

The roles, functions and structures of Public Service Commissions in developmental states

1. Introduction

This paper constitutes an important component of the discussion on the nature and characteristics of public service and administration that underpinned developmental states in Asia (i.e. South Korea, Japan, Malaysia and Singapore). It examines the structure and role played by civil service commissions in administrative reforms, specifically those relating to human resource management and development. As mentioned in the concept paper on developmental states, developmental states are characterised by competent, professional bureaucrats appointed through meritocratic processes. Thus, the recruitment, selection and appointment of civil servants was critical for the creation of stable, effective and efficient government administration. It was therefore essential to create independent bodies to develop practical selective processes based on principles of merit in bureaucratic appointments. This is central to the professionalisation of the civil service. Therefore it is important to examine the roles and functions of central personnel agencies in developmental state in order to place the South African Public Service Commission (PSC) in comparative context. It is important to note that any efforts to build an efficient, effective and capable public service to underpin a developmental state in South Africa would require a re-examination of the role, functions and structures of the PSC.

Generally, the historical establishment of civil service commissions is associated with the rejection of a spoils system, patronage and any form of recruitment and appointment of public servants that is non-meritocratic in favour of merit-based and open competition for public service appointments. The history of civil service commissions falls within the modern meritocratic civil service era whose origins can be traced back to Imperial China around 206 BC. During this period, Imperial Examinations based on merit were designed and administered to select the best administrative officials in the bureaucracy. This practice was believed to have enabled the Chinese empire to maintain its stability for over 2000 years. The stability was said to be as a result of a civil service system that gave rise to a good government which advocated for the advancement of men of talent and merit only. Lessons drawn from China were so compelling such that other governments adopted the meritocratic civil service and also subsequently established Civil Service Commissions to oversee personnel practices pertaining to the selection of civil servants. Over the years, the role of civil service commissions has evolved in line with the objectives of reforms in developmental states. However, the role of selection of bureaucrats especially, those at senior levels have remained the fundamental role of with civil service commissions in most developmental states.

Commissions are therefore independent bodies entrusted with objective enforcement of the civil service law and promotion of civil service values. In this regard, Commissions regulate recruitment to the civil service by providing assurance that appointments and promotions are based on merit after a fair and open competition.

This discussion will thus describe how the civil service commissions of South Korea and Malaysia were established, explain reasons for their creation, the manner in which they are structured and lastly, outline their role and responsibilities.

2. The Role of the Korean Civil Service Commission

The evolution of central personnel agency in Korea

In South Korea, previously the personnel functions were performed as prescribed in Article 6 of the National Civil Service Act. Functions were not separately assigned to a sole ministry. Instead, it was of several functions for which the Ministry of Government Administration and Home Affairs (MOGAHA) was responsible. Public servants were recruited through a closed career merit system. That is, appointments were made on the basis of a university qualification and selection examination. The financial crisis and lack of competency it exposed brought attention to personnel affairs and eventually led to separation of personnel functions from MOGAHA. In accordance with the line taken by much-needed reforms, the establishment of the CSC was important for the general welfare of Korean civil servants and the interest of the general public. Prior to these structural changes, personnel functions were treated as a general affair that did not require professional knowledge and skills. The government thus thought it appropriate to establish a quasi-independent agency in the form of a Civil Service Commission to promote fairness while preventing political influence in personnel practices.

In an attempt by the Korean government to build a more competent civil service, the Civil Service Commission was established in 1999. The CSC is an independent government organisation established to promote merit and neutrality in the appointment of civil servants. At this time of its creation, responsibilities for personnel policy and screening of appointments for civil servants were transferred from the Ministry of Government Administration and Home Affairs (MOGAHA) to the newly-established CSC. This new body was assigned the functions to make and develop the basic policies for personnel management and pay; examine the enactment and amendment of personnel-related laws and Presidential decrees. In addition to these functions, the CSC had to review the appointments and promotion of senior civil

servants and develop, implement and maintain the Open Competitive Position System (OCPS)¹. The CSC consults on the selection of senior civil positions that are to be made subject to open competition and specifies the requirements and qualifications for the positions. It further inspects personnel actions and supervises personnel management in Executive Agencies. The CSC also has authority to reverse other central agencies' employment-related decisions such as recruitment and promotion for Grades 1-3 based on the merit principle.

MOGAHA was left with the responsibility to undertake workforce planning, analysing the medium and long-term supply and demand for labour. It continued to recruit lower grade civil servants and managed the welfare incentives, such as housing, loan arrangements and pensions. It also undertook training responsibilities. MOGAHA had two affiliated organisations, namely, the Central Officials Training Institute (COTI) and the Appeals Commission. The former, a civil service training institute, provides courses for general training, specialised training and forums on the national agenda. The training institute also promotes international co-operation through Executive Development Programmes. While the latter was established to protect the rights of civil servants by operating as a quasi-judicial body in making administrative rulings on appeals against disciplinary actions including, dismissal, suspension and reprimand.

The mission of the CSC was to provide new tools and strategies to meet new challenges facing South Korea brought about by the economic downturn and declining global competitiveness of the country. Prior to major administrative reforms, under earlier authoritarian regimes, demand for creating a sole human resource management agency was not voiced until much later when Korea was moving towards a more democratic society. The new wave of democracy became more open and voiced its criticism of royalty-based personnel practices for regime maintenance. The CSC thus became the long-sought after agent expected to monitor and gather information pertaining to personnel management.

The CSC seeks to build an open and flexible government adaptable to changing environmental conditions. This has been achieved through focusing on excellence in government and driving reforms that go beyond mere structural reforms. The desired reforms were to result in a civil service that is staffed with qualified personnel and created an environment conducive to producing quality administrative services. There high expectations that the CSC will be able to create a professional human resource management in government through the adoption of more enlightened policies as opposed to only structural reconfiguration of ministries and agencies.

¹ OCPS is a personnel system which was introduced as part of the administrative reforms aimed at increasing competitiveness and expertise in the Korean civil service. Through this system, highly specialised positions are open to competition wherein applicants are invited from within and outside government ministries. 20% of high-level positions are reserved for open competition (Kim:2000;Namkoong:2003;Chongee:2004;Brandsen & Kim:2010).

Structure of the Korean CSC

The initial composition of the CSC was a secretariat with a staff complement of 65. The CSC consisted of the CSC President, 2 Commissioners from university and 2 from the civil service. All five members of the commission were appointed by the President. The term of the Head of the CSC is 3 years with a possibility of re-appointment. The NATIONAL Civil Service Act confirms that the Head cannot be removed by the President unless there is a medical inability to perform the duties of the office. In accordance with the provisions of the Act, the Head has substantial authority to exercise his own ideas and policies for Human Resource Management (HRM) reform. At the time of the establishment of the CSC, organisations charged with personnel-related functions were described as marred with organisational limitations preventing them from undertaking their responsibilities to the expected performance standards.

The Civil Service Commission (CSC) was created in 1999 for purposes of driving public human resource management reforms focussed on securing and nurturing talented civil servants. These reforms were aimed at meeting global human resource standards some of which included the notion of establishing a ‘Human Capital Management’ agency to seek the talent that was globally competitive. Since its establishment, the CSC has played a strategic role in leading administrative reforms and other human resource management and development practices.

The CSC is an independent statutory body created in terms of the National Civil Service Act. The creation of a body of this nature was necessitated by the need for a central agency to guarantee a fair personnel system and to reform the civil service system. The primary functions of the CSC were to conduct job analysis, conduct screenings for promotions and make senior civil service appointments.

