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## Activities of Civil Servants: Features of Evaluation in Ukraine

### 1. Introduction

The actuality of the research topic is related to the permanent modernization of public administration practices in Ukraine, updating of the legal framework and improving personnel policy in the context of European integration. Evaluating of civil servants performance could be an appropriate incentive to improve their professional skills, as well as constructive optimization of personnel policy.

The purpose of the article is to systematize the principles, procedures and features of evaluating the activities of civil servants, which should help increase the effectiveness of their professional competencies, as well as the functioning of personnel management services in public institutions. The research methodology is based on systemic and structural-functional approaches. One of the tasks of the study is to identify positive and negative aspects of current legislation.

Objective evaluation of the work of a civil servant is one of the most important processes that affects the professional motivation of government staff, which, in turn, affects the satisfaction of human needs for self-realization, recognition by others. A person's profes-

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sional orientation is also formed under the influence of professional evaluation<sup>2</sup>.

There should be certain requirements for the assessment of civil servant performance. It should be comprehensive and cover various aspects of activities and behavior of civil servants, be a periodic and carefully planned event, predictable and mandatory for state employees. The results of a comprehensive assessment should be objective and perceived by the civil servant as fair ones. Evaluation criteria must be known, open and understandable to them in advance. The evaluation results should exclude influence of so-called “situational factors”: moods, past successes and failures, the state of the civil servant at the time of evaluation. State employees should be evaluated regardless of their own opinion and the opinion of the evaluator<sup>3</sup>.

## 2. General principles of evaluation

The purpose of evaluation is to control the quality of performance of official duties, determination the level of efficiency and effectiveness of the service, as well as career planning, identifying the need to increase the level of professional competence of civil servants, stimulating productive activity.

According to the Law of Ukraine «On Civil Service»<sup>4</sup> National Agency of Ukraine for Civil Service has developed a Standard procedure for evaluation of civil servants performance results. According to the Resolution of the Cabinet of Ministers of Ukraine of July 10, 2019 № 591<sup>5</sup> the

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<sup>2</sup> Shevchenko S. (2015) Otsinyuvannya diyal'nosti derzhavnykh sluzhbovtziv: teoretychni ta praktychni pidkhody, dosvid [Evaluation of civil servants: theoretical and practical approaches, experience]. Derzhavne upravlinnya ta mistseve samovyraduvannya. [in Ukrainian]

<sup>3</sup> Zelins'kyi S. (2019) Teoretyko-metodolohichni zasady kompleksnoho otsinyuvannya derzhavnykh sluzhbovtziv ta yikh sluzhbovoyi diyal'nosti v Ukraini [Theoretical and methodological principles of comprehensive evaluation of civil servants and their official activities in Ukraine]. Avtoreferat dysertatsiyi na zdobuttya naukovooho stupenya doktora nauk z derzhavnoho upravlinnya. [in Ukrainian]

<sup>4</sup> Law of Ukraine On Civil Service. Electronic resources. Retrieved from [https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89883/103365/F1584137912/UKR89883\\_English.pdf](https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/89883/103365/F1584137912/UKR89883_English.pdf).

<sup>5</sup> Postanova Kabinetu Ministriv Ukrainy vid 10 lypnya 2019 r. № 591 [Resolu-

Standard procedure was specified (later it was specified by the Resolution of the Cabinet of Ministers of Ukraine of February 5, 2020 № 58<sup>6</sup>). Since then it is called Procedure for evaluation of civil servants performance results (hereinafter Procedure).

Evaluation of civil servants activities is carried out by their direct managers. Assessment is done by means of self-assessment and immediate supervisor. According to the Procedure, there is an evaluation of civil servants who hold civil service positions of categories «A», «B» and «C».

The evaluation is carried out in accordance with the principles of objectivity, credibility, accessibility and transparency, interaction and respect for dignity of civil servant.

To participants of the evaluation belong:

- a civil servant;
- the person who defines the tasks and key performance indicators, efficiency and quality of official activity (key indicators) and prepares proposals for evaluating the results of the service activities of a civil servant holding a civil service position of category «A»;
- the immediate supervisor of the civil servant holding the position of civil service category «B» or «C»;
- the head of an independent structural unit (if any), where a civil servant holding a civil service position category «B» or «C» works;
- entity of appointment;
- personnel management service.

