

PROFESSIONAL TRAINING AND DEVELOPMENT OF EMPLOYEES IN THE PUBLIC SECTOR – LEGAL ASSUMPTIONS

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Abstract. *In the Republic of Serbia, many areas are undergoing reform processes that should bring our country closer to the European Union. This incorporates various activities aimed at achieving this goal. In the public sector, especially in the state administration, local self-government, and public services (primarily educational institutions), there are legal solutions which are considerably harmonized with the practice and legal system of similar European countries. Such is the case with the professional training and development of employees in the state administration, local self-government and public services (especially educational institutions). The necessity for employees' continuing activities in these areas is noticed, not only in terms of professional training, but especially in terms of their own professional development. Employees themselves can deal with that, but it is also the obligation of the institutions in which they work. This is particularly important for public sector employees - in state administration, local self-government and public services. The paper provides a legal framework for professional training and development of employees in the state administration, local self-government and public services, especially in the institutions in the field of education, and suggests some ideas for the improvement of particular legal solutions.*

Key words: *professional training and development, state administration, local self-government, public services, regulations*

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1. INTRODUCTION

In the Republic of Serbia, public sector reform, particularly the reform of state administration and local self-government, is a continuous process that lasts for years with different approaches and covering different segments. This activity primarily incorporates executive and administrative bodies, which adopt various documents and regulations, as well as the National Assembly, which adopts certain legal solutions. When it comes to the approach to reform, one should bear in mind the social circumstances in which the reform activities are being carried out, as well as our strategic orientation towards joining the European Union. Therefore, all regulations adopted by different state authorities are based on the EU standards and are required to be harmonized with the law of the European Union or practice within it if there are no legal provisions.

The basic orientation in Serbia's reform approach can be found in its strategic documents. In the area of public administration (state and non-state), the Government of the Republic of Serbia adopted the Public Administration Reform Strategy of the Republic of Serbia (2014). This document is a continuation of the reform activities in this area that began in 2004 with the adoption of the State Administration Reform Strategy, which has now been extended to the field of non-state administration. Therefore, a comprehensive document on the reform of public administration as a whole has been adopted. Based on the reform document from 2004, the Law on State Administration and the Law on Civil Servants were adopted in 2005. They were not substantially changed by the adoption of the Constitution of the Republic of Serbia (2006). The adoption of these laws created the conditions for adopting individual reform documents in particular areas. Thus, the Strategy for Professional Development of Civil Servants (2011) was adopted by the Government of the Republic of Serbia, and the National Assembly adopted the Law on National Academy for Public Administration (2017).

In the field of local self-government, the National Assembly passed the Law on Local Self-Government (2007) as well as the Law on Employees in Autonomous Provinces and Local Self-Government Units in 2016. The Government adopted the Strategy for Professional Development of Employees in Local Government Units in the Republic of Serbia (2015).

Strategic documents on public administration and local self-government reform are accompanied by specific action plans for their implementation in certain areas, for example, Action Plan for Implementation of Strategy for Professional Development of Civil Servants or Action Plan for Implementation of Strategy for Professional Development of Employees in Local Self-Government Units. Also, legal documents are accompanied by by-laws such as Decree on Professional Development of Civil Servants (2015).

2. METHODOLOGY

The subject of this paper is the professional development and training of employees in the public sector. The analysis of the relevant literature indicates that there is no sufficient scientific knowledge about this topic. This is a theoretical research in which we used the descriptive research method and the analysis of primary and secondary sources in literature. The sources in literature are current legal regulations.

3. RESULTS AND DISCUSSION

3.1. Professional training and development of employees in some areas

3.1.1. State Administration

For the successful implementation of public administration reform, it is necessary to have competent personnel for professional performance of the tasks within their field. This principle of professionalization is not sufficient; it is advisable to follow the principles of depoliticization, decentralization and modernization, which together should enable the creation of a rational and efficient state administration, as a service of citizens in the realization of their legal interests (Lilić, Dimitrijević, Marković, 2006, 146).

In order to have a competent state administration, it is necessary to provide professional development of civil servants, in addition to vocational training (Kulić, 2009, 97). The concept of professional development is constantly being upgraded and it is being dealt with by the ministry in charge of state administration affairs. It should be said that there are mainly three professional development programs in the state administration: program for general professional development of civil servants, program for general professional development of managers in the state administration and program for general professional development of advanced skills (Decree on Professional Development of Civil Servants, 2015, Article 12). There are also special programs that refer to individual state bodies and special categories of employees, while general programs refer to all state bodies and all categories of civil servants (Decree on Professional Development of Civil Servants, 2015, Article 2). However, it is noticed that there is no comprehensive approach to these issues, and the link between general and special programs of professional development is insufficient. Also, the procedures for the inclusion of personnel in different types of professional development are insufficiently defined. The reason for this may be the fact that the Law on Civil Servants (2005) does not provide a precise definition of professional development, therefore, it primarily means trainings and workshops, etc., which generate wider and deeper education for work. So, it primarily refers to non-formal education.