Role of the Dual Central Personnel Agencies (CSC and MOGAHA)

Personnel functions were originally divided between the main personnel central agencies as indicated in the table below.

| Civil Service Commission | Ministry of Government Administration & Home Affairs |
|--|---|
| <ul style="list-style-type: none">• Designing Human Resource Policy | <ul style="list-style-type: none">• Administering HR Policy |
| <ul style="list-style-type: none">• Compensation | <ul style="list-style-type: none">• Recruiting civil servants below senior levels |
| <ul style="list-style-type: none">• Appointment Screening for Senior Civil Service | <ul style="list-style-type: none">• Training |

| | |
|---|--|
| <ul style="list-style-type: none"> • Job analysis | <ul style="list-style-type: none"> • Merit Protection and Appeals |
| <ul style="list-style-type: none"> • Managing the Human Resource Database for Public Service | <ul style="list-style-type: none"> • Welfare and Pensions |
| | <ul style="list-style-type: none"> • Discipline |

Table 1: Division of Personnel Functions between CSC and MOGAHA (Kim: 2004, Presentation on Korean Civil Service Commission).

In line with the continued reforms implemented in South Korea, the Civil Service Commission also underwent a series of organisational restructuring. Throughout the restructuring processes, the CSC saw its scope increasing together with the staff establishment. For instance, the Commission had 65 staff members in 1999 but the size had increased to 83 by 2001 as a result of new divisions and new roles introduced. By 2004, the CSC had 105 staff members consisting of the original 5 Commissioners and the rest of the staff spread across the five Divisions. The administrative head of the CSC, that is, the Secretary-General reported to the Chairman of the Commission and together with the three Directors-General (i.e., Public HR Policy, HR Management and HR Information) formed the executive management Team of the CSC.

As at 2004, the revised Civil Service Act together with the Government Organisation Act brought about another restructuring and re-organisation of personnel functions as follows:

| MOGAHA Personnel Management Functions | Civil Service Commission |
|---|---|
| <ul style="list-style-type: none"> • Recruitment Examination | <ul style="list-style-type: none"> • 5 Bureaus created, viz, Planning & Management, Personnel Policy, HR Development, Performance & Compensation and HR Information. |
| <ul style="list-style-type: none"> • Training & Education | <ul style="list-style-type: none"> • 15 Divisions established as depicted in the organogram below. |
| <ul style="list-style-type: none"> • Personnel Management | |
| <ul style="list-style-type: none"> • Central Officials Training Institute (COTI) | |
| <ul style="list-style-type: none"> • Appeals Commission | |

Table 2: 2004 Division of Personnel Functions (Kim: 2004 Presentation on Civil Service Commission).

By June 2003, the CSC through another revision of the Government Organisation Act had taken over most of the personnel functions that were otherwise performed by MOGAHA. Stemming from the increased scope of functions on the part of the CSC, plans were thus put in place outlining future administrative reforms that had to be pursued. The approach adopted in driving further administrative reforms was to

have key initial reforms driven holistically by the Commission. As reforms took shape, the CSC was to focus less on control and prescription and more on disseminating best practices and promoting effective strategies for change. In pursuit of the reforms, the CSC developed and implemented a plan to delegate some personnel functions and authorities to each ministry and agency on the ground of the principle of autonomy and decentralisation.

ORGANOGRAM

Below is the most recent structure of the newly-established Ministry of Security and Public Administration which is a product of the merger of two ministries and two commissions, one of which is the Civil Service Commission.

MOSPA (Ministry of Security and Public Administration)

■ Responsible for

- overall coordination and management of national administration, human resource, e-government,
- local autonomy and development,
- public safety, national disaster and emergency mgt.

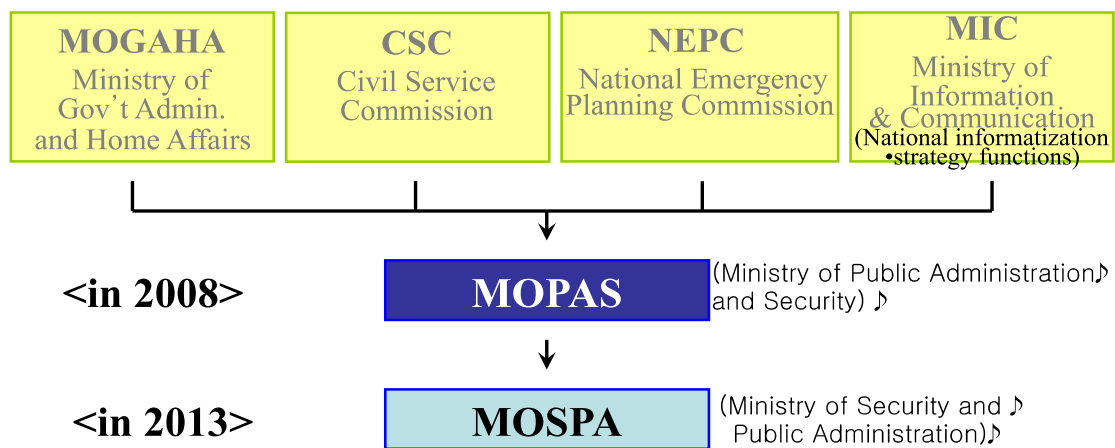


Figure 1: Structure of newly-established Ministry of Security and Public Administration

Prior to the merger the Civil Service Commission was structured as follows:



Figure 2: 2004 Organogram of the CSC depicting the Top-Level

As described earlier, the administration of the Commission was structured into 5 Bureaus that were further sub-divided into 15 Divisions with a staff complement of 353. All administrative bureaus and divisions were accountable to the Secretary-General. The manner in which functions were allocated across the bureaus is illustrated graphically as follows:

