

CIVIL SERVICES AND STATE ADMINISTRATIONS (CSSA)

COUNTRY REPORT: SLOVAKIA

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SLOVAKIA

Scope of the Analysis

The scope of the analysis in the present circumstances of the Slovak Republic has to match the existing legal environment. There is no special civil service code, and core public servants are under the regime of the general Labour Code. As a result, the main parts of the questionnaire cover all employees of central, regional and local state administration. Other public sector employees (special groups of civil servants, self-government employees, teachers, doctors, etc.) are not included in the core analysis. In section 9 data regarding defined special groups of civil servants will also be included whenever possible. The data in that section also include support service personnel, if not stated otherwise.

SLOVAKIA

A. PUBLIC SERVICE CHARACTERISTICS

1. LEGAL STATUS OF PUBLIC SERVANTS

◆ Legal provisions defining the status of public servants

1.1

There are only general and no specific provisions of this type in existing legislation [legal basis for the existence and status of public servants]. The basic principles of administrative law, such as legality, openness, transparency and responsibility stated in the Slovak Constitution to protect individual rights and public interest, are reflected in particular laws. The Civil Service Code is still under preparation. The proposal of the act on civil service, which would regulate the legal relations of civil employees within the performance of civil service, should be submitted to the agenda of the Slovak Government in September 1999, in accordance with the present plan of legislative tasks, and afterwards for approval by the Slovak National Council. The purpose of this act is to ensure a professional, impartial and politically neutral delivery of civil service (the proposal of the act on civil service was submitted to the Slovak National Council in 1997 for approval, was approved in the first and second readings but, in view of the elections to the Slovak National Council in 1998, has not been given final approval).

1.2

All public servants are subject to the general employment law (Labour Code --Law 65/1965 as amended). Some special laws related to specific groups of civil servants are described in 1.4 below.

1.3

Under the current legislation, the difference [between permanent public servants and public servants performing political functions] is based on the type of entry into the civil service. There is a difference between employees nominated to their posts by the government (state secretary, head of an office, head of a regional or district office), and other employees hired/appointed by the respective head of the organisation according to the Labour Code. The new Civil Service Code is expected to define more clearly the category of political appointees in the public administration.

1.4

The following main groups of public servants are subject to special statutes, according to respective laws:

- police forces, including railway police;

- army;
- fire brigades;
- customs officials;
- prosecutors;
- judges.

The most important specific features of the legal regime according to these specific groups are as follows:

- **Police forces:** Law 171/1993 on the police corps; Law 57/1998 on the railway police; Law 73/1998 Coll., which regulates the civil service of members of the police corps, Slovak Information Service, prison and judicial guards and railway police, as well as legal relations connected to the nomination, modification and termination of civil service of its members. Civil service is exercised as a service relationship to the state. The police corps is controlled by the National Council and by the government, and is subordinate to the Minister of Interior. The law defines the rights and duties of members of the police corps, and also the specific status of police investigators (in investigations they are independent and bound only by the law, whereas in service [employment] issues they are subordinate to the director of the office of investigation). The employment system in the police corps is career-based. The railway police are a specific safety body of the Slovak Republic responsible for protection of railway transportation. The railway police are subordinate to the Minister of Transportation, Post and Telecommunications of the Slovak Republic, and are managed by a director-general appointed by the minister. Members of the railway police have very similar rights and duties as those of members of the police corps, but in principle related exclusively to the railway system.
- **Army:** Law 370/1997 on army service. This legal norm defines most of the relations in a specific form, and limits some constitutional rights for those in army service. The employment system is in principle a career-based system, according to army ranks. The law includes a very specific part on army disciplinary law, specifically regulating the following important issues:
 - service discipline (basic rights and obligations, disciplinary rewards, disciplinary measures, imposition of disciplinary measures, service evaluation);
 - service time, vacation, rest time;
 - salary aspects;
 - responsibilities;
 - work security and protection of health;
 - care of state employees -- obtaining and extending education and health care;
 - special conditions of civil service for female state employees;
 - indemnification;
 - hospital support, retirement support and veteran support;

- functioning of unions in civil service;
- proceedings in matters of service relationship.
- **Fire brigades:** Law 126/1985 on fire protection. This law defines the specific rights and duties of members of fire brigades. The employment system is more career-based than post-based.
- **Customs officials:** Law 200/1998 on the service of customs officials. This law also defines several principles of service different from those in the Labour Code. It includes a specific part on disciplinary measures. The working time of customs officials is shorter than the general working time. The employment system is more career-based than post-based.
- **Prosecutors:** Law 314/1996 on the Office of Public Prosecutors of the Slovak Republic. This law also defines specific conditions of employment of prosecutors, and amends most of the articles of the Labour Code. According to this law all prosecutors are appointed and dismissed by the Prosecutor (Attorney) General of the Slovak Republic. Prosecutors can be dismissed (except for expiry of contract or voluntary resignation) only in the case of a legally valid decision in a disciplinary process, or when the person does not fulfil the conditions of service (criminal offence, loss of citizenship, long-term stay outside of the country, membership in a political party or political movement, business activities, loss of competency for legal acts).
- **Judges:** *see under section 10.*

◆ **Current status of implementation**

1.5

There is no such specific law [defining the status of public servants].

◆ **Arrangements where laws/regulations are not yet in operation**

1.6

As indicated above, there are no special guarantees in the Slovak legal system related to a permanent public service. All conditions of employment in the public service are regulated by the general Labour Code. This law includes an important part regulating the procedures for dismissal of any kind of employee, as described in 3.16 below.

2. RECRUITMENT, SELECTION AND DEPLOYMENT

◆ Selection procedures for entry

2.1

Due to the non-existence of a specific law, all procedures follow the respective parts of the Labour Code. Conditions for entry into the public service are generally the same as in all other branches of the national economy.

2.2

The selection and recruitment of public servants is fully decentralised. According to the Labour Code, all responsibilities and rights connected with the selection and recruitment of employees are given to the statutory head of the respective organisation (ministry, regional office), who may delegate these responsibilities to a lower level. All organisations have human resources departments responsible for the management of these issues. In principle, the right of the respective head to select public servants is not subject to outside influence, with the possible exception in the case of top level public servants.

◆ Qualifications

2.3

Generally, entry into the public service is free from any restrictions. Person from other sectors may enter the civil service at any time, provided that he/she has the necessary qualifications for a given post, as described for example in the Decree of the Slovak Government no. 157/1997 Coll. on special qualifications for some activities in county offices and district offices, the Decree of the Slovak Government no. 163/1992 Coll., which provides the conditions for exercising posts with the state administration authorities for the environment, which require special qualifications according to the Decree of the Slovak Government no. 72/1996 Coll. and the Decree of the Slovak Government no. 157/1997 Coll., etc. When entering the civil service, an employee must submit to the employer a work evaluation in which a previous employer has evaluated his/her job performance, qualifications, abilities and other criteria connected to job performance according to paragraph 60 of the Labour Code. Recently, positions have been occupied based on a selection procedure.

Persons entering the public service from other branches receive credit towards years worked in public service according to their respective experience. For example, years worked in private business may be calculated by a coefficient of 0,5 or 0,3 but also of 1,00, depending on the decision of the respective office and the kind of private business. The decision on accepted length of experience credited is made by the respective head on the advice of the human resources department of the respective office.

2.4

The screening procedures for candidates for the public service are highly comprehensive. The basic standard is that each applicant has to provide a CV, response to a personal questionnaire, references from previous employers, copies of all relevant documents (certified by a notary) such as a master's diploma, certificates, birth and nationality certificates, and other documents according to a list prepared by each respective organisation. It is not common practice to accept only written or oral declarations that a future employee has the prescribed qualifications. Many organisations also establish direct contact with previous employers to check all information provided by a candidate.

◆ **Probation**

2.5

There is generally a three-month probationary period for public servants. During this period each servant has to have a special adaptation plan defining his main tasks.

◆ **Transitional arrangements**

2.6

In principle all public servants from the previous communist administration were eligible to enter the new public service, as they were considered the same as all other groups of employees. According to government regulations, civil servants had to pass, during the first years of transition, a compulsory examination -- a so-called examination of professional ability. Approximately 2500 civil servants passed this examination during the first phase of the reform. There were, and still are, some specific arrangements limiting the ability to hold some posts in the public administration resulting from specific laws -- for example, the former federal law *Lustracny zakon*, limiting the ability of former secret service agents and staff to hold a defined range of posts in the public service. In practice it can be concluded that most of the professional public servants who wished to remain in the public service after 1989 were able to stay on, in some cases in a different position or a different office. The reason for this is a kind of "Velvet Revolution", but also because of a lack of demand for public service posts. Only the new proposal of the act on civil service shall provide requirements for the transfer of employees into the new civil service (fulfilment of qualifications provided by the act, successful completion of an examination).

2.7

Generally only the Labour Code is valid in this respect [pre-transition public servants ineligible to continue in the public service]. This general law does not have any paragraphs concerning this issue. As mentioned in 2.6 above, specific arrangements may apply in specific situations and posts.

◆ **Mobility**

2.8

There is no legal framework concerning this issue [transfer of public servants between institutions]. Public servants moving from one ministry or from one public body to

another generally have to terminate their employment in one organisation and to enter a new job in the new organisation. There are some limited possibilities for temporary short-term assignments in different public bodies, as described in the next paragraph.

