Mgr. Kateřina Blažková
Police Academy of the Czech Republic in Prague
Faculty of Security Management
Department of Private Law Disciplines
blazkova@polac.cz
Orcid/ReseachID: 0009-0009-1340-5721

Revision of the Legal Regulation of the Civil Service

Revize právní úpravy státní služby

Abstract

The paper discusses the amendment to the Civil Service Act in force from 1 January 2023 and its effects, which may, as a result, threaten depoliticization, efficiency and performance, transparency, professionalism, and stability, and thus possibly disrupt the security of the rule of law. It introduces the readers to the most significant changes with an emphasis on their positives and negatives. The amendment to the act contains beneficial changes, including conceptual ideas, but without appropriately chosen means of implementation.

Keywords: Civil service, civil service employment, deputy minister, act amendment, civil servant, appointing authority.

Abstrakt

Příspěvek pojednává o novele zákona o státní službě s účinností od 1. 1. 2023 a o jejích dopadech, které mohou ve svém důsledku ohrozit depolitizaci, efektivnost a výkonnost, transparentnost, profesionalitu a stabilitu, a tím i případně narušit bezpečnost právního státu. Seznamuje čtenáře s nejvýznamnějšími změnami s akcentem kladeným na jejich pozitiva i negativa. Novela zákona obsahuje přínosné změny, včetně koncepčních myšlenek, nicméně bez vhodně zvolených implementačních prostředků.

Klíčová slova: Státní služba, služební poměr, náměstek ministra, novela zákona, státní zaměstnanec, služební orgán.

Introduction

A long period of absence of an effective norm regulating the legal relationships of civil servants in administrative offices, which would emphasize the core principles of the civil service, with an impact on, inter alia, its stability, as one of the guarantees of the security of the rule of law, was terminated by the Act No. 234/2014 Coll., which became known as the Act on Civil Service. Seven years have passed since this law came into force in 2015, with a total of 27 amendments passed over this period. Some of them are minor, others have had an impact on the core principles of the law and have changed the established procedures in civil service offices.

It must be admitted that the act has been struggling with a number of shortcomings since its inception. The professional public, and in particular the addressees of this legal norm, drew attention to the shortcomings of this law in practice and the problems that the relatively rigid legal regulation generated. Some of these problems were resolved by the legislators with partial interventions into the relevant provisions of the Act, invisible to individuals operating outside the ecosystem of the administrative office. Examples can include the exemption of the state secretary from disciplinary liability, the revision of the circle of individuals who can apply for the senior position, the reduction of fields of service in service positions, etc. However, the comprehensive change to the law and the dismantling of some of the basic principles the law is based on probably began only now, as it currently seems. It was launched by the parliamentary proposal of MPs, which, according to the statements of some of the submitters concerned, is only a harbinger of what is to follow in the near future.[1]

The herald of the "great transformation" of the service relations of civil servants is contained in the document no. 215 of the Chamber, which is currently in the legislative process (as of the date of writing of this article, the material was approved by the Senate of the Czech Republic). The fact that it was originally a proposal of the Ministry of the Interior of the Czech Republic, included in the interdepartmental commentary procedure, which was to take place from 16 to 27 May 2022, can be described as relatively non-standard, while the opposition to important changes to the act did not eventually take place due to the fact that the material was excluded from the commentary procedure and was further submitted as a parliamentary proposal by a group of MPs. This step was later commented on by one of the submitters of the document in the Chamber of Deputies as follows: "*We consider it more reasonable, because it is absolutely clear that if we let it go into those official loops, our beloved officials will make such a mess of it that we will never get out of it.*"[2]

According to the explanatory memorandum, the main objective of the submitted proposal is to respond to the shortcomings of the existing legal regulation, in particular to create the prerequisites for deeper depoliticization and professionalization of the civil service, to motivate civil servants to further professional development and higher quality of service, and to strengthen the responsibility of senior officers in this respect. These objectives are to be achieved by the proposed legislation, in particular through:

a) simplifying and accelerating the process of entering the civil service;

b) extending the range of people who can participate in selection procedures to senior positions;

c) replacement of deputies for the management of sections by senior directors of sections;

