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THE EVOLUTION OF THE STRUCTURE AND FUNCTIONS OF BODIES
REGULATING CIVIL SERVICE

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LIST OF ABBREVIATIONS

CCOA- Central State Office for Administration

CDD- Civil Service Department

CSRA- Civil Service Reform Act

CSSB- Civil Service Steering Board

FLRA- Federal Relations Authority

HRMA- Human Resources Management Authority

HRMS- Human Resources Management Service

MPO- Management and Personnel Office

MSPB- Merit Systems Protection Board

OMSC- Office of the Minister for the Civil Service

OPM- Office of Personnel management

OSC- Office of Special Counsel

PSMG- Permanent Secretaries Management Group

RAS- Recruitment and Assessment Services

SES- Senior Executive Service

SPP- State Personnel Presidency

Abstract

This internship policy paper compares the evolution of bodies regulating civil service in the Anglo-Saxon model of public administration and the model applied in transitional countries. For this purpose, the US and UK models of civil service regulation have been chosen as representatives of the Anglo-Saxon model and the models applied in the Czech Republic and Armenia- representing transitional countries. The comparison is done based on two criteria: organizational structure and functions.

The paper introduces the evolution of bodies regulating civil service in each of the four countries, and the main characteristics of each of the model are exposed. It compares the structure and the functions of those bodies at the phase of their establishment and at present. Finally, the judgements made lead to conclusions and recommendations on a more efficient operation of the Civil Service Council of Armenia.

Introduction

Throughout most of the history, civil service has been accepted as a significant undertaking that promotes a better life for the society. It implements government decisions in various spheres like education, environment, healthcare, foreign affairs etc., and therefore plays a huge role in our life. In order to be able to deal effectively with public issues, it's essential to understand this important portion of government.

As political and economic systems change rapidly, it's a necessity to move to a new administrative structure that is capable to resolve the problems of transition. In transition countries, including Armenia, this reform started in the beginning of the 21st century, while in the US and UK it started much earlier, in the late 19th century.

Most scholars regard civil service as a personnel system that is typically the core means for staffing the administrative bodies of the state (Bekke et al 1996). This perspective leads to the centrality of human resources in the study of civil service systems. It is obvious that in order to have a sound high-class civil service, personnel management capacities must be developed. And this necessity makes the bodies regulating civil service an important area to study.

This research aims to analyze the civil service model in Armenia by comparing it with the ones in the US, UK, and the Czech Republic. The US and UK models of civil service have been chosen as representatives of the Anglo-Saxon model and the models applied in the Chzec Republic and Armenia- representing transitional countries. The selection of those three foreign countries is due to the following factors: first, all of them have applied different models of regulation during their evolution. Second, these models have succeeded in two of the countries and totally failed in the third one. Thus, by comparing Armenian model of civil service with those of the UK, the US, and the Czech Republic, it is easy to make judgements about the best model for our country to apply.

This paper will first introduce the evolution of bodies regulating civil service in each of the four countries, and the main characteristics of each of the model will be exposed. Later it will compare the structure and the functions of those bodies at the phase of their establishment and at present. Finally, the judgements made will lead to conclusions and recommendations on a more efficient operation of the Civil Service Council of Armenia.

The Policy Internship Project paper will try to answer a set of questions to give recommendations on this issue:

1. What were the main trends of development in the bodies regulating Civil Service system in the UK, US and the Czech Republic?
2. In what stage is Armenia compared to the international practice in regards to the body regulating civil service?

Literature Review

Civil service has been part of day-to-day vocabulary of public affairs for more than a century. The term “civil servant” was first used formally by the British in the late eighteenth century to distinguish the civilian from the military personnel of the East India Company (Drewry and Butcher 1988; Bekke et al. 1996). According to the Blackwell Encyclopedia of Political Institutions, civil service in a British context has come to mean “the remunerated personnel, other than those serving in the armed forces, whose function are to administer policies formulated by or approved by national governments” (Bogdanor 1987, 104).

Morgan and Perry (1988 comparative) define civil service systems as structures, that is, a combination of rules and authority relationship that act as bridges between the polity or state and specific administrative organizations. The definition implies that the dominant concern of civil service systems involves human, rather than financial or physical, resources.

Wise (1996) in her “Internal labor markets” develops a theoretical framework for understanding the relationship among the rules of human resource management in the civil service systems, the efficiency of government operations, and the organizational outcomes for incumbent and potential employees. She considers civil service as labor markets where relations are constrained by internal rules.

Kiser and Ostrom (1982) distinguish three “worlds of action” that they suggest give rise to distinct analytical questions and levels of theoretical analysis: constitutional choice, collective choice, and operation. These three levels capture the multiple roles civil service systems play in administrative systems.

McGregor and Solano (1996) also differentiate three critical dimensions that capture the roles played by all civil service systems and thus serve as the basis for institutional civil service comparison. According to them, civil service represents, by definition, a personnel system; second, institutional civil service embodies a set of rules governing joint action in complex administrative systems; third, the idea of “civil service” invokes symbols representing the value sets surrounding public service.

In a research article by Pierre (1995) three phases have been mentioned that the development of the comparative study of public administration has gone. The first phase saw an institutional consolidation of the research field. The emphasis was on development administration. These were the times of high-flying ambitions to create Grand Theory for public administration (Heady 1966; Riggs 1964). However, while these models fulfilled every wish for high degrees of abstraction, they soon proved to be of little help in guiding empirical inquiry.

As Pierre continues (1995), in the second phase, the behavioral revolution hit the comparative study of public administration. A number of cross-national studies using a quantitative methodological approach were conducted, the most widely cited being that by

Aberbach, Putnam and Rockman in the early 1980s (Aberbach et al. 1981). During this phase, given the empirical emphasis of the projects, theory development was considered less important than producing a solid, data-based account of different aspects of public bureaucracies. What came out of this phase, were comparative studies of sub-fields within the larger domain of comparative public administration.