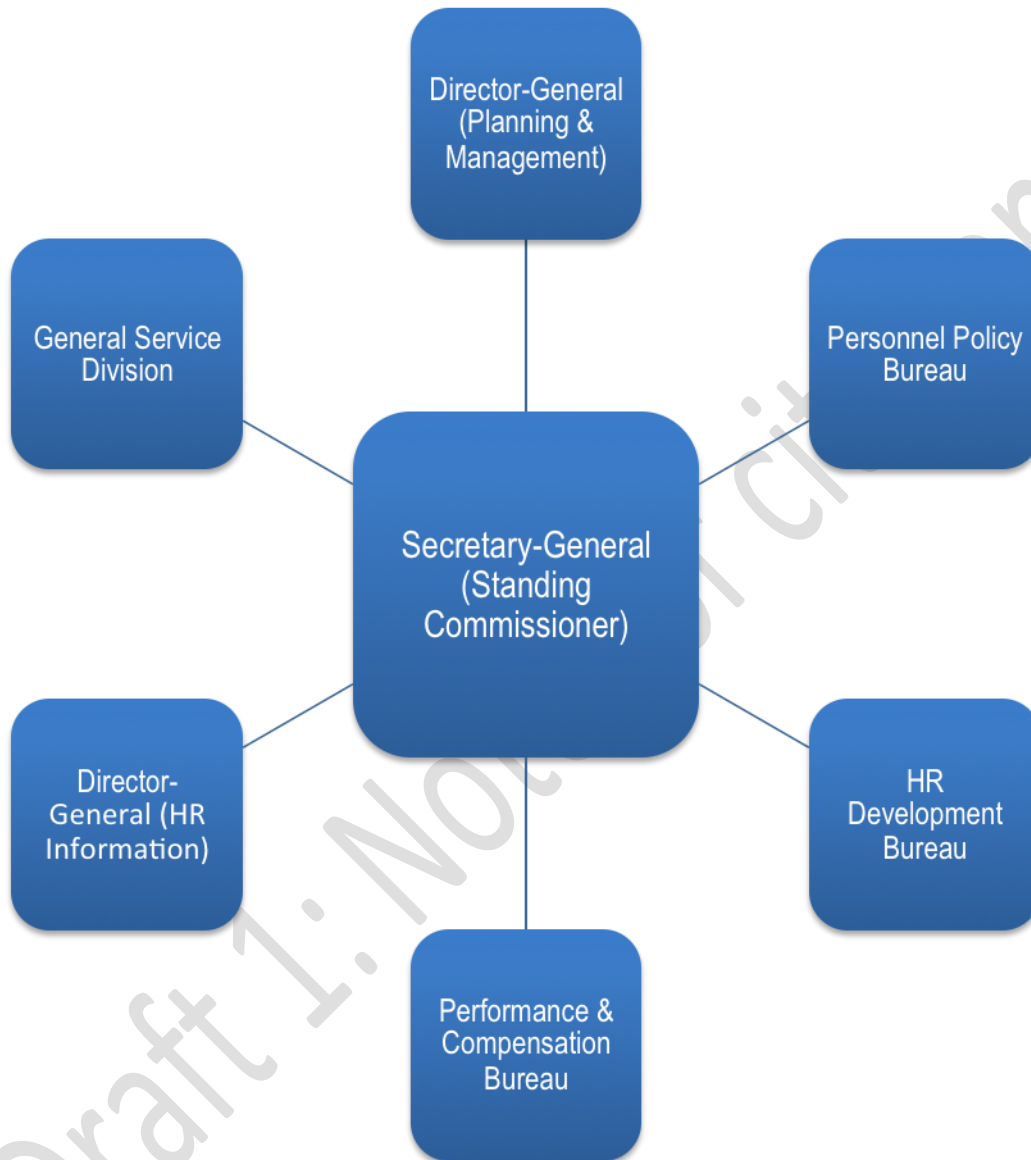


Figure 3: CSC Bureaus and Divisions as at 2004.

The illustration below shows how administrative functions were grouped together under each Bureau and Division of the Civil Service Commission.

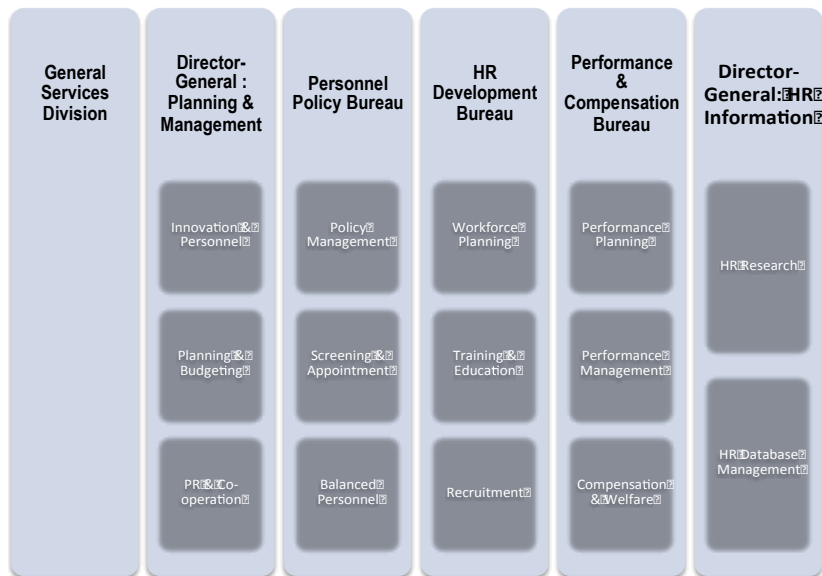


Figure 4: CSC Administrative Structure as at 2004.

Major civil service reform tasks were focussed on making the following culture and system transformation:

- **Government Culture:** change from a one-way, hierarchical communication in which the supervisor issues instructions and the subordinate carries out instructions without questioning them into a two-way open and democratic communication culture;
- **Performance Management:** move away from a seniority-based performance management system into a performance-based system;
- **High Quality Workforce:** emphasis on developing specialists as opposed to generalist. In addition to this, civil servants are to develop humanist skills and demonstrate good leadership;
- **Recruitment Method:** Move away from a closed to an open system aimed at recruiting and appointing the right person in the right position. Personnel to be recruited from both public service and outside the service; and
- **Management System:** Develop a decentralised public service administration and provide choices for personnel against a centralised and restrictive system.

Achievements of the Civil Service Commission

Since its inception, the Civil Service Commission led the following personnel reforms that shaped the direction towards attaining a globally competitive public service in Korea:

Open Position System (OPS)

The CSC led reforms that saw to at least 20% of senior level positions open to candidates from outside the public service. This reform was a move away from a closed system in which only Grades 5-9 positions were filled from outside government and senior grades filled through internal promotion.

The open positions were non-career positions based on fixed-term contracts.

Job Analysis and the Senior Civil Service System (SCS)

Upon the 2003 announcement of public personnel administration reform in which the establishment of the senior civil service system was selected as priority area,... Subsequently, during 2003-2004, the Civil Service Commission conducted job analysis for 1,437 senior positions in the civil service. The results of the analysis were widely discussed together with recommendations proposed by the CSC after which an amendment was effected on the National Civil Service Act in 2005 followed by the launch of the Senior Civil Service system in 2006.

The SCS covers all Director-General and above positions in the central government. That is, national civil servants in General, Excepted, contracted and Foreign Services including national civil servants in local governments such as vice-governors, vice-mayors and vice-education superintendents.

According to the new reforms, Grades for SCS members were abolished and instead, members were to be managed in accordance with their ability and performance. The system manages personnel based on rank-in-position as opposed to the conventional rank-in-person system.

Each agency has its personnel authority to manage their SCS members while the Civil Service Commission consults and mediates conflicts of interest on appointments among agencies.

For entry to the SCS, candidates are expected to successfully complete the SCS Candidate Development Programme and Competency Assessment. However, in order to allow smooth transition into the new system, existing high-ranking civil servants were permitted to join the SCS without any training or certification.

SCS Training Programme

Division directors at the central government are required to receive Action Learning-based training and are to concurrently participate in the programme while in their current jobs. For incumbent SCS members migrated into the new system, they receive customised training develop in areas of insufficient competency. The training programme is structured as follows:



Figure 5: Senior Civil Service Training Programme

SCS candidates are expected to undergo competency assessments which are administered using various methods such as group discussion, role-play, presentation and interviews.

In this regard, the Civil Service Commission screens promotions and appointments only for first-time SCS entrants.

Each qualifying SCS member is expected to enter into a performance agreement with clear performance objects and measures. Agreements are made through performance interviews with direct supervisors of SCS members. Annual performance appraisals are conducted with 5 different ratings including a mid-year review.

The structure of the job and pay system is based on difficulty and importance of the job and performance rather than seniority and grade. There is a strong link between performance and reward.

The other key element of the SCS system is the re-certification process. In terms of this process, occurs regularly on 5-year intervals or on an irregular basis, that is, when required. Non-regular processes are only allowed for 2 or 3 consecutive years as no position assignments are allowed for periods less than 2 years without a valid reason.

The Civil Service Commission Chairperson chairs the Re-certification Committee which sits to ensure that the re-certification process is fair and professionally organised. Other 7 to 9 committee members include, vice-ministers, the SCS members and private sector members. SCS members that are not re-certified are dismissed.

360-Degree Feedback Appraisal

The 360 degree performance feedback system sought to improve the traditional supervisor-dominant appraisal system by considering performance assessments from additional sources such as an employee's peers, customers. The idea was to encourage improved job performance and human resource development contrary to a biased and demotivating appraisals based only on one source.

Compensation-Based Performance System

A new system different from the seniority-based performance pay in which excellence and innovation were rewarded to deserving civil servants irrespective of their hierarchical positions.

Personnel Exchange System

Civil servants were encouraged to spend time in other organisations such as, ministries, agencies, local authorities, private sector and non-governmental organisations learning how organisations function and so on. Government officials were able to appreciate the practical application of policies in different contexts.

Foreign experts were employed on a contract basis in the fields of Education, Research and other designated critical fields.

