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RETROSPECTIVE ANALYSIS OF PRACTICE OF ROTATION IN THE PUBLIC SERVICE OF THE RUSSIAN FEDERATION

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trict.*

Normative regulation of rotation of public servants is investigated in the article on the example of the SCC and Russian Federal Drug Control Service. Here are noted the shortcomings of carried out personnel rotation, including its episodic nature without a clear planning, the lack of control over the rotation, the lack of evaluation of rotation effectiveness and monitoring of its impact on the productivity of employees, on the performance of services and departments, whose heads have been moved in order of rotation.

Formulated and suggested requirements to the normative legal regulation and organization of managerial personnel rotation.

Keywords: public service, rotation in public service, reforming of public service system, personnel rotation.

In accordance with the Decree of the President of the Russian Federation No. 261 from March 10, 2009 "On the Federal Program "Reforming and Development of the Public Service of the Russian Federation (2009-2012)" [6] in the civil service legislation were introduced novelties governing the implementation of rotation [1, 2]. These novelties must be applied in public civil service from 2013, and in the Ministry of Internal Affairs - from January 01, 2012. However, this method of organizing public service has been known in our country for a long time. Experience of rotation in the public service should be studied in order to take into account errors, identify possible obstacles in the process of implementation of new anti-corruption measures.

Personnel rotation was previously envisaged by the Interim Provision on the Committee for Protection of the State Border of the USSR, approved by the Decree of the President of the USSR No. UP-2951 from December 03, 1991 [4]; by the Provision on the Committee of Government Communications under the President of the USSR, approved by the Decree of the President of the USSR No. UP-2690 from October 10, 1991[3]. In accordance with the Provision on supervisory and control activity in the Russian Gosgortekhnadzor (RD 04-354-00) approved by the order of the Russian Gosgortekhnadzor No. 50 from April 26, 2000, rotation was prescribed for the inspectors assigned to specific hazardous production facilities, the duration of assigning to a particular object was limited to five years, within five years it was forbidden to send a newly appointed official to check a supervised institution, in which the expert had worked before moving to a supervisory authority.

The task of developing mechanisms of personnel rotation of public servants was set in the Program of Social and Economic Development of the Russian Federation in the medium term (2003-2005) approved by the Decree of the Government of the Russian Federation No. 1163-r from August 15, 2003 [7].

The first and most studied experience [11, 13, 14, 13-16] of implementation the Institute of personnel rotation of law enforcement service in the Russian Federation was obtained by the customs authorities. The decision to work out a mechanism of rotation of personnel in all customs bodies and institutions in accordance with their profile and specific activity was made in 1994. Activities to improve the work related with the rotation of personnel in customs bodies of the Russian Federation in 1994-1995 years [10] assumed a fundamental approach to establishing a rotation mechanism. It was needed to gather information about the staffing of regional customs authorities by categories of staff positions; to evaluate the possibility of their staffing at the expense of local resources or with bringing specialists from other customs authorities; to determine the terms of bringing specialists; to evaluate the

reserves to accommodate non-resident employees, arrange their life; to draw up lists of employees willing to participate in the process of personnel rotation; to consider the attractiveness of a region for employees.

Then the lists of customs authorities, which reasonably had to be completed by using short-term business trips (shift system), long-term business trips (2-3 years or 4-5 years), were drawn up. The calculation of the number of employees needed to ensure personnel rotation, including employees who wished to increase the long service due to the employment at easy terms, was carried out.

Order of the State Customs Committee of Russia No. 21 from January 12, 1996 "On the Rotation of Personnel in the Customs Authorities of the Russian Federation" approved the Instruction on the order of rotation of personnel in customs bodies. In accordance with it rotation should be carried out gradually and systematically, what involves the coordination of these activities between the central apparatus and regional bodies. Coordination, monitoring and resolution of other organizational issues were assigned to the Office of personnel and training institutions of the SCC of Russia.

For purpose of informational ensuring of rotation mechanism a database of available vacancies and information about the reserve of candidates for rotation was created. It seems, that the most important information, which allowed ensuring exactly the planned implementation of rotation, in this case was the staff reserve, because the decisions on replacing vacant posts, and even more, the decisions about the feasibility of replacing particular officials allow to exercise only point impact, what does not involve planned nature. The Instruction stipulated the timing of occupying posts by officials of customs authorities:

- 5 years for the officials who are in the basic nomenclature of posts of SCC;
- 3 years for the officials who are in the basic nomenclature of posts of a regional customs office;
- 3 years for other officials of customs bodies.

Rotation in customs authorities could take place either within of a customs authority, as well as between customs authorities. It envisaged the need to obtain the consent of an employee in the case of moving to the customs office, located in a different area. In such cases renewal of a contract was also needed. In the case of transfer of an employee to another structural unit of the same customs body the consent was not required. The Instruction contained a norm prohibiting the termination of fixed-term employment contract (contract) at the will of an employee. This norm, of course, is unconstitutional and greatly detracts labor rights of a public servant.

