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### **PERFORMANCE AND EFFICIENCY – CRITERIA FOR PROMOTION AND CAREER DEVELOPMENT FOR PUBLIC EMPLOYEES**

**Andreea Elena Matic** 

"Dunarea de Jos" University of Galati, Romania  
Email: amiricass@yahoo.co.uk

**Stefania Cristina Mirica**

"Dunarea de Jos" University of Galati, Romania  
Email: stefania\_mirica@yahoo.com

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#### **Abstract**

In this paper, we aim to analyze to which extent, in the Romanian public administration system, the professional performance, the efficiency, promotion and career development of the public employees are encouraged and properly evaluated. We consider that these elements have an important contribution to the achieving of public institutions' and authorities' missions and objectives, to increase the quality of the public services and upgrade both the living standards of the communities and the level of satisfaction of the beneficiaries. In order to obtain a stronger vision, we will also analyze the main deficiencies and critics of the promotion procedure and the system of evaluation as well as the methods of improvement. Human resources management and the management of public function have adopted and are oriented, as well as the states' legislations, towards the new criteria for recruitment, promotion and career development of public employees according to professional merits, individual and group work, engagement in work, their ability to solve problems, etc. The promotion, as well as and the democratic and fair exercise of the public employees right to a career are essential elements of successful reforms in administration, the gaining and preservation of citizens' confidence in public institutions and authorities. Therefore, in any democratic society, the recruitment, promotion and evaluation of public employees must be carried out objectively and transparently, taking exclusively into account the professional training, the skills and the personal merits. For example, the promotion of public employees is conditioned, in the Romanian legislation (which respect the provisions of the European Union norms), of obtaining the "very good" rating at the annual evaluation for the last two years. This condition, as well as the entire recruitment, promotion and evaluation procedures, are stipulated by the Romanian legislation.

**Keywords:** Public Sector Employees, Public Function Management, Human Resources Management, Promotion, Performance, Career Development

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## **1. Introduction**

Concepts such as performance and efficiency did not occupy an important place in Romanian public administration for a long period of time. Romania is an Eastern European country which was governed by a communist dictatorship for over 45 years. During these hard years, the public administration (both at central and local level) was controlled by the communist party. All the decisions were taken by the dictator and his managing team and the public servants were merely doing what they were told. During that period of time, the performance and efficiency in public administration only referred to the communist' party goals.

In 1989–1990, Romania finally became a democratic state, and the new elected parties tried to create a new society in which the fundamental human rights were respected and citizens had the opportunity to live more dignified lives. The new legal system is one in which the public positions are occupied by the most prepared citizens. The authorities began to have power of decision and, at the local level, certain autonomy was recognized and respected. The transition from a communist country to a democratic one turned out to be very complicated. Even if the legal provisions stated that the public servants' position should be occupied by the best prepared professional, there is still a significant political influence and corruption could not be eradicated.

In a democratic state, performance and efficiency are two of the most appreciated qualities of all employees and organizations, as they are very important to be achieved at the individual level as well as at the organizational level. In our opinion, if these two goals are fulfilled, the management of the public authority is successful and the public employees are competent and deserve proper rewards and promotions. At the same time, the concern to achieve professional performance and to be efficient is permanent and must be projected and obtained taking into considerations the organization's goals, the human resources and the time table. Therefore, even though performance and efficiency are very general notions, the actual fact of obtaining them could be quite different in every organization and it is also different at the personal level of the employees' career.

An important aspect regarding the efficiency of the professional activity of civil servants and of the public institution is to apply the principles of new public management in the administrative science. It is a fact that "the performance of an organization depends on employee performance (ability, motivation, opportunity)" and "the employee performance management requires a range of institutional support" (OECD, 1994, p. 18). So, probably is a good idea to use the methods of private institutions in order to identify the good parts and the flow of the public authorities and institutions. For example, the method of data envelope analysis (DEA) that was successfully used by others (Chiang, 2018) regarding banks, could be very useful also in public administration.