[1] Stenographic minutes of the 1st day of the 2nd meeting in the Senate of the Czech Republic on 03. 11. 2022, discussing document no. 307 of the Senate [online]. MP Marek Benda, 2022. [cit. 06. 11. 2022]. Available from: https://www.zakonyprolidi.cz/judikat/nsscr/10-ads-316-2016-50

[2] Stenographic minutes of 01. 06. 2022 at 11:40 in the Chamber of Deputies of the Czech Republic, discussion of the document no. 215 of the Chamber of Deputies - first reading [online]. MP Marek Benda, 2022 [cit. 06. 11. 2022]. Available from: https://www.zakonyprolidi.cz/judikat/nsscr/10-ads-316-2016-50

d) introducing the term of office for senior civil servants;

e) regulating the service leave for individual study purposes and service evaluation.[3]

It is desirable to recall that the adoption of the Act on Civil Service was the so-called conditionality, i.e. the basic condition for drawing on European funds. Its implementation into our legal system should ensure the main principles of performing civil service in administrative offices. This concerns depoliticization, efficiency and performance, transparency, professionalism, and stability. When assessing the update of the legal regulation of service relationships, it is therefore desirable to examine to what extent these goals are being met or whether they are not being weakened. It is fair to admit that the legislator does not have an easy task at all. If they strive to achieve one of these goals and overemphasize its importance within the entire concept, it can result in weakening another principle. For example, it is possible to increase the transparency and stability of the state administration, which has been demonstrably achieved, through the application of administrative proceedings to the highest extent.[4] The result, however, is an increase in the administrative complexity of some processes, which is negatively reflected in the reduction of the efficiency of the civil service as a whole.

Simplifying and accelerating the process of entering the civil service

The proposed legislation aims to reduce the administrative burden associated with the implementation of selection procedures and to speed up and simplify the recruitment process. This effort should be emphasized by the inclusion of selection procedures in the provisions of Section 159(2), listing processes in which proceedings are not conducted in matters of service, where the provisions of the second and third parts of the Code of Administrative Procedure are not directly applicable. In connection with the existing case law of the Supreme Administrative Court,[5] which clearly declares that the selection procedure is not an administrative procedure under the second and third parts of the Code of Administrative Procedure, the proposed change has a rather symbolic meaning (e.g. compared to the appointment and dismissal of the members of the selection committee, which is newly proposed to move from paragraph 1 to paragraph 2).

As is the case with the subordination of selection procedures under the provisions of Section 159(2), the proposed shortening of the time limit for completion of the selection procedure, which is regulated in the provisions of Section 24(6), has a rather symbolic character. The deadline is adjusted from the current 90 days to 60 days. It is an ordinal time limit, so there is no legal consequence associated with its expiry. More significant changes, in practice linked to the length and complexity of the selection

[3] *Explanatory memorandum to the document no. 215 of the Chamber of Deputies, pp. 12-17* [online], 2022. [cit. 06. 11. 2022]. Available from: https://www.psp.cz/sqw/text/orig2.sqw?idd=208820

[4] *Analýza účinnosti zákona o státní službě zpracována formou tzv. ex post RIA [online]*, KPMG Česká republika, s.r.o., 2019. [cit. 06. 11. 2022]. Available from: https://www.mvcr.cz/sluzba/soubor/zprava-z-ex-post-hodnoceni-dopadu-regulace-ria.aspx

[5] *Ruling of the Supreme Administrative Court of 09. 11. 2017, ref. 10 Ads 316/2016-50* [online], 2017. [cit. 06. 11. 2022]. Available from: https://www.zakonyprolidi.cz/judikat/nsscr/10-ads-316-2016-50

process, are in particular: shortening the deadline for submitting applications to the selection procedure (currently at least 10 days, newly proposed 7 days), the possibility of distributing documents exclusively in electronic form, shortening the fiction of delivery to 5 days, establishing the obligation for the applicant to deliver the application to the appointing authority by the last day of the deadline, the possibility of limiting the holding of substitute interviews, abolishing the institution of objections to the course and result of the selection procedure. Relatively revolutionary is the newly proposed regulation regarding the filling of service positions in salary classes 5 to 9, where it will be possible to fill a position without an interview in front of the selection committee.