In the third phase, as Pierre concludes, theory and empirical studies have begun to connect more clearly than previously. The theoretical objective is more at developing “middle-range” on public administration and gathering data on carefully defined sub-fields within the large discipline. Cases in point are Peter’s study on comparative bureaucracies (Peters 1988) and the volumes by Rowat (1988), Dwivedy and Henderson (1990), and Farazmand (1991).

Peters (1988) argues that the study of comparative public administration involves elements of at least two broader strands of social inquiry, namely the structure and activities of public administration and public administrators, and organizational structures and the administrative behaviors within more than one cultural and political setting. Thus, coming from these two backgrounds, comparative public administration brings with it some of the elements of comparative analysis and administrative studies, and some of the intellectual problems of each. Further, melding the two traditions also presents some difficult and unique intellectual problems.

Cardona (2009) states that the first responsibility for the management of the civil service is a political one. Public administration is a clear responsibility of the government. The management of civil service should be aimed at achieving the primary political-constitutional values of equal treatment, fairness, and equal opportunity to enter the civil service and to promote within it. Consequently, managing the civil service entails a political commitment and a managerial responsibility to make sure that public administration firstly performs its

duties in accordance to the rule of and secondly, that it is able to effectively attain the public policy objectives set forth for it by the lawfully ruling government.

Methodology

The methodology of this paper is based on a comparative analysis method. A cross-sectional study of more than a century period is applied. Civil service regulating bodies of four countries are compared in terms of their structure and functions starting from the phase of their establishment till now. The effectiveness of each of the models is analyzed, and recommendations are made for Armenian civil service model.

The methodology relies both on primary and secondary data. The sources of secondary data include books, articles, policy papers, official websites, reports, laws etc. The source of the primary data is the in-depth interview conducted with the Armenian Civil Service Council Press Secretary Gor Abrahamyan.

The purpose of the research is mainly descriptive as it plans to reveal the main similarities and differences present in the civil service regulation systems of the countries in question by comparing the structure and functions of those bodies at the phase of their establishment and at present.

The Civil Service Regulation in the UK

The British civil service has assumed its modern form as the result of a report laid before Parliament on 23rd November 1853, which was signed by Stafford Northcote and by Charles Trevelyan. Before 1854 servants of the Crown were appointed to office “by ministers acting for the Crown without regard to age or qualification in return for political support or out of

personal interest,” and the quality of those appointed to work in office was perceived to be poor (Anson 1935).

The implementation of the Northcote-Trevelyan Report ensured, first, that recruitment into the civil service was by open competitive examinations. Promotion was also on merit, and annual increments of salary were conditional upon satisfactory work.

Secondly, entrants were not recruited for life into a specific department but entered a Home Civil Service that facilitated inter-departmental staff transfers. Thus, civil servants needed to have had a general education and to be generalist rather than specialist in their knowledge and experience.

Thirdly, the tasks of civil servants were divided into intellectual and routine. This division was Trevelyan’s own principal objective. It brought to a greater efficiency and economy, because, first, the talent of promising men was no longer wasted on mechanical work, and secondly, departments could be more systematically structured (Duggett 1997, Pilkington 1999, Chapman 2004).

The final objective of the Report was to end the fragmentary character of the service. There was no unity of organization, no regularity of recruitment, and no common principle of control. There was even no limitation on the appointment of public servants by political patronage. Appointments were made as an exercise of privilege, patronage was part of the emoluments of political office. This provided opportunities for corruption and speculation. The establishment of the Civil Service Commission laid the basis for unification. (Chapman 2004).

The Order in Council of 4 June, 1870 marked the beginning of open rather than limited competitions. Appointments to all situations in all departments of the civil service were made by this means. Appointments were divided into two classes. Positions in Class I were to be

filled by candidates of a high order of education attainments, Class II was for younger entrants, with less extended requirements (Chapman 2004).

The responsibilities of the Commission were expanding. The Commissioners assumed the responsibility for the entrance examinations for the Royal Military College at Sandhurst, Royal Military Academy at Woolwich and also for the examinations for admission into the Army by direct commissions. This gave the Commission a great experience. It became a busy and increasingly well-regarded department, in some respects a department of personnel management and an office of re-allocating redundant staff. During 1870-1920 the Civil Service Commissioners' powers were steadily extended to cover virtually all Civil Service appointments (Chapman 2004, UK Civil Service Commission Official Website 2011).

The civil service system of the UK did not undergo major changes until 1965, when the Prime Minister Harold Wilson appointed a Commission, chaired by Lord Fulton, to look into the Civil Service. Fulton's committee reported in 1968. It found that administrators were not professional enough, and in particular lacked managerial skills; that the position of technical and scientific experts needed to be rationalised and enhanced, and that the service was too remote. The recommendations of the Report included

- the creation of a Civil Service Department to run the Civil Service;
- its head to be designated Head of the Civil Service;
- the abolition of all Classes and replacement by a unified grading structure for all;
- the creation of a Civil Service College (Duggett 1997).

In November 1968, on the recommendation of the Fulton Committee Report, the Civil Service Commission was merged with the personnel management divisions of the Treasury to form the Civil Service Department (CSD). Nine hundred Civil Servants were transferred from the Treasury to the new Civil Service Department (Stanley 2005).

A Civil Service College was established in June 1970 under the new department's direction. Following the year 1968-69, the Civil Service Department announced that central management training in the Civil Service had been increased by nearly 80 per cent (Stanley 2005).

As it turned out, the CSD was not a great success, and it lasted only 13 years. In late 1981 Margaret Thatcher announced the abolition of the Civil Service Department, transferring power over the Civil Service to the Prime Minister's Office and Cabinet Office. Its staff split between the Treasury and a new MPO or Management and Personnel Office (Sampson 1982, Duggett 1997).

In 1982, The Civil Service Commissioners retained responsibility for the selection of middle and senior level staff (15% of the Civil Service), but Departments assumed full responsibility for selection at junior levels (the majority of recruitment) (UK Civil Service Commission Official Website 2011).