In Romanian legislation, the level of performance and efficiency is related exclusively to the degree in which the civil servants fulfill their professional duties. The administrative law and sciences specialists noticed that in very rare cases the performance and efficiency are measured in regard to the satisfaction of the citizens related to the public services (Matei and Enescu, 2013). In Romania, the process of overcoming 45 years of dictatorship proved to be very difficult and one of the most important aspects refers to the efficiency of the public sector. It is very hard to embrace the idea that the public sector must also be efficient, and it has to be managed so that the public services have a proper quality.

## **2. Research methodology**

The methodology used in the present paper involves the review of the Romanian legal provisions regarding the concepts of performance and efficiency in public administration and systematic review of the literature in this field. Even though proper legal provisions exist, they are incomplete and the general opinion expressed by specialists, representatives of the political parties and citizens is that performance and efficiency are not to be found in the public institutions of Romania.

Our aim is to find if the professional activities of the civil servants professional are efficient and they achieve performance and if they do, are those aspects actually taken into account at promotions? These aspects of the civil servants' activity are measured annually and the results of the evaluation are very important for promotion. Still, the general opinion and the situation of Romania show that only in a few cities, towns or villages meet the European standards. Romania has a low level of accessing European funds for the modernization of the infrastructures, the roads are in a very bad shape, the medical system is not functioning well and the education field is also lacking proper schools and so on.

### **3. Definitions and terminological clarifications**

In order to check if efficiency and performance actually exist in the activity of public servants, we will refer briefly to the general understanding of these notions. Achieving performance means obtaining a very good result in a certain kind of activity. Efficiency has a more technical definition: as it is considered "a measure of the ratio of output to input" but it "takes on a whole new perspective when we try to study it in an environment of traditionally measured quantities in a system that is heavily based on values, inspiration, and human perceptions. This addition of value dimension gives a unique perspective to efficiency in public administration" (Manzoor, 2014, p. 1). Very often the notion of efficiency is linked to the notion of effectiveness and these two are interchangeable and used together (Mandl *et al.* 2008). Effectiveness is defined as "the amount of end product, the real service to the public that the government is providing" (Harty, 1978, p. 28).

The subject of performance and efficiency of civil servants has always been surrounded by a lot of controversy, as the general opinion in our country is that they are overpaid and do not bother very much to perform their duties. Even though the level of corruption in Romania dropped in the last few years and Romania is the 61 least corrupt nations out of 175 countries, according to Transparency International Romania (2019). Corruption Rank in Romania averaged 68.50 from 1997 until 2018, reaching an all time high of 87 in 2004 and a record low of 37 in 1997 – (Transparency International Romania, 2019). The public administration is still not perceived positively, as people express serious doubts that the activity of public institutions is oriented towards the best interest of the society and of the population.

The civil servant is a person appointed or invested in a public position whose legal status is regulated by law. Usually, the civil servant occupies his/her position as the result of passing an exam or gaining a contest. The idea for the future is to organize annually a national contest in order to occupy all the vacancies and to eliminate the local exams and competitions. It is considered that through such competition, the vacant positions will be occupied by the most competent and well prepared professionals.

Romanian legislation which regulates the activity of civil servants and the functioning of the public institutions contains provisions about performance and efficiency, such as: the public service must be efficient; the civil servants must achieve performance in their professional activity and so on. The civil servant's professional activity is governed by the following principles: legality, impartiality and objectivity; transparency; efficiency and effectiveness; responsibility, in accordance with legal provisions; orientation towards the citizen; stability in the exercise of public office; and hierarchical subordination (Romanian Parliament, Law no. 188/1999, article 3). In certain occasions, under the pretext of reorganizing and streamlining the activity of public institutions, several civil servants lost their positions rather from political reasons than from lack of competence. This aspect sometimes affects the civil servants' right to a career and the juridical reparation takes a lot of time to occur.