Other major reforms in the administration of the Korean government include e-Government, the Senior Civil Service System (SCS) and the merging of the Civil Service Commission with other agencies to form the new Ministry of Security and Public Administration.

Challenges

While the Civil Service Commission successfully implemented a number of major reforms, there continued to be challenges owing to the culture and deeply-entrenched structures and practices. Some of the challenges are:

- The management of the senior civil servants is improving though it remains fragmented and under-developed. The CSC has reformed recruitment, promotion and performance pay systems.
- Each ministry lacks autonomous personnel authority.
- MOGAHA has implemented the Management By Objectives (MBO) system.
- Inbreeding due to a long history and practice of internally promoted workforce. This workforce lacks nation-wide perspective and competitiveness.
- Lack of strategic and systematic human resource development.
- The reward system is weak and complicated.
- Unattractive salaries as compared to the private sector.
- Poor performance management
- Need to define competencies required of civil servants in a detailed manner. That is, a framework indicating personal qualities, leadership qualities and other management traits.

3. Malaysian Public Service Commission

The Public Service Commission (PSC) of Malaysia is founded on Article 139 of the Constitution of Malaysia. It is responsible for the general administration of the public service of the federal government. It establishes the rules and regulations for the conduct of all members of the federal civil service. The PSC has the authority to appoint and dismiss most members of the services. It offers advice to the King of Malaysia regarding appointments to positions that he has designated as Special Posts (Wikipedia: 2013).

The PSC was established in 1957 in terms of the provisions of Article 144(1) of the Federal Constitution which stated that:

“... it shall be the duty of the Commission to ..., appoint, confirm, emplace on the permanent or pensionable establishment, promote, transfer and exercise disciplinary control over members of the service to which its jurisdiction extends”, (<http://www.spa.gov.my>).

Composition of the PSC

The Chairman and other members of the Commission are appointed by the King of Malaysia as his discretion within the provisions of Article 139(4) of the Malaysian Constitution. The PSC is considered a special institution and therefore falls outside the scope of the public service as defined in the legislation. However, its administration that provides support and secretarial services fall within the public service (Wikipedia: 2013).

Functions of the PSC

Each of the public services its respective appointing authorities. The PSC is one such authority responsible for making appointments in the Federal Public Service (excluding the Education Service, Judiciary & Legal Service, Police and Armed Forces) and public services in the states of Selangor & Penang (http://www.spa.gov.my/PortalEng/Establishment_History).

The functions of the PSC are listed in the Article as follows:

- **Appointment**

The commission manages the appointment of personnel in the Public Service on permanent, temporary, contractual, temporary transfer and loan status. It also has the authority to terminate the services of personnel in the Public Service according to the appointment's directive. In the pursuit of its role, the Commission has empowered Ministries and Federal Departments and relevant State's Administrative Government for posts in the **Support Group (Group D JKK)**.

- **Confirmation of Service**

The PSC has authority to confirm personnel in the Public Service of the services, to extend trial period, to return personnel to an original post or to terminate the services due to failure at being confirmed of their services. The Commission has since empowered the Ministries and Federal Departments to confirm the services for posts in the **Support Group (Group D JKK)**.

- **Conferment into Pension Status**

The Commission manages the conferment into pension status of personnel who are in service and have served in services deemed pension status for less than 3 years (excluding the Support Group, D JKK).

- **Promotion**

The PSC operates as a Board of Promotion for promotion posts for members from the Public Service Boards of Promotion as well as promotion to a higher grade under the Integrated Service Scheme. It further functions as a Board of Appeal for the Public Service Promotion as provided under the relevant Orders of the Public Service's Board of Promotion.

- ***Transfer***

The PSC has authority to transfer permanent personnel in Public Service from one scheme of service to another scheme; and from one service to another scheme of service of equal grade. In addition, it can transfer permanent personnel appointed on temporary transfer or loan.

- ***Exercise Disciplinary Control***

The Commission is the appropriate Disciplinary Authority for disciplinary actions with the purpose of dismissal or demotion of officers in the Highest Management Group and the Professional Management Group. It also operates as the Public Service Disciplinary Board of Appeal as provided by relevant Orders of the Public Service Disciplinary Board (<http://www.spa.gov.my>).

Structure of the Malaysian PSC

The Public Service Commission is divided into two main Divisions and further sub-divided into 7 functions and other 8 sub-divisions tasked with secretariat, legal and public relations functions. The organogram depicting the functional divisions is illustrated below (http://www.spa.gov.my/PortalEng/Management_Chart)

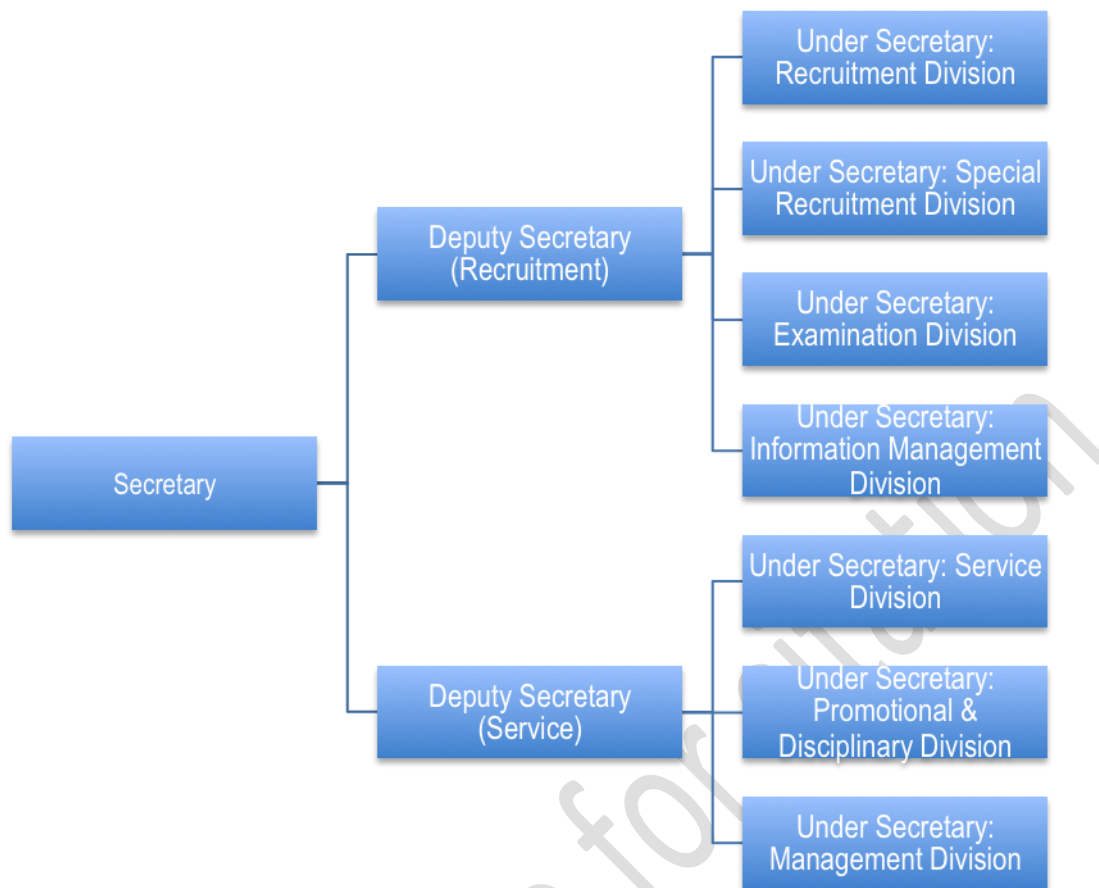


Figure 6: Organogram illustrating the Top Management Structure of the Malaysian Public Service Commission.

Figures 6 and 7 depict the manner in which PSC activities are organised in order to fulfil its constitutional mandate as described above.