2.9

Paragraph 38, section 4, of the Work Code regulates the legal framework for a temporary assignment of an employee to another employer. This framework, along with the provisions of paragraphs 126 and 141 of the Work Code on employees' qualification welfare, allows a temporary placement of employees for the purpose of their professional qualification development related to EU accession. All ministries and other public service bodies manage this issue independently. All organisations have special (education and training) budgets to cover all kinds of training costs.

◆ Appeal

2.10

There are no specific rules on this issue connected with the public service [arrangements to enable unsuccessful candidates to appeal]. According to the Labour Code, there is no right to employment in the public service. Public service bodies are employers in the same way as all other employers, and their statutory heads have the full right to select employees. Generally there is no right or institutional system to appeal against a decision not to select a particular candidate (only if legal norms and rules are broken, for example the conditions of public competition were not followed). In practice this means that the decision on possible employment is fully in the hands of the respective head.

3. CONDITIONS OF SERVICE, PAY AND CAREERS

◆ Employment system

3.1

The employment system may be characterised as a post-based system. There is no pre-defined career path in the public service, and the only issue related to career is the increase in basic salary according to the number of years and to the scope of responsibility. In principle it is possible to enter any type of position in the public service (once the prescribed qualifications are fulfilled) from any other sector. This also happens in practice.

3.2

As mentioned above, the only grading system is the one used in the salary scheme for public servants, as defined by law (Law 143/1992 on salary and rewards for working readiness in budgetary and some other organisations) and by respective regulations. In this scheme all public servants (with some exceptions) are paid a basic salary according to two criteria:

- 12 grades based on academic qualifications and scope of responsibility;
- 10 classes based on experience (length of service).

◆ Rights and duties of public servants

3.3

There is no specific law regulating this issue [service rights and service obligations of public servants]. Some basic general duties are provided by the Labour Code as specific rights and obligations of employees of state administration authorities, judges and prosecutors of the Slovak Republic, the Bureau of the Slovak President, the Bureau of the Slovak National Council, the Slovak Highest Control Office, the Slovak Information Service, state funds, and municipal employees. Paragraph 73, section 2, of the Work Code provides obligations such as:

- to act and decide impartially and to refrain from any action that could jeopardise the trust in impartial decision-making;
- to preserve the secrecy of information obtained in connection with job duties, and which must not be reported to other persons in the interests of the employer; this does not apply in cases where a statutory organ or a duly authorised leading employee relieves the employee of this obligation, unless a special act provides otherwise;
- not to accept any gifts or advantages in connection with job performance, with the exception of gifts and advantages provided by the employer or based on legal rules or union contracts;

- to refrain from any action which could endanger the public interest for the benefit of private interests, and especially not to misuse information obtained in connection with job performance for one's own benefit or the benefit of another person.

Paragraph 73, sections 3 and 4, of the Work Code provides restrictions for public service employees:

- they must not be members of managing or control organs of legal entities constituting an enterprise, except in cases where they were delegated to these organs by their employer. [Public service] employees are allowed to engage in private business only with the previous consent of their employer.

According to the Labour Code, all civil service organisations have to design a specific internal binding document -- a so-called Working Order (paragraph 82 of the Labour Code), defining all internal structural relations in the respective organisation, including the basic rights and duties of all employees. Each employee is given a Job Description, defining his/her concrete rights and duties in a very comprehensive way. This is the case in all public service organisations.

◆ Career development and promotion

3.4

There are no direct legal arrangements related to this issue [arrangements enabling public servants with special skills/qualities to progress in their careers]. However, some indirect issues may be mentioned:

- In 1997 the law on top-level specialists was implemented, defining the possibilities for better salary conditions of the best public servants.
- The previous government established a special system of "secondments for young graduates". Graduates from universities became eligible to enter posts in the central civil service and, if successful, had the possibility of staying in a relatively high-level position after this secondment period. This experiment encouraged some young experts to stay in the civil service.
- According to paragraph 74 of the Work Code, leading employees are obliged to regularly evaluate the working attitude of employees and their work outcomes, and to ensure a recompense to employees, rewarding their initiative and work efforts, which are also a basis for promotion or nomination to a higher post.

It is also necessary to stress that there are no barriers in the post-based Slovak system to being placed on a "fast track". The respective head of the organisation has in principle the full right to appoint an employee to any position within the organisation, as is frequently done.

3.5

There are no generally valid and applied rules/criteria for awarding promotions. A salary increase (move from one grade to a higher one) is generally based on an increase in the scope of responsibilities. The decision to promote a public servant to a higher post in the public service is the full responsibility of the statutory head of an organisation. This decision is in practice based on many different arguments -- which might be professional, but political arguments are also taken into account. The higher the position, the higher might be the weight of the political factor in influencing an appointment or a promotion.

3.6

To regulate the system of evaluating civil servants, the Office of the Slovak Government published in 1997 the evaluation rules for state administration employees. The basic criteria for evaluation are as follows:

- professional knowledge and experience;
- ability to motivate and manage people, to organise the work of a unit;
- fulfilment of extraordinary tasks;
- work approach;
- team orientation;
- ability to accept orders;
- further professional development and self-improvement.

The Western type of performance appraisal is not used as the norm. There might be some exceptions in progressive institutions, but they are not known to the author.

◆ Training

3.7

All public service institutions have a special budget heading to finance the training of public servants. The sum designated for training generally cannot be used for a different purpose. A specific document, "Conception of training in local state administration", was prepared in 1995, but did not come into force. A specific institute is responsible for public service training -- the Institute for Public Administration in Bratislava. This institute provides training in a number of areas related to the public service, including language training. Most, if not all, institutions have internal capacities for the language training of their employees. Public service institutions are free to order any kind of training materials from other public or private bodies, within their respective budgets. Most, if not all, institutions have internal regulations related to the training of employees.

3.8

There is no central system of training of public servants in relation to EU integration. Some courses are carried out at the level of the Cabinet Office, Department of European

Integration. Core ministries, such as the Ministry of Interior, do not have any long-term specialised training programmes for their employees on EU integration issues.

3.9

As mentioned above, no pre-determined career path exists in the Slovak public service. However, it could be possible to argue that training is an important basic requirement for any public servant. There are other documents of different legal weight related to the compulsory training of public servants. The most important system in this respect is the system of specific professional requirements to perform selected jobs in regional and district offices; Government Decree no. 157/1997 deals with this issue. This legal document defines all posts requiring specific professional pre-conditions (preparation). It stipulates that professional training of this group of public servants must consist of adaptation entry training and adaptation preparatory training. All branch ministries have created internal branch regulations defining the system of compulsory training of public servants in the respective branches (on both central and local levels). The document, "Life-long training in civil service", has been prepared for final evaluation by the government. If accepted and enforced, it will define the obligatory requirements for the training of all civil servants.

◆ Right to join a union and to strike

3.10

According to the Labour Code, public servants have full rights to join trade unions, and they have also the right to strike. The conditions for joining trade unions and the right to strike are the same as for all other (general) groups of employees, as defined by Law 2/1992 on collective bargaining (this law also defines where the right to strike is limited).

The most important rights connected to trade union activities are as follows:

- all employees have the right to receive information about their organisation via trade union bodies;
- trade unions supervise and have the right to control the fulfilment of the Labour Code by employer organisations;
- trade unions have the right to comment on all dismissals of employees who are members of the respective trade unions;
- the employer has to negotiate with trade unions the conditions of employment, protection of employees, health and environmental consequences of employment, and all measures influencing the majority of employees.

According to Law 83/1990 on citizens' associations, several trade union organisations may exist in one public service body (as is the case).

In reality trade unions in the public service are less important than those in other branches of the national economy. No active strike has been organised by trade unions

in the public service in Slovakia (some warnings were announced).

3.11

The most important trade union organisation in the civil service is *Slovensky odborovy zväz pracovníkov statnej spravy*, with a total of 36 000 members. According to unofficial information, this trade union organises 16 000 civil servants (it might be possible that not all of them represent the “core” group). There are also other trade unions in the public service. In the core civil service (as defined) there also exists *Vseobecny slobodny odborovy zväz*, with a total of 4 500 members.

◆ Pay components

3.12

As mentioned above, the remuneration of public servants consists of two basic components:

- basic salary according the salary scale;
- increments.

All possible increments are defined by the respective law, the most important of which are the following:

- leadership (top management functions);
- temporary replacement;
- working at night;
- working during Saturday or Sunday;
- working beyond the defined working scale;
- specific reasons (risk-connected posts, etc.);
- personal increment (in the case of long-term excellent results);
- rewards (realisation of specific duties, other extraordinary results, working and life anniversaries, etc.).

The last two components of the increments structure are voluntary increments (all others listed are compulsory in defined conditions). Both are frequently used, and for top-level positions may represent an important part of basic income.

3.13

The proportion between basic salary and bonuses and allowances in take-home pay is not the same within all civil service institutions, nor within groups of civil servants. We might estimate that, on average, bonuses and allowances represent 10-20 % of the income of a public servant. This proportion is higher for top-level employees, and lower for low-skilled personnel.

3.14

In principle there are no important fringe benefits given to public servants. Only top-ranking public servants (general directors, heads of office) might receive some fringe benefits; most of them are eligible to obtain a “service” car. Ministers not residing in the capital might be given immediate access to an apartment. More and more frequently

civil servants at top and middle management levels are being provided with a mobile phone.

