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Evolution of the civil service in the USA

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Abstract

This scholarly article is devoted to the coverage of the Civil service system of the United States and to date its major achievements. It covers the key factors that form the basis of U.S. Civil service efficiency. The primary focus is on the legal basis of the US civil service and its formation, evolution. Besides, it reveals the role of government agencies in ensuring the efficiency of Civil service in the United States. The specific experience of the United States in organizing the work of Civil servants is taken into account.

Keywords: USA, President, Public administration, civil service, government officials, civil servants

Introduction

Today, the rapid development of Developed countries depends, among many other factors, on the system of civil service. In the situation of increasing globalization, it is important to adopt civil service to the requirements of the times, to ensure that it meets the needs of society. Therefore, civil service has become one of the most important issues on the agenda of reform policy by the experience or practice of abroad countries in Uzbekistan. After all, today countries are competing not on the abundance of natural resources or the abundance of labor, but the quality of civil service.

The quality of public administration has a direct impact on the country's economy, the welfare of the population, the inflow of foreign investment. There is even a link between the quality of public service and the quality of life of the population. Therefore, sustainable socio-economic development will be ensured in the countries where reforms have been carried out to improve the efficiency of public administration ^[1]. The first diagram below proves our point once again.

This chart is based on the gross domestic product of developed countries, with the United States leading the way. One of the fundamental reasons for this is the specificity of the civil service. In the United States, the evolution of civil service has developed in its direction.

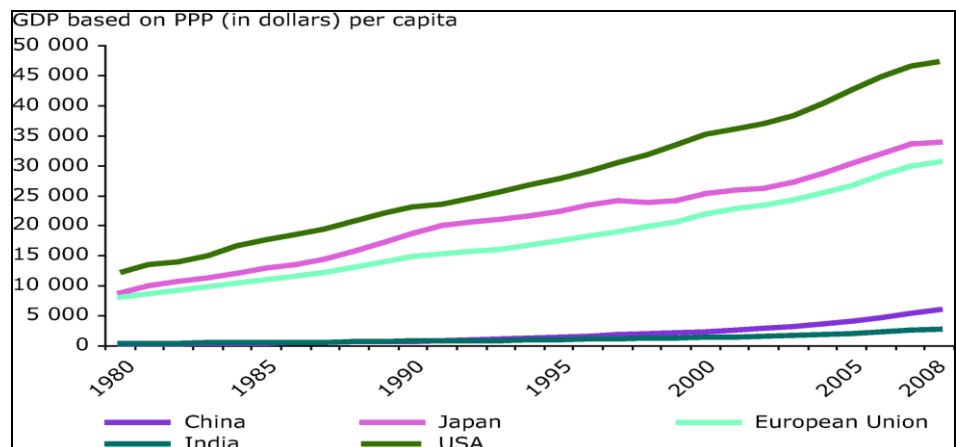


Diagram 1 Source: <https://www.eea.europa.eu/data-and-maps/figures/growth-of-gdp-per-capita>

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The Legal Basis of the Civil Service

The legal basis of public service in the United States is associated with the Civil Service Act (the Pendleton Act) adopted in 1883.

This law was originally enacted to select and control civil servants. The reason many scholars link the Legislative Foundations of the Civil Service to the Pendleton Act is that they believe that the civil service that existed in the United States until 1883 only “protects the interests of high-ranking civil servants”. And they explain it with the formation of the Civil Service Commission ^[2] (The Office of Personnel Management) in 1871, during the U. S Grant presidency.

But the author implies that in a developed country like the United States, the legal framework for the Civil Service emerged before this period. That is, the legal basis of the Civil service is directly related to the Constitution of the USA. Because this supreme law reflects the rights and obligations of American citizens. Because the civil service will be aimed directly at the citizens, and the civil service must be conducted in terms of justice and equality. The Constitution of the USA also sets out these criteria. For example, we can point to the 13-14th amendments to the Constitution of the USA. In these amendments, all are recognized as equal citizens. In America, the paramount goal of the government is to organize the civil service in a democratic spirit, regardless of the religion, language, or race of its citizens. This defines the essence of public service efficiency.

Unlike European counterparts, the civil service system in the United States came after the establishment of a national democracy ^[3].

The civil service is an activity aimed at the implementation of public policy, achieving the goals and objectives of the state through all available political forces, ensuring balance in society. The content of the legal institution of the civil service is determined by the legislation established in the state.

