

POLICY AND PROCEDURES OF THE CIVIL SERVICE

Shirdokht ZIARATI

Doğuş University

ABSTRACT: Turkey desires to join the European Union. There is a need to prepare a reform for administration in this country. Macro-management reform needs a model, which can be accepted by European Union. This article is an attempt to propose an application of international civil service laws. It deals with recruitment, training, promotion, relocation, and redundancy of staff members. The French Public Service Policy and Procedures has been recommended by author as the best international practice for all countries which desire to be in European Union.

Keywords: *Macro-management, Administrative Reform, French Model, International Policy, Civil Service Procedures, Public Service Laws, Recruitment, Promotion, Redundancy and Corruption.*

ÖZET: Türkiye Avrupa Birliğine girmek istemektedir. Bu sebepten dolayı ülke yönetiminde reforma ihtiyaç duyulmaktadır. Makro yönetim reformu Avrupa Birliği tarafından kabul edilecek bir model olmalıdır. Bu makale uluslararası sivil hizmet yasalarının bir uygulamasını teklif etmek üzere yazılmıştır. Personel alınması, eğitimi, terfisi, yer değiştirmesi ve fazlalığıyla ilgilidir. Fransız Kamu Hizmeti Politika ve Prosedürleri yazar tarafından Avrupa Birliğine girmek isteyen tüm ülkeler için en iyi uluslararası uygulama olarak önerilmiştir.

Anahtar kelimeler: *Makro Yönetim, Yönetim Reformu, Fransız Modeli, Uluslararası Politika, Sivil Hizmet Prosedürleri, Kamu Hizmet Kanunları, İşe-alma, Terfi, Seçme, Yerleştirme, Yerdeğiştirme, Fazlalık, Bozulma.*

I- INTRODUCTION

Inter to Europe, means respect the rules of European Union. Public Service Policy and Procedures is a subject of reform for all countries, which desire to join the European Union.

As an example for application of intentional best practice, and to ensure recruitment, promotion and selection based on merit, and also to deal with re-deployment, relocation and redundancy of staff members, this article recommends a model based on French civil service laws¹. In part because the French Public Service is much larger than that of other countries, in particular of the British one (Ziarati, 1997).

¹ This article is an attempt to summarize and translate 891 French pages of: République française, 2000, "Status Général des Fonctionnaires de l'Etat": Legislation et Réglementation, Direction Général de l'Administration et de la Fonction Publique (DGAFP), Paris: Lea editions des Journaux officiels, Author tries to adapt the French civil laws to the case of Turkey, Kazakhstan, etc, evaluates some civil laws and critics absence of some others (such as the laws about sexual harassment, etc.).

The major document about this model is a French book (*Status Général de Service Publique*) containing 891 pages (French Republic Ministry..., 1996). It is very detailed and complicated. There is a need to provide a critical review of the presented procedures in this book, select the best ones, synthesise the long procedures and adapt them to the case of each country which desire to inter to European Union. This article is an attempt to select, synthesise, adapt, and explain in English language the French Civil Service laws for use of non-francophone countries. The procedures for government use have been presented in the appendices.

Turkish experts by collaboration with the French ones could prepare a reform of administration laws to present to European Union commission. The procedures presented in the appendices could be helpful as an amodel for new legislation necessary for the reform of public civil service. This report has attempted to highlight only the important aspects.

Even if French Public Policy and Civil Service laws have been known as the largest and the "best international practice" (European Union Commission, 1997), a closer look shows some defeated procedures which need to modify. This article presents some critics on the procedures, which need a review. Finally author suggests a new version.

II- POLICY

The French Public Service makes a distinction between Central Government staff, called "agents de l'Etat" and those who have ordinary civil service status and who are called "fonctionnaires" (Brown and Garner, 1993). The remainders are non-established or work less than half time. Another important distinction is between the State Civil Service on the one hand, and local government entities on the other (*la fonction publique de l'Etat, et la fonction publique territoriale* (Steves, 1992)). This report deals only with those working for central government (*les fonctionnaires de l'Etat*). It also includes those with judicial status (magistrates) and military staff.

