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STAFFING CHANGES IN THE CIVIL SERVICE AFTER THE 2012 PARLIAMENTARY ELECTIONS

20 October 2012 – 1 March 2013



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SWEDEN

STAFFING CHANGES IN THE CIVIL SERVICE AFTER THE 2012 PARLIAMENTARY ELECTIONS

(20 October 2012 - 1 March 2013)

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Executive Summary

The changes which took place in the civil service following the 1 October 2012 elections became a topic of serious concern among the general public. These developments occurred in both central and local government institutions. For this very reason Transparency International Georgia (TI Georgia) decided to examine these processes thoroughly and inform the public about the alterations which happened in the wake of the parliamentary elections.

The reporting period spans from 20 October 2012 until 1 March 2013. These dates were selected because they are the five months which immediately followed the elections and usually, post-election, the first few months see the greatest likelihood of people being dismissed or hired on either political or some other discriminatory grounds.

Throughout the study, several negative trends and characteristics were identified in many public institutions. These pose a serious threat to the stability of the civil service as well as the ongoing cadre reforms.

It is worth mentioning from the start that we faced serious problems in obtaining this public information since, bar a few exceptions, public institutions were providing us with incomplete information, and often only handed it over after a long delay.

Information obtained from the both central and local government institutions states that a total of 5,149 employees were dismissed during the reporting period. Of these, 2,330 handed in their own resignation; this is approximately 45% of the total number dismissed. Furthermore, of the public agencies that provided us with their staff lists, a total of 11% of civil servants left positions in the government institutions. In view of the high unemployment rate in Georgia, the number of employees choosing to resign is surprising. Remarkably, during this period none of the civil offices carried out staff certification.

As for the practice of hiring new employees, according to the information we obtained, 6,557 civil servants were appointed to positions in public government institutions during the reporting period, of which only 257 people (4%) were selected via competition. Hiring new employees without using competition was a glaring fault, and one which was practiced by most public institutions.

Another problem was related to the numerous cases of illegal appointment to office. Often, people were directly appointed without competition to positions, which, under the law, had to be occupied only through the proper competition procedures.

Introduction

The 1 October 2012 parliamentary elections brought about the replacement of the central authorities in Georgia. The introduction of a new political team is usually accompanied by reforms and a renewal process, but there are areas in which implementing radical changes may be unfavorable and even harmful to the country. Personnel policy in the civil service numbers among such areas.

The personnel changes in the Civil Service after the October elections became a topic of serious concern among the general public. TI Georgia has been observing these processes since October 2012. During this period the organization has published several statements and blog posts stating that the legal procedures regarding staff employment and dismissal were frequently neglected during staff changes. Our organization has protected the interests of several dismissed employees in courts, and two cases of illegal dismissal were established in Zestaponi. Several other noteworthy negative trends were identified, including cases of dismissal and hiring on potentially political or other discriminatory grounds.

Therefore we decided to closely examine these processes and relay our findings to the public about the changes taking place in the civil service following the parliamentary elections. The study does not cover the Parliament of Georgia or Tbilisi City Hall.

The reporting period spans from 20 October 2012 until 1 March 2013. This period was selected because it covers the post-election phase in which staff hire and dismissals are most likely to have a political or biased rationale behind them.

Notably, this report does not analyze all aspects of the personnel policy of the civil service. It mainly provides the statistical data and analyzes certain interesting events and trends. As for the methodology, the study is primarily based on information that we requested from public institutions at the end of February 2013. In addition, we have used information obtained from interviewing the employees dismissed from various civil services and monitoring media reports. Furthermore, civil servants dismissed from the service could also provide us with information through an online questionnaire.¹

The study consists of four main parts. The first chapter discusses key trends and findings of the study and the statistics. The second and third chapters are devoted to the personnel policies of central and local government institutions respectively, while the fourth chapter provides recommendations for the government.

¹ <http://transparency.ge/kitkhvari-sajaro-datsesebulebebidan-datkhovna>

Chapter I. Key Trends and Findings

Throughout the study, several negative trends and characteristics were identified in many public institutions; these pose a serious threat to the stability of the civil service and the ongoing cadre reforms.

1. Difficulties in obtaining public information

It is important to note that we faced serious problems in terms of obtaining public information as, with very few exceptions, public institutions were providing incomplete information. We sent two letters to each agency, one concerning those employees who had been dismissed, the other, those appointed. Yet, the provided information was frequently incomplete, and our questions were only partially answered.

Not only were responses incomplete, but on several occasions they arrived very late. The Ministry of Internal Affairs (MIA) is one such example; it provided information only after a five-month delay, and even then the response was limited and ultimately insufficient. In the next chapter, the MIA will be discussed in greater detail.

2. Dismissal from the service

Although many public institutions have provided incomplete information, it was still possible to identify certain data. In particular, it would seem that a total of 5,149 employees left positions during the reporting period. Of these, 2,330 resigned, which is approximately 45% of the total number of those who left their positions. Furthermore, of the public agencies that provided us with staff lists, a total of 11% of employees were dismissed.

Taking into consideration that unemployment has been the number one problem for Georgian citizens for years, a fact revealed by the NDI's polls², it was surprising to see such a large amount of resignations. In addition, in civilized states, changes in the political sphere usually have less effect on mid-and low-levels of civil service; these sectors tend to remain stable even after the change of authorities. One should furthermore take into account the fact that the parliamentary elections only should have affected a change of authority at the central level; this makes the vast turnover at the local self-government level even more unclear. As the study has demonstrated, supervisors often forced the employees to submit letters of resignation using either friendly advice or threats. Many respondents from central and local government institutions openly discussed this with us, with the Ministry of Defense providing a good example of how an organization used illegal methods to dismiss several department heads and other employees. This trend appears time and time again in numerous reports, articles and other media.

Remarkably, there was an amendment made to the Criminal Code on 6 March 2013 which made it a criminal offence to coerce a staff member into submitting a letter of resignation, punishable by a fine or imprisonment of up to two years.

Of all the public institutions, the MIA made the most dismissals: 897 employees. There are several other public institutions worth mentioning which also dismissed many employees. A good example is the Dedoplistskaro Gamgeoba, where 85 out of 86 employees were dismissed.

Widespread failure to hold examinations, or "certifications", was yet another faulty aspect related to employee dismissal. Very often employees were dismissed without any formal examination or justification, and without holding the certification, of which a failure to pass should have served as the basis for dismissal. As for the institutions where the certification process was held, defects were

² <http://www.ndi.org/files/NDI-Georgia-Survey-June-2013-GEO.pdf>, pg. 5.

identified in almost all of them, including cases of inappropriate examination. Nevertheless, the fact that these agencies decided to hold certifications should be acknowledged.

At the same time, the reporting period has revealed many cases of blatant illegal dismissal from service. Such cases were reported in the Lentekhi and Zestaponi Gamgeobas. In the case of Zestaponi, TI Georgia protected the rights of victims and won a court case.

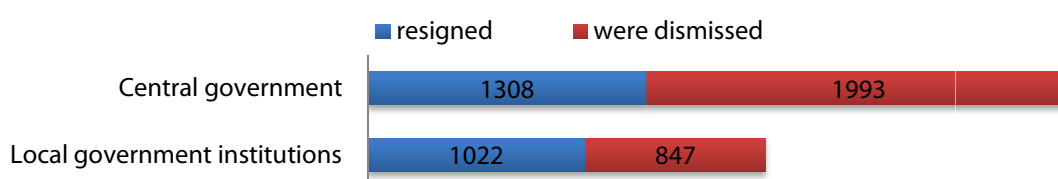
3. Appointment of new employees

As for the practice of hiring new employees, according to the obtained information, 6,557 civil servants were appointed during the reporting period to positions in central and local government institutions, of which only 257 (4%) were selected through competition. Hiring new employees without competition was a clear flaw in the employment process, and one which was practiced by almost all public institutions. In this case the institutions have exploited the deficiencies of the Law on Civil Service and avoided holding the competitions. This led to civil servants being hired on the basis of kinship, friendship, party-specific or other discriminatory grounds. Even when competitions did take place, several gaps were identified. Often written tests were not used as a means of candidate selection and decisions were made based only on interviews where unprofessional and irrelevant questions were asked. In addition, the staff selection commissions often contained inappropriate personnel. The accumulated result of all these faults is that the impartiality of the competition process and its results are cast into serious doubt.

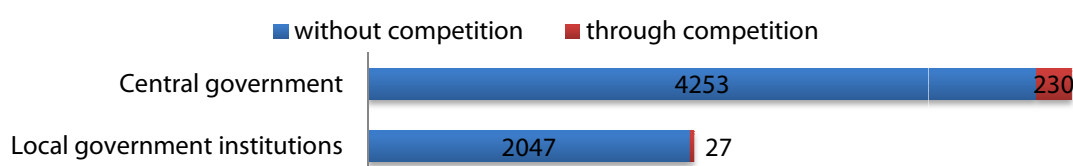
Another problem was found in the numerous cases of illegal appointment to office. People were often directly appointed without competition to positions which, under law, could only be occupied through proper competition procedures. Such cases were found in the appointment of staff at the Gurjaani, Dedoplistskaro and Sachkhere Gamgebelis. There were furthermore cases where staff were appointed for a probation period without competition; yet again this is a gross violation of the Law concerning the Civil Service.

Finally, another malpractice identified within the local authorities was the amount of supernumerary appointments; a trend which undermines still further the stability of the Civil Service.