3.15

Generally there are no such arrangements [special pay arrangements for public servants in areas related to EU accession].

◆ Termination of service

3.16

These procedures are fully provided according to the respective paragraphs of the Labour Code. The basic provisions are as follows:

- service can be terminated by common agreement between the employer and the employee, by notice, by immediate cancellation of service, by cancellation during the probationary period;
- termination by notice can be submitted by either the employer or the employee;
- the employer may terminate service by notice only in the situations defined by law, such as:
 - termination of activity;
 - redundancy;
 - medical and hygiene purposes;
 - insufficient qualifications of the employee;
 - breach of service discipline by the employee.

The procedures for all kinds of termination are prescribed by the Labour Code. In the most common case of termination by notice, the notice must be submitted in written form. The period between delivery of notice and termination is two or three months depending on the purpose of termination. In reality, the employee's right to employment is very effectively protected, and it might be very difficult to dismiss any public servant without having a concrete reason defined by law.

3.17

The case of termination of service by notice due to redundancy (paragraph 46 c) of the Labour Code) provides for severance pay, generally representing two months' income of employee (Law 195/1991 on severance pay). If the employee returns to the civil service within a defined period of time, he/she must return the severance pay received.

3.18

There are no special arrangements for public servants regulating this issue [legal guarantees to enable redundant public servants to reintegrate the public service]. According to the Labour Code (paragraph 47), the employer is responsible, in co-operation with the respective state administration body, to effectively help the employee find a new job. There is no right to reintegration into the public service.

4. PERSONNEL MANAGEMENT STRUCTURES AND CONTROL OF STAFFING

◆ Coordination of personnel management

4.1

In principle, personnel management in the public service is fully decentralised. Responsibility is given to statutory heads of organisations, who have a great deal of real freedom in this area. Ministers are responsible for personnel management in ministries as central authorities. According to paragraph 11 of Law 222/1996 Coll. on the organisation of local state administration, state administration exercised by county and district authorities is controlled by the Government. Ministries co-operate with the Interior Ministry for an activity evaluation, professional preparation of employees of county and district authorities, and structural determination of posts. According to paragraph 26 of the Work Code, organs supervising employers are obliged to monitor how employers fulfil their obligations regarding the creation and development of working relations. Personnel management is decentralised to organs, with certain modifications according to paragraph 8 of Law 222/1996 Coll.

4.2

Basic common rules are defined by the Labour Code. The government issued in 1995 a suggestion as to how to organise personnel management within the respective ministries. Within the existing general legal environment, all branches of the administration are relatively free to decide on internal rules for personnel management within the office. Ministries may issue binding regulations related to personnel management issues within the respective branch of public service. Some general responsibilities are given, according to Law 222/1996, to the Interior Ministry which, according to a government decision, co-ordinates the functioning of ministries with regard to their management and control of state administration, as follows:

- in co-operation with the Ministry of Finance and other competent ministries, the Ministry of Interior determines the number of employees for county and district offices;
- in co-operation with competent ministries, the ministry advises county offices and district offices with regard to the creation of departments and other organisational units;
- in co-operation with competent ministries, the ministry ensures the professional preparation of county and district office employees, and determines the structure of posts in county and district offices.

4.3

There is no such institute in the Slovak Republic [central body for developing personnel management policy] . It is proposed, within the framework of the new Civil Service Code, to create such an institute.

4.4

There are no formal mechanisms based on law to realise these issues (between branches) [coordinating and monitoring personnel management]. As mentioned above, individual ministries may initiate some activities in this respect (within the existing framework provided by the Labour Code and by other legal documents) related to the respective branch of the public service.

◆ **Staff involvement in personnel decision-making**

4.5

Yes. As mentioned above, the personnel is represented by trade unions. In the case of more than one trade union in a single institution, representation is determined according to an agreement between these trade unions; if agreement is not achieved, the trade union organisation with the highest proportion of employee members is designated to represent the staff (Law 120/1990 on relations between employers and trade unions). Trade unions also represent employees who are not members of any trade union organisation. The basic principles of representation of staff are defined by the Labour Code. Law 2/1991 on collective bargaining defines the principles and mechanisms of preparation of collective agreements between the employer and employees. Collective agreements define remuneration issues of employees, the scope of other benefits for employees, conditions of service and other important issues related to employment. Collective agreements may increase the scope of services provided to employees by the employer beyond the framework of basic laws. Collective bargaining resulting in the conclusion of a collective contract is limited in state administration, because the range of working conditions and wage claims to be negotiated collectively is limited by the Work Code and by other legal rules on working relations for employees of the state administration.

◆ **Management and control of staffing**

4.6 - 4.7

The staffing process is in principle centrally controlled. Several mechanisms exist in this respect:

- **financial tools:** All staffing issues are controlled in detail by the Ministry of Finance. The Ministry of Finance defines by the Law on the State Budget the scope of resources available under the budget heading “salaries” as the binding norm. This means that each public service institution can use only the defined sum for remuneration.
- **administrative tools:** A systemisation of working positions exists in each branch of the public service. The government defines the number of posts in the central state administration (for example, in 1998 it was prescribed to the Office of the Government to have a maximum staff of 269 employees, and to spend a maximum of 50 028 000 Sk on salaries). The Ministry of Interior, based on Law 222/1996, defines by binding regulation (*Vzorovy organizacny poriadok - Vestník vlády SR*,

part 4, 1997) the organisational structures and numbers of staff in regional and district offices of state administration.

Staff and salary ceilings are in this respect strictly limited and reported regularly. Vacancies have to be filled within a specific time period, or these positions will be excluded from the organisational structure of the respective organisation.

4.8

In principle, yes [money saved by not filling a position can be used for other purposes]. The remuneration budget, if not used because of vacancy or illness, can be used for salary increments (nominal rewards). It is common practice that these funds are redistributed to staff at the end of the financial year as a single cash benefit. The practice of using vacancies as a means to increase salaries cannot be used in a long-term perspective. As mentioned previously, vacancies are carefully monitored and generally after one-two years of existence of the same vacancy, the staff ceilings will be changed.

◆ Job evaluation and classification and job descriptions

4.9

There is no Western-type general system of job evaluation and job classification in Slovakia, and there is no legal requirement for such a system. The respective ministries or organisations prepare internal schemes in this respect. What does exist is the catalogue of employment, which contains the qualification requirements in terms of education and the characteristics of the working activities of state administration employees (mainly for remuneration purposes).

4.10

It is the general rule and common practice that all public service organisations create internal job descriptions for all employees. This approach is implicitly provided by the Labour Code, paragraph 29. According to this paragraph, the compulsory part of the working contract is also the definition of the employee's kind of job. Definition of the kind of job implicitly determines the job description of the respective employee. The job description is the list of duties of the employee resulting from the kind of job. The job description is not a part of the working contract but a separate document with relevant legal weight. The job description may change at the time of internal changes in the organisation or when the kind of job of the employee changes. There is no defined time period for updating of job descriptions.

4.11

As mentioned above, job descriptions define the scope of duties of the respective employee. There is no common formula used for job descriptions which is valid for the entire public administration system.

◆ Management and control of pay and salary payments

4.12

There is one unified pay scheme for all standard positions in the public service, which is

not valid for special groups under specific laws, such as the police corps and the army (Law 143/1992 on salary and rewards for working readiness in budgetary and some other organisations). Only top-level public servants' salaries are defined by a specific scheme. This general scheme defines the basic salary for any public servant according to the given salary grade (12 grades) and salary class (10 classes).

4.13

As mentioned previously, in principle there is one general law defining all basic principles of pay determination in the public service. This law is further detailed by binding regulations issued by a decree of the Slovak Government. According to this law, the basic salary is provided to every public servant. The decision regarding the incremental (non-compulsory) part of income is the full responsibility of the respective statutory head of the organisation, within given upper limits and based on the scope of resources under the budget heading of "salaries". The Ministry of Finance does not have direct responsibility for these decisions, but in reality has enough competencies to influence changes within the salary scheme and the amount of remuneration funds allocated according to the situation of the state budget.

4.14

According to information provided to the author, all public sector organisations use computerised systems to administer the payroll. However, these systems are not compatible throughout the entire administration or between branches. Decisions on software are under the full responsibility of the statutory head of the organisation.

◆ Appeal against personnel decisions

4.15

All of these arrangements are in the first instance defined by the Labour Code. According to paragraph 207 of that law, all lawsuits between the employer and employee are to be solved by the courts. Before going to court, paragraph 22 defines the right of trade unions to supervise the fulfilment of all parts of the Labour Code, which allows for the possibility of solving problems between the employer and employee through the active participation of trade unions. As mentioned previously, the employee is in a very good legal position to protect himself in personnel matters. However, legal protection would not be sufficient in cases where working relations and conditions in the office are inappropriate.