A civil servant participates in defining own tasks and key indicators, as well as in their periodic review; gets acquainted with defined tasks and key indicators; analyzes performance of defined tasks and key indicators; gets acquainted with the proposals regarding the evaluation of the results of official activity and with a conclusions on the evaluation of civil servants performance.

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tion of the Cabinet of Ministers of Ukraine of July 10, 2019 № 591]. Retrieved from <https://www.kmu.gov.ua/npas/pro-vnesennya-zmin-do-postanovi-kabinetu-ministriv-s-591100719>.

<sup>6</sup> Postanova Kabinetu Ministriv Ukrayiny vid 5 lyutoho 2020 r. № 58 [Resolution of the Cabinet of Ministers of Ukraine of February 5, 2020 № 58]. Retrieved from <https://zakon.rada.gov.ua/laws/show/58-2020-%D0%BF#Text>.

The evaluation is based on key indicators identified taking into account the job responsibilities of a civil servant, as well as compliance of general rules of ethical conduct and the requirements of legislation in the field of corruption prevention.

Evaluation is carried out in stages:

- 1) the definition of tasks and key indicators;
- 2) determining the results of tasks;
- 3) approval of the conclusion.

Tasks and key indicators should reflect the end result, which achieving the official activities of civil servants is aimed at, they should be measured in quantitative and / or qualitative terms.

Defining tasks and key indicators for deputy managers is carried out after defining tasks and key indicators for their leaders. Tasks and key indicators defined for the civil servant are kept in his personal file, and their copies are kept by the civil servant and his immediate supervisor.

Tasks and key indicators for the civil servant for the next year are determined in December of the year preceding the reporting one. Tasks and key indicators for a civil servant for the current year are determined in January – September of this year.

Determining the results of tasks is carried out in October – December for the period from January 1 of the current year or from the date of definition of tasks and key indicators before the date of adoption of the order (instruction) on determination of tasks results.

Determining the results of tasks, approval of the conclusion is not carried out, if on the date of adoption of the order (instruction) on determination results of tasks performance a civil servant:

- works in the position held in the reporting year with the assigned to him tasks less than three months;
- is on maternity leave until a child reaches the age of three, without maintaining a salary fees in accordance with paragraphs 3 and 18 of part one of Article 25 of the Law of Ukraine “On vacations”<sup>7</sup>;
- is absent from service due to conscription service, military service on the conscription of officers, military conscription service during

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<sup>7</sup> Закон України Про відпустки [Law of Ukraine On vacations]. Retrieved from <https://zakon.rada.gov.ua/laws/show/504/96-%D0%B2%D1%80#Text>.

mobilization, for a special period or admission to military service under a contract, in particular by concluding a new contract for military service, during a special period;

- is absent due to special training of candidates for the position of a judge in accordance with Article 77 of the Law of Ukraine “On judicial system and status of judges”<sup>8</sup>;
- suspended from the performance of official duties (powers) in the manner prescribed by the law.

To determine the results of the tasks performance by the entity of appointment an order (instruction) is adopted, it contains: a list of civil servants; deadline for determining the results of tasks performance; instructions required for the organizational support of this stage of evaluation (if necessary).

Deadline for determining the results of tasks performance of state employees holding civil service positions of category “A” is established taking into account the fact that the preparation of proposals for evaluation of the results of official activity of heads of state bodies is carried out after the formation of appropriate proposals for deputies heads of state bodies.

Deadline for determining the results of tasks performance of state employees holding civil service positions of categories “B” and “C” is established taking into account that the results of tasks performance of immediate supervisors are determined after the results of the tasks performance of civil servants subordinate to them.

### **3. Evaluation conclusion for category “A”**

The conclusion is approved by the order (instruction) of the entity of appointment in December of the reporting year.

Personnel management service of the state body in which a civil servant works acquaints him/her with an approved conclusion in the manner prescribed by the Law of Ukraine “On civil service”.