**FIGURE 1: Civil servants who left their position
(20 October 2012 - 1 March 2013)**

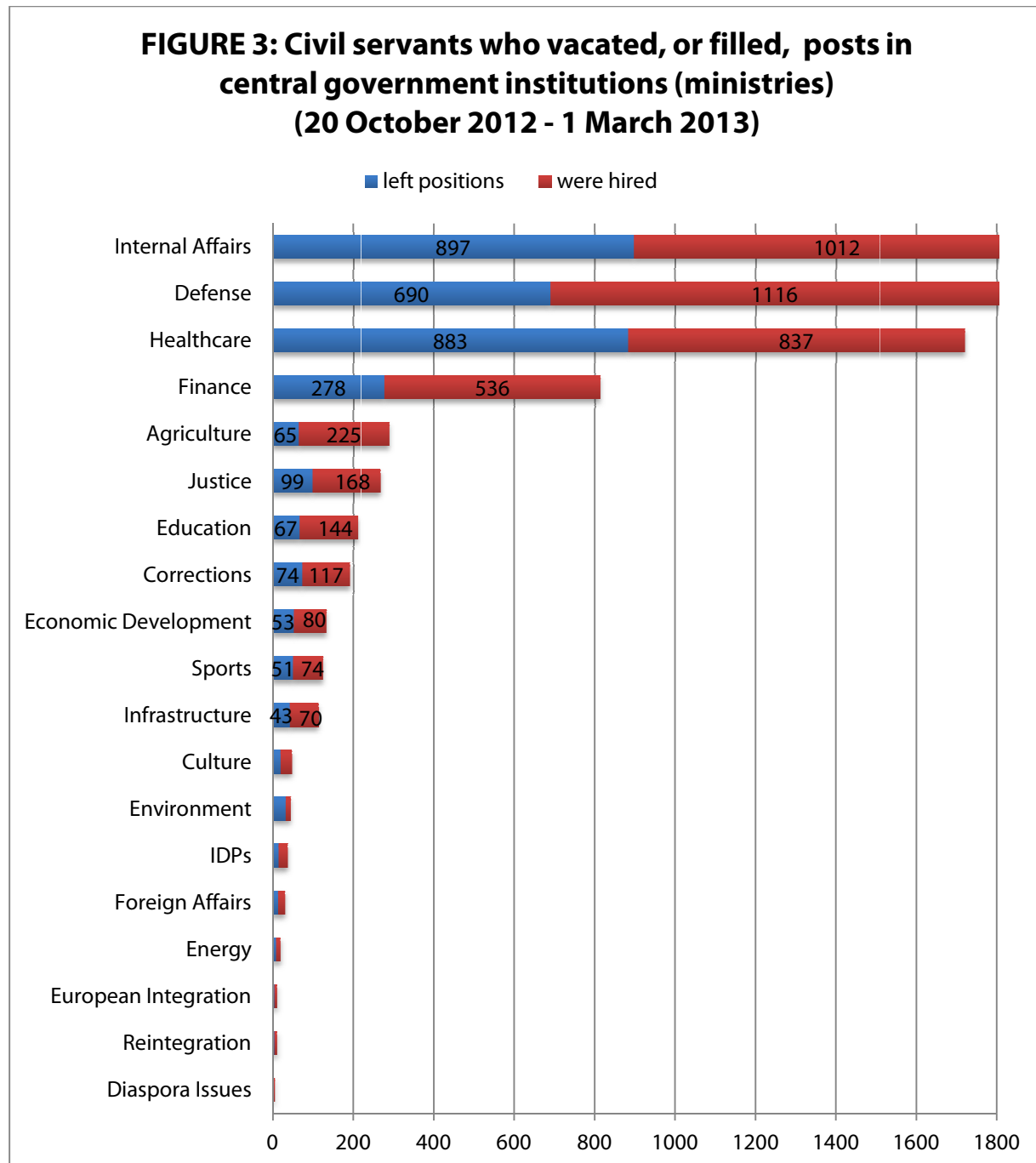


**FIGURE 2: Civil servants hired
(20 October 2012 - 1 March 2013)**



Chapter II. Personnel Policy of Central Government Institutions

During the reporting period, a total of 3,301 employees were dismissed from central government's civil service. During that same period 4,483 civil servants were employed, out of which only 230 people (5%) were hired via competition.



As for the individual agencies, we requested public information from the **Ministry of Internal Affairs (MIA)** in a letter sent on 21 February, to which, on February 26, the Ministry responded that they had already provided us with information concerning this matter on 14 December. In December

we had indeed requested information from the MIA, but it was only partly related to the information requested on 21 February. In addition, over two months had passed since they had provided the information (on December 14), and thus the Ministry's response was clearly unsatisfactory.

We contacted Khatuna Kveladze, the Head of the Bureau for Issuing Public Information of the Ministry's Administration explaining the above circumstances, and requested that the information be provided in full. Kveladze concurred with our arguments and promised to provide said information, but only with a minor delay of the term prescribed by law since, according to her, it was necessary to acquire information from various departments and units.

Despite several phone calls reminding the Ministry of this promise, we have still not yet received any information. On 19 June we renewed our request; this time we received no response. After the expiration of the 10-day period stipulated by law, we addressed the Minister of Internal Affairs with an administrative complaint, asking for the information requested on 19 June to be provided. During the same period we received a letter from the MIA, in which the Head of the Bureau for Issuing Public Information told us that they had provided the information requested on 21 February on 11 June, and sent us a copy of this allegedly provided information. Afterwards they called us from the Ministry's chancellery, informing us that the requested information "was kept in the chancellery for over a month", and asked why we had not picked it up. The Ministry had considered the response to our letter, which was kept in the chancellery, as being already issued.

In this case, apart from a gross violation of the terms (instead of ten days, we received information five months later), the information was incomplete. They had answered only 3 of our 13 questions failing to provide the bases of staff employment and dismissal, information on their competition and certification process, total number of employees, etc.

According to the information which was provided, a total of 897 people were dismissed from the Ministry and the legal entities of public law (LEPL) attached to it; 302 of whom did so on their own initiative. Over the same period, 1,012 new employees were appointed to the Ministry. As noted above, the Ministry did not provide the bases of appointments, and therefore we are not aware of the status of these 1,012 employees. Yet, we have grounds to believe that this number mostly consisted of employees appointed under the 25 January Order #39 of the Minister of Internal Affairs.³ The Order was in effect until 31 March 2013 and allowed people to be appointed or promoted as a police officer without any advance training or relevant examination.⁴

Over the reporting period, a total of 278 people were dismissed from **the Ministry of Finance** and its subordinate agencies; 241 of whom did so on their own volition. As for the recruitment of new personnel, 536 people were appointed to new positions during the same period. Only two of them were appointed via competition.

Data of the specific agencies are as follows: out of the 328 employees from the *central office*, only nine left their positions, all of whom did so of their own accord. A competition was announced for two vacant positions, one of which was cancelled. Overall, 10 new civil servants were appointed during the reporting period.

130 employees were dismissed from the *LEPL Revenue Service* under the Ministry of Finance, and 99 of these resigned. The dismissed include a majority of the Service's mid- and high-level management, including the department heads, their deputies and the heads of units. According to

³ <http://goo.gl/mWDF0>

⁴ For more details about this order please see the blog post by TI Georgia:

<http://transparency.ge/en/blog/ministry-internal-affairs-temporarily-simplifies-staff-recruitment-procedure>

one of the unit heads (he preferred to remain anonymous), this dismissal process left the impression of discrimination against employees on political grounds. The respondent revealed that he was selected to this position a year and a half ago via competition. At the time he had six years of working experience in the private sector in the same area. After the new management arrived, he was asked to write a letter of resignation but he refused to do so. Afterwards this person was dismissed from his position. Moreover, he claims that during the same period, between 50 and 100 people were dismissed under similar pressure. Interestingly, the order on the dismissal of this person refers only to the sub-statutory act – Sub-Paragraph “d” of Article 17 of the “By-Laws of the Legal Entity of Public Law the Revenue Service” as its legal basis. This is identical to a dissolution of contract prescribed by the old Labor Code, which allows for a termination of an employment contract without any justification. As for the new employees, 243 people were hired during the reporting period and all of them without competition.

117 people left their positions in the *Investigative Service of the Ministry of Finance* during the reporting period, all of whom on their own initiative. Out of the 167 new employees hired during that same period, only one was appointed via competition. Three civil servants resigned based on their applications to another sub-agency institution of the Ministry of Finances – *the Financial-Analytical Service*. As for the newly appointed staff, during the reporting period the agency with a total of 79 employees had appointed 61 new acting servants. Competition for vacant positions was not announced.

690 employees were dismissed from **the Ministry of Defense**, over the reporting period of which 151 were resignations. A total of 1,116 new employees were appointed, and only 68 of them were selected through competition. Referring to the protection of personal data, the Ministry has not provided the bases of these appointments and dismissals. Furthermore, the above figures apply only to the number of civilian employees of the Ministry, since personal information about staff (except for the cap established by law) is a state secret.

Although we were unable to probe into the legal bases of dismissal of employees, several people dismissed from the Ministry have filled out our online questionnaire, making it possible to draw certain conclusions on the nature of staff changes within the Ministry. Former Head of the Public Affairs Department Eka Chumburidze claims that the Head of Administration had demanded her resignation from the occupied position and handed her a pre-written letter for her to sign. When Chumburidze asked why, she was told they could not state a reason, but explained that she simply “her place was no longer in the system” and that the personnel decisions were made “somewhere else”. Former Head of the Ministry’s Public Relations Department Natia Anastasiadi told a similar story. According to her, notwithstanding the fact that she had a child less than three years of age, they demanded her to resign and gave her the application drafted in advance. They also told her she could no longer work in the system. According to Anastasiadi, on 6-7 November 2012 the Human Resources Department forced approximately 35 people to write letters of resignation. It seems that the same method was applied not only towards the Ministry’s high officials, but ordinary employees as well. There is an analogous story we received from one of the employees of the Public Relations Department, who preferred to remain anonymous.