The process of selecting candidates for service relationship has a relatively strong connection to all the declared principles of law and it is therefore important to carefully weigh any interference with the relevant provisions that set the required legal framework. Although the proposed legislation is quite bold in some respects and demonstrably weakens some procedural rights of candidates in the selection procedure (e.g. shortening the fiction of delivery to 5 days compared to the generally established 10 days, the obligation to deliver the application to the appointing authority by the last day of the deadline compared to the current possibility of submitting the application to the postal service provider, etc.), it must be admitted that the desired goal will be demonstrably achieved, namely to speed up and simplify the entire process, which should ultimately lead to the satisfaction of both parties to the relationship, i.e. both the appointing authority and the candidate for filling the vacant post.

It can be seen that the proposed amendment significantly strengthens the principle of the effectiveness of the performance of service relations. On the other hand, the principle of transparency is partially weakened. An example is the abolition of the institute of objections to the course and result of the selection procedure, which was a special appeal aimed at reviewing the legality of the course and result of the selection procedure. As soon as this appeal is annulled, the applicant for the position concerned will have to make do with a regular complaint pursuant to Section 175 of the Code of Administrative Procedure. Although some form of protection remains, it can be expected to be actually rather powerless. While the filed objections suspended the activity over filling the given position until they were decided on, complaint does not provide such protection. Therefore, it will probably be at the discretion of the appointing authority whether to postpone the completion of the selection procedure until the complaint is decided on. It is also a question of how any illegal selection procedure will be dealt with if it can no longer be cancelled with reference to the existing regulation in Section 164(5).[6]

Expanding the range of people who can participate in selection procedures for senior positions

The amendment proposes to completely abandon the concept of multiple round selection procedures and to significantly reduce the qualification prerequisites of candidates for the positions to be occupied. Newly, there will be only one round of the selection procedure, which will be open to a wide range of candidates. Also, the

[6] The reason for illegality does not appear in the newly emerging provision of Section 28b, which addresses the abolition of the selection procedure.

prerequisite for the performance of the currently held function (typically in the organizational unit of the state, regional offices, municipal offices, or other public sector institutions) will not now be determined, instead, the prerequisite for the acquired experience will be examined. However, there are some changes here as well. The previously set length of experience is relatively significantly reduced in the proposal, thanks to which it can be expected that the number of potential candidates for the position in question will increase. The original proposal of the author of the amendment, which implied that any experience would be recognized regardless of when it was acquired (currently, the experience acquired in the last 8 years is recognized), became a controversial point in the Chamber of Deputies. It would mean, for example, that the experience in a managerial position that the candidate obtained more than 30 years ago would also be relevant, although they would not have held any managerial position in the last 30 years. The amendments proposed by the opposition MPs tried to break this construct quite rightfully. Eventually, it was achieved by the amendment of MPs Klára Dostálová, Alena Schillerová, and Zuzana Ožanová numbered SD 1021 C4,[7] approved by the Chamber of Deputies, which introduces the recognition of experience only over the last 15 years.

The issue of the excessively closed nature of the civil service has already been discussed several times, followed up by attempts to open up the civil service more to employees from the private sector. However, none of the adopted amendments in this sense were as ambitious as the one just proposed. The abolition of multiple round selection procedures and the abandonment of the structure of the currently held position, which disqualified experienced candidates from the private sector, can be viewed as positive. Experts from the private sector can certainly be a positive impulse for increasing the quality of civil service. On the contrary, a dramatic reduction in the requirement of the acquired experience and its timeliness cannot be considered very fortunate. Someone who held a managerial position for one year 15 years ago and has been outside the managerial environment since is now able to apply for the position of a section director. Although a greater degree of openness of the state administration contributes to its higher professionalization, excessive dissolution of qualification prerequisites may lead to its gradual degradation.