The Prime Minister has overall responsibility for the Civil Service. The Minister for the Civil Service helps him in this. Within the Ministry of the Civil Service there is a special department called "Direction Générale de l'Administration et de la Fonction Publique" with particular responsibility for pay policy. However the Budget Division of the Ministry of Finance, which signs all, plays the major role documents relating to the Civil Service.

The Civil Service is divided into grades, from A to D. Top level staffs are in category A, the rest being in B, C and D in descending order (République Française, 1994).

Freedom of opinion is guaranteed for all civil servants, and no distinction between them may be made on the basis of their political, philosophical or trade union convictions, nor because of race or ethnic origin (Machin, 1977).

No decision concerning recruitment or granting of full civil servant status, training, grading, promotion, or transferral of a civil servant may be made based on the fact that he or she was subjected to any kind of sexual harassment on the part of a person in authority (Maus, 1993).

The freedom to join a trade union is guaranteed for all Civil Servants. Trade Union organisations are recognised negotiating partners for the Government, and may also take court action in matters concerning the status of staff. Civil servants also elect delegates to represent them on various bodies concerned with the running of the Civil Service. The Higher Council of the State Civil Service, the Administrative and Technical Commissions, and Hygiene and Safety Commissions are composed of equal numbers of Trade Union representatives and representatives of the Civil Service itself.

Civil Servants have the right to take strike action, within the framework of the current laws.

Every two years the Government must present to the two houses of Parliament (the Upper House or Senate and the National Assembly) a report dealing with measures taken to guarantee sexual equality within the Civil Service.

III- RECRUITMENT

Selection of civil servants is made by means of competitive examinations, which rank all the candidates by order of merit (Chapus, 1993). Generally for these examinations there are pre-requisites concerning nationality (ie. European Union nationals) age and level of education. There are both "internal" and "external" examinations. The internal examinations are the means by which Civil Servants gain access to higher grades, and the external examinations are for those wishing to enter the Civil Service, and enable entry at various levels of competence.

The exceptions to the examination system concern the top level posts where reporting is directly to the government. These are posts such as Directors of Government Departments, Ambassadors, regional Chiefs of Police, regional Heads of the State Education system and some others. (See proposed procedures in appendix 1)

IV- PROMOTION AND SELECTION OF STAFF (based on merit)

Each "corps" has its own rules governing promotion up the hierarchy. A "corps" is divided into grades (normally 4) and within each grade are subdivisions corresponding to points on the pay scale. Promotion from one grade to the next is by selection, and the percentage of the members of a "corps" who may be in any one grade at any given time is determined by the statutes of the "corps" concerned. Movement up the pay scale within a grade depends on both seniority and job performance, which is evaluated in an annual report for each civil servant.

The annual report is in two parts. The first part consists of a single mark /between 0 and 20/ and which is given by the individual's supervising officer. After a complicated mathematical process of averaging out to compensate for the bias of different reports the mark obtained is communicated to the individual. The marks an individual collects each year determine the speed with which he or she advances up to the next step on the points system within the grade and thereby obtains a higher salary. There is however a certain minimum length of time that must be spent at each step on the points system (Documentation Francaise, 1994).

The second part of the annual report is a written appreciation of the individual's performance. Possible promotion up to the next grade in the hierarchy depends on this report. Ultimately both movement up the points system within a grade and promotion to a higher grade are decided by management bodies (the Commissions administratives paritaires or CAPS (Guedon, 1992)) 4. These enable staff representatives to have say in matters affecting promotion.

Promotion is usually only possible to the grade immediately above. Occasionally there may be exceptions if the promotion is determined by means of a selection process other than the competitive examinations. Moving up to a higher grade may have a pre-requisite of a minimum amount of time spent in further training, or of an evaluation of the professional capacities of the individual or be obtained through specific professional examinations. More generally it is obtained by success in the competitive examinations.

Those civil servants who exercise full time functions as trade union representatives obtain promotion on the basis of the averages of the civil servants in the same "corps". (See proposed procedures in Appendix 2)

V - REDEPLOYMENT, RELOCATION

In addition to full time activity within the civil service itself, arrangements exist for civil servants to be seconded in various ways. Different rules govern each type of secondment.