Formally, 567 employees were dismissed during the reporting period from **the Ministry of Justice** including institutions within the Ministry’s system; however, most of these employees (467) were reappointed to positions in other institutions within the Ministry’s governance. As a result, 99

employees left their positions in the Ministry of Justice. 657 new employees were hired in the same period, only 31 of whom through competition. Out of these 657 employees, most were reappointed from other departments/agencies. The reallocation of the staff from one institution to another was related to the creation of the Justice House. The Justice House staff was primarily filled by the former employees of the *National Agency of Public Registry* and *State Services Development Agency*.⁵

51 employees were dismissed over the reporting period from **the Ministry of Sports and Youth Affairs**, including the heads of four different legal entities of public law. Out of the dismissed, 30 resigned based on personal applications. The Director of one of the LEPL's, who officially left the position at his own will, claims he did not want to leave the service, but owing to constant pressure from superior officials he decided to leave office. The former Director of the LEPL *Children and Youth National Center* refers to a similar pressure, in his case however, the amendment to the Ministry's statute was the formal basis for his dismissal, following which this position was cancelled and the Center became subordinate directly to the Deputy Minister. In addition, 34 employees who refused to write the applications were dismissed. Here the dismissals were based on the dissolution of employment contracts on the employer's initiative. The decision of the Center's Head was later challenged in court by the two former Deputy Directors and one former Head of the Service. Tbilisi City Court found the dismissals to be illegal and instructed the Center to reinstate them to office. It is worth remarking that the remaining 31 employees had been dismissed on identical grounds. As for the new employees, during the same period 52 people were appointed in the Ministry, 42 of them as acting servants. No competition or employees' certification was held during the reporting period.

A total of 74 people were dismissed from **the Ministry of Corrections and Legal Assistance** and its LEPLs, and 58 of them were based on personal applications. 117 people were appointed and all of them without competition.

More specifically, 40 people left the central office of this Ministry; all of them resigned of their own accord. The dismissed include the Heads of the Medical, Administrative and Investigative Departments, as well as the Head of General Inspection. 83 people were appointed to positions, none of whom were appointed through competition.

As for the legal entities of public law within the Ministry's domain: 8 employees left initiative the *Legal Aid Service* on their own, including the Director of the Service. A total of 23 citizens were dismissed from the *National Agency of Enforcement of Non-Custodial Sentences and Probation*, 17 of them based on personal applications, including the two Deputies of the Agency's Head.

Of the 14 people dismissed from **the Ministry of Foreign Affairs**, 11 left on their own volition. Among the dismissed are two ambassadors-at-large, whose dismissals were based on the reduction of respective personnel. 16 employees were appointed over the same period; four of these appointments only had Article 21 of the Law on the "Civil Service" as their sole legal basis. This article states that a civil servant enters the service either through appointment or selection; this is not a sufficient justification if one bears in mind that during the reporting period the Ministry did not hold a competition for vacant positions. The remaining 12 employees were appointed by contracts, based on the Law on "Diplomatic Service", or as acting servants.

⁵ Data reflects clarifications provided by the Ministry of Justice.

No important staff changes occurred during the reporting period in **the Ministry of Internally Displaced Persons from the Occupied Territories, Accommodation and Refugees**: 10 employees out of the 15 dismissed resigned and the Ministry has fully observed the formal grounds of dismissal. 22 employees were appointed in the Ministry during the same period. Because the Ministry held no competition, 21 servants were appointed with an acting status, while one person was appointed as the Minister's Advisor, a position that is not subject to the competition requirements and is appointed for the term of the Minister's tenure.

67 servants were dismissed over the reporting period from **the Ministry of Education and Science** and the agencies subordinate to it (except for institutions of general education); 26 of them did so based on personal applications. At the same time, 144 new employees were appointed, 99 of whom through competition.

Meanwhile, 24 employees (12 based on personal applications) were dismissed from the Ministry's Central Office and 40 servants (2 through competition) were appointed. Referring to the protection of personal data, the Ministry has refused to send the bases of dismissals and appointments.

27 civil servants left the *LEPL National Examination Center*, 4 of whom resigned. During the same period, 117 new employees were appointed to the agency, including 97 through competition and 20 with an acting status.

16 servants were dismissed from the *National Center for Development of Quality of Education*, 10 of whom resigned on their own initiative. The Center did not provide information about the appointment of new employees.

53 servants parted from **the Ministry of Economy**, with 31 persons resigning from service. 80 new employees were appointed, 12 of them through competition. Competitions were pending on several positions, but by the time the reporting period had concluded the commission had not made final decisions.

65 people were dismissed during the reporting period from **the Ministry of Agriculture** and its subordinate agencies, including 39 resignations. As for the appointments, in the same period 225 servants were employed in the Ministry, and only 19 of them through competition.

In respect of individual agencies, 37 servants were dismissed from the Ministry's Central Office, and all of them based on personal applications, including six Department Heads, four Deputy Department Heads and six Unit Heads. 41 persons were appointed to positions in the same office, 36 of them with an acting status. 8 employees were dismissed from the *LEPL National Food Agency*, including the Department Head and two Deputies of Department Heads. We were provided with documentation which stated the termination of employment contract was the basis for their dismissal; this is vague and requires more specification. Furthermore, 14 employees were dismissed due to the expiration of a contractual term. No competition has been held over this period in the Agency. Accordingly, 55 employees were appointed with an acting status, while the supernumerary employment contracts were executed with 106 citizens. In addition, in January the Ministry announced the competition for recruiting employees in its regional information-consulting services, in which 19 employees were appointed by the end of the reporting period. Important staff changes have not occurred in the other legal entities of public law under the Ministry – the National Wine Agency and the Agricultural Laboratory.

During the reporting period, 6 employees were dismissed from the 100 personnel units of the Central Office of **the Ministry of Environment**, and 4 of them did so on their own initiative. In this period the Ministry has not held the competition for occupying vacant positions, and accordingly, 12 employees were appointed without competition. According to the documentation received from the *LEPL Agency of Protected Territories*, 22 employees were dismissed from the Agency and six of them resigned, including three Service Heads. The Agency has mostly used unilateral dissolution of a contract under the Labor Code as the basis for dismissal. During the same period competition was not held in the Agency, and 37 out of 38 appointed employees were hired with an acting status. Minor staff changes have occurred in the *LEPL National Environmental Agency*, where two employees were dismissed based on personal applications, while 30 employees were appointed based on employment contracts for different terms.

In its letter, the Ministry has furthermore explained that their obligation to hold the competition arises after the entry into force of Article 30.2 of the Law on the “Civil Service” (1 July 2013). The referred article actually concerns maximum employment terms of the acting employees, and in the first place the administrative authority itself must be interested in staffing the servants with employees selected through competition.

9 out of 91 personnel of the Central Office of **the Ministry of Energy and Natural Resources** were dismissed during the reporting period, 3 of them based on personal application. In the same period, 10 employees were appointed, 6 of whom are acting servants and 4 of them (the Minister and his Deputies) are not subject to the requirement of being appointed through competition.

We asked the Ministry to provide information from the Central Office, as well as on the situation within its legal entities of public law. Pursuant to Article 80 of the “General Administrative Code”, the Ministry (just like any other administrative authority) is obligated in such cases to send the request to the respective administrative agency. Nevertheless, the Ministry of Energy has not sent our request to the two legal entities of public law subordinate to it: the *Natural Resources Agency* and the *Basic Forest Nursery Farming Unit*, thus violating the requirements of law.

5 out of 34 employees of **the Office of the State Minister of Georgia for Reintegration Issues** were dismissed during the reporting period, while 6 servants were appointed to positions. Minor changes also took place in **the Office of the State Minister for Diaspora Issues**: one of 25 employees was dismissed and 5 new employees were appointed. Minor changes were reported also in **the Office of the State Minister for Integration into the European and Euro-Atlantic Structures**, where 5 employees were dismissed based on personal applications, and 6 new servants were recruited.

Out of 250 employees of **the Ministry of Regional Development and Infrastructure** and its subordinate agencies, 43 were dismissed during the reporting period, 19 of which resigned. During the same period, 70 people were appointed to positions. Competition and examinations were not held by the Ministry.

More specifically, 10 employees were dismissed from the Ministry's Central Office, 8 of them at their own volition. At the same time, 33 employees were hired in the Central Office. 21 employees were dismissed from the *LEPL Municipal Development Fund of Georgia* functioning under the Ministry. 11 of those who left resigned, while 37 servants were appointed in the Fund. In response to

our letter, the Fund stated that no competition was held for vacant positions. Yet, they have not provided the bases of appointment and dismissal of the servants, as, according to them, the orders on appointments and dismissals contain personal data foreseen under Article 44.1 of the "General Administrative Code of Georgia". Staff changes have not occurred during the reporting period in other of the Ministry's legal entities of public law: *the Investment Center of the Eurasian Transport Corridor; the Transport Reform and Rehabilitation Center; and the Vano Khukhunaishvili Reform Center for the Good Governance System and Territorial Arrangement.*

A total of 883 people were dismissed over the reporting period from **the Ministry of Labor, Health and Social Welfare** and its subordinate agencies, including 83 resignations. As for those hired during the same period, 837 servants were employed in the Ministry, only 6 of whom were subjected to competition.

Concerning individual units, a total of 299 people were employed in the Ministry's Central Office; 110 of them were dismissed during the reporting period. Out of the dismissed, 8 resigned, and 100 departed due to the expiry of contractual term. Certification of employees did not take place during this period in the Central Office. A total of 88 employees were recruited, 25 of them as acting servants on the staff positions, 1 on the staff position for the term of the Minister's tenure, and 62 as supernumerary servants.

By the end of 2012, under the order of the Minister of Health, the Agency for State Care was merged into the *LEPL State Fund for Protection and Assistance of Victims of Trade in Humans (Trafficking)*. As a result of the reorganization, 710 people were dismissed from their positions, 651 of them due to the expiry of contract, 23 based on dissolution of contract (the Labor Code no longer includes this ground), while 36 left on their own initiative. During the same period, it is interesting to note that 661 new employees were recruited in the Fund without competition with an acting status.

9 employees were dismissed from the *LEPL State Regulatory Agency for Medical Activities*, including 5 based on personal applications. In the same period, 31 people were appointed in the Agency, including 6 through competition, 4 with an acting status, and 22 employed as supernumerary servants based on employment contracts.

Out of 294 employees of the *L. Sakvarelidze National Center for the Disease Control and Public Health*, 12 people were dismissed, five of whom resigned while 9 employees were appointed in the Center with an acting status.