Replacement of deputies for the management of sections by senior directors of sections

The proposed change modifies the title of one of the highest positions within the structure of official bodies. Newly, instead of the deputy for the section management, the designation of the senior director of the section will be used. It should be recalled at the outset that section directors were also part of the original civil service act, known as Act No. 218/2002 Coll., on the Service of Civil Servants, while the title of deputy for section management was introduced by the Act on Civil Service. The functions of section directors were then retained only in administrative offices that were not ministries or the Office of the Government. According to the submitter, the aim of the

[7] *Amendments and other proposals to the proposals of MPs Marek Benda, Marek Výborný, Jan Jakob, Josef Cogan and Jakub Michálek to pass a bill amending Act No. 234/2014 Coll., on Civil Service, as amended, No. 215/3 p. 6* [online], 2022. [cit. 06. 11. 2022]. Available from: https://www.psp.cz/sqw/text/orig2.sqw?idd=214832

proposed amendment is to strictly separate the political and bureaucratic lines of state administration. It is proposed that there should only be a deputy of the cabinet minister who performs tasks not independently of political will, but in particular in relation to the legislation referred to in Article 38(2) of the Constitution of the Czech Republic.

This point of the amendment became one of the most discussed ones in the debate in the Chamber of Deputies. The topic of abolishing section deputies often served as an eye-catcher for some articles informing about the upcoming amendment to the Act on Civil Service.[8] But why is this proposal attracting so much attention? If we take a closer look at the position of the deputy for the section management before and after the amendment as the senior director of the section, we will find that not much has actually happened. It almost seems that the only change is the service title and the introduction of a term of office (which, however, is related to the introduction of a term of office for all superiors except heads of departments). The following table provides a comparison:

Before amendment	After amendment
service title: deputy for the section management	service title: senior director of the section
civil servant in a service relationship	civil servant in a service relationship
appointed for an indefinite period*	appointed for 5 years
directly reporting to a cabinet minister or the Head of the Office of the Government	directly reporting to a cabinet minister or the Head of the Office of the Government
is in charge of the highest organizational unit (section)	is in charge of the highest organizational unit (section)
subject to personnel authority of the state secretary*	subject to personnel authority of the state secretary*
has the right to use the company vehicle free of charge with or without the assigned driver to perform the function or in connection therewith and to enable contact with the family	has the right to use the company vehicle free of charge with or without the assigned driver to perform the function or in connection therewith and to enable contact with the family
has the right to free establishment and use of a single subscriber telephone line to ensure immediate availability during on-duty and off-duty hours	has the right to free establishment and use of a single subscriber telephone line to ensure immediate availability during on-duty and off-duty hours

[8] Seznam Zprávy.cz: *Sněmovna schválila novelu služebního zákona, ruší odborné náměstky* [online]. [cit. 06. 11. 2022]. Available from: https://www.seznamzpravy.cz/clanek/domaci-politika-snemovna-schvalila-novelu-sluzebniho-zakona-rusi-odborne-namestky-215743 Deník N.cz: Senát schválil novelu služebního zákona, která ruší funkci odborných náměstků na ministerstvech [online]. [cit. 06. 11. 2022]. Available from: https://denikn.cz/minuta/1001663/

is entitled to participate in government meetings instead of the cabinet minister and represent them at a meeting of the committee or commission of the Chamber of Deputies, including the Commission of Inquiry, and at a meeting of the committee or commission of the Senate	is entitled to participate in government meetings instead of the cabinet minister and represent them at a meeting of the committee or commission of the Chamber of Deputies, including the Commission of Inquiry, and at a meeting of the committee or commission of the Senate

*With the exception of the state secretary and the deputy for the civil service

It can be seen from the table that most of the key attributes at these service positions remain preserved and thus, it is a rather cosmetic change, the aim of which is to demonstrate a strict separation of the bureaucratic and political lines. The position of deputy is a historically established top position in our territory, which is highly respected and signifies an important social status. Therefore, it can be assumed that with the deletion of the word, the deputy will experience some informal weakening of the power of their level of management. This will be reflected both within the structure of the civil service office, where this step may be viewed as an effort to reduce the power of current section managers to the benefit of cabinet ministers' deputies, and at the same time towards the public, which may see it as a weakening of the bureaucratic line.