Various rules govern working hours, annual leave, maternity leave, sick leave etc. The normal working week for administrative personnel is currently 35 hours. People working 80% of full time (ie. 4 days per week) are paid 6/7 of full pay. Those working 90% are paid 32/35. The minimum annual leave is five times the number of days in a normal working week. Women are granted 16 weeks maternity leave, and men 3 days paternity leave. Sick leave is paid in full for the first three months and at half rates for the next nine months.

In the case where a civil servant is not able to do his or her job, either temporarily or permanently, for health reasons, the following rules are applied.

If after a period of sick leave, and after consultation with the appropriate medical services it proves impossible to adapt the individual's working conditions to enable him or her to continue in the same post, the civil service authorities may place the individual in another post. This is a post of the same grade, but where the work required is within the individual's capacity.

If a civil servant's state of health means that he or she is unable to carry out functions corresponding to his or her grade, then after an inquiry the individual is invited to apply for reclassification in a different "corps".

A civil servant that has made a request to be reclassified may be seconded to a different "corps".

If the consequence of the reclassification is to place the civil servant at a position on the pay scale lower than where he or she was in the original position, an exceptional arrangement is made whereby the individual retains the benefit of the original classification. This arrangement continues until he or she catches up in the new post.

Detachment: This is an arrangement whereby civil servants may be seconded to a post elsewhere in the public sector, or even in a few cases to the private sector, while at the same time retaining their seniority and pension rights. Such secondment may be of short or long duration, e.g. for a non-renewable period of 6 months, or for a renewable period of 5 years.

Such secondments may take place at the initiative of the administration or of the civil servant. They provide a means of extensive "cross-fertilisation" between the civil service and industry, since many civil servants use this procedure to spend long periods of time working for nationalised or partly nationalised industries. They may also go to international organisations, local authorities in metropolitan France or abroad, or universities. If the secondment is to the private sector, there are special procedures for prior approval of the secondment. "Detachment" also enables a civil servant to be elected to Parliament or be appointed a Government Minister. In all these cases the civil servant is entitled to return to his original "corps" at the end of the secondment. (See proposed procedures in Appendix 3)

TRAINING

There are three types of training:

- . Preparation for the various competitive examinations,
- . Upon admission, specialised training in preparation for starting work.
- . Later in the career, short periods of specialised further training.

There are arrangements to enable individuals to prepare for most of the competitive examinations. Separate arrangements exist for the internal and external exams. External candidates may attend classes at specialised institutions attached to the universities. Internal candidates (those who are already civil servants) attend inter-ministerial centre, and may be seconded for this purpose.

Internal candidates who are seconded for this purpose continue to be paid. This is notably the case for those studying to take the entry exam to the Ecole Nationale d'Administration (ENA).

The ENA trains those civil servants who will occupy the majority of the top civil service posts. The Ecole Polytechnique (somewhere between a military academy and an engineering school) also provides staff for many top jobs. Regional Civil Service Institutes train many other grades Civil Servants (Republique Française, 1994).

VI- REDUNDANCY OF STAFF

Redundancies can only be declared by law, which must provide for compensation. There are rigid procedures to be followed, including referral to the Joint Administrative Commissions, which make it very hard to dismiss civil servants.

A civil servant may resign, be asked to leave for various reasons, be dismissed as a disciplinary measure, or retire.

For five years after leaving the civil service, a former civil servant is forbidden to have any dealings with a private firm he or she has in any way controlled or with which he or she has negotiated contracts during his or her career. Provision also exists for forbidding certain specified activities in the private sector altogether. (See proposed procedures in Appendix 4)

VII- CONCLUSIONS AND RECOMMENDATIONS

The numerous national Schools of Administration (Ecoles Nationales d' Administration), Courts of Auditors (Cours des Comptes) and Prefectorial systems which have been set up across Europe, Africa and Latin America bear witness to the influence of France's government administrative system.