Out of 2,109 employees of the *LEPL Social Service Agency*, 39 were dismissed, 29 of them at their own initiative. 18 employees were appointed during this period, all of them with an acting status. At the time of provision of information, the Agency had announced competitions for 17 vacant positions.

Major staff changes have not occurred within the legal entities of public law under the Ministry of Labor, Health and Social Welfare.

All of the five employees leaving **the Office of the State Minister for Integration into the European and Euro-Atlantic Structures** resigned. As no competition has been held during this period in the Minister's Office, all six appointed employees have an acting status.

Chapter III. Personnel Policy of Local Government Institutions

The information provided to us indicates that a total of 1,869 employees left the civil services of local authorities during the reporting period, while 2,047 were recruited. Out of the dismissed, 1,022 resigned, which constitutes approximately 54% of the total number of those who left their positions. Over the same period, only 1% (27 out of 2,047) of servants appointed to positions were employed through competition. This chapter summarizes the data by regions.

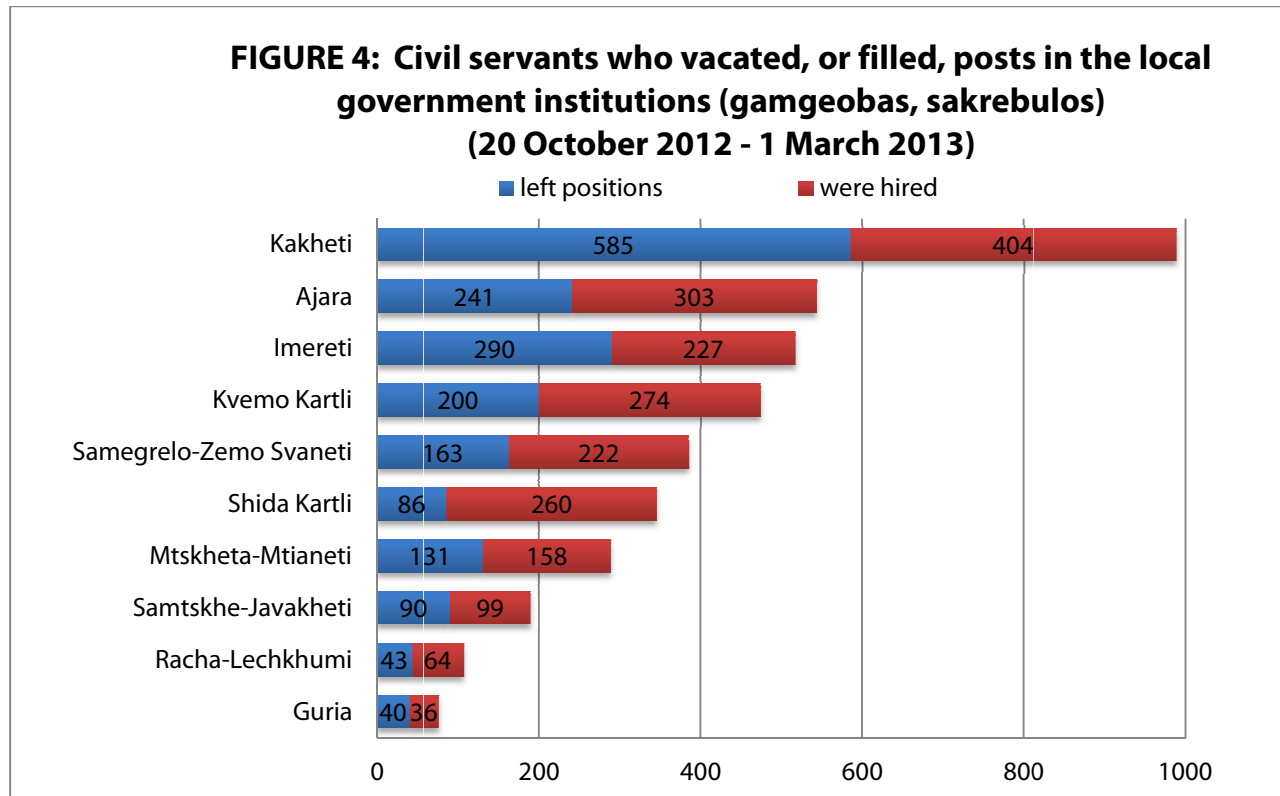
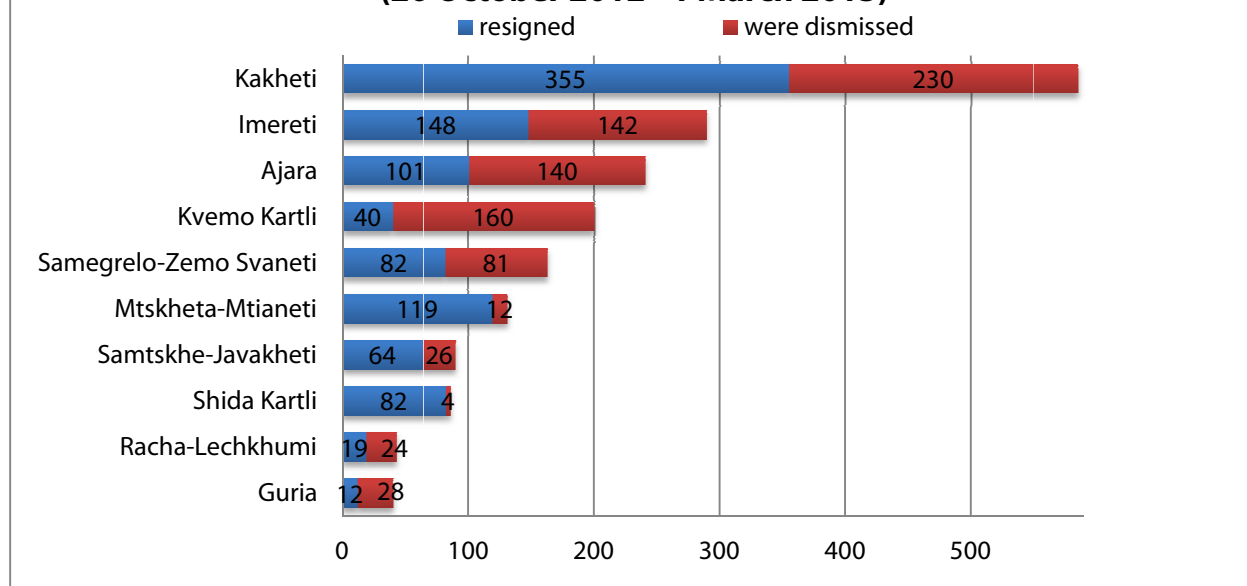


FIGURE 5. Civil servants who vacated posts in the local government institutions (gamgeobas, sakrebulos) (20 October 2012 - 1 March 2013)



1. Imereti

A total of 289 employees were dismissed during the reporting period from the civil services of the Imereti Region municipalities, while 227 were recruited. 147 of those dismissed resigned, which constitutes about 51% of the total number dismissed. During the same period, only two out of 227 appointed servants were employed through competition. Notably, civil servant data from the Sakrebulos of municipalities, as well as its Gamgeobas is included among the statistics provided. The statistics do not cover the Terjola Municipality, as neither the Gamgeoba nor the Sakrebulo have provided the required information.

FIGURE 6: Civil servants who vacated, or filled, posts in local Imeretian government institutions (20 October 2012 - 1 March 2013)

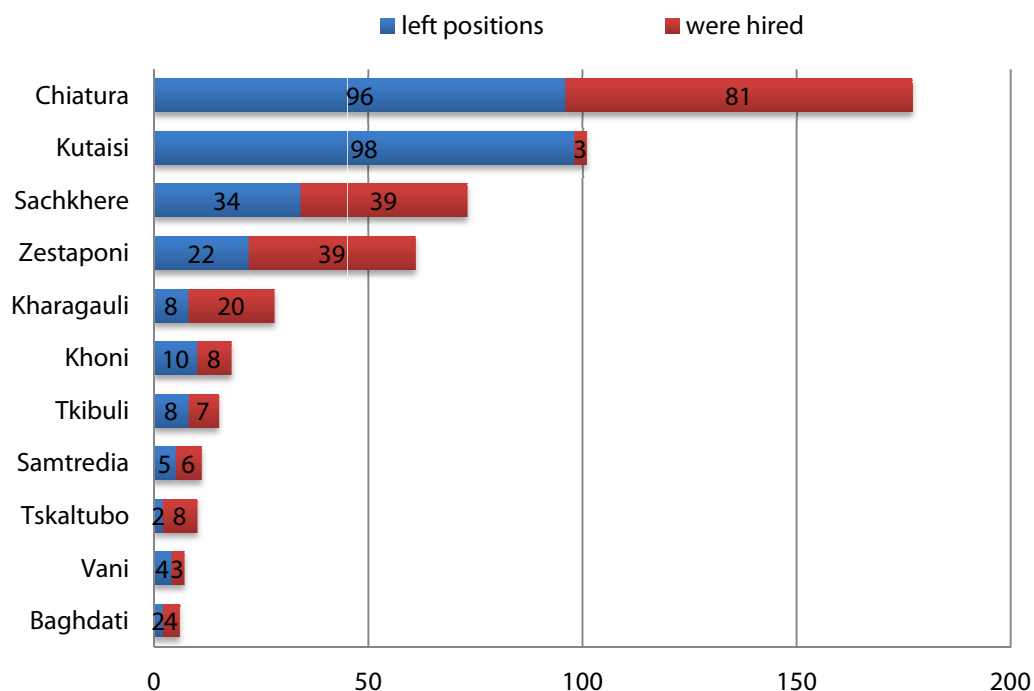
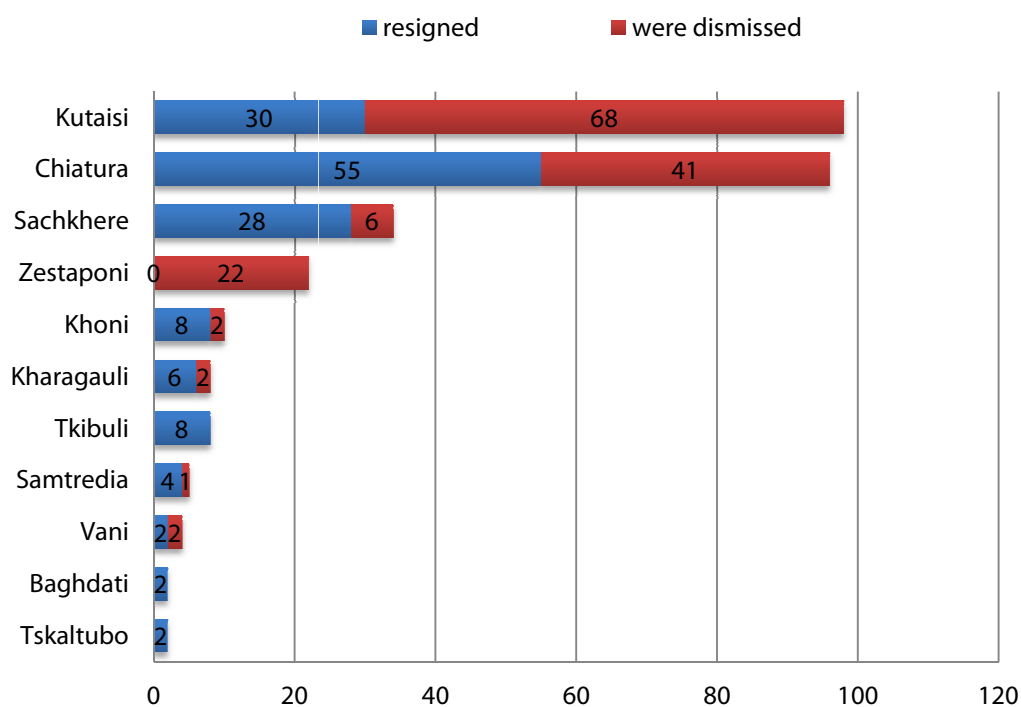