The period from 1982 up to 1987 was dominated by the work of the new MPO, headed by Anne Mueller. A “Top Management Programme” was introduced, in order to train Grade 3 officials. In contrary to the Fulton time when the emphasis had been on civil servants learning new social science skills, now it was management skills per se that were being taught either by business people themselves or by management consultants (Duggett 1997).

In February 1988 Sir Robin Ibbs, recruited in July 1983 to run the Efficiency Unit, published his report “*Improving Management in Government: The Next Steps*”. He made seven points of diagnosis:

1. 95% of the civil service are delivering services; they generally welcome the management changes to date;
2. Senior management is dominated by policy staff with little experience of service delivery;
3. Senior civil servants are ruled by ministerial and parliamentary pressures;

4. Ministers are overloaded and inexperienced in management;
5. Departments still focus upon activities and not on results;
6. There are insufficient pressures to improve performance;
7. “The Civil Service is too big and diverse to manage as a single entity”.

The Commission recommended:

- “agencies should be established to carry out the executive functions of government within a policy and resources framework set by a Department”;
- “a full Permanent Secretary should be designated as ‘Project manager’ to ensure that the change takes place”;
- “there should be clearly defined responsibilities between the Secretary of State and the Permanent Secretary on the one hand and the Chief Executive of the agency on the other” (Dugget 1997).

Thus, the Prime Minister stated that executive agencies would be established, headed by a Chief Executive, accountable to a Minister, generally remaining in the Civil Service. To replace the MPO, a new “Office of the Minister for the Civil Service” (OMCS) was established (Dugget 1997).

In the beginning of the 20th century the area of responsibilities taken by departments and agencies were extended to over 95% of recruitment to the Civil Service. At the same time the Civil Service Commission was replaced by two organizations: An Office of the Civil Service Commissioners – to support the Commissioners which for resource purposes was located in Cabinet Office, and Recruitment and Assessment Services (RAS), an independent Agency established to provide recruitment, consultancy and related services to departments and agencies. RAS became a private sector organization under Capita Group plc in 1996 (UK Civil Service Official Website 2011).

Thatcher's reforms improved efficiency. But there was still a perception of carelessness and lack of responsiveness in the quality of public services. The government of John Major sought to tackle this with a Citizen's Charter programme which aimed at empowering the service user, by setting out rights to standards in each service area, and arrangements for compensation when these were not met. An Office of Public Service and Science was established in 1992, to see that the Charter policy was implemented across government (Dugget 1997).

In 1995 the responsibility for interpreting the principle of selection on merit for all Civil Service recruitment was returned to the Civil Service Commissioners. The Commissioners were also responsible for describing those circumstances in which exceptions could be made to the principle of recruitment on merit within the parameters of the Order.

The Commissioners retained direct responsibility for approving appointments of recruits to the most senior posts only. Provision was made for them to audit the recruitment systems of departments and agencies for compliance with their Recruitment Code to secure that the merit-based recruitment is being followed for all other Civil Service appointments (The UK Civil Service Official Website 2011).

At present, The Civil Service of the UK is governed by two key bodies, the Civil Service Steering Board (CSSB) and the Permanent Secretaries Management Group (PSMG). Both groups are chaired by the Head of the Civil Service, and they work together to ensure the Service has a clear direction and is a sound and effective organization. The two groups generally focus on the management of the Civil Service and how it operates as a whole, as opposed to specific departments. This collaborative approach promotes faster and more effective governance, which leads to a better delivery of policy.

The CSSB was established in 2007, and is made up of permanent secretaries and specific heads of cross-Civil Service functions. They are responsible for enhancing the performance, capability and reputation of the organization.

The Civil Service Steering Board meets for two hours every month. It has 10 members, who will rotate every year to ensure different departments are represented, and new perspectives are brought to meetings.

The Steering Board will enhance the performance and reputation of the Civil Service by ensuring that:

- the vision, role, direction and priorities of the Civil service are communicated effectively;
- the Civil Service is identifying and effectively managing its strategic and operational challenges and risks and that systematic weaknesses in processes and structures are investigated and remedied;
- the Civil Service has the capabilities it needs to deliver the objectives of the Government of the day; that it has effective leaders, recruits and develops staff so that they have the skills and experience needed and manages talent proficiently within and across departments;
- the Civil Service maintains its reputation as an effective organization and good employer;
- corporate services across the Civil Service are capable of operating with the speed, quality and efficiency needed to support the above objectives (The UK Civil Service Official Website).

The PSMG is made up of all first Permanent Secretaries and a few others in specific cross-Civil Service roles. The PSMG meets four times a year to consider issues of importance to the Civil Service. It is consulted before any new initiative or strategy recommended by the CSSB, or one of its sub-groups, is put into place.

The PSMG considers issues of importance to the Civil Service as a whole, including: HR issues, senior leadership, efficiency, reputation, employee relations, risk, financial management, standards and values etc.

The CSSB and PSMG are advised by three sub-groups that focus on key areas. They may also ask a taskforce, made up of members of the Top 200 or other existing groups, to examine specific issues. The Top 200 set up in March 2006 as the corporate leadership group for the Civil Service. It is made up of the most senior Civil Service Leaders, Permanent Secretaries and Directors General (The UK Civil Service Official Website 2011).

To sum up the evolution of the UK civil service, it is clear that since 1853 the regulation of the civil service has been carried out by a unified model. First the regulation became centralized by the creation of the Civil Service Commission which was part of executive. Later it turned into a decentralized model with the creation of different independent agencies. Currently the regulation is carried out within the executive by a decentralized model which promotes fast and effective governance.

The Civil Service Regulation in the US

In the United States, civil service reform came later and took a somewhat different direction, although strongly influenced by the British experience. President George Washington (1789-1797) set a high standard in political appointments in selecting his nominees. He set about selecting diverse, deserving and qualified men to fill the public service positions. Honesty, efficiency and adherence to the Constitution were his dominant concern, with the underlying assumption being that the potential appointee was a Federalist.

