number of candidates per vacancy? The low number of candidates per vacancy sometimes can be an indicator of ill-defined recruitment and selection procedures and the lack of trust in the fairness of the recruitment and selection system. The interviewed HR managers, however, are of the view that the low salary levels, especially at the entry level, are the main reason for disinterest of potential civil service candidates to apply for civil service jobs. This argument may be supported by the views of representatives of institutions outside of the civil service, which have financial autonomy, and which do not appear to have problems with attracting qualified candidates. In addition to this, some civil service institutions, which do not have financial autonomy, also don't have problems with attracting new staff, as they are able to award higher salary levels to their existing and perspective staff on the basis of savings made from the budget funds allocated for approved vacancies. This practice is allowed by the Law on Unified Remuneration in the Budgetary Sector (Law 270/2018 on Unified Remuneration System in the Budgetary Sector), which gives the right to civil service institutions (and other institutions in the public sector) to award lump-sum bonuses from the payroll savings. These bonuses are highly discretionary and can go up to 100% of the salary. The ability to obtain savings from vacancies may create unacceptable incentives for administrative bodies not to fill all vacant positions in order to be able to give their existing and perspective staff higher levels of remuneration and also create distortions in the fairness of the salary system.

Although salary levels are certainly one of the key reasons for a low number of candidates per vacancy, it is worth looking at other possible reasons, such as the procedure of the recruitment and selection itself. This would also allow us to assess the procedural recruitment and selection rules against the SIGMA standards.

The process of recruitment and selection is led by the competition commissions, whose work is regulated in detail by the Government Regulation No. 201 on the recruitment and selection. The competition commissions for executive and middle management positions are composed of a minimum of four and a maximum of six members, including the chair and the secretary of the commission. It is required that these 4-6 staff members have civil service status, and out of them 2-3 have to be from managing positions (Article 54 of the Government Regulation No. 201/2009). The secretary is a civil servant who is from the HR unit or who deals with human resources management issues.

Although the role of the competition commission in the recruitment and selection process is well defined by the legislation, the composition of the competition commissions does pose a risk for partiality in the recruitment and selection process, as they comprise only members of the hiring authority. This is not fully in line with the SIGMA principles, which require that the recruitment and selection committees include persons with expertise and experience in assessing different sets of skills and competences of candidates for public service positions, with no political interference.

The prescribed selection methods used during the testing process, which include both the written test and the interview, are in line with the best European practices, but their application does not appear to be fully effective in practice. The anecdotal evidence shows that the competition commissions usually use only knowledge-based questions

in written tests, which is not adequate to assess competencies, abilities and aptitudes of candidates, especially of candidates for management positions. As the Moldovan civil service should attract younger people with the ability to learn new information/processes, the whole idea of testing only knowledge during the recruitment procedure is of little help. Nevertheless, there are some good examples of testing other skills of candidates, by giving the candidates the task of drafting the text of a legal act. Conducting of the structured interview is a mandatory stage in the selection process and a chance for the commission to obtain additional information about the candidates' competencies and for the candidate to exchange the information with the commission members.

It is interesting that several HR managers complained that some candidates gave up the selection process during the interview process after their heard about their prospective remuneration, while the others stayed in the civil service only for a short period of time after their realised what their salary level was. This confirms our previous finding that the salary levels are the main obstacle in the recruitment and selection process. This is also in line with the findings of Bratton and Gold (1999) which argue that expectations about the employment should be clarified at the initial stage of employment, otherwise high quality job seekers may leave the organisation and look for other options that suit their interests better.

Finally, if we look at the criteria for demotion of civil servants and termination of employment, as part of SIGMA/OECD standards related to recruitment, we can argue that they are not fully in line with the best European practices. The reasons for dismissals are established in the Civil Service Law and are as follows: 1) when a second disciplinary sanction is applied before the first one has expired (regardless of the seriousness of the sanction); 2) when a civil servant obtains one "unsatisfactory" score at the annual performance appraisal; and 3) after an unexplained absence from work for four consecutive hours in one working day (Article 64 of the CSL). These reasons for dismissal appear to be disproportionate to the consequence they produce, and hence are not fully in line with the SIGMA principles (SIGMA/OECD, 2015, p. 53).

4. CONCLUSION

The recruitment and selection process of the civil servants in Moldova is faced with important challenges. Even though the basic prerequisites for applying the merit principle have been relatively well established through the existing legislative framework, the civil service struggles with attracting qualified candidates. This is primarily the consequence of the non-attractive remuneration package, especially for entry civil service positions.

The Moldovan case of civil service recruitment and selection clearly shows that a well defined recruitment and selection process in the legislation is not a guarantee for effective recruitment of qualified candidates to the civil service. It also confirms the earlier hypothesis that the recruitment and selection is closely related to other HRM processes, and especially remuneration system, which needs to be attractive enough to spark the interest of potential candidates to apply for a position in the civil service and keep them interested in developing the career in the civil service. To the extent that the remuneration

of civil service is unattractive and career advancement process perceived as too slow, too inflexible, or based on factors other than merit, the most-talented and ambitious candidates will most likely find alternative employment either in the country or abroad.

In order to achieve substantive improvements in the area of recruitment and selection in the current circumstances, the priority would be to address the issues of remuneration and only then enhance the quality of the recruitment and selection procedures. The logical sequence of steps would assume conducting a pay comparator survey of the salaries in the public and private sector, and aligning the salary levels of the civil servants and public servants with the employees in the private sector (to the extent possible) by amending the Law on Unified Remuneration System in the Public Sector, within the existing budget constrains. The second step would assume modernising the regulations on the recruitment and selection process. This should include, *inter alia*, changing the current structure of the competition commissions, by requiring that at least one member would be from outside of the recruiting institution. Another option would be to organise a general civil service exam (within the State Chancellery or the Public Administration Academy), which would then be followed by the interview conducting in the civil service institution. Another important step in enhancing the recruitment and selection would be introduction of the system of competency framework in the HRM system. The competency framework would provide the basis for testing not only of the knowledge, but also of the skills and aptitudes of candidates, which are essential for carrying out key duties and responsibilities of civil service jobs. Finally, it would also be important to revise the criteria for demotion and dismissal of civil servants, in order to ensure the security of their work and career development.

Lastly, the problems of recruitment and selection in the Moldovan civil service should not be looked at as isolated phenomena, as they represent just one piece of the broader puzzle of overall economic and social conditions in the country. If we look at this broader picture, we may argue that one of the key factors for low attraction of candidates in the civil service is ineffective general labour market, which is characterised by low and declining human capital, exacerbated by continuous and rising immigration of the Moldovan population abroad (World Bank, 2020). Given the current economic circumstances, aggravated by the Covid-19 pandemic, creation of a general labour market with highly educated workers may not be achievable goal in the short or even mid term. This will have an adverse effect on the efforts of the civil service to attract qualified candidates and pose additional challenges in the recruitment and selection process. For this reason, in order to improve the attractiveness of the civil service of Moldova, ensuring the adherence to the European principles of public administration will simply not be enough. There is a need to make additional efforts and develop strategic recruitment strategies, including public campaigns for attracting younger population to join the civil service, which should increase the chances of the Moldovan civil service to obtain very much needed “pool” of the “the best and the brightest”.

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