FIGURE 7: Civil servants who vacated posts in local Imeretian government institutions (20 October 2012 - 1 March 2013)



Chiatura Municipality has distinguished itself in terms of the scales of staff changes in the Imereti Region. Former Gamgebeli of the Municipality Prokopi Chikviladze ran in the parliamentary elections, and therefore his tenure was terminated. On 2 November, the Sakrebulo Chair ordered the set up of the Selection-Certification Commission for selecting the Gamgebeli, following which the representative of the “Georgian Dream” coalition Sulkhan Makhatadze was elected to the position. Remarkably, 108 candidates submitted competition bids, while the Commission called for an interview for only one candidate – Sulkhan Makhatadze, whose candidacy was unanimously approved by the 25 Sakrebulo members.

As for the mid- and low-level civil servants, a total of 96 people were dismissed during the reporting period from the Gamgeoba and Sakrebulo Offices, 55 of them based on personal applications, 39 due to expiration of contract term, and 2 for disciplinary misconduct.

81 people were appointed instead of the 96 dismissed employees. Despite our request, the Municipality has provided copies of orders on appointment of 49 employees only, making it clear that all employees serve with an acting status.

It is also worth mentioning that the majority of staff changes occurred in the Chiatura Municipality Gamgeoba. As for the Sakrebulo, one servant was dismissed and one recruited in this agency.

94 civil servants were dismissed during the reporting period from the **Kutaisi** City Hall, 29 of them resigned, while the rest departed due to the expiry of a contractual term. No significant changes had taken place in the Kutaisi Sakrebulo – four employees were dismissed, and three employees were appointed. It is notable that serious staff changes still continue in the Kutaisi City Hall, often violating the law. TI Georgia has put out a statement on this issue; however, as these processes fall outside the reporting period, the present study does not examine this issue.

As for the **Sachkhere** Municipality, 190 people are employed in the Gamgeoba. 30 employees were dismissed during the reporting period, including 26 resignations.

Similar to Chiatura, due to the participation of the former Gamgebeli of the Sachkhere Municipality in the parliamentary elections, this post was vacant until October 26, when the Sakrebulo directly appointed Ivane Goshadze as the Municipality Gamgebeli without any competition, which is a gross violation of the Law on the “Civil Service”.

During the reporting period, selection competition has not been held for other vacant positions either, and 35 people were appointed as acting servants.

In the same period, the Municipality Sakrebulo dismissed from office the Chairman Nodar Abzhandadze, and elected instead the Sakrebulo member Inga Zambakhidze. Furthermore, four civil servants were dismissed, two of whom resigned, while the Municipality Sakrebulo has not provided information on the other two.

Despite our request, the **Zestaponi** Municipality Gamgeoba has not provided the number of regular staff. Information provided by them only says that during the reporting period 22 civil servants were dismissed from the Gamgeoba, 18 of which have resigned. Several of them have addressed the court, claiming that the application on dismissal from the service did not reflect their real will, and that they wrote applications to win the administration’s approval, thus aiming to stay in the service in case of expected reorganization. The former Head of Administrative Office was among the employees dismissed based on personal applications and then under the order of the acting Gamgebeli. TI

Georgia has represented this person in the Zestaponi District Court and the Kutaisi Appellate Court. In both cases the claimant won the dispute. Furthermore, on 1 November Zestaponi Gamgebeli Givi Arabidze also resigned from office. On the next day the Sakrebulo approved the candidate of the “United National Movement” Kakha Getsadze. Later, after the MIA launched an investigation against Getsadze, his Deputy Nugzar Karumidze was discharging his powers.

35 civil servants were appointed during the same period in the Municipality Gamgeoba, including 25 acting servants. Selection competition was not conducted. Four civil servants were appointed as temporary acting employees in the Office of the Municipality Sakrebulo, and none of them were dismissed.

Major staff changes have not taken place over the reporting period in the **Tskaltubo** Municipality Gamgeoba: two employees were dismissed based on personal applications, while seven employees were appointed without competition for a probation period, which is a grave violation of the Law on the “Civil Service”. One civil servant of the Office of the Municipality Sakrebulo was appointed through the same procedure.

As for the **Khoni** Municipality, the Kutaisi City Court has suspended the powers of the Municipality Sakrebulo Chair Giorgi Gelenidze due to the charges of abuse of power and improper spending of the state funds. The authority of the Sakrebulo Chairman was temporarily passed to the Deputy Chairman Rezo Partskhaladze, who was also dismissed from the office. Partskhaladze has challenged the decision in court. During the same period ten employees were dismissed from the Khoni Municipality Gamgeoba, while eight people were appointed to various positions with an acting status. Seven of those dismissed did so on their own initiative. Gamgeoba was unable to provide the bases of appointments and dismissals, because the Ministry of Internal Affairs had extracted materials for investigative actions.

Seven civil servants voluntarily resigned in the **Tkibuli** Municipality, and seven new servants were appointed. There was no competition during the reporting period, and all seven employees were appointed with an acting status. The Municipality Sakrebulo Chairman Davit Katamadze resigned from office, and on the same day the Sakrebulo elected the representative of “National Movement” Goderdzi Tsnobiladze as the new Sakrebulo Chairman.

2. Samtskhe-Javakheti

A total of 90 employees were dismissed during the reporting period from the civil services of the Samtskhe-Javakheti Region municipalities, and 99 were recruited. Out of the dismissed, 64 resigned, which amounts to about 71% of the total number dismissed. During the same period, only 7 out of the 99 appointed civil servants were recruited through competition. Notably, the statistics include the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos.

FIGURE 8: Civil servants who vacated, or filled, posts in the local government institutions of Samtskhe-Javakheti region (20 October 2012 - 1 March 2013)

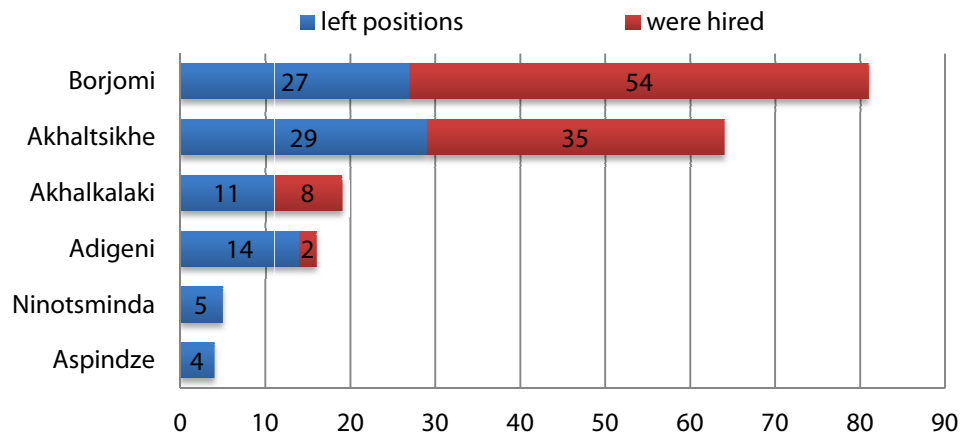
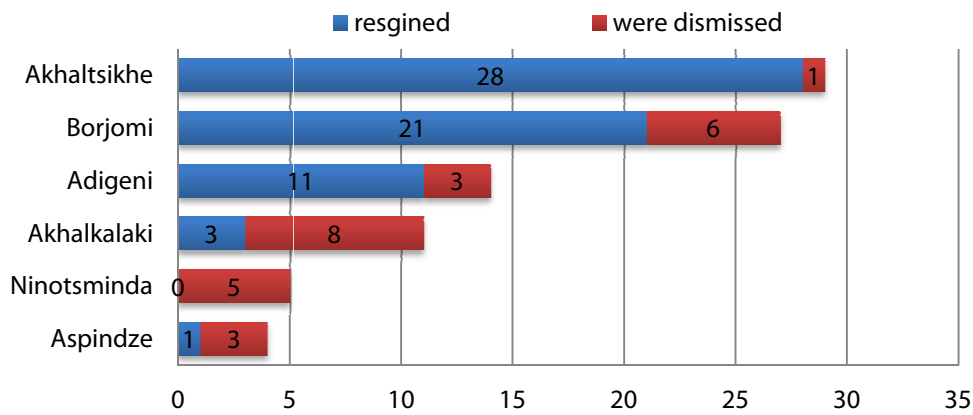


FIGURE 9: Civil servants who vacated posts in the local government institutions of Samtskhe-Javakheti region (20 October 2012 - 1 March 2013)



During the reporting period, 29 civil servants were dismissed from the **Akhalsikhe** Municipality Gamgeoba and Sakrebulo, 28 of which have resigned voluntarily, including the Gamgebeli Gela Demetradze and all of his four deputies. At the same time, a total of 35 employees were appointed in the offices of the Gamgeoba and Sakrebulo, 19 of them as acting employees, including the new Gamgebeli Besik Khitarishvili. No selection competition was held. Significantly, staff changes in Akhalsikhe took place mainly in the Gamgeoba, while the Sakrebulo's Office was less affected by reorganization.