President John Adams (1797-1801) continued the policies of his predecessor, demanding provable ability in a candidate for political appointment. In coming into his term, Democrat-Republican Thomas Jefferson (1801-1809) found most government posts filled with Federalists and had to "redress the balance" meaning that while he would maintain high standards of qualifications, he would only appoint Democrat-Republicans until a balance between the Federalist party and his party had been achieved.

Presidents James Madison (1809-1817) and James Monroe (1817-1825), also being Democrat-Republicans, saw no need to modify the "redress the balance" policy. Under President Monroe's term, the Tenure of Office Act of 1820 was passed, marking the beginning of the spoils system. Under this act, the terms of many officials were limited to four years, to correspond with that of the President. Despite the passage of the Tenure of Office Act, President John Quincy Adams (1825-1829) refused to remove officials for political reasons. Carrying out his policy of "no changes for political reasons," he fired only 12 Presidential officers in 4 years. President Adams would be the last to make conservative use of the powers of appointment and removal.

President Andrew Jackson (1829-1837) is widely considered to be the strongest supporter of the rotation system of government. Coming to office, he found a system in which public office was open only to the elite. Therefore he favored making public service available to everyone, especially to common people. He also believed, and stated so in his first annual message, that the "duties of all public offices are, or at least admit of being made, so plain and simple that men of intelligence may readily qualify themselves for their performance." (Richardson 1920). While Jackson is identified with rotation in office, the fact is that he did not remove a lot of public servants. The evidence suggests that he removed perhaps 20 percent, but more likely no more than 10 percent of all public servants during his administration (Eriksson 1927; Crenson 1975).

While the early use of spoils democratized public service and gave the common people access to government jobs and decision making, later experiences were not so beneficial. The constant rotation led to inefficiency in operation, and the good image of public service was damaged. However, some developments actually helped to establish the base upon which the modern personnel system was built. For example, the use of examinations was extended, and despite of being not so extensive, however, it did provide experience that would be valuable later in the reform effort (Adams 1869, Reid et al. 1989, Rothbard 1995).

To gain control over the patronage, Congress passed the Tenure of office Act of 1867 limiting presidential removal power. Johnson and two weak successors, Grant and Hayes, could do little to stop it. The prestige of the public service was severely strained during the Grant administration due to serious corruption and scandal among many of his members. Nonetheless, this period did provide a civil service experiment that actually laid out the basic principles on which much of the 1883 reform was built (Murphy 1942, Peters 1997, Rabin et al. 2007).

In 1871, George Curtis organized the Civil Service Reform League. That eventually led to more people recognizing the need for reform. President Arthur signed the Pendleton Act of January 16, 1883-an "Act to Regulate and Improve the Civil Service of the United States." It was the first comprehensive national reform program. With this Act, employees were protected from political removals, demotions and assessments. Those who were graded highest in practical examinations, were appointed to a post. Women were not restricted from taking the exam and being appointed (Sayre 1965, Saffell 1984; Thompson 2003).

Thus, the passage of the Civil Service Act of 1883 marked the beginning of the merit system in Federal service, creating the U.S. Civil Service Commission. The Commission was to administer competitive examinations; entrance into the public service would be possible only at the bottom; the offices were not to be used for political purposes. Merit, as basis for hiring, was guaranteed by law (Thompson 2003).

The Commission was composed of three members, not more than two of whom may be adherents of the same political party. One member was designated by the President of the United States to be President of the Commission. The Commissioners were assisted by the Executive Director and Chief Examiner, who was the chief executive and technical officer of the organization. One of the divisions of the Commission was the Board of Appeals and Review.

The principal activities of the Civil Service Commission included;

1. Providing for open competitive examinations for testing the fitness of applicants for the classified service.
2. Certifying to appointing officers eligible passing with the highest grades.

3. Administering statutory provisions and civil-service regulations on political activity relating to Federal classified employees and certain State and local employees participating in federally financed activities.
4. Maintaining service records of all permanent Federal civilian employees, whether classified or unclassified; maintaining qualifications record of Federal civilian employees and of scientific and specialized personnel in private employment.
5. Conducting investigations relative to the enforcement of the civil service rules and the character suitability of applicants for certain types of positions.
6. Providing a system of competitive promotion in the classified service.
7. Establishing, in cooperation with other Government agencies, training courses for employees in the classified service (US Civil Service Commission 1978).

The newly established Civil Service Commission moved slowly in establishing its authority and scope. It did everything it could to avoid major controversy in its early existence and finally acquired prestige and influence becoming the main actor in public personnel management in the US for 95 years before it was dissolved and other organizations were created in its place in the 1978 reform (US Civil Service Commission 1974; US Civil Service Commission 1978; Rosenbloom 1982; US Office of Personnel Management 2002).

The appointment of Theodore Roosevelt as a member of the Civil Service Commission in 1889 was probably one of the most important factors that contributed to its ability to withstand the pressures surrounding it (White 2003). He became a very open and expressive speaker for the civil service and broadened its popular appeal. While struggling for survival, the Commission also developed a basic set of guidelines separating politics and administration. Those guidelines by and large prohibited partisan political participation by

government employees as well as assessment of public employees. Finally they became the rules that govern employees today (Rabin et al. 2007).

During the first four decades of the twentieth century, the civil service system successfully institutionalized a politically neutral public service (US Civil Service Commission 1974; Van Riper 1958). This was generally due to Theodore Roosevelt who put the public service on a sound merit basis (Kaufman 1965; White 2003). However, when the US entered into World War I in 1917, the need for employees grew rapidly, and the Commission had to recruit outside the merit system. On the whole, the 1920s were successful for the civil service system. The Civil Service Commission continued to establish itself as a leading management organization in the federal government. It worked with departments to develop more management-oriented approaches (Rabin et al. 2007).