Some other countries, such as Kazakhstan, have set up a National Higher School of Public Administration based on the French model. After providing training for senior civil servants and to ensure success in the reconstruction period, the country needs to ensure that recruitment; selection and promotion are based on merit, and to deal with redeployment, relocation and redundancy of staff members. Turkey also prepares a reform. This report has tried to present the best international practise on the above subjects.

The declaration of Human Rights establishes the principle of equality in the face of the law, and particularly with regard to access to public service employment.

Rights and obligations are governed by statute. Once appointed, a civil servant has a legal obligation to work, to obey his or her superiors in the hierarchy, to observe secrecy about the work, and to carry out this work in a disinterested fashion. Civil servants benefit from various liberties, which apply to the population as a whole. These include freedom of movement and in private life; liberty of opinion and conscience; and the right to vote and to stand for election in local assemblies or Parliament, whatever position they may fill and without having to leave the civil service for the election or even if elected. In the case of election to parliament they are automatically seconded.

Civil servants also have rights as workers and are allowed to form unions with, in general, the right to strike. However members of the judiciary, policemen, prison warders, and communications staff of the Ministry of the Interior may not take strike action. Certain sorts of strikes are forbidden, and in any case notice of intention to strike must always be given.

There are three levels of consultation:

1° The Higher Civil Service Council (Conseil Supérieur de la Fonction Publique). This body deals with all general questions concerning the civil service. The trade union side has the right to appeal to this council in the case of disputes; 38 unions are represented; places being divided between the various unions according to a poll by civil servants, and half by the management side, of whom 4 are not civil servants. The Prime Minister presides all its meetings.

2° The Joint Administrative Commissions (Commissions Administratives Paritaires, or CAP). Within each Ministry such a Commission exists, for each "corps", under the responsibility of the personnel director. Staff representatives are elected by staff members. These commissions deal with all individual questions affecting staff, and have an important role to play in questions of promotion and discipline as seen above.

3° The joint Technical Commissions (Commissions Techniques Paritaires). In each Ministry there is an additional joint body which advises the Minister on questions concerning the organisation of the work, work methods and the elaboration or modification of statutes affecting the personnel concerned.

This structure of joint staff/management bodies provides certain guarantees in the case of disciplinary sanctions. Disciplinary power is vested in the administration, which may sanction different offences with punishments ranging from simple warnings to dismissal with loss of pension rights. In all cases the CAPs are consulted or notified about the envisaged sanctions. The individual civil servant may also appeal to an Administrative Court (Tribunal Administratif) which has the force of a court of law.

Recommendations

The French procedures (General Statutes of the Civil Service, 2000) are very detailed and complicated, containing 891 pages. This report has attempted to highlight only the important aspects. It is suggested that a group of qualified scholars, preferably graduates from the administration or management faculty, with the help of French specialists, study the French procedures thoroughly and adopt those rules and regulations which might be adapted to other country's culture and mentality.

The International Labour Organisation (ILO), the United Nations Development Program (UNDP) and the European Communities Commission can be consulted on this matter. These organisations might even provide financial support for the above study.

The recommended second step would be the setting up of three joint staff/ management bodies: A Higher Civil Service Council, Joint Administrative Commissions, and Joint Technical Commissions.

The recommended third step would be to conduct an inquiry to determine the following:

- 1) The effectiveness of the personnel,
- 2) Current and future qualification needs

3) The Quantitative and qualitative measures required satisfying the needs of new members of European Union.

Dismissal must be used as a disciplinary measure for **corruption** (Jean- Pierre, 1999). At present in some developing countries, it is not used sufficiently (see proposed procedures in Appendix 5).

Critics on French laws

Last but not least, the French laws need also to be reformed (Roy-Loustaunau, 1995 : 545 - 550). There is a vague law about sexual harassment. Any way some recent modifications has been done on sexual discriminations. For example in following point:

Freedom of opinion is guaranteed for all civil servants, and no distinction between them may be made on the basis of their political, philosophical or trade union convictions, nor because of race or ethnic origin.

It needed to be added and based on Gender (woman or man should have equal access to all civil service positions). It is done now.