Although the political and bureaucratic lines of the civil service office have been quite clearly separated in the current wording of the Act, which was confirmed, inter alia, by the analysis of the effectiveness of the Act frequently cited by the author of the amendment, it must be admitted that the deputy should be primarily a representative of the cabinet minister who fulfils the desired political will, not a superior employee in a service relationship who is part of an apolitical bureaucratic apparatus. In this respect, the proposed modification of the position title is justified and legitimate, because the strict separation of these two lines is fully illustrated by this step. On the contrary, the amendment of Section 9(8), which newly stipulates that the senior director of the section may still be considered a cabinet minister's deputy under certain circumstances, is counterproductive and goes against the proclaimed effort to separate these two top positions. The explanatory memorandum reads as follows: *"this alternative allows full use of the expertise of the senior directors of the sections and rationalization of the management apparatus of the ministry or the Office of the Government of the Czech Republic while saving funds for salaries."*[9] Although the lawmaker pursues the pleasant goal of rationalizing the management apparatus and saving funds, the question is whether this proposal conflicts with the aforementioned Article 38(2) of the Constitution of the Czech Republic.

Unlimited number of deputies of a cabinet minister

The revision of the top management apparatus does not end only with the legal regulation of the existing deputies for managing the section, it also applies to deputies

[9] *Explanatory memorandum to the document no. 215 of the Chamber of Deputies, p. 15* [online], 2022. [cit. 06. 11. 2022]. Available from: https://www.psp.cz/sqw/text/orig2.sqw?idd=208820

of the cabinet ministers. It is newly proposed that each cabinet minister can have an unlimited number of deputies and not be so limited as before, with the current maximum of two. The explanatory memorandum states that the number of deputies of a cabinet minister may vary over time, in particular, in relation to the current needs of the respective member of the government and the needs of the ministry or in relation to the volume of tasks set. This can be generally agreed with, after all, there is no limit to the number of section deputies, while it always depended primarily on the decision of a specific cabinet minister how they structured the entrusted agendas of the ministry within the organizational arrangement. However, in counting, they were bound by the rules of systemization, which did not allow to arbitrarily transform the already approved organizational structure. Interventions in the number of sections, which subsequently led to a reduction or increase in the number of section deputies, were to be directed towards rationalization and efficiency, which was approved by the Government of the Czech Republic and was subject to control by the Ministry of the Interior.

However, there is no such mechanism for the deputies of cabinet ministers. Cabinet minister will be able to arbitrarily decide on the number of deputies and their agendas. For the respective cabinet minister, this will certainly be an advantage, for the structure of the civil service body and possibly the impact on the state budget, it may have a rather negative effect. Let us recall that although the deputy of the cabinet minister is not a level of management in the structure of the civil service body, however, pursuant to Section 84(2), they may assign tasks to civil servants and manage and control their performance. Thus, an imprudent number of deputies may ultimately be counterproductive and bring confusion and chaos to the internal management mechanism of the concerned civil service body. In some ministries, political deputies may act rather as advisers who formulate the political visions and goals pursued for the cabinet minister, elsewhere, however, they may take over the role of section deputies of sort and become involved in the management of the performance of professional agendas, which should remain in the hands of the bureaucratic apparatus. If the previously established order returns, when each party of the government coalition sought to install an adequate number of their deputies in all ministries, the current distribution of forces in the government could generate dozens of new deputies, which could upset the established balance of political and bureaucratic culture.

Although the proposed legislation does not stipulate that the number of political deputies must change in any way from the effective date, the removal of the set limit by law indirectly implies that this will happen. Most likely, we will see an increase, which will ultimately have a negative impact on the state budget. Considering the current economic situation and the previously proclaimed goal of the government coalition to slim down the state administration apparatus, this cannot be considered a good decision.