Of course, it should be noticed that the Law on Civil Servants (2005) also regulates professional training and development. In the first part, this Law elaborates on professional training and additional education significant for state bodies (2005, Articles 96-99); in the second part it deals with professional exam (2005, article 100-102), and in the third part with traineeship (2005, Articles 103-106). Also, the Law regulates professional development as the right and duty of a civil servant to acquire knowledge at the workplace, which must be facilitated by the manager. The part on professional training by internship is especially elaborated on and it implies that a civil servant selected for internship retains all employment rights, and after completing their internship they are obliged to keep working for the state authority double the time of the duration of the internship, at least one year, which is defined by a special contract. The law provides for the additional education of a civil servant significant for the state body, and their rights and obligations are similar to that of internships. The law obliges a permanently employed civil servant to pass a state professional exam, and for those who work in positions with special competences, a special professional exam may be prescribed. Finally, the law considers traineeship as a form of vocational training for independent work in accordance with a special act and program. After completing the traineeship and the mentioned professional exam, the trainee may

continue working indefinitely. The law also provides for the possibility of concluding a special agreement on vocational training, free of charge, with unemployed persons.

It should be emphasized that within the Serbian Government, there is the Human Resource Management Service as a separate service (Law on Civil Servants, 2005, Article 158), whose competence is, among other things, to organize professional trainings of civil servants in all areas except in the field of the European Union.

A step forward in terms of professional development in public administration is the National Academy of Public Administration, whose work is regulated by the Law on the National Academy of Public Administration (2017). It represents the central institution of the professional development system in the public administration of the Republic and has the status of legal entity and publicly recognized organizer of informal adult education activities. Some of its most important competencies are accreditation of the professional development program in public administration and accreditation of trainers, monitoring of the effects of conducted trainings, providing assistance in the implementation of professional development, issuing publications, etc. (Law on the National Academy of Public Administration, 2017, Article 4).

3.1.2. Local Self-Government

Local self-government represents the right and obligation of citizens to perform the tasks of their interest in the local community (Ilić, 2013), which implies that the bodies of local self-government units should incorporate professionally trained personnel for independent performance of the tasks within the competence of these bodies. This personnel structure is quite stereotypical and difficult to change, which requires continuous professional development of the staff for more modern and rational work. There are two types of vocational training programs - intersectoral and sectoral. The programs of general professional development in the field of the European Union are especially interesting and they are defined by the Minister of Local Self-Government and Director of the Government Office for conducting the EU accession-related activities.

The Law on Employees in Autonomous Provinces and Local Self-Government Units (2016, Article 116-132), similar to the Law on Civil Servants (2005), contains a special part related to professional training and development. The solutions provided in this law are almost identical to the civil servant-related solutions. This law stipulates the existence of a Council for the Professional Development of Employees in Local Self-Government Units (Law on Employees in Autonomous Provinces in Local Self-Government Units, 2016, Article 117) established by the Government with the aim of providing recommendations and expert opinions on the implementation of professional development. This council shall monitor the professional development of employees in local self-government units, cooperate with the National Academy and local self-government units in reviewing their needs for training, etc.

In the Republic of Serbia, the responsibility for professional development is divided between the central institution and the bodies of local self-government units. As it can be noted, the National Academy is in charge of professional development of employees in the state administration, and the Council is responsible for the professional development of employees in local self-government units. The relationship of these two institutions is based on cooperation and coordination, because they are on the same task, which is the professional development of employees in the accordance with the needs of state

administration and local self-government. The establishment of such institutions is an indicator of the state's awareness of the importance of continuous training of its employees, as this will contribute to improving the quality of work of state administration and local self-government. Finally, this is in line with abandoning the idea that employees are costly and a vehicle for local self-government development (Dimitrijević, Vučetić, Vučković, 2018, 221).

3.1.3. Public Services

Public service involves institutions, companies and other forms of organization that perform the activities for ensuring the exercise of citizens' rights, i.e. satisfying the needs of citizens and organizations, and for the realization of other legally determined interests in certain areas (Law on Public Services, 1991, Articles 1 and 2). Specific institutions are established in order to ensure the realization of the rights provided by law and the realization of other legally determined interest in the fields of education, science, culture, physical education, pupil and student standards, health care, social protection, social care of children, social insurance, animal health care etc. Also, there are companies established for the purpose of performing activities determined by law in the field of PTT service, energy, roads, public utilities etc.

