Public officials

Duties and rights of public officials, responsibility of public officials

Lecture #3
DUTIES OF PUBLIC OFFICIALS

- Duties of public officials mostly respond to main principles of public administration. Concrete duties are expressed by nationals legislations.
- For European countries there are relevant principles expressed in:
  - Recommendation of Committee of Ministers of Council of Europe, CM/Rec.(2007)7, on good administration.
- For public officials of European unions‘ bodies, there are principles and duties in:
  - Public service principles for the EU civil service
  - The European Code of Good Administrative Behaviour
DUTIES OF PUBLIC OFFICIALS

Administrative science deals with these general duties of public officials:

- **Lawfulness.** Requires knowledge of the law
- **Obedience.** Response to organizational structure. Official is obligated by orders from his superior.
- **Impeccability.** Official is obligated to keep his impeccability
- **Impartiality.** Premise that official is neutral and isn’t involved in case or biased.
- **Loyalty.** Official can’t questions public administration
- **Seriousness.** That means seriousness of official‘s professional and private life
- **Confidentiality.** Official can’t disseminate information which he knows from his service
- **Prohibition on receiving gifts.** Purpose of this duty is to avoid corruption.
Public officials should act according to this articles:

- **Art 2) Lawfulness:** Public officials can’t act against law or take arbitrary measures.
- **Art 3) Equality:** Public officials “shall treat private persons who are in the same situation in the same way.”
- **Art 4) Impartiality:** Public officials must act objectively.
- **Art 5) Proportionality:** Public officials “shall impose measures affecting the rights or interests of private persons only where necessary and to the extent required to achieve the aim pursued“.
- **Art 6) Legal certainty:** “Public authorities shall act in accordance with the principle of legal certainty“.
Public officials should act according to this articles:

- **Art 7)** *Act in adequate term*: „Public authorities shall act and perform their duties within a reasonable time.“
- **Art 8)** *Participation*: „Public authorities shall provide private persons with the opportunity through appropriate means to participate in the preparation and implementation of administrative decisions“
- **Art 9)** *Respect to privacy*: „Public authorities shall have respect for privacy, particularly when processing personal data.“
- **Art 10)** *Transparency*: Public authorities should ensure that, private persons are informed about their activities.
Art 41 of the Charter of Fundamental Rights, states right to good administration. This Article is elaborated by the European Code of Good Administrative Behavior.

Public service principles for the EU civil service states this principles:

- **Commitment to the European Union and its citizens:** „Civil servants should be conscious that the Union’s institutions exist in order to serve the interests of the Union and of its citizens in fulfilling the objectives of the Treaties.“
- **Integrity:** „Civil servants should be guided by a sense of propriety and conduct themselves at all times in a manner that would bear the closest public scrutiny“
- **Objectivity:** „Civil servants should be impartial, open-minded, guided by evidence, and willing to hear different viewpoints. They should be ready to acknowledge and correct mistakes.“
- **Respect for others:** „Civil servants should act respectfully to each other and to citizens. They should be polite, helpful, timely, and co-operative.“
- **Transparency:** „Civil servants should be willing to explain their activities and to give reasons for their actions.“
Public officials should sweep the office, clean up ashes from the stove and wipe the dust daily.

Public officials are responsible for heating up the office. They procure fuel at their own expenses.

Private conversations are undesirable.

Regular working hours are twelve hours a day. In the cases of need, every official have to work overtime.

Any political activity of official is a reason for immediate dismissal.

Public officials should be restraint in the matters of smoking and consummation of alcoholic beverages.

Public officials should be polite to ladies and persons with higher status.

Recommended reading is only Bible and morally unobjectionable books.

Every public official is obliged to take care for his own health. In the case of illness, there is no claim on salary.

Every official should save appropriate amount of money for the case of illness or unpredictable needs.

Public officials can't be wrong. Who is often wrong, will be discharged.

Public official who resist to his superior has no respect for him. This fact will lead to appropriate consequences.

Female officials should by pious and modest.

Ask for vacation is possible only in urgent family matters. This is unpaid leave.

Officials should keep on their minds that there are hundreds of other people who are ready to get on their work positions.

Public officials can't ever forget to be grateful to their superior, because he is their breadwinner.
**Rights of Public Officials**

- Administrative science deals with these general rights of public officials:
  - Right on salary
  - Right on service succession
  - Right on official titles

- Disadvantages of public service should be compensated by:
  - Longer vacation
  - Free uniform
  - Certainty of service progress
  - Free fare
  - Quality of social and personal care
General labour-law responsibility.

In connection with public administration, there are specific kinds of responsibility:

- for illegal decision and incorrect conduct (compensation for damages caused to citizens, in limited extent).

- specific kind of public law responsibility is disciplinary responsibility.
Service discipline means proper performance of any duties of public servants according to this Act, another specific Acts, staff regulations or orders, including service oath.

Culpable violation of service discipline, is a disciplinary offense, which could be penalized by:

- Written reprimand
- Pay cut
- Withdrawal from superior position
- Discharge from public service

Disciplinary offences should be proceeded by disciplinary commissions (inside public adminstration).