◆ Evaluation of use of resources

4.16

There are not enough effective arrangements in this respect [public disclosure and scrutiny of the use of public service resources]. The general public does not have access to detailed information about efficiency, effectiveness and economy of use of public resources. According to Law 47/1990 on the organisation of ministries and other central bodies of the state administration as amended, Law 222/1996 on the organisation of local state administration as amended, Law 39/1993 on the Slovak Highest Control Office, Law 10/1996 on control of state administration, there is a controlling process

which submits its findings to specified bodies (the Slovak Highest Control Office, the Slovak National Council), and these findings are also presented to the public. In many expenditure cases, the comparison between costs and benefits is not carried out. Some general information, such as reports on the state budget, are published by the media. However, some measures in this respect have now been taken (for example, Website pages of public institutions), and it is also envisaged to prepare the relevant legal norm. Most offices do not wish to disclose data on the use of public resources (as has also been apparent in the case of this questionnaire, in spite of the fact that it is an official activity approved by the respective governmental structures), either to the general public or to experts and academic bodies.

4.17 - 4.18

One could consider the periodical revisions carried out by the Ministry of Finance as an instrument fulfilling a part of these tasks [audit of use of human resources and of personnel costs]. As a general rule, the Ministry of Finance undertakes every three years the financial audit of all public service organisations, including the audit of the payroll. Different bodies have the right to exercise additional controls in this area on an ad hoc basis, especially the Supreme Audit Office and internal audit bodies of respective ministries.

B. PUBLIC SERVANTS: PROFESSIONAL ROLE IN POLICY FUNCTIONS AND DECISION-MAKING; RELATIONS WITH THE PUBLIC AND WITH POLITICIANS

5. LEGAL COMPETENCE, ABILITIES AND ACCOUNTABILITY MECHANISMS

◆ Legal basis for actions of public servants

5.1

According to the Constitution (Article 2):

“State bodies may act solely in conformity with the Constitution. Their actions shall be subject to its limits, within its scope and governed by procedures determined by law.”

“Anyone may act in a way not forbidden by law and no one may be forced to act in a way not prescribed by law.”

These parts of the Constitution provide the general basis for action of any citizen, and are also important in the public service. To follow this general rule, in principle each law includes parts defining the scope of authorisation to act of the respective body in the area specified by this law (such as a list of expected regulations and the responsibilities of the respective body in the implementation of this law). For example, the Constitution (article 120) stipulates that “the Government shall have the power to pass regulations for the implementation of laws within limits defined by law”, and the same is true for ministries within the scope of their responsibilities as provided by the respective laws (article 123).

◆ Requirements to carry out government policy and to obey orders

5.2

There are internal and external hierarchical structures in the public service in Slovakia. Internal hierarchical structures within public administration bodies are defined by internal documents (*Organizacny poriadok* -- Organisational Order). Several hierarchies apply to the public service system as a whole, such as the hierarchy of organisation as defined by law, the hierarchy related to the law drafting system as defined by law, the hierarchy of responsibilities of public servants and bodies to act independently in administrative action as defined by law.

5.3

According to paragraph 73 of the Labour Code, the employee is obliged to fulfil all orders of the employer (relevant manager) issued in accordance with the existing system of legal norms. This means that the employee has the right to refuse to take administrative actions which are in conflict with legal provisions. In the case of an

employee who does not refuse to carry out such an action while knowing that this action is in conflict with a legal provision, he/she is fully responsible for such action. It is recommended to use a written form of communication to inform the respective manager of the legal conflict of the action in question as a safeguard in the event that this conflict becomes a lawsuit to be resolved in court.

◆ **Lines of accountability**

5.4

In administrative actions (from a legal point of view and at the first level), all laws define the scope of authority of the respective public servant or body to act independently. For example, according to the law, at the first level the decision of a district doctor is the final decision. In the area of policy-making, respective laws define concrete institutions, departments and public servants responsible for policy-making issues in a defined area. For example, a regional doctor is responsible for the development of regional health policy. However, in most cases the scope of policy-making activities is limited because of the primary focus on administration. All of the important conditions of public service delivery are also defined by law, including the basic principles of an authority or respective body or public servant to act independently.

5.5

According to the Constitution (article 114), “the Government shall be collectively responsible for the exercise of governmental powers to the National Council of the Slovak Republic which may take a vote of confidence at any time”. Article 116 states that the “members of the Slovak Government shall be individually accountable to the National Council of the Slovak Republic”. According to these provisions and to additional legislation, all ministers are directly responsible to parliament. Ministers are to appear before parliament when asked by its members, respond to all inquiries within the given time limit, be present when related legislation is discussed and voted, submit reports to parliament on request, etc. The issues of accountability of the respective public servants to their ministers are defined by general legislation (defining the extent of their freedom in administrative action) and by internal documents establishing the organisational structures of the office.

The accountability of public servants may be divided into two levels:

- general administrative accountability: The general administrative supervision of the decision-making of public servants is exercised by the prosecutor. The prosecutor, ascertaining the illegality of a legal act, may ask parliament to cancel it. The prosecutor, ascertaining the illegality of an act concerning an individual matter of a natural or legal person, has the right to officially protest such an illegal decision and to request that this decision be cancelled or changed. The prosecutor, ascertaining the illegality of repeated administrative activity of a state administration body may apply a warning.

- specific accountability: divided into two types:
 - professional accountability: Generally ministers or heads of institutions do not have the right to change an administrative decision where the respective public servant is defined as the final decision-making body by law.
 - Labour Code (employment) accountability: All public servants are accountable to the statutory heads of the respective organisations in labour relations.

◆ **Ability to innovate**

5.6

There is no common scheme and unified approach in this area [to encourage public servants to offer new ideas]. Some ministries do more, some less. An example of good practice is the institution of the position of top-level public servant (connected with a better salary) to support active behaviour, internal brainstorming, a target premium for solving a given problem or issue. All ministries and ministers have several advisory bodies (*Kolegium ministra* and others).

◆ **Management practices**

5.7

Line managers can use financial and non-financial incentives to motivate staff and to reward good performance. Most institutions have some kind of internal rules to determine rewards. Quantitative criteria are used in some institutions to calculate the level of rewards given to particular public servants for their yearly performance. Generally financial rewards are considered as more effective than non-financial tools of motivation.

◆ **Management control**

5.8

There is no common system for line managers to supervise and control the quality of performance, productivity and expenditure. Managers have the right to control the quality of performance and productivity, but no general indicators have been defined. As a result, means and forms of control in these areas vary between public administration institutions. Benchmarking is not used as a rule. In relation to expenditure, the system of cost-centres is not used in public administration. There is one pilot project to introduce cost-centres (information management system) in the regional office in Banska Bystrica.

◆ **Parliamentary accountability**

5.9

As mentioned in 5.5, according to the Constitution, members of government (and not

public servants) are directly responsible to parliament. It is common practice that ministers appear before parliament, answer questions, or respond to inquiries in written form. Parliamentary committees might also invite lower-level officials (directors, heads), but it is not common practice to invite middle or lower management level public servants.

5.10

This is not a written rule, but in most cases it does happen [ministers following up parliamentary reports criticising the administration by taking actions against public servants at fault].

◆ Non-judicial accountability

5.11

There is an extensive and diverse system of external and internal instruments ensuring the legality of public administration in Slovakia. As mentioned above, general administrative supervision of the legality of acts is the responsibility of prosecutors. The National Audit Office controls the management of public funds, management of the tax system, and management of the rights and obligations resulting from participation of the state in financial/economic relations. The Office of the Government controls the fulfilment of tasks of the public administration, management of resources of the state administration and management of petitions, complaints, announcements and initiatives. All other public administration bodies create their own control systems to investigate actions taken by public servants. Neither the institution of ombudsman nor a court of auditors has been created in Slovakia.

5.12

The rights of prosecutors were described in 5.5 -- they may officially protest or apply warnings. The National Audit Office reports the findings of investigations with regard to a public administration institution, which is subsequently required to correct all insufficiencies and report in written form on the results to the National Audit Office. The Office of the Government protocol for control is discussed with the respective controlled body, which is then required to take the effective measures to repair all reported shortcomings.

◆ Judicial accountability

5.13

There is only one system of general courts in Slovakia which decide on proceedings challenging the actions or decisions of the administration.

5.14

These issues are regulated by Law 58/1969 on the responsibility of the state for damage caused by the decision of a state administration body or by the wrong administrative procedure of a state administration body. According to this law, the state is responsible for all damages and cannot "delegate" this responsibility. A claim in such a case is

submitted to the respective central organ of the state administration. If this organ does not respond within six months, the claimant may submit the case to court. The state is responsible for compensating damage, but also as a second step in recovering from the respective state administration institution the costs resulting from the case. Individual responsibility, especially economic responsibility of the respective public servant to his/her organisation for damage to be recovered, is regulated by the Labour Code, part 8, paragraphs 170-206.

5.15

The affected (damaged) legal or physical person has the full right to challenge an administrative decision before the court according to the Law *Obciansky sudny poriadok* -- Citizen's Law Cases Court Order. Special rights in this area are given to the Constitutional Court (article 127 of the Constitution): "The Constitutional Court shall review the challenges to final decisions made by central government authorities, local government authorities and local self-governing bodies in cases concerning violation of fundamental rights and freedoms of citizens, unless the protection of such rights falls under the jurisdiction of another court." There are very few such cases before the regular court, especially due to the very long duration of any kind of case and to the difficulty in proving the illegality of an administrative action. However, there are examples of successful cases against administrative decisions. Full legal aid is also available for these cases, because they are of the same nature as all other cases within the framework of the *Obciansky sudny poriadok* Law (see also later).