According to this document which adopted in 1883, the previous system of "booty" was abolished, according to which the president, who won the election, could completely replace all officials. The law introduced an alternative system (a system of rewarding jobs) and competitive exams for selection and appointment to most positions. Discrimination based on party affiliation was prohibited, and civil service was declared politically neutral. The law established a separate body, the Civil Service Commission, which later became an independent body in the executive branch ^[4].

There is also a special service of the Council which deals with the main patronage of the merit system. It is often formed by the President on the advice and with the consent of the Senate from among those who are allowed to practice law for up to five years, and who deal with and examine in detail all complaints about the facts of illegal personnel policy.

The legal status of the civil service is regulated by a large number of various acts, which are reflected in the U.S. Code of Laws. Two terms have been used in the Normative documents - "public service" and "civil service", but often the concept of "public service" prevails ^[5].

The category of civil servants in the United States includes both government officials and support staff, as well as employees (including teachers in public schools, employees of public enterprises, and public utilities). In the United States, in the broadest sense, anyone who receives a salary from the federal, state, or local government budget is considered a “government employee” or “public sector employee”. Consequently, the terms like “civil service”,

“public service”, and “government service”, are often used as synonyms, which are widely used in American literature. At the same time, the concepts of "civil service" and "government service" are different.

The Civil Service Reform Act was drafted by the Carter Administration and passed by Congress in 1978. Under this law, public policy is to provide the people of the United States with competent, conscientious, and effective federal employees who may be of different nationalities, but are required to continuously improve the quality of public service; the implementation of the federal personnel management following the principles of the "service-based system", without violating the requirements in the practice of personnel. In addition to the federal government, there are the relevant public services of 50 states, one federal district, and as well as local self-government bodies.

According to law, approved by Congress in 1978, three new bodies are established. They are the U.S. Office of Personnel Management (OPM), the Federal Labor Relations Authority (FLRA), and the U.S. Merit Systems Protection Board (MSPB), which established as independent institutions instead of commissions. This act was an effort to replace incompetent officials ^[6]. These include three original functions previously assigned to commissions:

1. Personnel selection, training and promotion management;
2. Inquiry into violations of legal norms;
3. To decide on such violations ^[7].

Besides, the Act adopted in 1978 provided for an annual performance appraisal of employees, expanded employee incentives through wider use of rewards, and created an additional group of employees, called the Senior Management Service. Many and highly detailed legal norms in civil service are found mainly in the codified fifth section of the Code of Laws of the U.S.

The federal form of government, the presidential form of government, the constitutional principles of "checks and balances" of the separation of powers, and other peculiarities of the political organization of society have greatly influenced the American civil service.

The federal form of state-building of the USA predetermined the delimitation of the functions of the central executive apparatus and the states, counties, and municipalities. Although the independence of states was denied as early as the end of the eighteenth century, states have always played a more important role in American socio-political life than merely administrative-territorial units.

Since the Constitution does not provide for the organization of public service in local government, the organization of the activities of officials in the administration of states and local bodies has become a right of the state government and local government. Federal legislation does not regulate the service activities of the personnel of the executive bodies of the States financed from the federal budget, except for certain types of it. The work of local authorities is often done independently from the state government.

Considering the specific characteristics of the central and local governments of the USA listed above and the current development trends in the United States, we see that the public administration of the USA has a democratized and decentralized development system. This is evidenced by A. Shaimkulov’s scientific work, the director of the Gulistan regional branch of the Academy of Public Administration

under the President of the Republic of Uzbekistan, and Y. Karimov. The experience of developed countries shows that the decentralization of public administration is a complex process, and each country has developed its model based on political, socio-economic conditions. Along with the general characteristics of decentralization, there are reasons, grounds, forms, and appearances specific to each country. The genesis and evolution of the relationship between the central and local authorities in each country differ in that they are reflected in their age-old values. In this sense, we see the formation of specific models of decentralization in the United States, which is a developed country in the world. This, in turn, demonstrates the uniqueness of the civil service and makes it useful to study it.

Civil Servants

Not all federal employees are civil servants. The following are: Officials in the "Government Service", in particular, the heads of departments and institutions to be replaced by the newly elected President; military personnel; non-competitive recruitment of government officials; some other categories of servants are not civil servants. In 1988, these accounted for 60%. In the United States, there is a detailed classification of jobs and positions based on the relative complexity of duties and responsibilities, and it closely relates to the remuneration of labor is close to this.

In the United States, any person whose work is paid from the federal budget is a federal civil servant (figure-1). The foundations of the Federal Civil Service Organization are provided by three types (segments) of employees: "appointed competitively", "patronage" and "specially appointed".