Another law that needed an urgent modification is:

No decision concerning recruitment or granting of full civil servant status, training, grading, promotion, or transferral of a civil servant may be made based on

- (1) the fact that he or she was subjected to, or refused to be subjected to, any kind of sexual harassment on the part of a person in authority , or
- (2) the fact that he or she has spoken out about acts of sexual harassment concerning others (Lochak , 1992).

The legislators have modified this law and the modified version has presented in “recruitment” part (Roy-Loustaunau, 1995 : 545-550). However, it needs to be completed by a clear punishment for the authority that proposes or commits a sexual harassment on a candidate for a job or a staff working under his/her authority. Unfortunately, actually, the sexual harassment is very common in France.

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APPENDICES:

APPENDIX 1 – RECRUITMENT PROCEDURES

General rules governing access to the Civil service:

1) Only people having French nationality may become Civil Servants. However citizens of other European Union states may hold civil service posts which do not in any way concern the exercise of national sovereignty or the exercise of power by the State.

2) The following are reasons to refuse access to the Civil service:

. If the candidate has lost the right to vote and/ or be a candidate in elections (perte des droits civiques)

. If he or she has a police record incompatible with the carrying out of public functions

. If a male candidate has not fulfilled his military service obligations

. If the candidate does not meet the physical requirements for certain jobs (minimum height etc.).

The status of Civil Servant is given to people appointed to a permanent full- time position in either the central state administration proper, exterior services or State controlled services.

Staff may be recruited under ordinary labour legislation that is without the status of Civil Servant, in the following cases:

- 1) For specific functions which no existing body of Civil Servants is able to fulfil.
- 2) To fill representative functions abroad or when the type of job and the requirements of the employing organisation justify it.
People recruited directly in this way work under contract for a maximum period of three years.
- 3) Permanent full-time jobs as teacher-researchers in higher education or state research institutes may be filled by "associates" or "guests" while not having the status of Civil Servant.
- 4) Functions, which are of a permanent nature but are either part-time or seasonal, are filled by people recruited under ordinary employment legislation and who are not Civil Servants.
- 5) Handicapped people may be recruited for a period of one year, renewable once.

Employees who do not have confirmed Civil Servant Status do not benefit from either medical insurance or pension funds.

Specific legislation guarantees the independence of the members of "administrative tribunals. Decrees issued by the "Conseil d'Etat" also define a specific status for members of the armed forces, certain people recruited through the "Ecole Nationale d' Administration", a higher education institute specifically for training top level civil servants, and certain categories of researchers. (A distinction is made between being appointed (nomination) and being established (titularisation). This in turn depends on a distinction between an individual's grade and his job.)

More important jobs are within the scope of Government control. Appointments to these posts are made directly by the Cabinet.

Access to the Civil Service

As mentioned above, recruitment is by means of competitive examinations, of the following types:

- 1) Examinations which are open to any candidate possessing certain qualifications or having undertaken certain courses of study.
- 2) Special examinations reserved for candidates who are already civil servants. Candidates for these examinations must have worked for a certain length of time within the Civil Service and have received specific training. These examinations are really aimed at encouraging internal promotion, by the following methods:

Professional examination, an " aptitude list" drawn up after consultation of the Administrative Commission 3 (see above - Policy) of the Civil Service branch concerned.

The result of this process is to produce a list of all the candidates considered by the jury to be suitable for the posts under consideration, in order of merit.

The selection process consists of two stages:

- 1) Selection based on the candidates' files
- 2) Interview of those candidates retained after the above.

There may occasionally be a third stage, with final selection by a national evaluation commission. This composed of equal numbers of direct representatives of the Civil Service branch concerned, and trade union members elected by the staff.

The employment records of all Civil Servants must contain all the documents concerning his/ her career. They must be recorded, numbered and classified with nothing missing.

Nothing may appear in these records (or indeed in any Civil Service document) concerning political, trade union, philosophical or religious opinions or activities of individual civil servants.

Each civil servant has the right to consult his/her own personal employment record as described above.