6. PUBLIC SERVANTS AND POLITICS

◆ Legal provisions defining the principle of professional independence of public servants

6.1

There are no such explicit provisions in the Constitution or in laws [defining the political impartiality and professional independence of public servants]. Some implicit expressions might be found in the Constitution (article 30, part 4) and in the Labour Code, defining equal access to public administration posts. Paragraph 73, section 2, of the Labour Code sets for an employee the obligation to act and decide impartially while performing job tasks, and to refrain from any action that could jeopardise the trust in such decision-making.

◆ Political affiliation and activities of public servants

6.2

There are no legal restrictions in this respect [public servants belonging to, or playing an active role, in political parties]. It is an unwritten and accepted rule that political parties cannot be active within public administration offices.

◆ Contacts with political parties/parliamentary organisations

6.3

There are no comprehensive restrictions in this respect [professional interaction of public servants with political parties or interest groups]. Some kinds of prohibited interactions are defined by Law 119/95 on limiting the conflict of interest when performing posts at the constitutional level and at the level of higher civil servants, and by the above-mentioned paragraphs of the Labour Code.

◆ Role of public servants in policy-making

6.4

These issues [facilitating impartial and professional policy advice by public servants] are to be dealt with in the new Civil Service Code. In the current situation some legal provisions protect against dismissal for political reasons -- see above paragraphs on the Labour Code. However, we do not think that these provisions and other implicit provisions (such as constitutional principles) are really effective in facilitating impartial and professional policy advice by public servants.

6.5

In general, yes [ministers make use of public servants to provide professional and impartial policy advice]. The real situation might differ according to the respective ministries. As mentioned in 5.6 above, all ministries have special advisory bodies consisting of internal and external experts.

◆ **Changes of officials on changes of government**

6.6

All matters concerning the replacement of public servants are defined by the Labour Code. It is impossible to dismiss a public servant if the conditions set by this law are not in place, and if the public servant is not willing to leave. However, in principle, after each change of government, especially after elections changing the political power structure in parliament, many top management level public servants are replaced. This is in principle the standard procedure regarding political appointees -- state secretaries, heads of ministries, heads and vice-heads of regional and district offices. Public servants are not effectively protected against replacement. According to the Labour Code (paragraph 65), it is fully possible to use the tool of demotion -- “an employee elected or nominated to any post may be removed from this post”. After such a removal the employer has to negotiate with the respective employee regarding a new post within the organisation. If there is no appropriate post, or if the employee refuses to accept a post, he/she can be dismissed. This means that the new government or office management has effective powers to replace civil servants, if so desired. A specific form of replacement is through the common procedure of an “announcement of posts”. Some posts are to be filled only by this procedure, organised in both regular and extraordinary ways. Former “post-holders” have the right to compete with other applicants, but it may be the case that the choice of candidate is pre-determined.

6.7

As mentioned previously, a few posts in the civil service (state secretary, head of an office, head of a regional or district office) are defined as political posts and depend on the tenure of a minister. All civil servants employed according to the Labour Code can only be dismissed following the prescribed procedures provided by this law.

7. STANDARDS OF CONDUCT; MECHANISMS FOR ENFORCEMENT; SANCTIONS

◆ Regulation of administrative functions

7.1

The standards of performing administrative acts are defined by Law 71/1967 (Administrative Law), valid in principle for all kinds of the activities mentioned [performing administrative functions, regulation-making and service delivery]. There are no other laws defining specific issues related to regulation-making or service delivery performance of a public servant.

7.2

Law 71/1967 defines all of the basic standards of relations of public servants to the public. There might be additional internal rules detailing these issues within the framework of a particular branch or institution. According to this law, decisions of the state administration are to be perfect (include all prescribed items, be issued by the competent body, react to the real situation, and be legal and correct). This law also defines legal deadlines for the realisation of administrative decisions or actions.

◆ Transparency in decision-making

7.3

This question [are administrative actions made subject to transparency and openness?] does not have a definitive answer. Law 71/1967 defines all of the principles of administrative decision-making in a comprehensive way, and provides for a high level of protection of the citizen against wrongdoing by public servants. This means that anyone affected by an administrative decision has the right to obtain information on the reasons for the decision (but no one can guarantee that the real reason will be provided). However, as a general rule valid for all taxpayers (having the right to control all issues connected with public expenditures), there is no legal document defining the right of the citizen to have access to information related to the transparency of general public administration decision-making. Public administration bodies are not obliged to disclose the background of decisions, especially those related to the use of public resources. Too many issues relating to public administration functioning are so-called “internal secrets” of the respective organisation.

7.4

There are at least two laws that guarantee secrecy and confidentiality of personal data and administrative actions -- the law on protection of service and state secrecy and the law on protection of personal data. These laws define the scope of secret and confidential information. All institutions may develop their own internal rules in this area.

7.5

As mentioned in 7.2 above, Law 71/1967 claims that an administrative decision is to be perfect and defines all substantial parts of an administrative decision as follows:

- formal requirements -- written form, identification of the institution issuing the decision, identification of the participants in the decision, date, official stamp, name and function of the person empowered to sign the decision.
- contextual requirements -- the act must include the respective decision, define the purposes of this decision and list the possibilities for appeal procedures.

7.6

If we speak strictly about “encouraging” [public servants to report wrongdoings and maladministration], we might argue that there are no special arrangements related to public servants in this area. However, relatively effective general measures are in force, as all actions breaking any law are to be reported by any legal or physical person (under the given circumstances).

◆ **Standards of conduct of public servants**

7.7

There are no general standards [and principles of conduct of public servants] defined by a specific law (excluding Law 71/1967 and general provisions in the Labour Code, such as paragraph 73 previously mentioned). All institutions may issue internal documents on this subject. There does not exist any kind of ethics code in the public service. A draft of such a code was prepared within the framework of the Phare Programme in 1998-99.

7.8

Specific mechanisms (such as legal documents) focusing on the investigation of breaches of standards of conduct and on disciplinary actions which are valid exclusively for the civil service are in principle not in place (excluding Law 71/1967); the prevention dimension is at least partly missing. On the other (executive) side, according to general legislation, concerned legal and physical persons have effective legal rights to cope with such cases, especially when legal norms are broken. They have the right to appeal, to ask for the details of a decision, to ask for the investigation of a decision, to ask for the renewal of an administrative action, to ask for the investigation of a decision by the court, and to take the case to court, or to the Constitutional Court in defined conditions. A prosecutor files a protest in the case of the illegality of a decision. All disciplinary action against a responsible public servant is to be taken within the framework of the Labour Code, part 8.

7.9

All of these issues [grounds for disciplinary action] are dealt with in the Labour Code, such as in part 8. There might also be internal rules of limited legal power defined for those cases which are valid for specific institutions.

7.10

There are no specific institutional arrangements in this area [to resolve day-to-day ethical problems]. According to Article III of the Work Code, rights and obligations in work relationships must be exercised in accordance with rules of decency and respectful coexistence.

◆ Mechanisms preventing incompatibilities and conflict of interest

7.11

Several legal measures relate to this issue [prevention of incompatibilities]. Public servants generally cannot manage a private business, and they receive salary increments to compensate for this restriction. According to general taxation legislation, ownership of assets over a defined value has to be disclosed for the purpose of property tax. Legal documents also define incompatibilities resulting from conflicting posts in the public administration. The most important legal document in this area is Constitutional Law 119/1995 on limiting the conflict of interests when performing posts at the constitutional level and at the level of higher civil servants. This law covers posts of central elected politicians (members of parliament) and of top central civil servants (ministers, state secretaries, etc.) According to this law, all respective officials and politicians “cannot carry out in professional and family life any kind of activity that is in conflict with his/her post and that may threaten his/her trustfulness”. It is prohibited, for example, to accept presents over a given value, misuse information, have an additional job, participate in advisory boards of business enterprises, etc.

7.12

There are no such legal provisions [restrictions on employment on leaving public service].

◆ Mechanisms for combatting corrupt activities

7.13

Corrupt activities are prohibited on the basis of Law *Trestný zákon* (Penalty Law), as latest amended by Law 129/98. However, we may conclude that there are no effective institutional mechanisms to prevent such activities, in spite of proclamations in the programme *Ciste ruky* (Clean Hands) adopted by the 1994-98 government. Several measures and actions carried out by external and internal controls exist, but they do not have a systematic character.

7.14 - 7.15

There is no specialised independent body with exclusive powers in this area [to investigate allegations of corruption]. However, there are other bodies and legal documents linked to the investigation of corrupt activities, the most important of which are:

- financial police activities, carried out on the basis of the law on the

police corps (Law 171/1993);

- National Audit Office;
- Office of Government;
- law on organised crime;
- law on the fight against legalisation of income from the most important forms of organised crime;
- law on public procurement;
- law on protection of witnesses;
- law on suspicious bank operations.

7.16

No, there are no such bodies [with powers to prosecute corrupt actions of public servants]. All prosecution is to be exercised by the courts.

C. PUBLIC SERVICE DEVELOPMENTS AND CONSTRAINTS

8. PUBLIC SERVICE DEVELOPMENT

◆ Government action on public service development

8.1

After the “Velvet Revolution” of 1989, the process of gradual transition to a pluralistic, democratic public administration system began in Czechoslovakia. Many important changes were made during the early stages of the transition period, such as the re-establishment of self-governing municipalities with a high level of independence, and the abolition of the system of national committees. In the Slovak part of Czechoslovakia, 38 district offices and 121 sub-district offices of local state administration were created. At the same stage of reform, many institutions of specialised local state administration were also created (such as school offices, environmental protection offices, fire departments, health care administration offices and many others). This process split local public administration into many separate, relatively independent structures, with the negative features of fragmentation.