The requirement of signing by a moved employee a statement, which “in necessary cases” must be agreed with higher customs authorities, seems to be excessive. If the rotation is carried out within one customs authority without the consent of an employee, then, obviously, it is, at least, illogical to require a statement from him in which he requests to appoint him to the position for which he is moved against his will. It looks like a “cover-up” operation of a management decision through the initiative of an employee. In such cases it is sufficient to apply a law enforcement act of an authorized supervisor, with which an employee has to agree. In case of disagreement, refusal of an employee to occupy new position, it could be dismissed from a public authority.

If shakeup assumes change in the nature of official duties, the provision on compulsory passage by moved employees of appropriate course of theoretical and practical training on the profile of a structural unit, to which they are transferred, deserves positive evaluation. Admission to the independent performance of official duties is permitted by the head of a customs authority after apprenticeship of a moved employee.

Rotation between customs authorities was carried out after the examination of suggestions on the need in the appointment of specialists to fill specific vacancies in customs authorities and lists of employees recommended for service in other customs authorities, which represented appropriate information to the Office of Personnel and educational institutions of the SCC of Russia.

Obligatory condition of employees moving between customs authorities in the procedure of rotation was ensuring social guarantees regarding the size of salaries, fringe benefits and privileges, the possibility of booking of premises at the former place of service, providing living space for an employee and his family in the new place of service, compensation associated with moving. After the expiration of employment contract (contract) an employee had to be provided the opportunity to return for further service at the customs body where it had been moved from in the procedure of rotation, which did not impede further movement to another location.

Of course, the conditionality of connection between the rotation (in particular, held without the consent of an employee, to some extent, against his will) and service (production) necessity created a threat of conflicts, for the solution of which lacked the necessary legislative framework. A movement of employees between customs authorities was hindered by the lack of necessary material resources, first of all, official residential accommodation. As a result, the SCC of Russia failed to ensure stable operation of the rotation mechanism as had been planned. Separate

facts of movements had always been driven by the need for filling vacancies or displacement of particular employees in order to settle various conflicts

Another drawback of the procedure of personnel rotation established by the order of the State Customs Committee of Russia in 1996 was the lack of exact dates. The Instruction established time terms in the formula “as a rule”, which always allowed to complete the “experiment” with a particular employee prior to expiration or, conversely, leave it in the service in a new position for a longer period of time.

In the bodies for control over drug trafficking the rotation of employees was introduced by the order of the Russian Drug Control Service No. 36 from February 17, 2004 “On approval of the Instruction on the procedure of admission citizens of the Russian Federation to service, appointment, removal from office and assigning special ranks in the bodies for control over the traffic of narcotics and psychotropic substances” [8]. Its ground was the paragraph 71 of the Provision on law enforcement service in the bodies for control over the traffic of narcotics and psychotropic substances, approved by the Decree of the President of the Russian Federation No. 613 from June 05, 2003, providing for the possibility of transferring an employee to another position in the same body of Federal Drug Control Service, in other body of Federal Drug Control Service in the same area or to serve in a different location on the initiative of the Federal Drug Control Service body’s head and with the consent of the employee [5].

The Instruction required obtaining of the consent in writing. At that, there were several types of transfer:

- to a higher position (higher salary or special rank) – by way of elevation in office;
- to an equal position (same salary and same special rank) – when a need of service; in view of the rotation of staff; in other cases;
- to a lower position (lower special rank or lower salary) – on the base of the conclusion of an attestation commission; during conducting organizational and staffing activities; for reasons of health in accordance with the opinion of the military-medical commission; at the request of employee; in other cases.

The Instruction also considered employee’s report and presentation of appointment signed by the head of the body, in which the employee serves, as a basis for the transfer of the employee. Moving between bodies also requires negotiation between heads of the bodies concerned.

Thus, in this case also, there was also a mismatch between the rotation objectives and the form of its implementation. If rotation is carried out in a planned

manner, the positions, between which the transfer is made, are pre-defined, and the employees are moved in accordance with the approved schedule set by taking into account a number of important parameters, including the level of skills, organizational skills and business acumen, an employee's report can never be the basis of rotation. A report is required for a decision to transfer an employee to another position or to another locality according to his own will, which does not always coincide with the interests of service. Rotation must always be geared to the interests of service.

In addition, it should be noted that in the bodies of the Russian Federal Drug Control Service normative-legal, organizational-technical and material support of rotation was lower than in the Russian State Customs Committee. The considered order of the FDCS did not take into account peculiarities of rotation that distinguished it from other types of moving in service; did not regulate the procedure of rotation, did not required to conduct analytical work to identify vacant positions and positions, the most exposed to corruption, to draw up the list of employees to be moved in way of rotation, to create personnel reserve and draw up plans, schedules for rotation.