27 civil servants were dismissed from the **Borjomi** Municipality Gamgeoba, 21 of whom resigned, including two deputies of the Gamgebeli. The Gamgebeli Vakhtang Maisuradze decided to resign from office on October 8, while Davit Kamkamidze was appointed as the acting Gamgebeli. In addition, 54 civil servants were appointed to positions, 19 of them with an acting status, and 32 for a probation period. In view of the fact that no selection competition was held, the appointment of these 32 persons, even for a probation period, still breaches the Law on the "Civil Service", which does not

recognize a probation period as a precondition of appointing a civil servant without competition. There were no staff changes in the Office of the Borjomi Municipality Sakrebulo.

11 civil servants were dismissed during the reporting period in the **Akhalkalaki** Municipality Gamgeoba and 8 were appointed, including 7 through competition. Interestingly, the minutes of the Selection Commission provided to us by the Gamgeoba were drawn up in Russian. Furthermore, it is worth mentioning also that according to the recorded minutes, one of the Commission members expresses the same opinion, using identical words, during four different competitions held at different times. This gives rise to a reasonable suspicion that the competitions may have been held formally, and accordingly, the protocol documentation may have been copied mechanically. No staff changes have occurred during this period in the Akhalkalaki Municipality Sakrebulo.

No major staff changes have taken place during the reporting period in the civil services of the **Ninotsminda** and **Aspindza** Municipalities.

3. Mtskheta-Mtianeti

During the reporting period, a total of 131 employees were dismissed from the civil services of 4 municipalities of the Mtskheta-Mtianeti Region, and 158 were admitted into the service. 119 of those dismissed resigned based on personal applications, which is approximately 91% of the total number dismissed. During the same period, only 1 of 158 appointed servants was recruited through competition. In this case, the statistics include the civil servant data of the Municipality Gamgeobas, as well as of Sakrebulos.

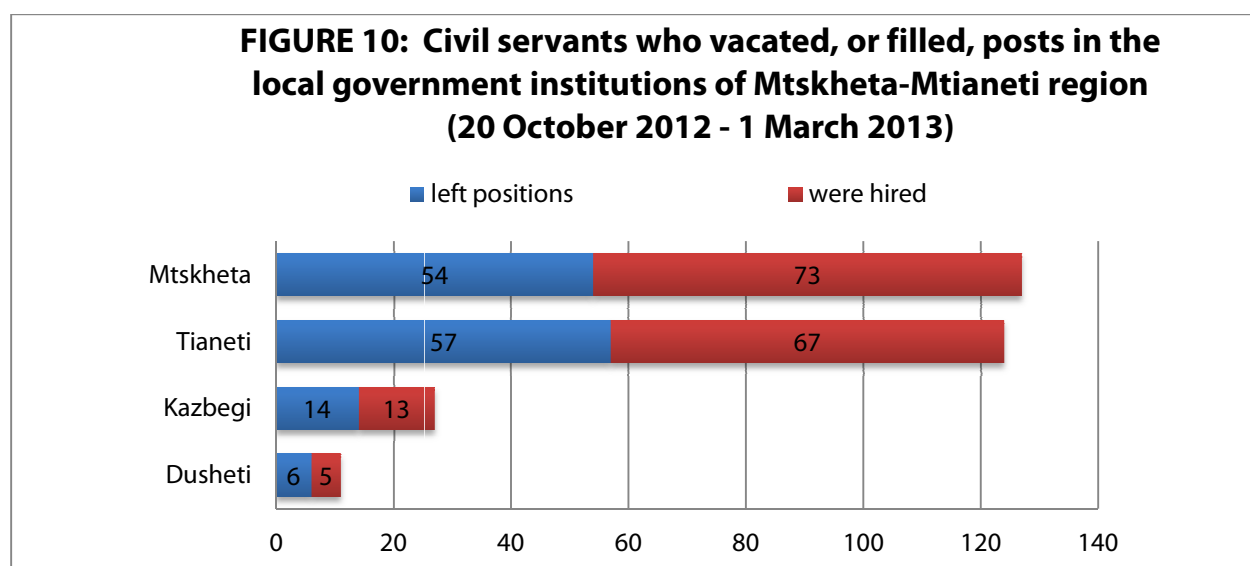
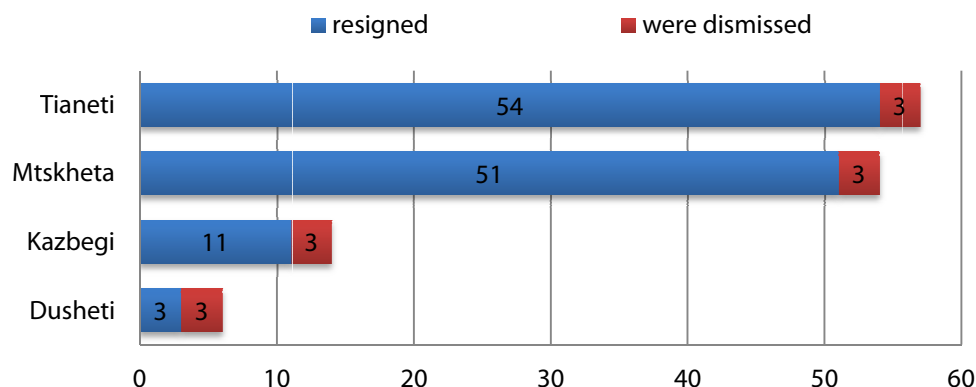


FIGURE 11: Civil servants who vacated their post in the local government institutions of Mtskheta-Mtianeti region (20 October 2012 - 1 March 2013)



Out of 295 employees of the **Mtskheta** Municipality Gamgeoba, 54 civil servants were dismissed during the reporting period, 51 of which resigned. Despite our request, the Gamgeoba has not provided the bases for dismissal of the employees. There were no staff changes in the Office of the Mtskheta Sakrebulo. In the same period, 73 people were appointed in the Gamgeoba, and the latter has not provided the bases for their appointment. They have only indicated that the majority is appointed for a probation period, while the competition for vacant positions will be held before the end of the current year.

54 out of 57 civil servants were dismissed based on personal applications in the **Tianeti** Municipality Gamgeoba. Competition was announced only for the position of the Gamgebeli. 67 employees were appointed for a probation period without a competition, which is a direct breach of the Law on the "Civil Service". As for the Gamgebeli, the Selection Commission selected Malkhaz Davitashvili out of 85 candidates, who had previously managed the Tianeti Headquarters of the "Georgian Dream". There were no staff changes in the Office of the Tianeti Sakrebulo during the reporting period.

Relatively minor staff changes have occurred in the civil services of the **Kazbegi** and **Tianeti** Municipalities.

4. Shida Kartli

A total of 86 employees were dismissed during the reporting period from the civil services of 4 municipalities of the Shida Kartli Region (except for the Khashuri Gamgeoba), while 260 were recruited. 84 of those dismissed resigned, which is about 98% of the total number dismissed. In the same period, none of the 260 servants appointed to positions were recruited through competition. The statistics cover the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos. This data is notably incomplete, as the Gamgeobas of large units – Gori, Kaspi and Khashuri – have not provided full information on the dismissals. Hence, these gaps do not allow us to depict an accurate picture for the region.

FIGURE 12: Civil servants who vacated, or filled, posts in the local government institutions of Shida Kartli region (20 October 2012 - 1 March 2013)

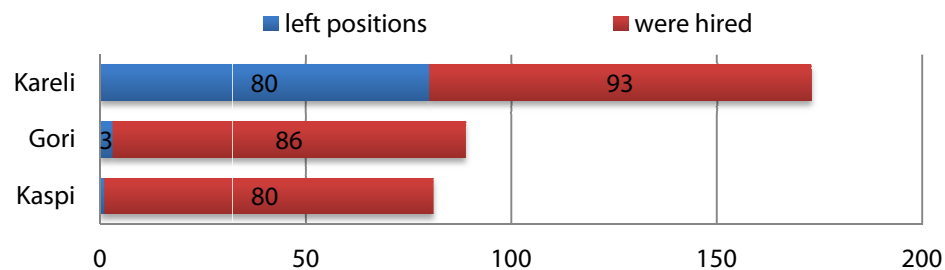
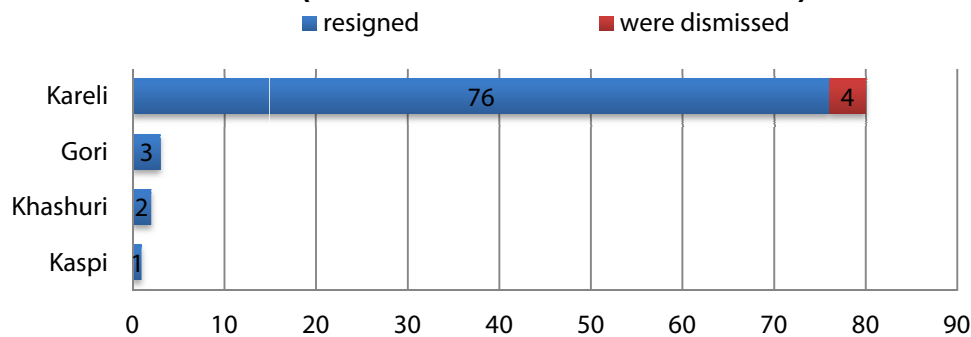


FIGURE 13: Civil servants who vacated their posts in the local government institutions of Shida Kartli region (20 October 2012 - 1 March 2013)



As for the actual municipalities, as already noted, the **Gori** Municipality Gamgeoba has not provided information on the number of dismissed employees. 3 people were dismissed from the Office of the Gori Sakrebulo. In terms of the appointments, during the reporting period no competition was held in the Gori Gamgeoba and Sakrebulo, and 86 civil servants were appointed with an acting status.