In 1940s the Commission worked toward cooperation with operating agencies, with the Commission having responsibilities for setting standards and the operating departments assuming responsibility for implementing those standards. The Civil Service Commission also assumed monitoring responsibilities to insure proper implementation of its guidelines. Thus, the work of the Commission became more service-oriented than action-oriented as it related to specific departmental personnel (McDiarmid 1946).

The relationship of the Civil Service Commission to the administration changed during the Eisenhower administration. The chairperson of the Commission assisted the president for personnel administration, thus giving the impression that the Commission was more involved in political patronage issues as well as civil service concerns (Harvey 1970).

The role of the Civil Service Commission changed somewhat during the Kennedy years, as well. The chairperson of the Commission was more engaged in the management of the

Commission. The Commission as a whole became the policy makers. The chairperson became more powerful than before by integrating its policy with management (Harvey 1970).

In the 1970s the concerns about training, development and many other functions of the Commission were growing. Dissatisfaction with the operation of the civil service system had become so extensive that legislators knew they had to take action. Problems were obvious both in personnel management and the organizational structure of the Civil Service Commission. Ten of the most prominent problems confronting the Federal civil service system were as follows.

1. Supervisors, employees, political leaders, and others were confused about what they may and may not do without violating essential merit principles.
2. Employees felt they could not get a fair hearing when they believed political, arbitrary, discriminatory, or illegal personnel actions had taken place.
3. The dangers of exposing wrongdoing in Government deters employees from “blowing the whistle,” although it would be in the public interest for them to do so.
4. Excessive centralization of personnel authorities takes many types of day-to-day personnel decisions out of the hands of line managers who nonetheless were held responsible for accomplishment in major program areas. Managers had to go through extensive paperwork justifications to obtain Civil Service Commission approval of relatively minor decisions.
5. Over-centralized and restrictive systems for examining and selecting employees made it hard for managers to hire expeditiously the best qualified people and to meet their equal employment opportunity responsibilities.

6. Managers found a confusing array of regulations and procedures standing in their way when they sought to reward good work performance, to discipline employees, or to remove employees whose performance was clearly inadequate and could not be improved.
7. The jumble of laws, regulations, and special provisions affecting executive positions made it very difficult for agency heads to utilize their top staff most effectively, to hold managers accountable for program accomplishment, and to reward or remove them on the basis of performance. There was virtually no mobility of senior executive among Federal agencies.
8. The laws provided pay increases primarily based on length of service and did not allow adequately for granting extra pay for better performance or for withholding pay increases when performance was less effective.
9. Research in civilian personnel management was completely inadequate, and statutory restraints prevented experimentation in new management approaches. Therefore, new ideas were not encouraged and, when developed, were often ignored, or were installed on a large scale without adequate testing.
10. The Federal agencies involved in grant-in-aid programs imposed conflicting personnel requirements on State and local agencies, thereby unreasonably complicating their work (Thompson 2003).

There were also problems in the organizational structure for personnel management. First, the Civil Service Commission had so many conflicting roles that it was unable to perform all of them adequately. On one hand it was serving the President in providing managerial leadership for the positive personnel management functions in the Executive Branch—that is, establishing personnel policies and advising and assisting agencies on personnel management functions. On the other hand the Commission was also serving as a “watchdog” over the

integrity of the merit system, protecting employee rights, and performing a variety of adjudicatory functions. As a result, the Commission failed to perform its merit protection functions (Thompson 2003).

Second, the President lacked an appropriate staff organization for directing the positive personnel management responsibilities inherent in his position as Chief Executive. He relied only on a semi-independent body separated by structure and tradition from the Chief Executive. As a result, Presidential effectiveness in directing Federal personnel management was weakened. Third, the Civil Service Commission, despite its presumed political neutrality, had not been an effective deterrent to partisan political or other abuses of the merit system (Thompson 2003; Van Riper 1958).

To deal with these and other concerns, in 1978 Congress enacted the Civil Service Reform Act (CSRA) initiated by the president Carter, which radically restructured the civil service framework. Taking into consideration all these drawbacks, the Reorganization Plan No. 2 of 1978 divided the functions and responsibilities of the Civil Service Commission between two new agencies, the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB).

The Office of Personnel Management establishes the rules governing the civil service. It performs all the personnel management, policy making, operating, advisory, assistance, and evaluation function previously assigned to the Commission. The establishment of OPM provides the President with the personnel management staff that he needs. It has the authority to promulgate regulations for the Civil Service, retains the power to conduct a wide range of investigation, and exercises supervisory authority over the Civil Service (Thompson 2003; Merit Systems Protection Board Official Site 2011).

The Merit Systems Protection Board is an independent, quasi-judicial agency in the Executive branch that serves as the guardian of Federal merit systems. The Board assumed the employee appeals function of the Civil Service Commission and was given new responsibilities to perform merit systems to determine whether Federal personnel systems are operating in accordance with merit principles. The mission of the Board is to protect Federal merit systems and the right of individuals within those systems. MSPB carries out its statutory responsibilities and authorities primarily by adjudicating individual employee appeals and by conducting merit systems studies. In addition, MSPB reviews the significant actions of the Office of Personnel Management to assess the degree to which those actions may affect merit. The Chairman and members of the MSPB are nominated by the president and confirmed by the US Senate (Tompson 2003, Merit Systems Protection Board Official Site 2011).

The Civil Service Reform Act also created the Office of Special Counsel (OSC), the Federal Relations Authority (FLRA), and the Senior Executive Service (SES). The OSC investigates allegations of prohibited personnel practices, prosecutes violations of civil service rules and regulations. Although originally established as an office of the Board, the OSC now functions independently as a prosecutor of cases before the Board. (In July 1989, the Office of Special Counsel became an independent Executive branch agency.) (Merit Systems Protection Board Official Site 2011).