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<sup>8</sup> Закон Украйны Про судоустрий i статус suddiv [Law of Ukraine On judicial system and status of judges]. Retrieved from [https://minjust.gov.ua/m/str\\_30953](https://minjust.gov.ua/m/str_30953).

The order (instruction) of the head of the civil service in the appropriate state body on bonuses for civil servants who hold civil service positions of category “A”, “B” and “C” and received excellent grades based on the evaluation results, is issued on the basis of the approved conclusion.

Civil servants holding civil service positions of the category “A”, not later than two weeks from the date of adoption of the order (instruction) on determining the results of the tasks performance make reports in any form about own official activity concerning performance of the corresponding tasks and key indicators and submit these reports to the person who will conduct the assessment interview in accordance with paragraph 23 of the Procedure.

Based on the results of consideration of the submitted report, an evaluation interview is conducted with a civil servant holding a civil service position of category “A”. In order to discuss the implementation of tasks and key indicators, compliance with general rules of ethical conduct and prevention corruption requirements, the results of tasks are determined and proposals are developed.

Relevant proposals indicate negative, positive or excellent grade (except when none of the tasks is subject to assessment) with its justification based on the calculation of the average score for performance of each defined task.

Prepared proposals, not later than six weeks from the date of adoption of the order (instruction), on determining the results of tasks are sent (transferred) to the state body in which the civil servant holds a civil service position of category «A», in order to familiarize him/her with this information by the personnel management service.

A civil servant holding a civil service position of category «A» is acquainted with the relevant proposals prepared for him/her, and in case of remarks can state them with the corresponding justification.

Personnel management service of the state body in which he/she works, within five working days after receipt of relevant proposals sends them, as well as certified in the prescribed manner copies of tasks and key indicators and a report on the implementation of the tasks and key indicators to the entity of appointment.

Based on the results of consideration of the report, the relevant proposals taking into account remarks of the civil servant (if any) and an

additional evaluation interview conducted by the entity of appointment with such a civil servant (if necessary) the entity of appointment approves the conclusion in which negative, positive or excellent assessment is exposed in the prescribed form.

In case when none of the tasks of a civil servant holding a civil service position of category "A", is a subject of evaluation, the conclusion is not approved. Relevant information is indicated in the identity card of the latter civil servant.

Based on the conclusion on the performance evaluation of a civil servant holding a civil service position of category "A", the civil servant, together with the personnel management service, draws up an individual program for raising the level of professional competence in the form approved by the person who prepared the relevant proposals.

#### **4. Evaluation conclusion for categories "B" and "C"**

Tasks and key indicators of civil servants holding civil service positions of categories "B" and "C" are determined in the prescribed form, taking into account the strategic documents of the state and / or regional level, the annual work plan of the state body, tasks, functions and responsibilities defined in the regulations on the state body, the regulations on the relevant structural unit, and job description.

A person who defines the tasks and key indicators of the state employee, monitors their implementation. Determining the results of tasks performed by a civil servant, who is assigned to perform the duties of a civil service category "A", "B" or "C", is carried out by the head of the higher level in relation to the position of civil service, which he/she holds. To determine the results of the tasks the immediate supervisor together with the head of an independent structural unit (if any) conducts an evaluation interview with a civil servant who holds a civil service position of category "B" or "C".

In case of temporary absence of a civil servant holding the civil service position of category "B" or "C", or his repeated absence for passing an evaluation interview in determined by the immediate supervisor deadlines, direct head and head of an independent structural unit (if any) conduct determining the results of tasks performance without an

evaluation interview in a timely manner. In case of temporary absence in connection with a business trip or vacation of a state employee on his/her application the immediate supervisor carries out an evaluation interview and determination of the results of tasks earlier.

Before conducting an evaluation interview, a civil servant who holds a civil service position of category “B” or “C”, fills up the form on the results of the tasks performed by the civil servant holding the civil service position of category “B” or “C”, for the relevant year in accordance with the Procedure in terms of information about himself/herself (position, description of achieved results in terms of each defined task and its actual performance term. In case of temporary absence of a civil servant, the following information is indicated by the immediate supervisor.