	Executive Branch civilians	Total U.S. population	Executive Branch employees per 1,000 population
1962 (Kennedy)	2.48 million	186.5 million	13.3
1964 (Johnson)	2.47 million	191.8 million	12.9
1970 (Nixon)	2.94 million*	205 million	14.4
1975 (Ford)	2.84 million	215.9 million	13.2
1978 (Carter)	2.87 million	222.5 million	12.9
1982 (Reagan)	2.77 million	232.1 million	11.9
1990 (Bush)	3.06 million*	249.6 million	12.3
1994 (Clinton)	2.9 million	263.1 million	11.1
2002 (Bush)	2.63 million	287.8 million	9.1
2010 (Obama)	2.65 million+	310.3 million+	8.4+

Source: Office of Management and Budget. *= Figure includes temporary Census Bureau workers. += Estimates by OMB and U.S. Census Bureau [8]

Figure 1. Federal Government Employment Levels through the Years (including the U.S. Postal Service)

The first group includes individuals who have grown up on the principle of "according to service". The competition for the relevant positions is held in two forms - "open" (for services formed in the form of competition) and "closed" (for health, forestry, and several other organizations). Anyone who has successfully passed the position exam can hold an open competition. In the closed form, as a rule, it is determined by the order of career service in this system.

The second group includes positions appointed by the President: only the appointed government servants by the President (presidential aides and advisers), with the advice and consent of the Senate (heads of federal executive bodies, etc.), the person who organizes the work of heads of federal executive bodies (advisers and executive secretaries

of ministries, etc.) [9].

The third group (individually selected) includes individuals with special status because they do not operate under the Civil Service Act (Federal Bureau of Investigation, CIA, State Department, U.S. representatives in international organizations, etc.).

Foreigners are not hired to the competitive service and "closed bodies", except for individual organizations and subordinate positions (e.g., the State Department), where there is a need to hire highly qualified professionals who are not citizens of the United States [10].

The legislation distinguishes the following groups of employees: 1) career civil servants, employees who serve based on "according to service" system; 2) employees hired for a certain period (up to three years); those hired for a certain period in emergencies (not over 18 months); 4) employees working in reserve positions (the number of such positions is determined annually by the responsible organization when full political neutrality is required in the conduct of affairs); 5) non-career employees (positions held mainly by patronage employees).

Employees under the jurisdiction of the Office of Personnel Management Committee are divided into 18 categories (stages). Their wages can be compared to the wages paid to the relevant labor in the private sector. There is a specific procedure for selection, incentives, promotion, dismissal, and benefits for the service of senior executives. The responsible organization, in consultation with the administrative-budgetary departments, if necessary, changes the applications, and then makes a separate decision for each organization. Decisions made by the responsible organizations shall be published in the Federal Register.

One of the fundamental principles of civil service is the creation of equal opportunities for employment. However, from a legal point of view, preferential terms are set for a group of categories. For example, for war veterans, ex-servicemen, the disabled, and members of the population who make up the national minority. It is for them that responsible organization, in cooperation with the Equal Opportunity Commission, develops separate employment programs.

The recruitment process is as follows: application review; interview or exam; verification of reliability and credibility; selection of a candidate for the position; check during the trial period. Competitive examinations are conducted orally or in writing, checking the professional knowledge of the candidates. Exam requirements are agreed with the responsible organization.

The most important condition is the publication of information about vacancies where exams are held for these positions. This allows anyone who is officially interested in the job to take the exams.

According to law, the probationary period should not exceed one year. Upon expiration of the term, the civil servant is admitted to the staff of the relevant ministry or committee. If a civil servant does not pass the probationary period for a higher position, the servant would be entitled to return to a previous position or to be provided with a job with an equal monthly salary.

Qualification requirements are determined by the head of the relevant administrative organization based on standards developed by responsible organizations.

A commission on recruitment shall be established from among the employees and workers of administrative

organizations. Their responsibilities include reviewing applications from candidates for career positions. The decision of the Commission is notified in writing to each application. According to the title №3392-3393 of the Code of Laws of the USA, the general criteria for assessment are: 1) managerial experience; 2) Successful participation in professional development programs organized by responsible organizations; 3) existence of the knowledge and experience that are the basis for the successful performance of the duties assigned to the civil servant.