The FLRA is a quasi-judicial body which adjudicates unfair labor practices and disputes raised by representation petitions. The SES allowed for flexibility in assigning high-level employees. They could be assigned to take advantage of their special expertise wherever it was needed (Rabin 2007)

Thus, the Office of Personnel management provides the President the means to carry out the personnel management functions inherent in his role as Chief Executive. The Merit Systems Protection Board provides protection against improper personnel actions. The Office of Special Counsel examines claims of activities prohibited by civil service laws, rules or regulations. The Federal Labor Relations Authority provides the credible and effective organization necessary for resolving disputes between Federal management and recognized employee organizations and for ensuring that such disputes are settled quickly and fairly. As a result, we can see a clear separation between management and adjudicatory functions in the US civil service model.

To sum up the evolution of the US civil service, we see that in 1883 the regulation of the civil service began to be carried out by a unified and centralized model. This model lasted up to 1978, when the Civil Service Commission was replaced by two new agencies one of them being an independent body (MSPB), and the second one- part of executive (OPM).

The Civil Service Regulation in the Czech Republic

Among new EU Member States and candidate countries three different management setups are identifiable. The first group of countries put the civil service policy direction and management under the responsibility of a certain Ministry (the Ministry of Public Service and Administrative Reform in Luxembourg, the Ministry of Public Administrations in Spain and Slovenia, and the Ministry of Government Administration and Reform in Norway, the Ministry of Interior in Lithuania and Romania etc) (Trendafilova 2008, Cardona 2009).

Another group of countries decided to establish an independent authority for managing the civil service. In Croatia, Central State Office for Administration (CCOA) operates under

the Prime Minister and in Macedonia Civil Servants Agency reports to the Parliament and is meant to work in coordination with the General Secretariat of the Government and the Ministry of Finance. Romania, Poland, and Slovakia initially chose this model of management but then abandoned it in 2001 and 2006 respectively. The Human Resources Management Authority (HRMA) of Montenegro is placed under the responsibility of the Ministry of the Interior, Administration and Self-government. The Human Resources Management Service (HRMS) replaced the Ministry of Public Administration and Local Self-government in the role of a central management capacity for the civil service in Serbia (Trendafilova 2008, Cardona 2009).

Other countries such as Estonia and Turkey do not have any particular ministry or institution responsible for central management of the civil service. In Estonia certain management functions (training) are performed by the State Chancellery and other responsibilities are scattered among the Ministry of Finance (salaries) and Justice. In Turkey the State Personnel Presidency (SPP) holds certain personnel responsibilities. However, none of these institutions can impose common management standards across the administration (Cardona 2009).

The Czech Republic is an interesting case to study as a country having applied two of the three above mentioned models.

Prior to 2002, management of the Czech state administration was in the hands of every single minister or head of another administrative authority or agency (whether of central or regional level). There were no special regulations governing personnel management. Everything was governed by the uniform Labour Code and its implementation regulations. Every ministry or other central state administration authority or agency issued its own internal regulations. In this respect it is possible to mention the co-ordinating role of the Ministry of the Interior which stipulated the number of employees, the amount of personnel

and material expenses connected with the exercise of state administration for every district office (Vidlakova 1999).

Universal standards of the organisation, recruitment, assessment, motivation of civil servants were lacking. Management of state administration was characterized by insufficient coordination, orientation on process rather than results. The level of decision-making was excessively “top heavy” with 90% of the decision-making powers concentrated on average in around 6% of employees of the state institution (Kotchegura 2008).

The new law adopted in 2002 envisaged that civil service management would be exercised by the General Directorate for Civil Service which was established in June 2002 as a separate unit in the Office of the Government. The law also provided for the introduction of a new post in each ministry and agency - Director of Personnel who is reporting directly to the General Directorate for Civil Service (The Service Act 2002).

The preparation of natural persons for service, service relations of public servants in administrative authorities, remuneration of such persons shall be performed by the General Directorate through

- a) preparation of a draft personnel plan and control of implementation thereof;
- b) preparation of draft legal regulations concerning service;
- c) coordination of education of public servants and coordination of education of natural persons preparing for service;
- d) administration of the Information System for Service and Salaries; this System shall comprise the register of public servants and the register of natural persons preparing for service;
- e) assignment of registration numbers to public servants;

f) fulfillment of other obligations pursuant to the Act (The Service Act 2002).

The General Director should be the head of the General Directorate and be represented by the Deputy General Director. The General Director shall

- a) manage the General Directorate;
- b) lay down binding rules for the organization of service authorities and approve their organizational structure;
- c) issue and cancel service regulations;
- d) prepare basic documents for canceling a service regulation etc. (The Service Act 2002).

According to the Act (2002) the personnel director should be active in organizational aspects of service and in the field of service relations of public servants assigned to a service authority, including remuneration thereof. The personnel director shall be the head of the personnel department and be represented by the deputy personnel director. The personnel director should also manage labor-law relations of other employees in the pertinent administrative authority, including remuneration thereof, and organizational aspects of service and service relations of public servants in a service relationship pursuant to the special legal regulations, including remuneration thereof, as appropriate.

The General Directorate would have become a relatively powerful central civil service office, but it never became fully operational. The Directorate lacked proper management. It never succeeded in organizing relevant trainings, assessing effectiveness and productivity, preparing a qualified staff. The Directorate staff was cut by 60% and the government never appointed a head of directorate. The General Directorate was abolished in 2005 (Kotchegura 2008, Meyer- Sahling 2009).

Currently, the Ministry of Interior is responsible for the preparation of the next civil service reform, but it has no other functions in the area of personnel management that could

help to set uniform management standards and to co-ordinate personnel policy across different institutions. As a result, personnel policy has been applied sector by sector and differs significantly across ministries (Meyer-Sahling 2009).

To sum up, prior to 2002 the civil service regulation model was decentralized, and there were no universal standards of management. Since 2002, with the creation of the General Directorate as a separate unit in the Office of the Government, a centralized model has been applied. But this did not last long, and in 2005 the Czech Republic again turned back to the model she applied prior to 2002.