In our opinion, the lack of control and monitoring mechanisms is a common disadvantage of both considered acts. Rotation is provided, as it were, "for show", or at the discretion of the authorized managers. As a consequence, there is no analytical information on the impact of rotation on the level of corruption offences, on the productivity of employees, and on the level of their professional qualification.

However, the heads of customs authorities note in annual reports since 2006 that the ongoing rotation is regarded as one of the most effective mechanisms for combating corruption. It should be borne in mind that anti-corruption activities are required by the World Customs Organization. In particular, the requirements of control, accountability, staff turnover, increase of salaries, establishment of incentive mechanisms of staff and others are contained in the Arusha Declaration, approved by the Session of the Council of the World Customs Organization in June 2003.

In pursuance of the requirements of the Arusha Declaration, Federal Customs Service of Russia adopted analytical program to combat manifestations of corruption and malfeasance, which provided for a set of measures in the period up to 2009. As part of its implementation, on September 03, 2007 was issued the order of the FCS of Russia No. 1050 "On the procedure of formation of service housing and registration of residential premises in customs bodies of the Russian Federation under the jurisdiction of the Federal Customs Service of Russia" [9].

The order required:

- to approve the estimated demand for office residential premises, necessary to ensure the rotation of executive staff, and an Instruction on the procedure of registration and the provision of the residential premises;

- to approve distribution plan for budgetary funds allocated for buying housing;

- to strictly control the purchase of service apartments at the State border of the Russian Federation and in areas with unfavorable climatic and environmental conditions;

- to perform an unscheduled rotation only after comprehensive elaboration of housing question.

Despite all the above, the examination of reports of customs authorities shows that they do not completely comply with the principle of planning. So, in 1995, were moved 18 Customs chiefs, 22 Deputy Customs chiefs, 29 employees filling other posts, total of 74 employees. Next mass rotation was carried out only after 10 years. In 2005 73 Customs chiefs were reassigned, but of them were actually rotated 43 persons, and 30 chiefs were newly appointed.

In 2008 were rotated 7 heads and 15 deputy heads of the central office, more than 50 Customs chiefs, and 150 Heads of customs terminals.

Basing on the retrospective analysis it seems possible to formulate some requirements for the normative-legal regulation and organization of executive staff rotation:

- 1) legal basis of rotation shall be laid down by federal law;

- 2) a comprehensive approach to the organization of rotation, which includes as a mandatory step analysis of the state of a public authority personnel, and the level of corruption offenses, is needed;

- 3) must be created material conditions for moving public servants to the new place of service;

- 4) rotation of management positions is held in the interest of public service, so the reason for moving a particular employee should be a motivated law-enforcement act, rather than a statement (report) of the employee. At that, of course, the act of moving has to be agreed with the employee that must be entitled the right to refuse to move with the subsequent dismissal from public service (in the absence of good cause, which must also be normatively defined);

- 5) rotation must be seen as purposeful activity that involves monitoring of progress towards objectives;

6) monitoring over rotation, and disciplinary impact on officials responsible for violations of the requirements and procedure for implementation rotation of leadership are required.

It is necessary to note one important fact: employees who occupy positions of leadership must be rotated. At the same time, by orders of the leaders of public authorities are approved lists of positions, replacement of which is associated with a duty to provide information on the property and property obligations. These positions are, by definition, prone to corruption. Researchers note that it is particularly desirable to create a flexible system of personnel rotation of executive authority bodies, whose functions include direct contacts with persons and structures of entrepreneurial activity [12]. These positions of law enforcement service include the positions of inspectors that implement powers of control (supervision), registration and authorization.

Domestic experience of conducting rotation of the state inspectors of Gosgortekhnadzor of Russia, officials of customs authorities and the Russian Federal Drug Control Service indicates the presence of the problems faced by the law enforcer, allows identifying common mistakes and formulating the requirements for the organization of rotation among the leaders of the bodies of Internal Affairs. Unlike Gosgortekhnadzor of Russia, in which the rotation was applied in respect of the state inspectors occupying the most exposed to corruption positions, in law enforcement bodies the executive staff was subjected to rotation.

The main problems faced by the law enforcer were related to the lack of (at that time) legislative consolidation of staff rotation, which prevented the use of coercive measures in order to ensure implementation of personnel decisions, the lack of regulations and methodological support, as well as the lack of material resources necessary to ensure the rights of moved employees.

The main disadvantage of the made personnel rotation should be recognized its episodic nature in the absence of distinct planning. There were cases of relocation of staff in respect of which appeared information about involvement in corruption, conflict of interest. As the rotation were presented the cases of moving to higher positions, to positions with other nature of the work. There was no rotation monitoring. There was no analytical work regarding the assessment effectiveness of rotation, monitoring of its impact on the productivity of employees, on the performance of services and departments, the heads of which had been moved in way of rotation.

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