The Secretariat, Legal and Public Relations (PR) functions fall within the responsibility of the Office of the Secretary of the Public Service Commission and are designated as illustrated in figure 7 below.

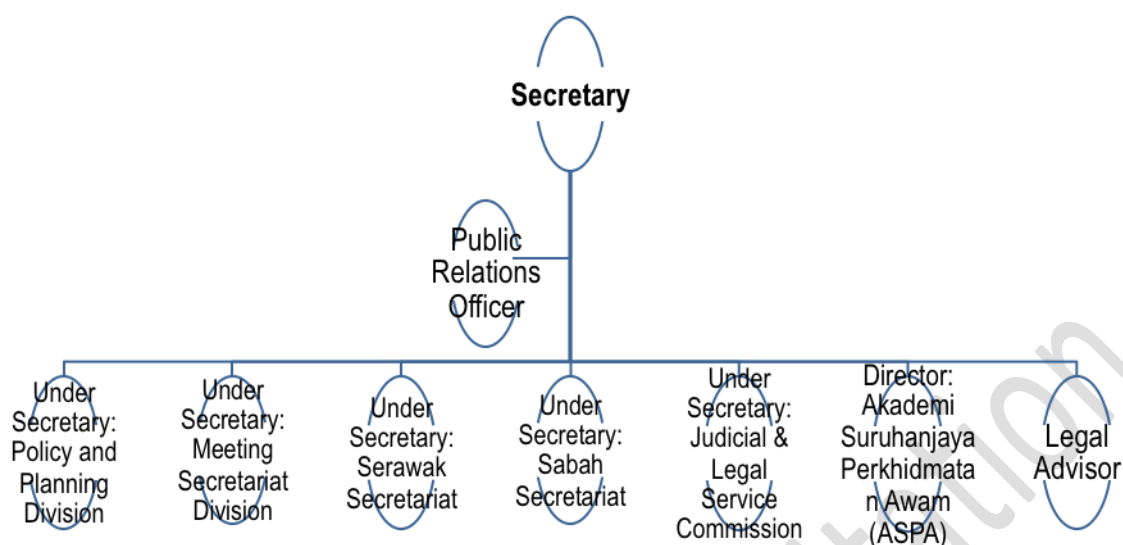


Figure 7: Administration Divisions directly accountable to the Secretary of the Public Service Commission.

In an effort to reform administrative processes that brought about inefficiency and less competitive public service, the Public Service Commission of Malaysia re-engineered processes and incorporated standards of performance in the client charters. For instance, the recruitment turnaround time was set at 8 weeks from the time the Department's application letter is received to when the offer is made to the Ministries and Departments. This standard is set for vacancies in the Professional Management Group as well as the Support Group in the federal public service. In order to manage effective and efficient search for the best talent, the Recruitment Division is structured into the following Units with clearly defines functions (<http://www.spa.gov.my/PortalEng/Division/Recruitment>). Below is a list of key activities performed by each of the Units within the Recruitment Division.

Processing Unit

This Unit renders the fundamental secretariat services pertaining to the sourcing of the best talent to the public service such as:

- Preparation of Primary Board Statement based on request for filling a vacancy from Ministry/Department/ State Government for posts of Grade 27 and above;
- Co-ordinating with Ministry and Department in indicating types of qualification suitable for posts needed;
- Preparation of Call for Interview Letters to Applicants;

- Preparation of Interview Package for Interview Panel; and
- Provide secretariat service during the Interview Session. That is, registration of candidates and checking of personal documents before the interview.

Interview Unit

The Interview unit handles logistics leading to actual interview session by undertaking the following core activities:

- Arranging interview centre, hotel and logistics for Commissioners; and
- Preparing Interview Schedule for Commissioners.

Commission Paper Unit

This unit is responsible for quality check of all documents essential for making a final decision on the recruitment of the best talent. It does this by performing the functions listed below.

- Cross-checking information from Interview Reports with applicants' documents;
- Verifying recognition of applicants' qualifications; and
- Preparation of Commission Paper to be presented at the meeting of the Commission meeting.

Offering Unit

The responsibility of this Unit is to relay the outcome of interviews to successful candidates and also update the database with recruitment results. In pursuing this objective, the Unit performs the following activities:

- Prepare Letter of Appointment to successful applicants and recruiting Ministry;
- Update the result of the interview through the Portal (i.e. Public Service Commission); and
- Check the status on reserved candidates.

Medical/Critical Service Unit

The following activities are undertaken by this Unit:

- Prepare Primary Board Statement and act as Secretariat for interview matters on permanent recruitment of 3 critical posts (namely, Medical Officer, Dentist and Pharmacist);

- Arrange reservation date for Open System Interview to allow for critical courses graduates from overseas' universities;
- Organise briefing sessions, registration, interview and conditional letter of appointment for final year students in critical courses at local universities;
- Prepare Commission Papers for presentation at Commission Meeting; and
- Write a Letter of Appointment for successful candidates.

Special Task and Enquiry Unit

This Unit handles enquiries relating to recruitment as well as undertake special tasks such as the ones listed below.

- Render secretariat services for Special Tasks initiatives, programmes and research;
- Respond to queries from 'ePertanyaan';
- Arrange scheduled interviews for JPA Scholars in non-critical courses (CGPA 3.0 and above for overseas universities and CGPA 3.50 and above for local universities); and
- Arrange interview session for SPA Best Talent Programme (i.e. candidates with CGPA 3.70 and above).

Contract Unit

Matters pertaining to contract appointments are handled by this Unit and these are;

- Write Letter of Appointment for candidates that fall under 'Contract Posts';
- Bind all contract matters; and
- Prepare Commission Paper for tabling at the meeting of the Commission.

Administration Unit

The function of this Unit is to perform generic administrative activities relating to the overall running of the Division and other interview logistics. Activities undertaken are;

- Managing administrative matters of Division;
- Monitor attendance, record-keeping and budget; and
- Arrange and manage interview Room breaks for Commissioners.

The success in maintaining the expected standard for recruitment is due to the introduction of an online application system and managed through an innovative system of selection dependent on the nature of vacancy advertised. For example, a data bank of applications is kept through on-going online submission of applications. A shortlist of candidates is done in preparation for an interview as soon as applications on the databank exceed the number of vacancies open. Shortlisted candidates are invited to sit for selection examinations, allowing them between 3-4 weeks for preparation (<http://www.spa.gov.my/PortalEng/Division/Recruitment>).

The scope of examinations consist of written and practical components that seek to assess a candidate's knowledge, talent, psychological traits, mental abilities and physical fitness (depending on the nature of the job). All examinations and the syllabus are organised by the PSC and results available online. Passing the examination will enable a candidate to move to the interview stage of the selection process. Interviews are conducted at centres closer to the location of candidates. Interview Boards form interview panels and all include a member of the Commission together with a representative of the recruiting ministry who is at least a level higher than the post for which the interview is conducted (<http://www.spa.gov.my/PortalEng/Division/Recruitment>).

The Chairperson of the Interview Board is expected to prepare and submit an interview report the Co-ordinator no later than 3 days after the end of the interview session. Based on the report, the co-ordinator will prepare a Commission Paper to be tabled at a Commission Meeting scheduled on every Monday. Thorough checking of documents submitted by candidates is done to ensure they fulfil all the requirements. Within 7 days of the Meeting, candidates can check their results online and a Letter of Appointment will be sent through at the same time. A copy of the Letter will also be sent through to the recruiting Department/State Administration for placement purposes (<http://www.spa.gov.my/PortalEng/Division/Recruitment>).

4. The Public Service Commission (PSC) of Mauritius

Establishment & Mandate

The PSC was created by the Constitution of Mauritius in 1953 and started operating in 1955. Historically, the initial objective of the PSC was to function as an advisory body for the then Governor in line with the Colonial Regulations, General Orders and Secretariat Circulars. However as from 1956, under the Federal Constitution, this role was changed from that of playing an advisory function to that of exercising executive powers over personnel affairs of the public service.