The Civil Service Regulation in Armenia

In Armenia, the civil service system was established in 2001 with the adoption of the Law on Civil Service. Prior to 2002, the administration of government employment was exercised by the leadership of each ministry or agency. The Law on Civil Service envisaged the creation of two bodies for the management and organization of the Civil Service: the Civil Service Council and the Chiefs of Staff. Armenia chose this model of management first of all taking into consideration the need for more effective mechanisms of ensuring the independence and stability of the civil service system.

In the bodies employing civil servants the regulation and management of the civil servants is carried out by the Chiefs of Staff. The Chief of Staff, with the exception of the Chief of Staff of the President and the Chief of Staff of the Government is a Civil Servant (National Assembly of Armenia 2001).

In 2002 the Civil Service Council was established, the major objective of which was to create a legal field to provide the smooth transaction to the civil service system.

According to the law, the Civil Service Council shall:

- implement methodical management and supervision over the personnel activities of the Corresponding Bodies;
- apply to court for eliminating acts contradicting the requirements of the Civil Service legislation;
- submit suggestions on the Civil Service issues arising during reorganization and liquidation of the Corresponding Bodies;
- review suggestions, applications and complaints relating to the Civil Service by the procedure defined by the legislation of the Republic of Armenia;
- approve the procedure for using financial resources by the Civil Service Council;
- submit drafts of corresponding legal acts related to the Civil Service for discussion to the President of the Republic of Armenia, the Government of the Republic of Armenia and the Prime Minister of the Republic of Armenia;
- define rules of ethics of civil servants and form the ethics commissions, activity procedure and their functions etc (Armenian National Assembly 2001).

The Council is comprised of seven members, including the Chairman, the Deputy Chairman, and five members. The structure of the Council has not changed since its creation. The members of the Council are appointed and dismissed by the President of the Republic of Armenia, upon recommendation of the Prime Minister. The members of the Council, except for the first Council, are appointed for a term of six years. The positions of the Council members are deemed civil positions. The members of the Council may not occupy other posts or perform other paid work, save for academic, pedagogical, and creative work (Charter of the Civil Service Council of the Republic of Armenia 2002).

The staff of the Council includes the Chief of Staff, the Deputy Chief of Staff, the Legal Department, the Personnel Roster and Registry Maintenance Department, the Competition and Attestation Department, the Supervision and Analytical Department, the Academic and

Training Department, the External Relations Division, the General Division, the Personnel Management Division, the Accounting and Finance Division, Logistics Division.

According to the Civil Service Council Press Secretary Gor Abrahamyan, the Council is in the phase of improvements:

“We are ahead of many post-soviet states in terms of recruitment, transparent elections, clearly defined position passports etc. The Council has been regarded as an exemplary body in all the CIS countries during a conference held in Russia in 2005. The World Bank invited the representatives of Tajikstani civil service system to examine the successful model of Armenia in 2007. But we still have too much to improve in our model.”

Actually there are still problems in recruitment, trainings, and attestation. The mechanisms for checking the knowledge of the applicants need some improvement as they do not provide for a knowledge-based recruitment. In addition, the human quality and additional skills are not considered.

“We also have a problem in making the trainings more targeted, depending on the specific need of the employees. The concrete problem has to be defined for the trainings to be effective,”- stated Gor Abrahamyan.

Concerning attestations, a new approach is being implemented in public service that combines the attestation and evaluation systems for the civil servant to be evaluated upon the work done. “In this case it will be clear whether the employee has a chance for promotion, and the areas that need additional training will be obvious.”

Regarding functions performed by the Civil Service Council, there is a tendency to focus only on the policy making and decentralize the other functions to the ministries and agencies. “But this cannot be fulfilled unless strict procedures are defined for each body,”- said Gor Abrahamyan.

To sum up, prior to 2002 there were no unified standards for civil service regulation in Armeni. Since 2002, with the creation of the Civil Service Council as an independent body, a centralized model has been applied. Initially the Council had an expanding scope of

functions but currently there is a tendency to reduce them and decentralize some of the functions to the ministries and agencies.

Comparison of the Civil Service Regulating Bodies in the US, Czech Republic and Armenia

Comparing Armenian civil service model with that of the initial model applied in the UK, we see that they are more or less identical in terms of the functions performed by the regulating bodies (recruitment, administering regulations, remuneration, evaluation, trainings, promotion etc.). Currently these models are different, as the UK passed to a decentralized model. The regulation is carried out by two key bodies within the executive in order to promote more fast and effective governance.

Comparing Armenian model with that of the US, we see similarities in the Civil Service Council of Armenia and the Civil Service Commission that governed the US civil service system up to 1978. In both cases, the President of the body is designated by the President of the state. These two bodies have more or less the same functions: first, the personnel management functions and second, protecting employee rights, and performing a variety of adjudicatory function. These two roles are conflicting and it is very difficult to perform all of them adequately. As a result, the Civil Service Commission of the US failed to perform its merit protection functions, and the Civil Service Council of Armenia fails to perform its managerial functions.

To deal with these concerns, the Reorganization Plan No. 2 of 1978 divided the functions and responsibilities of the Civil Service Commission between two new agencies, the Office of Personnel Management (OPM) and the Merit Systems Protection Board (MSPB). The Office of Personnel Management is directly responsible to the President and provides him the means to carry out the personnel management functions. The Merit Systems Protection Board

provides protection against improper personnel actions. Thus, in the US present model we can see a clear separation between management and adjudicatory functions which is not the case with Armenia.

Comparing the models applied in Armenia and the Czech Republic, we see that the two countries started with the same model of management. Prior to 2002, the management of the civil service was exercised in the ministries and agencies, and there was no universal regulation governing personnel management.

In the Czech Republic the General Directorate for Civil Service was established in 2002 which was very much identical to the Civil Service Council of Armenia with the exception that the latter is an independent state body, while the former was a separate unit in the Office of the Government. In these two countries the decentralized management functions in the bodies employing civil servants were exercised by the Chief of Staff (Armenia) and the Director of Personnel (the Czech Republic) who was reporting directly to the General Directorate for Civil Service.