Various fields in the public sector, including public services, pay special attention to professional training of employees. Professional training is considered the right and obligation of employees in public services (Law on Civil Servants, 2017, Article 15). This issue is particularly important for employees in public institutions in the field of education. Teachers, educators and associates who work in educational institutions are obliged to continuously develop their education, and during that process they can advance by acquiring the title of a pedagogical advisor, independent pedagogical advisor, senior and high pedagogical advisor, accompanied by a higher salary, which is stipulated by the Law on Foundations of the Education System (2017, Article 151). Pedagogical board decides who will attend the training and when, while the field minister determines the areas and other issues related to professional development for a three-year period.

The importance of this issue is confirmed by the fact that there is a separate Council for Vocational Education, as well as the Center for Vocational Education within the Institute for the Improvement of Education. Also, local self-government units can establish their centers for the professional development of employees in educational institutions. As can be seen, educational organizations have special institutions in charge of the professional development of employees, as is the case with the state administration and local self-government.

4. CONCLUSION

Modern principles of human resource management favor an employee with required knowledge and other skills necessary for successful work (Vlatković, 2009, 204-505). This is the case with the employees both in the private and public sector.

It is evident that in the last few years, great attention has been paid to professional development and training of the employees in state administration, local self-government and public service, which is part of the public administration reform (Vukonjanski, Vasiljević, Mitić, 2018, 95). Only professional and competent employees can perform

expert and legitimate work within the organs in which they are employed, which is one of the basic assumptions of each legal state (Vuković, 2011, 434). The application of existing legal solutions will point to further directions of reform and improvement of legal regulations regarding professional training and development of employees in the public sector. It particularly refers to the adoption of the legislation that will bring us closer to the law and practice of European countries. First of all, it is necessary to take into account the employment of persons according to the criteria of competence and capability for work in the state administration bodies, local self-government and public services, so that these bodies will be professional and politically neutral. The acquired knowledge must be constantly upgraded, through personal engagement and systematically via the organs where the person is employed. This requires a continuous and comprehensive approach of all competent authorities and, above all, the field ministry, in order to achieve professional competence of creative personnel. Therefore, it was considered a good solution to form the National Academy for Public Administration as a central institution which coordinates the activities in the whole Republic on professional development of employees in public administration. Moreover, a positive step forward is also the Council for the Professional Development of Employees in Local Self-Government Units, which is to cooperate with the National Academy.

Professional training programs have to be constantly innovated and adapted to new social circumstances, and recently, to the demands of the European Union, bearing in mind our goal of accessing this community in due time. The adoption of specific programs that will apply to specific categories of employees and areas should be especially emphasized. The realization of a program requires the most competent experts as well as the employees who have great experience in practice; also, several different forms of non-stereotypical professional development shall be applied.

Finally, the need for ethical training of employees in state administration, local self-government and public services can be a special issue for consideration. It is not enough to train employees to work according to the law, but training should also focus on measures and activities aimed at improving the moral character based on personal responsibility and moral autonomy (Korać, 2013, 358-361). Ethical training would aim to train employees to understand the code of conduct and encourage them to make decisions, consult with colleagues and superiors whenever they learn that they have entered a situation that has ethical implications. Therefore, this kind of training should be a perspective for the employee in the public sector. All these trainings have the ultimate goal of reconciling two contradictory interests - protecting the public interest, on the one hand, and protecting and realizing the rights of citizens, on the other (Todorović, 2016). This is a quality of every responsible state.

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STRUČNO USAVRŠAVANJE I OSPOSOBLJAVANJE ZAPOSLENIH U JAVNOM SEKTORU – PRAVNE PRETPOSTAVKE

U mnogim oblastima u Republici Srbiji u toku su reformski procesi koji treba da približe našu državu Evropskoj uniji. U okviru toga se sprovode različite aktivnosti usmerene ka ovom cilju. U javnom sektoru, naročito u državnoj upravi, lokalnoj samoupravi, ali i javnim službama (posebno u ustanovama u oblasti obrazovanja), definisana su zakonska rešenja koja su u dobroj meri usklađena sa praksom i pravom evropskih država sličnih nama. Takav je slučaj i sa stručnim osposobljavanjem i usavršavanjem zaposlenih u državnoj upravi, lokalnoj samoupravi, javnim službama (naročito ustanovama u obrazovanju). Uočava se neophodnost kontinuiranih aktivnosti zaposlenih u ovim oblastima, ne samo u smislu profesionalnog osposobljavanja, već naročito u smislu sopstvenog stručnog usavršavanja. O tome mogu voditi računa sami zaposleni, ali je to i

obaveza institucija u kojima rade. Ovo je naročito važno za zaposlene u javnom sektoru – u državnoj upravi, lokalnoj samoupravi i javnim službama. U radu je dat pravni okvir stručnog osposobljavanja i usavršavanja zaposlenih u državnoj upravi, lokalnoj samoupravi i u javnim službama, naročito u ustanovama u oblasti obrazovanja, i ukazano je na moguća unapređenja nekih pravnih rešenja.

Ključne reči: stručno osposobljavanje i usavršavanje, državna uprava, lokalna samouprava, javne službe, propisi