As a result of historical developments, Czechoslovakia democratically split on 1 January 1993 into two independent countries -- the Czech Republic and the Slovak Republic. Due to the relatively unstable political situation in Slovakia during the period 1993-95, a “wave” of new public administration reform activities and changes arose only in 1996, characterised mainly by the following structural changes:

- a reverse change back to general local state administration;
- a new change in the territorial structure of Slovakia;
- the start of a process to establish a regional self-government level.

This reform wave resulted in the current state of local government in Slovakia, as set up at the end of 1998.

The second step of public administration reform, which began in 1996, is characterised by the parallel solution of a radical change of the territorial and administrative structure of the state and the establishment of a uniform two-tier system of offices of general state administration with a broad range of tasks and responsibilities. These important changes were reflected in two important laws.

Law 221/1996 on the territorial and administrative subdivision of the Slovak Republic in its first part addresses the issue of territorial subdivision, which creates the legal framework for the establishment of a spatial dimension for the execution of self-governments. In the hierarchy of territorial units, the law defines the priority of the municipal status, which is logically linked to the fact that it is administered on a self-governmental principle. The set of territories of individual municipalities, supplemented

by the areas of military counties, form the territory of Slovakia. The law also specifies the territorial county of a higher territorial unit, which it identifies with the territorial district of a region.

In the second part, the administrative subdivision of Slovakia into a structure of eight regions and 79 districts is defined, serving as the local limitation of the authority of state bodies, unless otherwise defined by a special law. The basis of the state administration in this structure is formed by regional and district offices with a broad range of tasks. The administrative units also include municipalities and military counties if they perform state administration responsibilities according to special laws.

Law 222/1996 on the organisation of local state administration completes the new territorial subdivision of Slovakia by limiting the structure and authority of bodies of local state administration. This includes the two-tier hierarchical structure of regional and district offices, which are controlled by the government as the supreme body of executive power of the state.

The law anticipates that the administration in the territories of regions and districts will also be carried out by other entities within the limits of special laws. However, regional and district offices are given the specific status of “first among equals” in the definition of the task of co-operation with other state bodies, with bodies of territorial self-governments, and with other entities:

- by the fulfilment of common tasks;
- by compliance with legitimacy and law and order;
- by the protection of rights and freedoms of the population;
- by the provision and maintenance of sound living conditions for the population;
- by the reduction of impacts resulting from extraordinary events.

Due to the fact that 79 district offices cannot evenly cover the whole population of Slovakia, regional offices may, in the public interest and especially with a view to bringing the state administration closer to the citizen, establish a permanent or temporary workplace outside of their official location (there were 23 such workplaces created by mid-1998).

The scope of authority of regional and district offices was substantially extended. At the end of 1998 they carried out state administration in 32 sectors of activity. Due to the substantially varied sizes of districts, district offices are subdivided into three groups by size.

The economic power of eight regional offices, which are specific budgetary chapters, may be described by citing the following figures:

- Regional and district offices have established budgetary and semi-budgetary organisations and facilities in the following most important sectors (totalling more than 135 000 employees):

- education: approximately 7 500 organisations and facilities;
 - social care: approximately 370 organisations and facilities;
 - health care: 95 organisations;
 - culture: 39 organisations.
- Regional and district offices have a staff of approximately 20 000 employees;
 - Expenditures of regional and district offices were approximately 38 billion Sk in 1997.

As mentioned previously, based on Law 222/1996, most of the deconcentrated workplaces of central bodies were cancelled on 24 July 1996. Local state administration is carried out mainly by local state administration bodies, which are not an organisational part of central bodies. However, a small number of tasks is carried out by deconcentrated organs of central bodies, which were not cancelled:

- Inspectorates of the Slovak Inspection of Environment, as deconcentrated organs of the Ministry of Environment of the Slovak Republic, act as an inspection for the protection of water quality and other components of the environment.
- Inspectorates of the Slovak Office for Labour Safety act as an inspection of safety measures and health protection at work and of the security of technical equipment.
- Regional workplaces of the Slovak Statistical Office act as regional workplaces for statistical information-gathering.

8.2 - 8.3

In this section we summarise the most important issues of the 1998 Government Programme: “Based on the political and economic situation, the Government will address the optimal arrangement of the public administration in such a way that it ensures the basic needs of citizens. This will require continuing to decentralise the responsibilities of the State to lower levels of the public administration while respecting the subsidiarity principle. The Government will direct this process with a view to the overall performance of the economy in such a way that decentralised tasks are appropriately ensured using financial resources.

The Government will ensure the ratification of the European Charter of Local Administration, together with the necessary extent of obligations, and will also deal with the possibility of the implementation of other provisions of the Charter in national legislation. Based on the analysis and in accordance with the principles of the above Charter, the Government will realise further decentralisation of the competencies of local state administration bodies to territorial administration bodies and prepared regional administration authorities.

Following the transfer of competencies to territorial authorities, the problem of their financial independence will be solved in order to increase and determine stable financial resources and flows in such a way that state interventions through a system of

appropriations are limited in favour of the financial independence of municipalities.

The Government will assess the need to amend the Act on Territorial and Administrative Structure of the Slovak Republic.

The Government will propose to neighbouring states that international arrangements be concluded, regulating the form and extent to which local and state authorities can develop cross-border co-operation.

The Government will enforce the consistent observance of laws in matters between authorities and citizens.

The Government will make the state administration performance closer to citizens.

The Government will create conditions for the improvement of the professional level of the public administration staff and their systematic training and education.”

This basic policy document has now been developed and more detailed reform policy documents should be published soon. The government appointed Mr. Ing. Viktor Niznansky as the government appointee for public service reform.

8.4

Many projects are carried out internally or on the basis of international co-operation (such as within the framework of the Phare Programme). We cannot mention all initiatives, but in relation to the contents of this questionnaire, we have first to stress the preparation of the Civil Service Code and the Public Service Law. These laws are expected to be submitted to the National Council at the end of this year. To describe additional important activities, we might list the most important planned legislative activities of the government related to public administration issues:

- amendment of the law on state administration of education;
- actualisation of a strategy for regional development;
- concept of local financial administration;
- strategy of further development of the reform and decentralisation of public administration;
- report on activities of regional and district offices of state administration;
- delimitation of selected responsibilities from police offices to regional and district offices;
- set of measures to increase the quality of co-ordination between state administration bodies;
- proposal to rationalise internal structures and activities of state administration bodies;
- draft law on access of the general public to information describing activities of the state administration and use of public funds;

- project to implement quality control in regional and district offices;
- draft concept of an information system for local state administration;
- draft law on the creation of regional self-government;
- project on a unified system of education and training of public servants in all branches of public administration;
- draft strategy to increase the economic basis and scope of responsibilities of small municipalities.

8.5

The proclamation of efforts of the current government to fight against corruption are explicitly written in the Government Policy Programme for 1998: “The Government will evaluate and propose more effective legislative measures to diminish corruption in the society, with special focus on corruption in the police corps.”

◆ Staffing strategies to facilitate EU accession

8.6

No, work is in progress [overall strategy to meet staffing needs connected with preparations for EU accession].

8.7

No, work is in progress [personnel management mechanisms to ensure stability in staffing of key functions for EU accession].

◆ Resourcing public service development

8.8

There is no special central body to realise public service reform, with the exception of the Council of Government for Public Administration (a small unit attached to the government and to the Ministry of Interior). As a result, it is impossible to define the scope of staff resources involved in public administration reform.

8.9

Again, there is no special centralised body, if we do not count as such a body the current Department of European Integration, which deals with issues such as European integration, approximation of law, and Phare technical assistance. Each ministry has a special department for European integration. Expected developments in this field are stated in the Schedule of Tasks in connection with the preparation of the Slovak Republic for EU Membership, which was approved by the Slovak Government (creation of a uniform institutional system which would include: a ministerial council, working committee and departments of European integration in ministries and other central bodies of the state administration, with direct links to either a minister or head of a central body of state administration, or to either a state secretary or deputy chairman of a central body of state administration.

◆ **External assistance and conditions**

8.10

There are many bilateral and multilateral, general and specific, central and local programmes of external assistance to the Slovak public administration reform. At the current time the most important might be the Phare Public Administration Reform Programme, which began in the autumn of 1997 and was completed in March 1999. This comprehensive programme, with the consortium of Euroservice Development, Ltd. as contractor, touched in principle on all areas of public administration reform, from the Civil Service Code to the internal financial management of offices. There is no central co-ordination of programmes of external assistance, and it happens that the same issue is dealt with several times by different programmes.

8.11

There are no direct, externally-imposed conditions of public service development other than the conditions related to EU accession.

D. NUMBERS AND TABLES

9. DATA

◆ Numbers and distribution of public servants

Note: It is very complicated to obtain any aggregate data on public service and its human resources because of the decentralised personnel management of the civil and public service. Many data are taken from a selective analysis realised on an ad hoc basis.