Also, a very big controversy surrounds the problem of the number of employees that a public institution should have, both at central and local level. Even though it is considered that we have a lot of employees in the public system, our percentage is smaller than in other countries: 15-17% of the total number of employees in the country. According to Eurostat (2018) results obtained by the European Commission in Sweden 29% of the employees are in the public system, Denmark 28%, Finland 25% and so on. So, we do not have the largest number of public employees even though the public opinion is that we have. The problem is that those

we have are not efficient enough. As stated by Guedes de Oliveira (2016), in order to insure quality of the public services it is necessary to be more careful at the efficiency and not at the size of a public institution. It is clear that an economic growth implies less costs but it also implies qualified people and useful means conclusions are that "a government concerned with dimensions, has to take into account the weight of the public sector in the economy, but also its own efficiency when choosing the public saving rate" (Guedes de Oliveira's 2016, p. 51). We can conclude that, even though Romania does not have the largest number of public employees, the weight on the state economy is quite big and our economy is not very stable. So the burden on the population seems rather big and they are disturbed of what they think it is a very large number of employees that are not carrying out an efficient activity.

We can state that, as regards the Romanian legislation regulating the activity of local and central public authorities and institutions as well as the civil servants' right to careers, the terms of efficiency, effectiveness and performance are often met and concern general and theoretical rather than pragmatic aspects, which leave sufficient interpretation space, an interpretation which, most often, is not to the benefit of civil servants. But not only in Romania terms like performance management in public administration or performance of public administration are still set aside in public organization. We agree that "managing performance means getting information from performance measurement, transforming this information through analysis, evaluation and comparison into knowledge and using this knowledge in favor of the organization's improvement and learning" (Hrnciar and Fabianova, 2012, p. 25). Furthermore, "information gained from performance measurements serves as a basis or tool for: implementing a formal evaluation of the organization, checking the fulfillment of objectives and tasks, budgeting funds for the next period, motivating employees to achieve better results, understanding (knowledge) of the working of ongoing processes in the organization, continuous improvement of the organization" (Hrnciar and Fabianova, 2012, p. 25).

#### **4. Historical explanations regarding the right to a career of the civil servants in Romania**

The new public management whose ideas and theses focus mainly on the attention that must be paid to citizens (the beneficiaries of public service) and the way of organizing the departments, services and offices in order for the activity of civil servants to become more performing, really useful and, why not, more and more efficient. Private organizations operate (almost) exclusively to achieve profit and yield. For a long time, it has been considered that, regarding the public institutions, these goals are not realistic, as concerns both their general purpose (the satisfaction of the public interest) and the fact that such an institution is not pursuing profit, and therefore the attempt of organizing it similarly to private enterprises makes no sense.

In the Romanian local and central public administration, the concern of achieving high performance and increasing the efficiency of public institutions is relatively recent and began after 1989, the year of the revolution through which the Communist dictatorship has been removed and democracy established. But the process of passing from communism to democracy had proven to be extremely difficult, and 30 years later it is far from being successfully achieved. However, there have been taken important steps on decentralization and the selection of professionals who work in these institutions.

During the dictatorship, the communist administration was centralized and the decisions regarding the public administration (even those of local interest) were taken at the central level. Also, the administrative leadership positions were occupied exclusively by the members of the Communist Party. After the establishment of democracy, the process of changing the centralized system that had been promoted around 45 years began slowly: there have been adopted laws that enshrined a new public administration system, starting with the Romanian Constitution of 1991, continuing with the Statute of the Civil Servant (Romanian Parliament Law No. 189/1999), the Law of Local Public Administration (Romanian Parliament Law No. 215/2001), the Code of Ethics for Civil Servants (Romanian Parliament Law No. 7/2004), there have been adopted rules with reference to the recruitment of civil servants (admission only by exam or contest), their annual assessment, the right to careers (Romanian Government

Decision No. 611/2008). In 2019, an Administrative Code was adopted. Starting from 2007, Romania is a member state of the European Union, which had a major impact on our internal law and on our perception of democracy.

All these legal measures and rules have the purpose to create the necessary framework for the good functioning of Romanian public administration. But what does this actually mean? It means, firstly, that the State as well as the central and local public authorities get involved in people's lives only just as much as it is necessary in order to ensure the full exercise of each person fundamental rights (the right to live, the right to physical and psychic integrity, the right to property, to free movement, the right to private life, social assistance, a decent living standard etc.) and to prevent and punish the breaking of the law.