Powers

In terms of the 1997 amendments to the Mauritian Constitution, the PSC is entrusted with the powers to appoint persons to hold or act in any public service offices,

exercise disciplinary control over persons holding or acting in such offices and to remove such persons from office. The Constitution further vests the PSC with the power to make regulations to direct and facilitate its functions. Also, a provision is made that the Commission shall not [own emphasis] be subject to direction or control of any other person or authority in the exercise of its functions.

Stemming from these constitutional provisions, the PSC is an independent body established to exercise executive powers over personnel administration of the public service.

Objectives

In exercising its constitutional powers, the PSC strives to pursue the following objectives:

- To identify and appoint qualified persons with the drive and skill for efficient performance;
- To safeguard the impartiality and integrity for appointments and promotions in the civil service and to ensure that these are based on merit; and
- To take disciplinary action with a view to maintain ethical standards and to safeguard public confidence in the service.

In this regard, the PSC ought to ensure that the country's public service is staffed² with professional and efficient civil servants who strive for excellence. In pursuit of its mandate, the PSC considers qualifications, experience and merit in determining the suitability of all candidates who register interest in taking up civil service jobs. Similarly, for positions reserved for 'serving' officials, the PSC is obliged to take into consideration the seniority of such officials in addition to their qualifications and experience.

Structure

In terms of the 1997 constitutional amendments of Mauritius, the PSC is a one of the two separate entities that form part of the Public and Disciplined Forces Service Commissions (PDFSC). The PSC continues to exercise its powers and pursue objectives as described above while the second entity, the Disciplined Forces Service Commission (DFSC) is responsible for the Mauritius Police Force, the Fire Services and the Mauritius Prisons Department.

² As part of the civil service reforms, the PSC is reviewing its processes and procedures followed in making appointments. Representations made about the fitness of the appointed public servants selected on the basis of the criteria used. While candidates possess the appropriate qualifications and experience, they do not exhibit the desired behaviour and attitude to work – which may inhibit the organisation's performance.

The PDFSC performs its functions within the broad parameters as set out in the regulations of the PSC in pursuit of the ultimate goal of ensuring that, “the Republic of Mauritius has a professional and efficient civil service geared towards excellence.”

In order to carry out its mandate, the PSC is organised as follows:

1. The Commission is headed by the Chairperson³. It has two Deputy Chairpersons and four Commissioners as depicted below;
2. The accounting head of the PDFSC is the Secretary⁴, who in carrying out his administrative responsibilities, by officials of the administrative cadre, the personnel cadre, the general services and departmental grades of Assistant Secretary and Registrar (who serve both Commissions);
3. Commissioners are appointed and can be removed from office by the President; and
4. The term of office of Commissioners is 3 years from the date of appointment unless they are disqualified for appointment⁵.

³ In terms of the new organisational arrangements, the Chairperson heads both the PSC and the DFSC. The DFSC has four Commissioners to assist the Chairperson. The accounting officer of the DFSC is the Secretary (PDFSC).

⁴ In line with the civil service reforms, the position of the Secretary is under review in the light of the additional duties as a result of the reorganisation of the organisation.

⁵ Qualification criteria outlined in Sections 88, 89 and 93 of the Constitution Act, Act No. 5 of 1997.

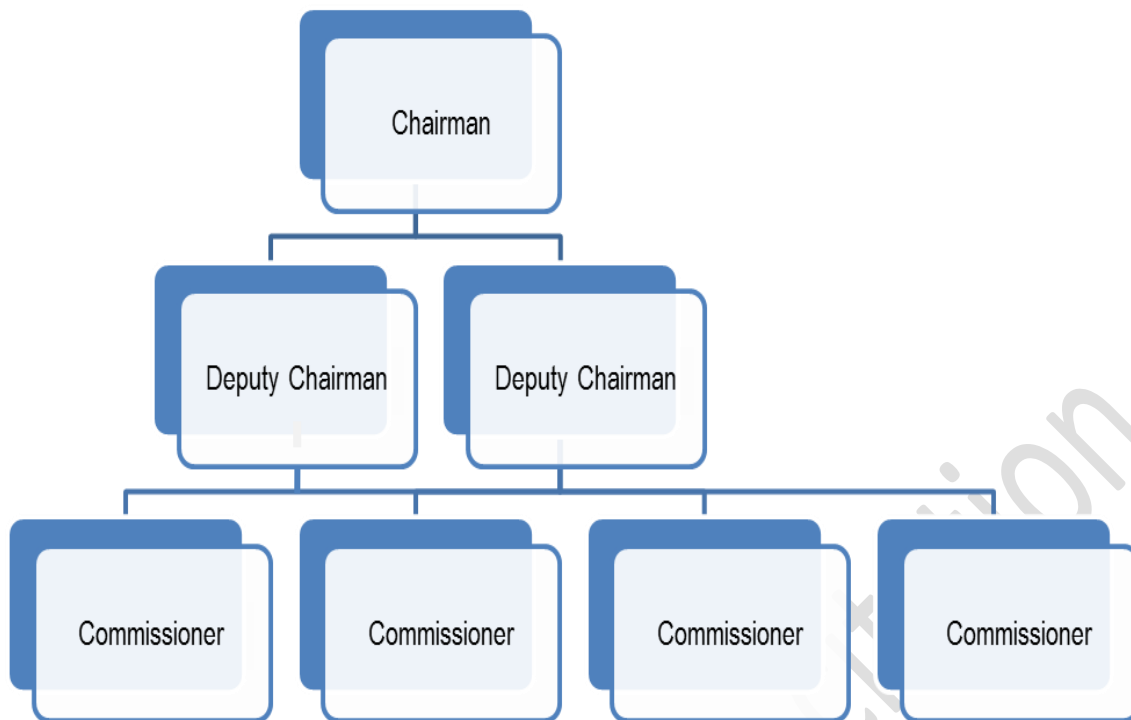


Figure 8: Organogram depicting the composition of the Mauritian Public Service Commission

(Source: psc.gov.mu/English/AboutUs/PSC-Composition.aspx)

As shown in the illustration above, the PSC consists of a Chairman, two Deputy Chairmen and four Commissioners. All seven Commissioners are appointed by the President of the Republic of Mauritius. The President makes final appointments after consultation with the Prime Minister and the Leader of the Opposition party in line with the qualification criteria outlined in the Constitution, Act No. 5 of 1997.

The Secretariat of the PSC is organised as illustrated in the figure below.

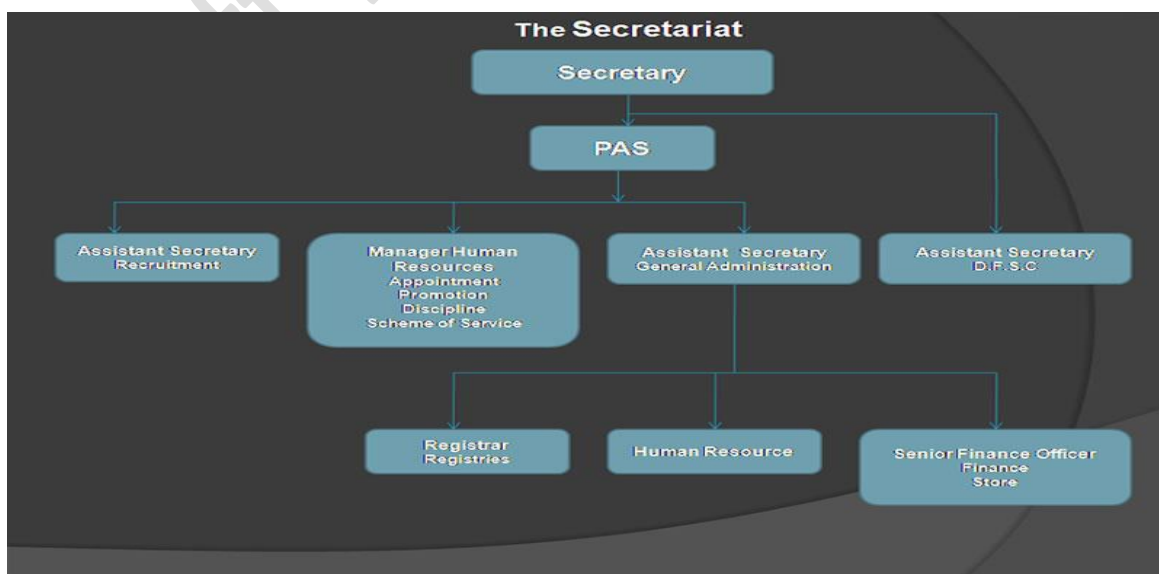


Figure 9: The Organogram of the PSC (and DFSC) Secretariat (Source: psc.gov.mu/English/AboutUs/Pages/Secretariat.aspx)