The **Kaspi** Municipality Gamgeoba has also provided information only on the appointed servants. Much like in Gori, 76 people were appointed without competition. 1 person was dismissed and 4 employees were recruited to the office of the Kaspi Sakrebulo.

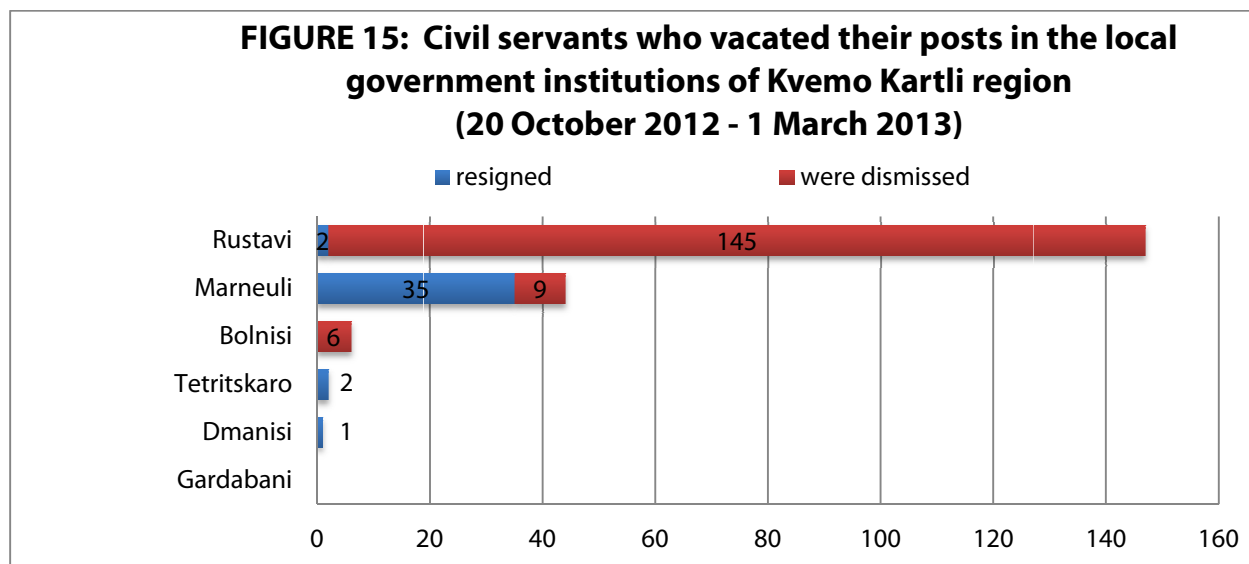
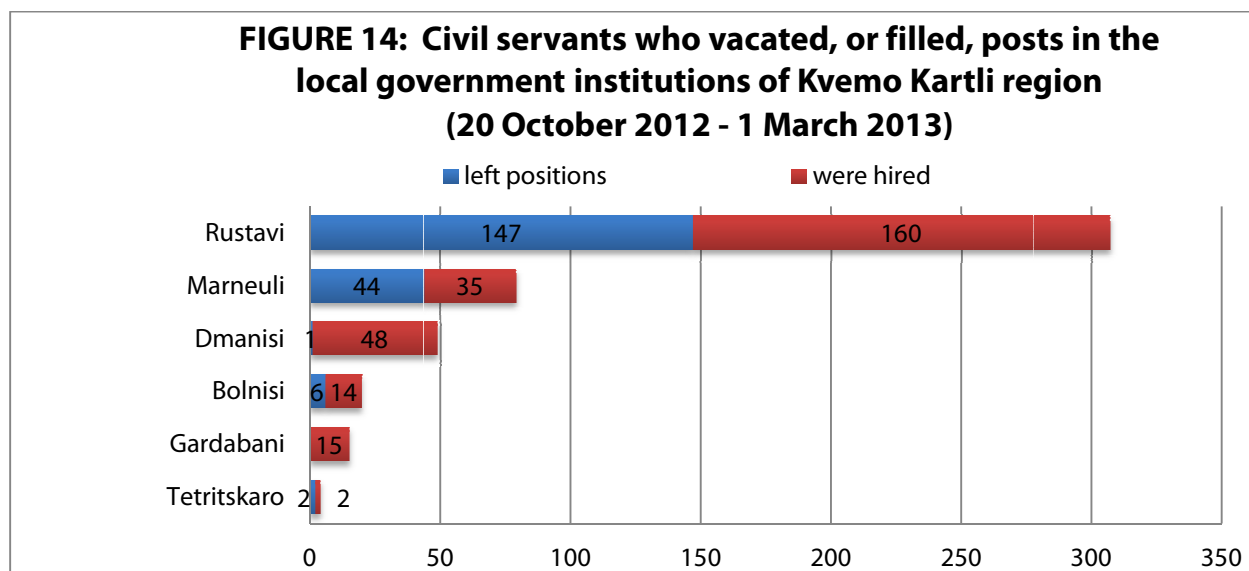
80 civil servants were dismissed during the reporting period from the **Kareli** Municipality Gamgeoba and Sakrebulo, 76 of which resigned, including the former Gamgebeli Ilia Burjanadze. Ivane Osadze was appointed as the acting Gamgebeli, who was later arrested for bribe-taking. No competition was held for the vacant positions in the Gamgeoba and Sakrebulo, however, 93 servants were appointed during the reporting period with an acting status.

The **Khashuri** Municipality Gamgeoba has also left our letter unanswered, thus we did not receive information either on appointments or dismissals. They have only notified us that the new list of the regular staff was approved and the competition will be announced from 1 March for the 23 vacant specialist positions. As for the Office of the Municipality Sakrebulo, during the reporting period

two out of 28 employees were dismissed, and both based on personal applications. In the same period, one acting servant was appointed.

5. Kvemo Kartli

A total of 200 employees were dismissed during the reporting period from the civil services of 5 municipalities of the Kvemo Kartli Region and the city of Rustavi, and 271 were recruited. 40 dismissed employees have resigned, which constitutes about 20% of the total number dismissed. In the same period, none of the 260 appointed servants were recruited through competition. The statistics include the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos. However, the data is incomplete, because the Gamgeobas of large units – Dmanisi and Gardabani, as well as the Sakrebulos of Bolnisi and Marneuli - have not provided information on those dismissed. Neither the Gamgeoba nor the Sakrebulo of Tsalka has provided any information. Accordingly, this gap significantly obscures the existing reality in the region.



As for the individual municipalities, the number of the employed in the **Bolnisi** Gamgeoba was 186, of which 6 were dismissed. 10 acting employees were appointed. There were a total of 13 employees in the Bolnisi Sakrebulo. This agency has not provided information on the dismissed, while 4 persons were appointed to positions in the given period.

The **Gardabani** Gamgeoba and Sakrebulo have informed us only of the number of the appointments. During the reporting period, 9 employees were appointed in the Gamgeoba. There are 20 employees in the Gardabani Sakrebulo, and 5 of them are supernumerary staff but there is no information on the dismissed. Meanwhile, six people were recruited. According to the Kvemo Kartli information portal, the trustees of villages of the Gardabani District – Kesalo, Jandara, Akhalsopeli and Vakhtangisi – were dismissed. The acting District Gamgebeli, Gela Khutsishvili, claimed that their unqualified work and negligent attitude towards their job was the reason for dismissals. As reported, one part of the dismissed village trustees was employed in the local authorities of the Gardabani District with a specialist status.⁶

The **Dmanisi** Gamgeoba has also responded only about the appointments. All of the 45 appointees are acting servants. 13 people were employed in the Dmanisi Sakrebulo, one of whom was dismissed based on personal application. There were 3 appointments.

During the reporting period the **Marneuli** Gamgeoba dismissed 44 employees, 35 of which resigned. All 35 appointees are acting servants, as the Gamgeoba held no competition for the vacant positions. In response to our letter, the Marneuli Sakrebulo has sent only the information concerning the temporarily appointed acting Director of the “Marneuli Municipality Vehicle Fleet” LLC, founded by the Sakrebulo.

Another fact worth noting is that the Kvemo Kartli information portal states that according to the former Director of the “Marneuli Soptskali” LLC (owned by the Marneuli Municipality) Geronti Sivsivadze, left his position because of pressure. Sakrebulo Chairman Ispandar Kerimov has stated that Sivsivadze resigned voluntarily. The new Director is Badri Kveladze, who was released as a result of an amnesty as the status of a political prisoner.⁷

Out of 132 employees of the **Tetritskaro** Gamgeoba, 2 people were dismissed during the reporting period based on personal applications, while 2 were appointed. 8 people are employed in the Tetritskaro Sakrebulo, two of which were dismissed over the reporting period based on their own applications. Two acting employees were recruited during the same period.