The central and local public administration in Romania did not and does not answer many of these requirements, regardless of what party will govern. Consequently, there are, many shortcomings in the system that are also reflecting on the activity of people working in public administration, namely the civil servants. Of course, in public administration we have not only career civil servants, but also contractual staff and a number of positions are occupied by political representatives (elected every four years). The political representatives are elected on the basis of their propositions of local or central government. These management plans are short term plans, due to their term of office of four years. Even though there is the possibility of extending this period by winning repeatedly the elections, there are no guarantees on this line and the local or central elected representatives should assume and try to accomplish what they proposed initially during the term of office actually won.

## **5. Personal merits and performances – Unique basis for recruiting public employees in Romania**

The recruitment of civil servants is carried out correctly, based only on the candidates' personal and professional qualities (Mirica, 2010, 2013). Thus, there are initially a series of conditions related to the level and specialty of the studies of the one who wants to occupy a public office, and then, among the candidates who register and meet these conditions, will be selected the one whose theoretical knowledge and answers to the interview prove to be the best.

The legal provisions state that, in order to occupy a public position, a person must fulfill the following conditions: to be a Romanian citizen and live in Romania, to be able to write and read the Romanian language, to be at least 18 years old, to have full capacity of exercise, to have a proper health, to graduate from the studies necessary for the occupied position, to fulfill the conditions imposed by the employer institution, not to have been sentenced to any penal offence in the past 7 years, not to have been removed from a public position in the last 7 years and not to carry out political police activity during the communist dictatorship (Romanian Parliament, Law no. 188/1999, article 54).

Furthermore, within Article 55 and 56 of the same law, it is shown that occupying vacant civil service positions is achieved by recruitment, promotion, transfer and redistribution. These procedures of vacant public offices are based on the same principles: namely the choice of the candidate who is best prepared from the point of view of the theoretical and practical knowledge required by the specificity of that vacant post. If we are talking about recruiting with a view to entering into the public service body, this is done through competition (Article 57). The promotion, transfer and redistribution are only accessible to those persons who already are civil servants.

Also, within Article 11 and the following from the Romanian Government Decision No. 611/2008 are detailed the conditions that should be met on the occasion of holding these competitions. These conditions require, among other things: the publication of the competition advertisement (on the internet, in a local or national paper and on the institution' notice board), a transparent contest organization, the list of the contest commission' members, the contestation procedure and so on. The contest itself is quite complex as it is formed of three tests: the file analyze (analysis of the candidate's documents), a written test and an interview. Practically, through these legal rules, we consider that the recruitment of civil servants

exclusively based on the professional merits of the candidates is ensured. Thus, the first step in forming a body of competent and responsible civil servants was made in Romania.

Therefore, we consider that the condition of selection based on competences is met. Further, it is for the management of the public institution or authority to decide the manner of managing the human resource, in what programs of professional training and improvement should the civil servants attend, the way in which they should be trained and evaluated periodically, how they could benefit from their professional potential. We believe that continuous professional training of civil servants is a necessity given the rapidity of legislative changes, the diversity of practical problems faced by them and the complex social realities.

## **6. Legal conditions for promotion and career development of civil servants**

Once inside the system, the civil servant who wants a satisfying career both professionally and financially has to carry out his/her duties in such a way as to comply with the legal requirements in order to promote and develop career. The strategy for strengthening the administration during 2014-2020 has, among other things, a declared objective; the recruitment of staff is based on professional and transparent criteria, giving them career development perspectives in the context of a modern organizational culture and the neutrality of the public office (Vedinas, 2018). At the end of this six-year period, and as concerns the recruitment of civil servants, the objective has been mainly achieved: the level of corruption has dropped in most public organizations and institutions, competitions are carried out with strict observance of the rules, the formulated subjects are strictly from the law, etc.

The civil servant's career is easier to develop if the principles of career management are taken into account. The career management has taken into consideration aspects such as the stages of career development, the planning of the career, the employees' and manager responsibilities regarding the career development, the role of counseling in career planning (Stefanescu, 2009). Clearly, all these aspects must take into account the specificity of the organization (institution) as well as the employee's options, talents and professional preparation. Also, the results of the civil servant professional activities are surely better if he/she feels that the institution's management is also interested in his/her personal development and evolution.