As earlier explained, the PSC through its organisational design undertakes the following core functions⁶:

1) Recruitment,

The Recruitment Division handles matters pertaining to the advertisements and filling of vacancies by way of prescribed selection procedures and processes. This Division further makes appropriate recommendations to the Commission affording it to continue and complete the selection process.

2) Appointments,

The Scrutiny Divisions A & B are responsible for dealing with all matters relating to appointments made in the public service including terminations of appointments (Division A) together with transfers, reversions, scholarship, discipline, representations and court cases (Division B).

The main responsibility of Scrutiny Division A is to scrutinise and process submissions from Ministries in conjunction with the provisions of the PSC Regulations and Circulars⁷. Under certain specified conditions, the PSC has authority to delegate some of its powers over appointments and promotions to its Commissioners or Responsible Officers.

The core function of Scrutiny B is to examine recommendations from Ministries in an endeavour to ensure that they are in sync with the prescribed procedures in the PSC Regulations and Circulars.

3) Promotion,

4) Discipline and

5) Scheme or Service.

⁶ In the public service as defined in the Mauritian legislation.

⁷ The PSC receives, considers and pronounces its agreement (or contrary) to Schemes of Service submitted to it by the Ministry of Civil Service and Administrative Reforms. Through such schemes, the Ministry provides general guidelines for observation by other ministries. The guidelines relate to all matters of appointments in the public service.

5. Public Service Commission – South Africa

1. Establishment

The Public Service Commission (PSC) was established in terms of the Public Service and Pensions Act, 1912.⁸ At its inception, the PSC was entrusted with the power to make recommendations to political functionaries on selected public service matters. Such matters constituted issues related to personnel administration matters like, job grading and classifications of public service positions; making appointments, promotions; terminations of service; organisation and re-organisation of government departments.⁹

In line with the political and subsequent government changes, the PSC has over the years gone through a series of transformations ushered by relevant amendments and overhaul of founding legislation.¹⁰ However, for purposes of brevity, this discussion will only be focused on the PSC's establishment, composition, mandate and organisational structure as it obtains today (i.e. post democracy).

Following the commencement of a democratic era, the PSC like other civil service institutions was transformed and reconstituted in terms of Section 195 of the Constitution Act, 1996. The salient feature of this transformation was the relief of the PSC from playing the role of direct implementation of the policies of the public service to pursuing an advisory and monitoring role.¹¹ The PSC is founded under democratic values expected to govern the public service and carry out its mandate as stipulated below.

In line with the continuing public service transformation, a Public Service Commission Amendment Bill is before Parliament which seeks to review by

⁸ Act No. 29 of 1912 promulgated after the formation of the Union of South Africa in 1910.

⁹ www.nelsonmandela.org/omalley/cis/omalley/OMalleyWeb/03lv0224/04lv03370/05lv03372/06lv03375.htm downloaded on 19 December 2013; Republic of South Africa.2013. 100 Years – The evolution and transformation of South Africa's Public Service Commission, Public Service Commission, Pretoria.

¹⁰ Key legislation that led the transformation of the PSC are Public Service Act, 1957; White Paper on Rationalisation of the Public Service and other Related Institutions (1980); 1983 Constitution of the Republic of South Africa (RSA); Commission for Administration Act of 1984; Interim Constitution of RSA, 1995 White Paper on the Transformation of the Public Service; Public Service Act, 1994 as amended; Constitution of RSA, 1996; and Public Service Commission Act, 1997. However, this description will only focus on the current mandate of the PSC.

¹¹ Republic of South Africa. 1995. White Paper on the Transformation of the Public Service. Pretoria; Republic of South Africa. 1996. Annual Report: Public Service Commission. Public Service Commission, Pretoria.

strengthening the role of the PSC as envisaged in the National Development Plan.¹²

Mandate

The PSC is an independent and impartial body constitutionally created to promote and maintain effective and efficient public administration and high standard of professional ethics in the public service.¹³ Contrary to the independent nature of the PSC as proclaimed in the Constitution Act, 1996, the Public Service Act, 1994 defines the PSC as forming part of the public service classified in the same category as national departments.¹⁴ Similarly, PSC employees are classified as public servants.

In pursuing its mandate, the PSC has set itself a mission to promote the democratic values governing public administration as contained in the constitution. In doing so, the PSC will investigate, conduct research, monitor, investigate, communicate, offer advice, direct and report on the public service.

Powers and Functions¹⁵

Under the new Constitution, Act 1996, the PSC ought to use the powers and undertake the functions stated below.

- Promote the values and principles stated in Section 195 of the Constitution, Act 1996.
- Investigate; monitor and evaluate the organisation and administration; and the personnel practices of the public service.
- Propose measures to ensure effective and efficient performance within the public service.
- Give directions aimed at ensuring that personnel procedures relating to recruitment, transfers, promotions and dismissals comply with the constitutional values and principles of public administration.
- Report in respect of its activities and the performance of its functions, including any finding it may make and directions and advice may give, and to provide an evaluation of the extent to which the values and principles of public administration are complied with.
- Either on its own accord or upon receipt of any request or complaint –
 - Investigate and evaluate the application of personnel and public administration practices and to report to the relevant executive authority and legislature,

¹² Republic of South Africa. 2013. 100 Years – The evolution and transformation of South Africa’s Public Service Commission, Public Service Commission, Pretoria.

¹³ In this spirit, public administration encapsulates all spheres of government as per legal opinion quoted in the PSC Strategic Plan 2013/14 – 2017/18 (page 2).

¹⁴ Schedule 1 of the Public Service Act, 1994 read in conjunction with Section 8(1) and Chapter 1 of the same Act.

¹⁵ Republic of South Africa. 1996. Annual Report: Public Service Commission. Public Service Commission, Pretoria.

- Investigate grievances of employees of the public service concerning official actions or omissions and recommend appropriate remedies,
- Monitor and investigate adherence to applicable procedures in the public service and
- Advise national and provincial organs of state regarding personnel practices in the public service, including those relating to recruitment, appointment, transfer, discharge and other aspects of the careers of employees in the public service.

Key Performance Areas

Based on the constitutional provisions tabled above, the PSC has set out its strategic priority key performance areas as follows:

- Public service leadership and human resource management,
- Labour relations and labour practices,
- Governance monitoring,
- Service delivery and quality assurance,
- Public administration investigations and
- Professional ethics.

The manner in which the PSC is organisationally structured reflects the grouping together of the above functions as it will be illustrated in 4.2 below.

Structure

This section briefly examines the structures of the of the PSC.