APPENDIX 2 – PROMOTION PROCEDURES

Each civil servant has an individual annual report, which contains:

- 1) The mark (between 0 and 20) given by the supervising officer,
- 2) A more general written appreciation by the supervisor in charge of grading, which indicates the professional worth of the individual. This takes particular account of his or her knowledge of the job/ efficiency / sense of organisation and method / and manner of carrying out the work. This appreciation also indicates to what extent the individual is capable of carrying out certain specific functions particularly those corresponding to the next grade up.
- 3) Brief comments may be included from the individual under consideration, particularly concerning those functions, which he or she feels best able to fulfil.

Commissions Administratives Paritaires (Joint Administrative Committees) exist in each Ministry and for each "corps" which reports to the Personnel Director in charge. Half the members are elected by staff.

These reports are communicated to each individual concerned to enable him or her to be informed particularly of the grade given. Comments may be made as indicated above, then the report is returned to the supervising officer.

The individual reports are also communicated to the appropriate administrative commissions. However these commissions must, upon formal written request by a civil servant, ask the later's supervising officer to transmit his grade to him or her.

The administrative commissions may also, following a similar formal request by the civil servant concerned, ask the supervising officer to revise the grade given.

Once the final grade is established, each civil servant receives a kind of readjustment, which can be positive or negative, in relation to the average length of time for the "corps" under consideration to be spent at each step of the pay scale before moving up.

There may also be an annual collective distribution of reductions of the type described above. The reduction can vary from one month to half the total average length of service required for each step of the pay scale.

A maximum of 50 % of the civil servants belonging to a particular grade or "corps" may benefit from such reductions.

A table of promotions is prepared annually by the Civil Service, which lists the civil servants in order of merit in view of promotion. This is submitted to the Joint Administrative Commissions,

which also fill the role of "promotion commissions". The commissions may exercise the right to interview the individuals concerned.

The Ministers are charged with carrying out a decree, which is also published in the Official Journal.

APPENDIX 3 – SECONDMENT PROCEDURES

There are several methods of secondment as explained above. However secondment it is not possible in the case of private companies where the civil servant in the course of his or her duties in the previous 5 years has been in a position of authority or control over the company. Or, if the civil servant has had any role in drawing up or attributing contracts to the company.

Secondments may be imposed by the Civil Service after consultation with the Joint Administrative Commissions and if the new position is equivalent to the one previously held.

Secondments may be terminated earlier than planned by either the government department the civil servant originally came from, or the one to which he or she has been seconded. The seconded civil servant may also request that a secondment be terminated early. However if the department he or she came from cannot provide a suitable post, the civil servant will be put on unpaid leave until it becomes possible to take him or her back.

When the fixed period of secondment expires, the civil servant is immediately posted back to the "corps" he or she was originally in, even if this results in a situation of overstaffing.

In the case of imposed seconding, the civil servant retains his or her original salary if the one corresponding to the new post is less.

A correction is made to the annual grade in order to take into account the difference in the average grades given in the original department and the new one.

The rules governing retirement (age limits and amount of pensions) applied are those of the department to which the civil servant is seconded.

Other types of secondment

Different types of service are:

- a) Normal activity
- b) Secondment
- c) Special cases
- d) Unpaid leaves.

Special cases -"Hors cadres": In certain "corps", a civil servant with 15 years' service and a previous secondment of at least 5 years can further loosen his or her links with the civil service. This is by accepting a special secondment, which widens the scope of work; he or she can carry out. Seniority and pension rights are frozen. It is still possible in this case to return to the civil service proper, in which case the employer can buy back rights to a civil service pension for the duration of the secondment. Regional police chiefs "prefets", can be put in this situation at any time at the government's discretion but they retain seniority and pension rights.

Procedures

A civil servant who has undertaken at least 15 years of civil or military service counting for pension rights, may ask to be put in the special "hors cadres" category. This is possible if civil servant fulfils the conditions to be seconded to a publicly owned company, or in a government job which does not lead to ordinary "civilian" pension rights, or an international organisation. However a civil servant that has been seconded for 5 years or more to an international or other type of organisation no longer benefits from pension or promotion rights.