9.1

Table 1. Employment structure in Slovakia

Indicator	1994	1995	1996	1997
Employed in the economy	2 096 282	2 146 791	2 116 554	2 059 024
of which: private sector	1 106 275	1 278 983	1 335 776	1 330 359
public sector	990 007	867 808	780 778	728 665
Employed in public administration, defence, compulsory social security	72 775	81 539	81 647	82 361
Employed in education	180 807	183 038	176 948	168 840
Employed in health and social work	129 400	128 166	125 052	119 423
Employed in other public services	67 597	78 179	72 757	65 889

Source: *Statistical Yearbook SR, 1998*

Table 2. Employees in state administration and local self-government

	1995	1996	1997
Employees of municipalities	51 227	53 981	52 329
incl.: employees of municipal offices	19 993	18 698	17 601
Employees of state administration		64 170	60 288
incl.: general administration		50 643	56 474

Source: Internal data of the Ministry of Finance

9.2 - 9.3 - 9.4

To describe some aspect of this question, we might include the following selective tables:

Table 3. Selected information on heads of district and regional offices (1997)

Selected aspect	% heads of district offices	% heads of regional offices
a1/ men	81	100
a2/ women	18,9	0
b1/ under 35 years of age	11,3	87,5
b2/ 35-45 years	55,7	12,5
b3/ over 45 years	32,9	0
c1/ secondary education	8,9	0
c2/ university degree	91,1	100
law	3,8	0
economics	10,1	12,5
pedagogy	12,6	12,5
technical sciences	43,0	62,5
agriculture	10,1	12,5
other	17,0	0
d1/ length of practice in civil service: up to 3 years	44,3	50,0
d2/ length of practice in civil service: 3-10 years	35,4	37,5
d3/ length of practice in civil service: over 10 years	13,9	0
d4/ no practice in civil service	6,3	12,5
e1/ active English	0	0
e2/ active German	5,0	0
e3/ active Russian	40,5	12,5
e4/ active other language	11,3	25,0

Source: internal data of the Ministry of Interior

**Table 4. Educational structure of all employees of district and regional offices
(total numbers -- 1 April 1997)**

Level of education	Grade											Total
	12	11	10	9	8	7	6	5	4	3	2,1	
University - law	1	137	347	181	30	5	1					702
- economics	1	127	209	219	94	9	1					660
- agriculture and forestry	1	137	298	419	143	12	1					1011
- technical sciences	5	323	577	697	235	25	3					1865
- natural sciences	0	37	71	86	25	0	0					219
- pedagogy	2	98	285	166	47	15	0					613
- medical sciences	2	164	432	184	38	0	2					822
- other	2	105	146	202	79	14	3					551
3- year course in the Institute of Public Administration	0	24	39	48	18	3	0					132
Higher professional education			7	24	50	64	7	1	2			155
Full secondary - gymnasium			67	121	509	704	120	68	20			1609
- business academy			164	375	1503	1639	327	168	45			4221
- other			322	562	1785	1718	408	174	119			5088
Secondary without state examination					16	59	50	29	33	27	13	227
Primary					4	15	16	17	17	23	25	117

Source: internal data of the Ministry of Interior

Table 5. Planned and real numbers of employees in the central Slovak administration

Central body	Number of employees 1992		Number of employees 1995		Number of employees 1998
	Plan	Reality	Plan	Reality	Plan (limit)
Slovak National Council	402	265	402	356	566
Office of the Government	122	122	197	140	269
Ministry of Foreign Affairs	96	87	470	425	1140
Ministry of Interior	180	173	204	171	546
Ministry of Justice	178	164	366	317	444
Ministry of Finance	455	346	560	450	600
Ministry of Management and Privatisation of National Ownership	150	132	168	131	135
Ministry of Environment	261	241	313	302	291
Ministry of Education	302	291	266	232	266
Ministry of Health	173	165	207	170	205
Ministry of Labour, Social Affairs and Family	271	229	331	306	382
Ministry of Culture	139	136	156	136	175
Ministry of Economy	388	368	497	444	556
Ministry of Agriculture	655	627	408	384	383
Ministry of Building Industry and Public Works				32	186
Ministry of Transport, Post and Telecommunications	110	103	340	290	312
Office of Geodesy, Cartography and Cadastre	49	43	53	48	59
Central Statistical Office	275	281	363	331	379
Office of Nuclear Supervision			72	66	76
Office of Industrial Ownership			135	125	138
Office of Safety in the Workplace	41	39	57	52	61
Office of Administration of State Tangible Reserves			129	109	
Anti-monopoly Office	66	53	72	58	72
Office of Norms, Metrology and Examinations			53	48	58
Total (including unnamed bodies)	5 431	4 842	6262	5483	7 951

Source: State Budgets -- 1992, 1995, 1998

Table 6. Number of employees in former district and sub-district offices in 1995 (decentralised system of state administration) and in district and regional offices in 1997

Level of education	Number of employees		
	1995	1997	1998 (limit)
University degree	2 940	6 575	
Secondary education	7 449	11 073	
Primary education	345	344	
Total	10 734	17 992	20 000

Source: internal data of the Ministry of Interior

◆ **Pay levels**

9.5

Table 7. Remuneration scale in state budgetary organisations (valid for most civil servants) -- October 1997 (Euro = ca. 43 Sk)

Class	Praxis	Grade											
		1	2	3	4	5	6	7	8	9	10	11	12
1	0 - 3	2900	3040	3300	3620	3990	4440	4850	5400	5960	6600	7290	8070
2	3 - 6	2970	3170	3450	3780	4170	4590	5060	5640	6240	6890	7620	8430
3	6 - 9	3050	3300	3600	3940	4350	4780	5260	5870	6500	7190	7940	8790
4	9 - 12	3170	3440	3750	4110	4530	4980	5480	6110	6760	7480	8270	9150
5	12-15	3290	3580	3900	4270	4710	5180	5700	6350	7030	7770	8590	9510
6	15-18	3410	3710	4050	4430	4880	5370	5910	6590	7290	8060	8920	9860
7	18-21	3540	3840	4200	4590	5060	5570	6130	6840	7560	8360	9240	10220
8	21-24	3660	3970	4350	4750	5230	5760	6350	7080	7830	8650	9560	10580
9	24-27	3780	4110	4490	4910	5410	5960	6560	7320	8090	8950	9890	10940
10	27 -	3900	4240	4630	5070	5580	6160	6770	7560	8350	9240	10210	11300

Source: Law 249/94 amending Law 143/1992 and respective government decree (see 3.2 and 4.12 above)

Table 8. Remuneration scale for top specialists -- October 1997

Class	Praxis	Grade					
		7	8	9	10	11	12
5	12 - 15	6960	8280	9820	10870	12010	13290
6	15 - 18	7220	8600	10190	11270	12470	13790
7	18 - 21	7480	8910	10560	11680	12930	14290
8	21 - 24	7740	9220	10930	12090	13380	14790
9	24 - 27	8000	9540	11300	12500	13830	15290
10	27 -	8260	9850	11670	12900	14280	15790

Source: Law 249/94 amending Law 143/1992 and respective government decree (see 3.2 and 4.12 above)

9.6

There are no differences [in pay levels] in the core public service. As mentioned also in previous sections, all special groups of public servants -- judges, fire brigades, police, etc. -- have special remuneration scales.

9.7

Table 9. Average monthly wage of employees in the economy of Slovakia per person (EURO = ca. 43 Sk)

Section of economic activity (NACE)	1994	1995	1996	1997
Agriculture, hunting and forestry	5 179	5 796	4 148	4 579
Fishing	-	-	-	-
Mining and quarrying	7 364	8 364	5 458	7 238
Manufacturing	6 065	7 137	4 370	5 215
Electricity, gas and water supply	8 796	9 852	6 006	7 613
Construction	6 491	7 459	4 617	5 536
Wholesale and retail trade	5 715	6 733	4 049	4 859
Hotels and restaurants	5 089	5 742	3 843	4 281
Transport, storage and communication	6 625	7 571	4 427	5 446
Financial intermediation	11 592	13 537	7 667	9 882
Real estate, rentals and business activities	6 551	7 765	4 516	5 450
Public administration and defence	7 207	8 375	5 110	6 308
Education	5 096	6 203	4 448	4 672
Health and social work	5 451	6 253	4 605	4 808
Other community, social and personal service activities	5 474	5 592	4 342	4 895
Total	6 088	7 081	4 519	5 261

Source: *Statistical Yearbook SR, 1998*

The minimum wage is provided for all branches of the national economy at the level of 3600 Sk/month.

◆ **Turnover rates among public servants**

9.8

There are no general data available.

Table 10. Turnover of workforce in district and sub-district offices -- 1995

Level of education	Number of employees		
	Total number of employees	Newly recruited	Left civil service
University degree	3094	693	572
Secondary education	7449	1135	511
Primary education	345	123	84

Source: internal data of the Ministry of Interior

9.9

It is impossible to prove that any public servant was replaced because of a change of government. There are no data available describing the turnover of public servants after the change of government in 1994.

◆ **Redundancy and termination rates among public servants**

9.10

There were no such programmes [for staff reductions 1994-97].

9.11

Due to the implementation of new laws on territorial and administrative structures, approximately 4000 civil servants were made redundant as the result of reform processes. However, most of them simply changed from a sub-district office to a district office, or from a district office to a regional office, and therefore stayed in the civil service. According to the Labour Code, all of these civil servants are counted as dismissed as well as newly hired persons because of the new employer.