Also, the career development implies a process of quantitative and qualitative evolutions regarding one's professional experience, based on the professional training and the working aptitudes of the employee (Circumaru, 2016).

A proper career development must include self awareness, communication skills, the ability to work in teams, adequate studies, capacity of planning the future, capacity of anticipation, permanent professional improvement and so on. In our opinion, the civil servants from Romanian institution do not yet benefit of all the career counseling that is necessary for self satisfying career development and we will argue it in the following paragraphs. Regarding the opportunities for career development based on criteria of professionalism, performance and efficiency, we consider that they could be substantially improved.

Also for the idea of ensuring transparency with the occasion of career promotion, through Government Decision No. 611/2008, it has been established a unique template model based on which it is done a yearly evaluation of civil servants. The civil servant can promote to a higher degree if he/she has obtained in the previous two years the qualification "very good" at the yearly evaluation. This evaluation is mandatory, it must be realized every year and it is done by completing a unique table/form where the value of the civil servant professional activity is evaluated with rates from one (minimum) to five (maximum). The evaluation procedure is established in small details and must be carried out with responsibility and attention because on the basis of the result obtained the civil servant could be promoted or not.

Pursuant to Article 3 (g) of Government Decision No. 611/2008, by promotion is understood the way of developing the career of civil servants by occupying a higher-level public position as a result of meeting the conditions provided by the law and promoting the competition or the exam held for promotion. The legislator also enshrined the concept of rapid promotion in the following paragraph (Article 3 (h)) the development way of civil servants' career by occupying a public position of a level higher than the one held by the fulfillment of the conditions

provided by the law and as a result of passing the national competition organized annually for this purpose.

Subsequently, these definitions are resumed in Chapter IV - Promotion of Civil Servants from GD No. 611/2008. According to the law, the promotion can be achieved to a higher degree, a higher class or a leading position, and it may be permanent or temporary.

For the promotion to a higher degree, it is not necessary to have a vacant public position related to that degree (Article 122 (1) of GD No. 611/2008), but it is required that the person wishing to occupy that position meet the legal conditions (seniority, studies, etc.) related to that position. Promotion to a higher class implies that the civil servant graduates certain courses for bachelor's/ master's degree or other specializations that qualify him/her for the specified higher position.

According to Article 123 (1) of GD No. 611/2008, the civil servants have the right to be informed referring to the actions undertaken by the public authorities and institutions in order to ensure their right to promotion. Further, in the next paragraph, the legislator shows that through the tools of career organizing developed by the public authorities and institutions, it is established the periodicity of holding the promotion competition by reference to the number of civil servants who meet annually the conditions provided by the law for promotion.

Promoting to a higher degree is achieved by examination or competition within the limit of the budgeted places. In order to be able to participate in the competition or the promotion exam, the candidate should register and the competition file should include the proof of the seniority required by the law for that position, as well as copies of the evaluation reports of professional performance for the last two years.

Therefore, the main document based on which is determined the level of professional performance of the civil servant and the efficiency of his/her activity is the annual evaluation report. As mentioned above, in order to ensure equal treatment in the field of promotion and the right to career of the civil servant, it has been set up a sole national model of evaluation and all civil servants in Romania are evaluated by filling in this standard form by the person holding the senior position.

The notion with which we started this scientific approach, namely the analysis of the performance in the activity of civil servants, appears in the name of the annual evaluation of their activity. However, we can observe that the professional performances evaluation of civil servants does not regard particularly that they should have remarkable results in their activity but only the degree of fulfillment of the duties assigned to them by the job description. In other words, professional performance is about normality, not extraordinary. When a civil servant occupies a position in the administration, his/her immediate superior, together with the human resources department within the organization or institution, draws him/her up a job description where there are explicitly specified the duties of the official in question. The job description is drawn up on the basis of a sole model at national level (Annex 1 of GD No. 611/2008)

Consequently, professional performance in public administration cannot be identified with the professional performance in private organizations, within which the pressure on employee is usually much higher and the goals far more difficult to reach. Private organizations operate to get the largest amount of profit. They are in a permanent struggle to have profits, to remain competitive on the market, to always come up with something new to cope with the competition. In public administration, the official must carry out the duties specified in the job description within the legal time limit. Its position does not depend properly on the yielding or profit of the institution, but depends most on the efficiency with which the entire organization carries out its activity and fulfills its mission for which it has been set up.