Introducing the term of office for senior civil servants

One of the most significant changes to the current bill, which will have a direct impact on about 2,000 employees,[10] is the introduction of a term of office for heads of

[10] According to the annual report of the Ministry of Interior, 2116 state employees were in the position of superiors, where the period was indefinite, while after the adoption of this

civil service offices, senior section directors (formerly deputies for section management), section directors, and department directors. Therefore, the only exception will be the heads of departments, who will continue to be appointed to the senior position for an indefinite period. The other leading officials will have the same five-year term. However, the Deputy for the Civil Service, newly the Supreme State Secretary, will continue to be appointed for a period of 6 years. However, it will now be possible to apply for the position repeatedly, as with other senior positions. It is important to remember that the length of the senior's term of office does not necessarily correspond to the duration of their service relationship. Most civil servants are recruited for an indefinite period of service, therefore, after the expiry of the specified period during which they were appointed to the senior position, their service position will need to be addressed, whether it will be by being assigned to another suitable vacant post or outside the service performance for organizational reasons. However, this does not change the fact that the introduction of this institute threatens to disproportionately weaken the principle of stability of the civil service. It is necessary to carefully weigh any general changes at these top positions so that the continuous and proper performance of individual agendas is not disturbed and, ultimately, the activities of some departments are not paralyzed.

The explanatory memorandum on the introduction of the term of office of the senior officials states, inter alia: "*The modification of the term of office of some superiors is proposed in order to support the maintaining of an adequate level of new incentives and approaches at the strategic level of public administration management. The introduction of the term of office is a tool to strengthen the political neutrality of the civil service, as the frequent replacement of people in leading positions prevents the formation of clientelist networks and is also an important element of the professional development of a civil servant who gains insight into other areas of government and develops their expertise. A limited term of office can contribute to increasing the motivation of existing senior officials for personal development."*[11] The question is whether the introduction of the term of office for superiors will really succeed in strengthening the political neutrality of the civil service, or whether, on the contrary, there will be a regular 5-year reoccupation of top positions, where the main criteria for selecting a candidate for a given post will not be professional and qualification competences, but possibly sympathy or affiliation to the "correct" political grouping. However, what can be almost certainly expected is that the number of pro forma selection procedures, with the winning candidate known in advance, will increase disproportionately. This may significantly weaken confidence in an objective and fair recruitment process of new state employees. Thanks to this, the number of candidates for the civil service may gradually decrease as the general public becomes afraid that a large part of the selection procedures takes place only to satisfy the letter of the law.

Although it can be agreed that the internal competitive system promotes professionalism and openness of the state administration, the newly proposed rules of

amendment the period will become definite. *Výroční zpráva Ministerstva vnitra ČR – Státní služba v roce 2021* [online], 2022. [cit. 06. 11. 2022]. Available from: https://www.mvcr.cz/sluzba/soubor/vyrocni-zprava-o-statni-sluzbe-za-rok-2021.aspx

[11] *Explanatory memorandum to the document no. 215 of the Chamber of Deputies, p. 16* [online], 2022. [cit. 06. 11. 2022]. Available from: https://www.psp.cz/sqw/text/orig2.sqw?idd=208820

regular recompeting are not optimal. Announcing a selection procedure where there is no need to fill the position with someone else imposes a disproportionate and completely unnecessary burden on the official bodies (as well as on potential participants in the respective selection procedure). Unfortunately, this will have a negative impact on the further reduction of the efficiency of the civil service. However, it was possible to achieve the set goals and create a healthy competitive environment without announcing pro forma selection procedures. For example, if we look at the Education Act, specifically the provisions of Section 166(3), we can see that school principals are appointed for a fixed period, but if the founder of the school is satisfied with their work, they do not have to announce a selection procedure. If they do not do so, the appointment period will be automatically extended for 6 more years.[12] In such a model, therefore, the seniors with whom the "superior" is satisfied can continue to perform their work in the given position without being subject to the assessment of the selection committee. For those whose work is not satisfactory, it is possible to announce a selection procedure and try to find someone else for the position.