The U.S. civil service has a tradition of awarding honorary titles of "served" or "famous" once a year. To do this, organizations provide the responsible organization with a list of employees recommended for honorary titles. The Board submits it to the President for approval. The law prohibits the withdrawal of an award for a period of fewer than four years. The total number of "served civil servants" should not exceed 5 percent of the total number of senior management in the civil service of the USA, and the "distinguished civil servants" should not exceed one percent.

Public Bodies Coordinating Public Service

Like the entire executive branch, personnel services are subordinate to the President of the USA. Personnel management functions are divided between several bodies. Among them: the Office of Personnel Management Committee (ORM), the Office of Management and Budget (OMB), the Merit Systems Protection Board (MSPB), The Equal Employment Opportunity Commission (EEOC), the Office of Government Ethics (OGE), as well as the body whose name is unusual - the National Partnership for Reinventing Government - until 1998 National Performance Review) - reflects the non-standard nature of its function - power reform. An important role in the system is played by the American Federal Government Employees (AFGE) ^[11]. The Council on Merit consists of 3 members appointed by the President with the approval of the Senate, appointed for a term of seven years. Two of the board members may have the same party. This requirement was introduced to achieve party neutrality. The President appoints the Chairman of the Council in agreement with the Senate.

A special commission on the protection of the "merit" system is appointed by the President for a term of 5 years in consultation with the Senate from persons with legal experience. Its functions include reviewing complaints received on cases of violations of the prohibited personnel policy. At the request of the Commission, any member of the Council has the right to postpone the work on the personnel policy prohibited by the Council for 15 days (maximum 30 days) until the case is considered ^[12].

The Board is responsible for training and retraining employees. It develops annual performance appraisal methodologies and oversees the conduct of appraisals by departments and agencies. In 1988, nearly 97% of all federal employees underwent an assessment of their professional competencies. The assessment is carried out by the heads of institutions and their specific councils for performance audits. The order of rank and salary of the employee depends on the results of the assessment. Employees whose work is positively evaluated (but not more than half of the staff) should be rewarded. It is paid once a year at a single rate (exempt from part of the discount).

In general, the U.S. Federal Civil Service by September

1994 consisted of the following groups:

Heads of ministries and agencies appointed by the President of the United States- 450 people;

Senior Civil Servants

- a) heads of higher services - 7650 people;
- b) diplomatic service - 1100 people;
- c) other state bodies - 5500 people.

Civil Servants

- a) 13–15 series; senior positions - 285,300 people, including 104,700 managers;
- b) 1–12 series; 1,232,200 employees, including 85,300 managers ^[13].

The law lists five criteria for determining the positions of senior executives:

- responsibility for implementing of federal programs and projects;
- management of government organizations;
- monitoring, implementation, and evaluation of the implementation of goals;
- Supervision of civil servants;
- making policy-making decisions or performing other managerial functions.

Two types of positions are defined as the Law on the Service of Senior Officials: rank and general positions. Only service-related officials can be appointed to senior positions, which should ensure the stability of the state apparatus and "guarantee its impartiality and public confidence in the government". Representatives of other professional groups may be appointed to general positions. In 1993, 54% of employees worked in senior positions, and 46% in general positions ^[14].

Recently, along with the reduction of members of the state apparatus, a lot of work is being done to raise the prestige of work in the executive branch, to improve the image of the civil service. For example, in 1995, Civil Service Week was held to showcase the contribution of employees to the social development of American society.

At the same time, the U.S. public administration system is open and fragmented, with a potent influence of free enterprise and business culture. This factor represents the level of influence of private sector management principles in the public sector. At various times, the federal administration has shown interest in modern techniques and approaches to management and has put into practice methods such as re-engineering, benchmarking, systematic quality management, targeted management.

Conclusion and Result

As a result, there is no single public service in the United States from a legal point of view. It seems to be divided into numerous independent systems according to the administrative-territorial principle, which complicates its structure since there are about 185,000 administrative-territorial units in the United States. Moreover, the most important from a legal point of view, the federal civil service, in turn, comprises a mixture of administrative structures that are only partially compatible with the legal basis ^[15].

The content of the legal institution of the civil service is determined by the legislation established in the state. If it

contains the rules relating to the civil service in various legislation, it is considered as a complex institution; as an administrative-legal institution, if it reflects most of the norms in the field of civil service in the administrative legislation; if it structures the rules relating to the civil service within a single piece of legislation, it can be specified as an independent field.

In the USA, The Civil Service Institute is a complex institution, subject to the procedures established by the law. Relationships arising in public service are governed by the Constitution and administrative, criminal, and other laws of the USA.

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