The evaluation interview is conducted on the basis of oral explanations of the state employee holding a civil service position of category “B” or “C” about performance of tasks and key indicators and his/her written report that submitted in any form (if submitted by a civil servant). In addition, during the evaluation interview the needs for professional training are determined and proposals for objectives and key indicators for the next period are considered.

The immediate supervisor hands over to the personnel management service a form drawn up in accordance with the established procedure regarding the results of the performance of tasks by a civil servant holding a civil service position of category “B” or “C” for the relevant year for storage in the personal file of this civil servant.

In the case of determining the results of the tasks without an evaluation interview, the immediate supervisor shall submit the specified form to the personnel management service without a note on the acquaintance of the civil servant. The civil servant is obliged to be acquainted with the results of the tasks performance evaluation within five working days after going to work.

The conclusion on the evaluation of the performance of civil servants holding civil service positions of categories “B” and “C”, which contains a negative, positive or excellent assessment is issued and approved by the order (instruction) of the entity of appointment.

In case a civil servant receives a negative assessment, according to the Procedure re-evaluation is conducted. Approval of the conclusion



for re-evaluation is carried out according to the established form not earlier than three months and no later than five months after approval of conclusion containing a negative assessment.

Contents of tasks and key indicators for re-evaluation and the terms of their execution should be determined depending on the established date of such evaluation. In case a civil servant receives a negative assessment, the conclusion may be appealed by this civil servant.

There are some prerequisites for evaluation of a civil servant performance: typical professional qualifications characteristics of civil service positions; job responsibilities set out in job descriptions to describe the requirements of the position; evaluation criteria, for which assessment is carried out; formal and informal subjects of evaluation; transparency and accessibility of established evaluation procedures and methods; mechanisms of evaluation results application.

The Procedure for evaluating the results of official activities of civil servants is approved by a specially authorized central executive body for civil service.

If a civil servant receives a positive assessment of his/her official activity results, it is the basis for the award of departmental incentives honors; promotion; other incentives.

If a civil servant receives an excellent assessment of his/her official activity results, it is the basis for annual bonuses; appropriation ahead of schedule of the next rank; promotion; petition for honors encouragement of other public authorities and state awards; others incentives. The results of the evaluation may be grounds for improvement of professional competence level of the civil servant.

## 5. Conclusions

Despite the amendments to the Law of Ukraine "On Civil Service" and the Procedure for evaluation of civil servants performance results, some issues remain unresolved, e. g., appeal of the results of evaluation of the activity of a civil servant holding civil service positions of category "B" and "C", which indicates an indefinite algorithm of actions of a civil servant to appeal a negative assessment, as well as an indefinite algorithm of actions of the entity of appointment (head of civil service) in case of

appeal by the civil servant of the received negative estimation from the moment of its statement by the direct head and until the moment of approval of the conclusion by the entity of appointment. Moreover, the procedure for dismissal of a civil servant in case of negative assessment based on the results of evaluation of his/her activities is unclear.

Prospects for research in this area deals with a need for additional elaboration at the legislative level and, as a consequence, making appropriate changes to the Law of Ukraine "On Civil Service" and the "Procedure for evaluation of civil servants performance results".

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comprehensive evaluation of civil servants and their official activities in Ukraine]. Avtoreferat dysertatsiyi na zdobuttya naukovooho stupe-nya doktora nauk z derzhavnoho upravlinnya. [in Ukrainian].

### **Summary**

The article is devoted to the study of the regulatory framework for evaluating the activities of civil servants in Ukraine. In particular, the Law of Ukraine «On Civil Service» is analyzed, as well as the «Procedure for evaluation of civil servants performance results». The purpose of the article is to systematize the principles, procedures and features of evaluating the activities of civil servants, which should help increase the effectiveness of their professional competencies, as well as the functioning of personnel management services in public institutions. The research methodology is based on systemic and structural-functional approaches. One of the tasks of the study is to identify the negative aspects of current legislation. It is proved that the procedure of appealing the negative conclusion of the evaluation of the performance of a civil servant needs to be clarified, as well as the algorithm of his/her dismissal in case of receiving a negative evaluation. The peculiarities of evaluating the performance of civil servants who hold public office positions of category «A», «B» and «C» are analyzed.

**Keywords:** civil service, legislation, performance, results, assessment