9.12

No data available [on the number of public servants whose service was terminated for other reasons than redundancy].

◆ **Training of public servants**

9.13

We might be able to prove that all staff participated in some kind of training activity, and for some of the staff more than once a year. To describe centralised training, we might describe the scope of activities of the Institute of Public Administration, which is the core training institute for the civil service. In 1998 this institute provided 162 courses in adaptation training for employees of regional and district offices, with a participation of a total 3 576 civil servants. It also organised an additional 100 training courses on various subjects, with a participation of a total of 2 646 civil servants.

9.14

No data available [public servants participating in government-funded and work-related training programmes].

9.15

No general data available [public servants participating in language training]. The Institute of Public Administration organised language courses for 755 civil servants in 1998.

◆ Disciplinary proceedings against public servants

9.16

No data available [public servants subject to formal disciplinary proceedings].

E. THE JUDICIARY

10. DATA ON THE JUDICIARY

◆ Branches; hierarchical structure; distribution of officials

10.1

There is only one court system in Slovakia - the system of general courts (excluding military courts). The Constitutional Court of the Slovak republic is an independent judicial authority vested with the mandate to protect the integrity of constitutional principles (Constitution, Article 124, and Law 38/1993).

10.2

There is one hierarchical line of general courts - district courts, regional courts and the Supreme Court of the Slovak Republic. There exists the separate specific system of army forces courts, organised in a similar way.

10.3

Table 1. Number of judges, 1994-97
(situation at 31 December of the respective year)

Year	Type of court				Total
	Supreme Court	Regional courts	District courts	Military courts	
1994	78	299	723	18	1118
1995	80	312	738	18	1148
1996	78	315	793	20	1206
1997	75	379	739	20	1213

Source: Ministry of Justice

10.4

Table 2. Number of key officials, 1994-97
(situation at 31 December of the respective year)

Year	Type of court									
	Supreme Court		Regional courts		District courts		Military courts		Total	
	Pres.	Vice-Pres.	Pres.	Vice-Pres.	Pres.	Vice-Pres.	Pres.	Vice-Pres.	Pres.	Vice-Pres.
1994	1	1	4	16	43	55	4	4	52	76
1995	1	1	4	16	42	60	4	4	51	81
1996	1	1	3	11	42	65	4	3	50	80
1997	1	1	8	22	54	79	4	4	67	106

Source: Ministry of Justice

◆ Integrity of judges

10.5

The Constitution defines very clearly the status and independence of judges in articles 144 - 148. These principles are further elaborated in the specific Law 335/1991 (12/1993) on courts and judges. According to this law, judges are to be independent and bound only by law. They are elected by the National Council for a four-year term. Upon completion of this term, the National Council may re-elect the judge for an indefinite term. Judges can be removed from office only by the National Council and under specific conditions:

- upon conviction of a malicious offence;
- upon application of a disciplinary measure imposed for professional misconduct;
- in the case of inability to perform judicial duties for reasons of poor health for a period of not less than one year;
- upon reaching 65 years of age.

10.6

Law 335/1991 (12/1993) on courts and judges, Law 80/1992 on the state administration of courts, and all other relevant legal norms are not constitutional laws voted by a qualified majority of deputies. They are all passed by a simple majority of deputies. However, the most important principles are provided by the Constitution, including all basic rules relating to the appointment and status of judges (part 7 of the Constitution).

10.7

The process for the appointment of judges was described in 10.5 above. Promotion is based on the following main principles:

- the president and vice-president of the Supreme Court are elected by the National Council;
- the presidents and vice-presidents of regional and district courts are appointed by the Minister of Justice;
- the assignment of judges to respective courts is the responsibility of the Minister of Justice. A judge may be reassigned to a higher-level court with his/her agreement. A judge may be reassigned to a lower-level court only on his/her request (or on the basis of a valid decision of the disciplinary court).

10.8

Pay levels for judges are defined by Law 420/1991 on salaries of judges. The salary of a judge is defined by the salary grade (type of court) and the salary class (length of practice). The base is the “average salary of a judge”, which is the salary of a judge of a regional court with 15 years of practice. All salaries are expressed as a percentage of the “average salary of a judge” -- between 70 % and 130 %. The “average salary of a judge” is the same as the salary of a member of the National Council, which is three times the

average salary of an employee in the national economy. Allowances and bonuses do not represent an important part of the income of a judge.

10.9

As judges are elected by the National Council, they are not employees of the respective court.

Table 3. Number of elected judges, 1994-97

Year	Type of court				
	Supreme Court	Regional courts	District courts	Military courts	Total
1994	3	4	92	1	100
1995	-	4	47	-	51
1996	3	9	90	1	103
1997	-	2	23	-	25

Source: Ministry of Justice

Table 4. Number of judges leaving the judiciary, 1994-97

Year	Type of court				
	Supreme Court	Regional courts	District courts	Military courts	Total
1994	3	6	26	2	37
1995	1	4	20	-	25
1996	3	9	20	1	33
1997	7	9	17	-	33

Source: Ministry of Justice

Table 5. Reasons for turnover of judges, 1994-97

Year	Reason		
	Resignation	Not re-elected after 4-year period of service	Death
1994	35	-	2
1995	24	-	1
1996	30	-	3

1997	28	2	3
Total	117	2	9

Source: Ministry of Justice

10.10

There were no judges replaced as a consequence of the change of government in 1994. In 1996 there was an attempt to adopt a law allowing the government to move judges from one court to another without the personal consent of the judge. This law was not voted in parliament and did not come into force. Another problem was connected with the four-year probationary period of judges. After this period (the first four years of service) the Minister of Justice is responsible for submitting a proposal to parliament to re-elect these judges for unlimited service. This was not done in 13 cases, and subsequently (due to a considerable number of protests) 11 of these judges were proposed and elected.

◆ Court proceedings

10.11

Table 6. Cases settled by courts, 1994-97

	1994	1995	1996	1997
Criminal cases -- suits and proposed sentences				
- new	24 140	23 045	23 192	20 971
- settled	24 604	22 782	23 316	20 721
- unsettled	6 590	6 853	6 729	7 029
Criminal cases -- persons sued for crimes				
- new	34 401	33 851	33 135	29 130
- settled	34 929	33 291	33 764	28 772
- unsettled	10 682	11 242	10 613	10 971
Civil cases				
- new	76 177	81 195	87 913	107 105
- settled	71 113	75 935	81 695	90 096
- unsettled	60 434	65 694	71 912	88 921
Cases of care of minor children				
- new	33 497	34 047	32 742	34 443
- settled	31 148	34 012	33 076	33 577
- unsettled	14 385	14 420	14 086	15 030

Source: *Statistical Yearbook SR, 1998*

10.12

Table 7. Average process time for a court proceeding, 1994-97 (in months)

Kind of case	1994	1995	1996	1997
Business cases based on laws valid after 1.1.92	7,16	8,80	9,79	10,74
Labour Code cases	8,68	9,36	8,94	9,65
Selected cases according to the Family Law	5,72	5,66	6,08	6,69
Compensation of damage based on Citizens' Law	9,13	9,13	8,82	9,25
Cases related to the use of apartments	6,37	6,88	7,68	8,64
Business cases based on laws valid until 31.12.91	15,36	17,87	19,26	20,89
Cases related to ownership	10,24	10,90	10,82	11,19
Cases on other rights based on Citizens' Law	7,36	7,43	7,29	6,58
Other Citizens' Law-type cases	11,27	11,78	10,28	11,62
Administrative law cases	6,21	10,12	6,77	6,50
Total in this group	9,36	9,99	9,80	9,45
Cases connected with non-adults	5,49	5,41	5,60	5,74

Source: Ministry of Justice

Table 8. Length of criminal cases resulting in imprisonment, 1994-97 (in months)

	1994	1995	1996	1997
District courts	3,1	3,0	2,9	3,0
Regional courts	9,1	10,7	6,9	6,9

Source: Ministry of Justice

10.13

In civil law cases, all participants in court proceedings are equal (according to the Constitution, article 47, and respective laws). One aspect of this equality is guaranteed by measures linked to limiting the inequalities of participants for several reasons, especially unequal qualifications, education and information. Several forms of legal aid for all participants (compulsory and voluntary) are linked to this issue. The court must inform all participants of the availability of legal aid. In the event that a participant does not have a legal education, he/she is obliged to be represented by a lawyer in cases covered by administrative law. Most forms of legal aid are paid to participants in court proceedings according to the respective laws. The winner of the case has the right to reimbursement of costs (the scope is defined by the court) of the respective case from the defeated party in the case. The costs of legal aid provided by a "designated advocate" are covered by the state.

◆ **Training of judges**

10.14

The education of judges on EC law is provided mainly with the support of international institutions (Council of Europe, German Foundation for International Legal Co-operation, British Know-How Fund, Dutch Helsinki Committee and others). During the period 1994-97, 15 workshops were organised on this subject. A special two-year study of the “Application of EC law in decision-making of courts” has been set up. All judges are to participate in this course in a long-term perspective. The first 44 judges completed the course in 1997. In the second cycle 49 judges participated. There are two national experts on EC law -- Dr. Daniel Svaby from the Regional Court in Bratislava and Dr. Robert Fico, official of the Slovak Republic at the European Commission for Human Rights and the European Court for Human Rights.