The annual evaluation form is very complex and has differences only regarding the management positions and the execution (operational) positions. For example, the evaluator has to decide a civil servant's degree of creativity, even if the job description of that person did not imply any creative actions during the evaluated period. This could be a problem because we wonder what would be correct for the evaluator to note: one point for no creativity or five points given the fact that no creativity was needed. The first note (one) would not be correct for the civil servant as it is not his/her fault that there was no creativity needed, but to put five points would not be correct for the other civil servants whom actually performed in this field. And this

discussion could be worn regarding a lot of other items: the capacity to work in groups, the capacity to solve problems etc. The activity of many civil servants is mostly routine. They are not required to be creative; they must fill certain forms, in certain period of times. Therefore, the annual evaluation could be a merely formality for most of them, but an important formality as they cannot be promoted if the qualification is not "very good". Probably that leaves a lot of space for subjective appreciation (or depreciation) and leads to inevitable conflicts and discrimination.

The good part is that the GD no 611/2008 and Law no. 554/2004 regarding the administrative litigations provide a proper procedure for contesting the annual evaluation, firstly inside the institution and secondly in a court of law. The Romanian jurisprudence has shown that several civil servants went to court contesting the annual evaluation and if the criteria were not respected they won and obtained the cancelation of the illegal evaluations.

Also, in the future, there will be some significant modifications to this evaluation: there will be possible for the authorities to apply more severe sanctions for the improper fulfillment of the professional duties resulted from the annual evaluation. The civil servant wage can be diminished by 10% for a year if the final score of the evaluation is between 1 and 2.5 (5 is maximum). In terms of wages, Romania does not have the lowest minimum wage in Eastern Europe and it is bigger than in Kosovo (Avdullahi and Tmava, 2018) and this is the wage for the beginner. In the past years, the wage for civil servants had grown constantly but it has not yet reached to the Western European level.

## **7. Conclusion**

Through the analysis realized in this paper were pointed out the most important problems regarding the exercise of the right to a career of the civil servants in Romania. According to the legal provisions, achieving performance in the public administration field refers to the fact that the civil servants must fulfill their regular attributions and not to obtain excellent results. On the other hand, the lack of efficiency in public institutions is often used as a reason to change the configuration of the personal and the promotions is mostly based on a very general annual evaluation. Still, there are some advantages like transparency of the contests, procedures of evaluation and promotion, legal ways to defend from discrimination and abuse and a more and more involved population in the public administration field.

In our opinion, the activity of public institutions and public employees could be more efficient if it were more computerized. This aspect will lower the bureaucracy and will shorten the time necessary to fulfill the tasks. People will waste less time in public administration, will be more satisfied with the results and this will give them more trust in the public system. Probably, first the public management will have to insure more access to internet for the people in Romania and make sure that they know to use it for their needs.

Romanian public system still lacks performance and efficiency but this is probably not the fault of civil servants. Probably, the most significant problem comes from the political area and from the way in which our country is governed. Theoretically, we have legal provisions regarding performance and efficiency, but practically they are hardly applied. The civil servants taken individually come into a system that is very bureaucratic and rigid and they end up doing only what they are told or what is customary done. We are far from having an efficient public system and it is very hard to predict when we will have one.

We trust that, through time, our democracy will evolve and we, as a country, reach to a level where performance and efficiency in public administration will be actually measurable and visible to everyone. Until then, maybe the civil servants will improve their activity and the beneficiaries will be more and more involved and aware of this process. A new step in order to achieve this goal, the new Administrative Code will provide the legal frame for the Romanian public administration starting with the year 2020. This new legislation is meant to reinsure that our public administration fully respects EU regulations and that the civil servants will be better prepared and more responsible at fulfilling their objectives.



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