The General Directorate never became fully operational because it lacked proper management. It failed to organizing relevant trainings, assessing effectiveness an productivity, preparing a qulified staff. The General Directorate was abolished in 2005. The same problem is facing the Civil Service Council of Armenia today.

Currently, in the Czech Republic the management of civil servants is exercised within each ministry or agency, like it used to be prior to 2002. As a result, personnel is applied sector by sector and differs significantly across ministries. The comparison of the evolution of bodies regulating civil service of the four countries is illustrated in Table1 and Table 2.

Table 1: Bodies responsible for the civil service regulation in Armenia, UK, US, and the Czech Republic

Functions		Armenia	UK	US	Czech Republic
		Responsible Body			
Administering regulations	Initially	Each Ministry/ Agency	Civil Service Commission	Civil Service Commission	Each Ministry/ Agency
	At present	Civil Service Council	Civil Service Steering Board	Office of Personnel Management	Each Ministry/ Agency
Recruitment	Initially	Each Ministry/ Agency	Civil Service Commission	Civil Service Commission	Each Ministry/ Agency
	At present	Civil Service Council	Audit by Civil Service Commissioners	Office of Personnel Management	Each Ministry/ Agency
Promotion, remuneration, evaluation, trainings	Initially	Each Ministry/ Agency	Civil Service Commission	Civil Service Commission	Each Ministry/ Agency
	At present	Civil Service Council	Permanent Secretaries Management Group	Office of Personnel Management	Each Ministry/ Agency
Adjudication	Initially	Each Ministry/ Agency	Civil Service Commission	Civil Service Commission	Each Ministry/ Agency
	At present	Civil Service Council	Permanent Secretaries Management Group	Merit Systems Protection Board	Each Ministry/ Agency

Table 2: Phases of evolution of the bodies regulating civil service in Armenia, UK, US, and the Czech Republic

	UK	US	Czech Republic	Armenia
Main phases of evolution	<p>1853- Creation of the CSC (unified and centralized model, part of executive, expanding scope).</p> <p>1968- CSD (centralized model, part of executive)</p> <p>1981- MPO (centralized model, part of executive)</p> <p>1988- creation of different independent agencies (decentralized model)</p> <p>1995- recruitment of the senior posts carried out by the Commissioners</p> <p>2007- creation of the CSSB and PSMG (decentralized model, part of executive)</p>	<p>1883- Creation of the CSC (unified and centralized model, part of executive, expanding scope).</p> <p>1978- the functions of the CSC divided between OPM (part of executive) and MSPB (independent) (decentralized model)</p>	<p>Prior to 2002- decentralized model, regulation carried out within each ministry/agency</p> <p>2002- creation of the General Directorate (unified and centralized model, part of executive).</p> <p>2005- abolition of the General Directorate, decentralized model, regulation carried out within each ministry/agency</p>	<p>Prior to 2002- decentralized model, regulation carried out within each ministry/agency</p> <p>2002- creation of the Civil Service Council (unified and centralized model, independent body, expanding scope)</p> <p>Current tendency- decentralized model, reducing scope</p>

Analysis

The Armenian Civil Service Council, as provided for in Article 37 of Civil Service Law, is an example of a pretty strong independent central management power. The status of this as a “state” body not depending on the Government, reporting directly to the Parliament with complete autonomy to elaborate its own budget and decide on its own organization and staffing and even holding the power to issue secondary legislation on Civil Service, may have been justified in 2001 if we take into consideration the need for more effective mechanisms to ensure the independence and stability of the civil service system. However, it doesn’t seem at present to be the most appropriate solution in terms of integration and consolidation of the legal regimes applying to all public servants serving at the executive branch.

Currently the Civil Service Council seems to be playing quite a secondary role in decision-making processes concerning the allocation of human and financial resources needed for the implementation of the various public policies, including needs assessment and planning. The figure of the Chief of Staff is not sufficient either to bring together the management of the civil service with the broader management of human resources.

Conclusions and Recommendations

There is no single solution to the coordination of civil service management. In countries like Armenia, Croatia, Serbia, Montenegro and Macedonia etc. it is the responsibility of an independent authority for horizontal coordination and management. In other countries, like the US, this body is a part of Executive and is directly responsible to the President.

Another group of countries applies the model with the responsibility of the Prime Minister or a Minister for the civil service, which is common in countries with a civil law

tradition (Lithuania, Romania, Slovenia, Norway, Spain etc.). And finally, there is a group of countries where the civil service management is exercised within each ministry or agency (Bulgaria, Egypt, China, Ukraine, the Czech Republic).

The third model is not effective at all because in this case there are no uniform management standards to co-ordinate personnel policy across different institutions. As a result, personnel policy differs significantly across ministries.

The comparison of the Armenian model of civil service regulation with the ones applied in the three countries showed that Armenia faces more or less the same problems that existed in those countries. The challenge is to find the best solution from those problems.

Firstly, there is a need to move from formal to contentual field. All the mechanisms of recruitment, trainings, and attestations served well to provide the transition to a new political and economic system. But in terms of providing a stable development these mechanisms do not serve well. We need new mechanisms to provide for a knowledge-based recruitment, targeted trainings, effective attestation and performance-based payment.

Secondly, the Civil Service Council of Armenia has so many conflicting roles that it is unable to perform all of them adequately. On the one hand, it provides methodological and technical services related to job descriptions, recruitment processes, attestations, trainings etc. On the other hand, it performs functions including the defense and protection of the professionalism, independence and other legitimate interests of civil servants.

Thus there is a need to decentralize the two main conflicting functions of the Council. In this regards, Armenia can follow the US example and establish a separate body responsible to the President to provide him the means to carry out the personnel management functions. Thus, remaining with the Council would be the function of protecting employee rights, and

performing a variety of adjudicatory functions which currently is performed by the Council very successfully.

A direction for future research of this topic is to study the civil service reforms in various countries and the civil service systems in general.

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