Public Service Commission

The Commission comprises 14 Commissioners who are all appointed by the President of the Republic of South Africa. Five Pretoria-based Commissioners are approved by the National Assembly and one Commissioner represents each of the nine provinces and is appointed after being nominated by the relevant Premier and approved by the appropriate provincial legislature.¹⁶

¹⁶ Republic of South Africa. 1996. Constitution of the Republic of South Africa 1996. (Act No. 108 of 1996). Republic of South Africa. 1997. Public Service Commission Act, 1997.

Also, the President designates one Commissioner from amongst the 14 as chairperson and another as deputy chairperson of the Commission.¹⁷

The Commission is accountable to the National Assembly and to which it is expected to report on its activities at least annually. It must also report annually to each provincial legislature on its activities.¹⁸

The Commission operates in terms of the provisions of the Public Service Commission Act, 1997.

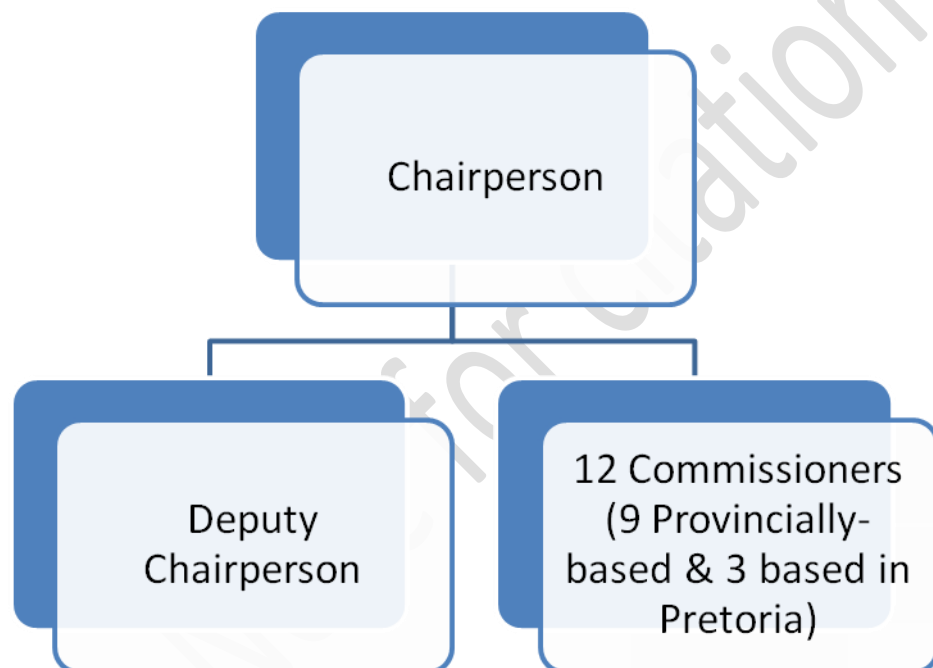


Figure 1: Organisational Structure of the Public Service Commission

Office of the Public Service Commission

In accordance with the provisions of the Public Service Commission Act, 1997, the Director-General: Office of the Public Service Commission is responsible for the administration of the Office of the Commission, subject to control and directions of the Commission. In this regard, the Director-General (DG) is entrusted with the responsibility to ensure an efficient management and administration of the Office.

The DG is also designated as the accounting officer in line with the Public Finance Management Act, 1999.

¹⁷ Republic of South Africa. 1997. Public Service Commission Act.

¹⁸ Republic of South Africa. PSC Strategic Plan 2013/14 – 2017/18. Public Service Commission. Pretoria.

The DG leads a team of public officials appointed to perform functions and duties that fall within the following organisational structure.

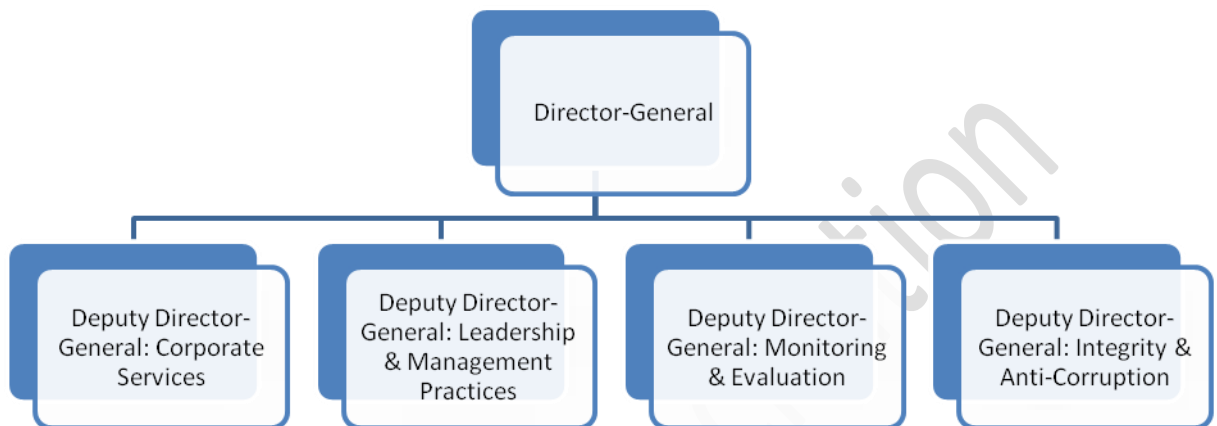


Figure 2: Organisational Structure: Office of the Commission (Source: PSC Annual Report 2012/2013)

All administrative functions of the Commission are grouped and categorised into programmes¹⁹ which are all accountability to the DG as depicted in Figure 2 above.

Programme 1 – Administration (Deputy Director-General: Corporate Services)

- established to provide overall management of the PSC and centralised support services.

Objectives -

- To provide strategic support and administrative services to the PSC,
- To assist the Head of Department with the delivery of functions and responsibilities assigned either by legislation and/or by the PSC and
- To provide continuous and adequate support service to the PSC and its Office towards achieving its strategic and operational goals.

Sub-Programmes -

¹⁹ Republic of South Africa. 2012/2013. Annual Report: Public Service Commission. Public Service Commission, Pretoria

- Public Service Commission.
- Management.
- Corporate Services.

Programme 2 - Leadership & Management Practices (Deputy Director-General: Leadership & Management Practices)

- Established to promote sound public service leadership, human resource management, labour relations and labour practices.

Objectives -

- To enhance labour relations in the public service through timeous investigation on all properly referred grievances.
- To promote best practice in public service leadership and human resource management through quality research reports.
- To provide advice on all performance agreements received and Heads of Departments evaluated.

Sub-Programmes -

- Labour Relations Improvement.
- Leadership and Human Resource Reviews.

Programme 3 – Monitoring and Evaluation (Deputy Director-General: Monitoring & Evaluation)

- created to establish a high standard of service delivery, monitoring and good governance in the public service.

Objectives -

- To diagnose, challenge and provide advice to 10 departments in order to improve their performance.
- To promote public service delivery through annual citizens'- focussed evaluations, monitoring of service delivery mechanisms/processes and organisational reviews

Sub-Programmes –

- Governance Monitoring.
- Service Delivery and Compliance Evaluations.

Programme 4 – Integrity and Anti-Corruption (Deputy Director-General: Integrity and Anti-Corruption)

- established to undertake public administration investigations, promote a high standard of professional ethical conduct amongst public servants and contribute to the prevention and combating corruption.

Objectives -

- To investigate and improve public administration practices by conducting audits and investigations into public administration practices and by making recommendations to departments on how to promote good governance , and to issue directions regarding compliance with the Public Service Act, 1994.
- To promote ethical conduct amongst public servants through the management of the Financial Disclosure Framework, the National Anti-Corruption Hotline and provide advice on professional and ethical conduct the public service.

Sub-Programmes –

- Public Administration Investigations.
- Professional Ethics.

6. Public Service Commissions in comparative context: Lessons for the South African PSC

7. Conclusion

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