The initial duration of secondment in the "hors cadres" category cannot exceed five years. It can thereafter be renewed for further periods of a maximum of five years. At the end of each period the civil servant has the option of requesting a return to the "corps" he or she originally came from, as soon as a post in the appropriate grade becomes available.

If a civil servant comes to the end of a period in the "hors cadres" category and is not appointed to a post in the "corps" he or she originally came from, it is possible to retire with normal pension rights.

However, if he or she is not eligible for payment of a pension according to the rules governing his or her activity "hors cadres", it is possible to request that this period of activity be counted towards a civil service pension. This is on condition that contribution is made to the pension fund, for the period based on the remuneration received in the "hors cadres" activity.

Unpaid leaves. This is in many ways similar to the type of "hors cadres" secondment described above. It enables an individual to leave the civil service for a temporary period of three years for a variety of personal reasons (to attend to the illness of a child or relative, to take a sabbatical, to bring up young children or to follow a spouse who is posted away). It also applies to unpaid sick leave or may be used by individuals wishing to work for short periods in industry in the public or private sector, provided that this is deemed in the public interest and compatible with the individual's previous responsibilities in the civil service. After three years the individual either returns to the civil service, or may request that the leave be renewed for a maximum of another three years.

One incentive for civil servants to accept secondment terms is that they (or their new employers) are often entitled to the repayment of salary costs during training (and some of the cost of the training itself) if they resign completely from the civil service within 10 years of appointment.

APPENDIX 4 – PROCEDURES OF PERMANENT CEASING OF ACTIVITY

Resignation must be given in a formal written form, which clearly expresses

The writer's wish to leave his or her post. It only comes into effect if it is accepted by the civil service authority responsible for postings, and comes into effect at a date, which is decided by that authority.

A decision on the part of the authority mentioned above must be made within four months of receiving the letter of resignation.

If the resignation is accepted it becomes irrevocable. It does not create an obstacle to disciplinary measures if the actions provoking the measures become known only after the letter of resignation are submitted.

If the civil service authority refuses the resignation, the civil servant then has the right to appeal to the Joint Administrative Commission. The Commission is called upon to give an opinion and the reasons on which the opinion is based. This is then communicated back to the authority mentioned before.

A civil servant that in effect ceases to fulfil his or her functions before the date decided by the authority is liable to disciplinary action. For example, pension rights may be reduced according to the time not worked.

Dismissal for reasons of poor work performance

A civil servant whose work performance is insufficient and who is not eligible for retirement with immediate pension rights can be dismissed.

In the case of dismissal there is payment of compensation following certain rules.

The basis for calculating this compensation includes any extra elements such as family benefit or housing allowances as well as the salary at the time of dismissal.

The resulting compensation is paid monthly, but the payments must not exceed the gross salary paid in the last month of work. The payment of compensation automatically ceases as soon as the individual can claim pension payments.

In conclusion, a final and permanent ceasing of all activity as a civil servant may result from retirement, an accepted resignation, dismissal, and revocation. Also, the loss of nationality, or a decision of justice forbidding an individual to carry out any public function can lead to the loss of civil servant status. An individual in one of these cases may appeal to recover his or her position if the lost rights are later recovered.

APPENDIX 5 - CORRUPTION

From the French code of penal law, concerning corruption:

The fact, for a person holding public authority, or carrying out a mission of public service, or by a person in a public elected office, to take, receive or keep, directly or indirectly, any type of interest in a company, or in an operation for which the person has, at the time of the act, a supervisory, administrative, payment responsibility, is liable to five years imprisonment and a fine of \$US 70 000 (500 000 FF).

A civil servant having exercised control of any kind over a company, and who subsequently concludes a contract of any kind with the company, who expresses an opinion concerning operations carried out, who receives from the company any kind of interest such as employment, an advisory role, or shares in the capital within the five years following cessation of civil service activities is liable to 2 years imprisonment and a fine of \$US 30 000 (200 000 FF).

Stealing or misuse of money or goods, a civil servant who destroys, misappropriates or steals a document, public or private money, or any other object in the course of his or her duties is liable to 10 years imprisonment and a fine of \$US 13 000 (100.000 FF). Attempted destruction, theft or misappropriation carries the same penalties.