Regulating leave from service for individual study purposes and evaluation

The concept of leave for individual service-related purposes, which civil servants know mainly as the leave to prepare for the clerical exam, has also undergone changes. So far, a civil servant had the opportunity to obtain up to 6 days off for studies in a given year after being ordered so by the appointing authority. However, there was no legal entitlement to take leave, which ultimately led to the fact that this institute was used only by a small part of employees and only to a limited extent. It is newly proposed that the purpose of this leave should be more precisely specified and in some cases it should become entitlement leave. The scope of service-related leave for individual study purposes is proposed to be reduced from 6 to 5 days of service.

The proposed changes in the system of individual leave are rather positive. Efforts to support the acquisition or improvement of professional knowledge and skills that a civil servant will use in their job are emphasized. The professionalization of the civil service is certainly supported by this step. However, it is certainly not possible to talk about the fact that the institute of individual service-related leave was a weak point of the current legal regulation, which needed to be urgently updated. It is a question of why there has not been primarily an update of parts of the act that the ex-post analysis (which the lawmakers often refer to) considers problematic (e.g. disciplinary liability, probationary period, fields of service, etc.) and instead an individual leave of absence is addressed, which is marginal from the point of view of the concept of service relationships.

The system of evaluation of the heads of civil service bodies, state secretaries, and senior directors of sections is also undergoing a minor change, albeit a more extensive revision of the service evaluation system would undoubtedly be desired. For the above mentioned categories of employees, the previously established cooperation of both evaluators is reestablished after being replaced by a discussion. The primary role of the evaluator returns to the state secretary, while the service

[12] Section 166(3) of Act No. 561/2004 Coll., on Pre-School, Basic, Secondary, Tertiary Professional and Other Education.

evaluation is carried out in cooperation with the respective cabinet minister. This should contribute to the separation of the political and bureaucratic lines of the civil service body.

Conclusion

The proposed amendment sets immodest goals such as, in particular, depoliticization, professionalization, efficiency, predictability, stability, and openness of the civil service. As it was outlined above step by step, it cannot be expected that the proposed legislation will fully meet these objectives. In some cases, there may be ultimately a gradual weakening of some basic principles of the civil service, either as a result of their disjunctive position or possibly inappropriately selected changes in the legal regulation. The modification of the selection procedures seems to ultimately lead to the simplification and acceleration of the process of entering the civil service, which can be said to increase its efficiency.

On the other hand, however, due to some interventions, such as the abolition of the institution of objections, etc., the principle of transparency may eventually be weakened. By expanding the circle of people who can participate in selection procedures for senior positions, it will certainly contribute to a greater openness of the civil service, which could bring some experienced experts from the private sphere to work for the state. However, the amendment may go too far in its efforts, especially in connection with a dramatic reduction in the requirement of acquired experience and its timeliness, thus, it may eventually lead to a reduction in the professionalization of the civil service. The strict separation of the political and bureaucratic lines, which follows the proposal to transform deputies for the management of sections into senior directors of sections, is logical and legitimate.

Unfortunately, all this effort is completely erased by the newly set fiction, which admits that the senior director of the section, under certain circumstances, is considered a deputy of the cabinet minister. The introduction of the term of office for senior employees can create a healthy competitive environment that will motivate employees to better work results and a greater degree of self-development, which will have a strengthening effect on the principle of professionalization. However, due to the number of announced selection procedures, which will be so-called pro forma, the efficiency of the civil service will be disproportionately reduced.

Although the amendment comes with a number of conceptual ideas and theses that may be beneficial for the functioning and further direction of the civil service, the means chosen to implement them are not always adequate. The omission of the proper comment procedure and the rush with which the amendment has been accepted cannot be described as positive. The amendment of this scope deserved a proper comment procedure and a thorough assessment of the impact of the regulation. Similarly, consultations with the EU commission, which was at the origin of the act and should continue to be vigilant over the basic principles that it formed at the beginning, should be employed.

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Mgr. Kateřina Blažková

She is currently on maternity leave and at the same time working as a university employee. Before that, she worked as the Deputy Minister of Defense. In the years 2019 – 2023, she was a member of the state election commission. She completed her master's degree at the Police Academy of the Czech Republic in Prague. His entire professional life is focused on the issue of financing state organizations and researching employment conditions, especially the Civil Service Act.