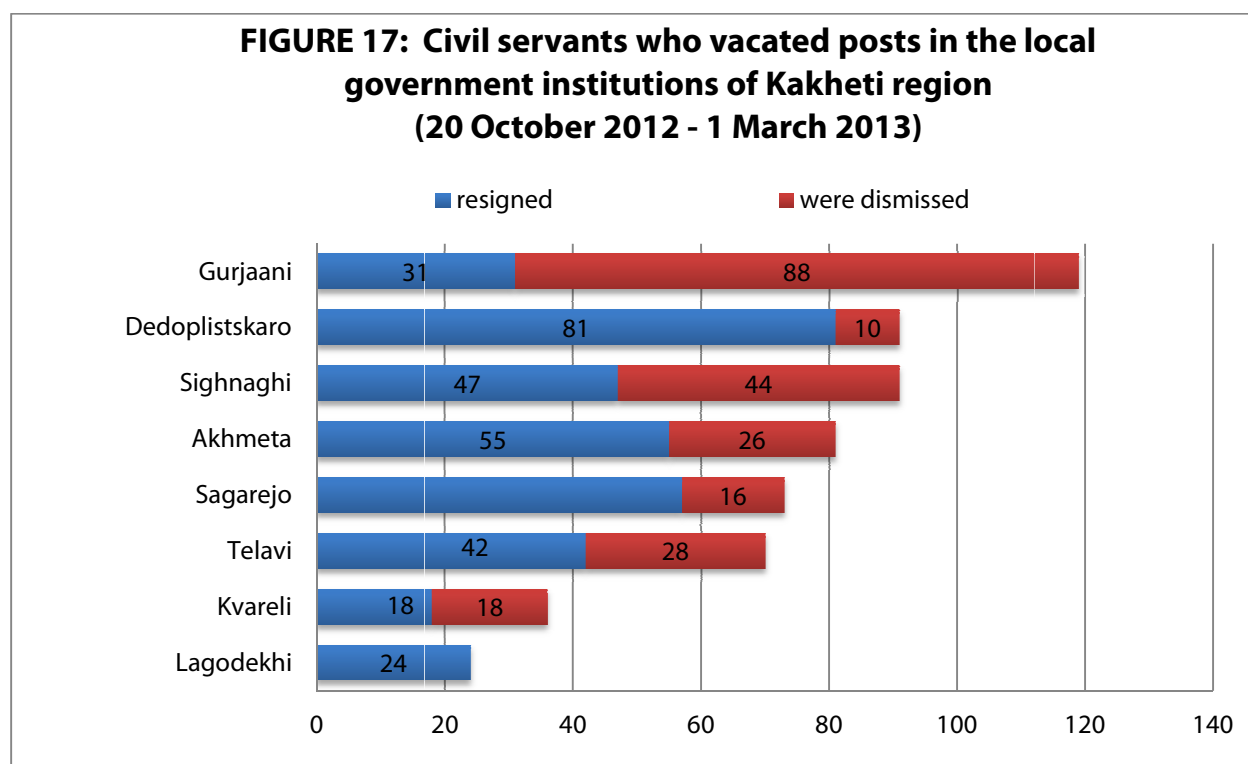
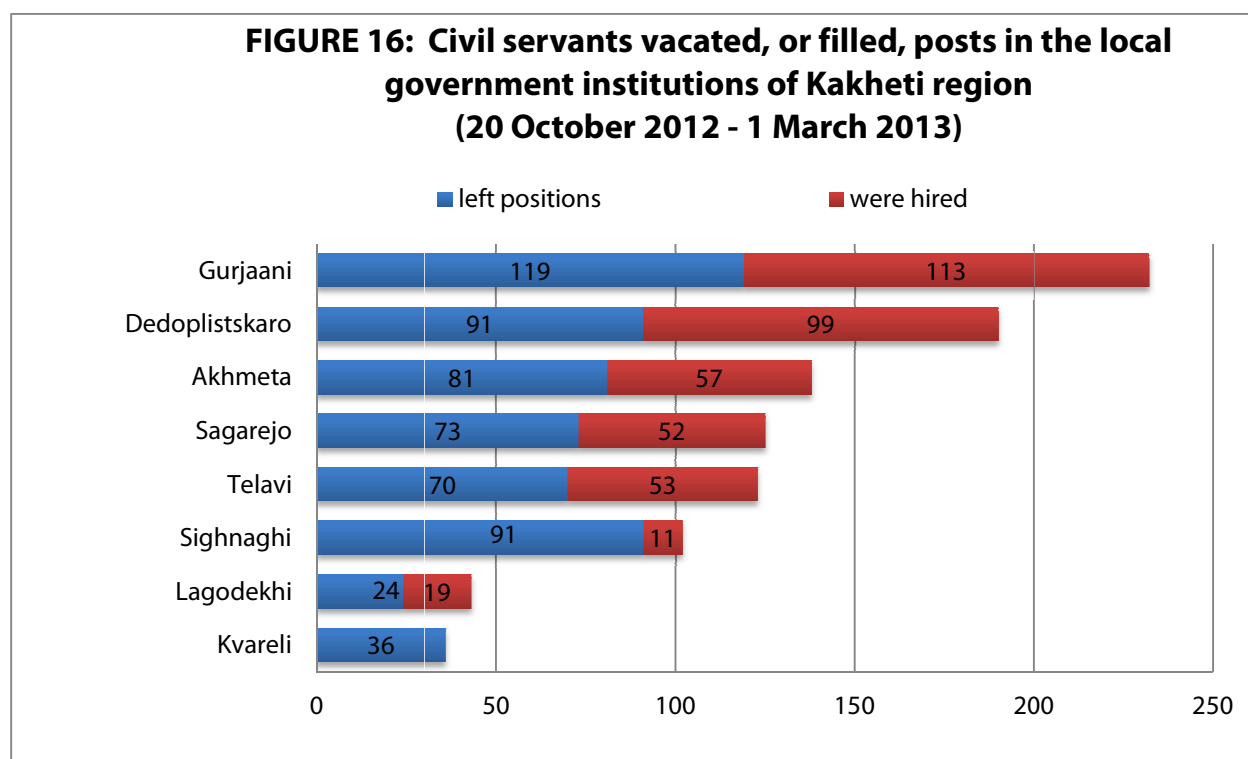
6. Kakheti

A total of 585 employees were dismissed during the reporting period from the civil services of 8 municipalities of the Kakheti Region, while 404 were recruited. 317 dismissed employees have resigned, which is approximately 69% of the total number of dismissed. In the same period, none of the 292 appointed civil servants were recruited through competition. The statistics include the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos. It is noteworthy that this

⁶ <http://kkpress.ge/index.php?do=fullmod%2Fnews&id=976>

⁷ <http://kkpress.ge/index.php?do=fullmod/news&id=907>

data is also incomplete, because several agencies have either not provided information at all or have provided incomplete information.



In the **Sagarejo** Gamgeoba, of 187 employees, 73 left the service during the reporting period, 57 based on personal applications, while we are not aware of the reason or reasons behind the dismissal of the remaining 16. A total of 52 people were appointed in the Gamgeoba in the given

period. The Sagarejo Municipality Sakrebulo turned out to be the only agency in Kakheti that has not experienced staff changes during the reporting period. A total of 28 people were employed in this agency.

78 out of 182 employees were dismissed in the **Sighnaghi** Gamgeoba, 42 of them based on personal applications. Expiration of the contractual term and staff reduction are named as the reasons for dismissal of the civil servants. Gamgeoba has not informed us about appointments. A total of 13 servants were dismissed from the Sighnaghi Sakrebulo, 5 of them based on personal applications. 11 people were appointed, 4 of them with an acting status.

23 people were dismissed from the **Lagodekhi** Gamgeoba, all of them based on personal applications. 15 people were appointed as acting servants. In the Lagodekhi Sakrebulo, of a total of 26 employees, only one was dismissed based on personal application. 4 others were appointed.

A total of 181 persons were employed in the **Akhmeta** Gamgeoba during the reporting period, 20 of them as supernumerary staff. 71 employees were dismissed from the service, including 45 based on personal applications. 52 people were appointed, all of them with an acting status. According to the data received from the Akhmeta Sakrebulo, 10 employees (five servants and five assistant servants) were dismissed from the Office of the Sakrebulo, all of them leaving based on personal applications. In the same period, five employees were appointed as acting servants. Under the list of regular staff, a total of 7 regular staff units are available in the Office of the Municipality Sakrebulo.

The personnel policy of the Akhmeta Municipality was slated by the media. In particular, on 8 January 2013 the Kakheti Information Center reported that the member of the “Georgian Dream” Beka Baidauri, appointed as the Gamgebeli, had recruited his relatives to several positions.⁸ After this was made public, a majority of them resigned.⁹

TV-company Maestro reported on 11 March about the appointment of the **Gurjaani** Gamgebeli without competition. Our organization has also released a statement concerning this fact, noting that the Gurjaani Gamgebeli was appointed to office illegally.¹⁰ Furthermore, in the same period we released another statement on Gurjaani, this time concerning the blatant facts of pressure imposed by the Gurjaani Deputy Gamgebeli on his employees,¹¹ which was unfortunately not picked up by the relevant agencies. According to the provided information, 115 employees were dismissed during the reporting period, 28 of them based on personal applications. Yet, as already noted, there is a reasonable suspicion that the employees were forced to write such applications. There was no competition for the vacant positions during this period, while 107 persons were appointed as acting servants. There are a total of 181 employees in the Municipality Gamgeoba.

As for the Gurjaani Sakrebulo, during the reporting period there were 18 employees in the Office, 13 of which were supernumerary servants. 4 employees were dismissed, 3 of them based on personal applications. 6 people were appointed, 2 with an acting status.

⁸ <http://ick.ge/articles/13339-2013-01-08-13-15-23.html>

⁹ <http://info9.ge/?l=G&m=1000&id=12045>

¹⁰ <http://goo.gl/7PK104>

¹¹ <http://goo.gl/yabVs4>

A total of 256 people were employed during the reporting period in the **Telavi** Gamgeoba. 65 were dismissed, 40 of whom voluntarily. 49 people were appointed, 48 of them as acting servants. Among those who resigned “voluntarily” was the five-month pregnant Nino Gomelauri. She has claimed at the Kakheti Information Center, that the newly appointed trustee had forced her to write the letter of resignation. Five-month pregnant Elene Berdzenishvili was dismissed due to the staff reduction. Following her dismissal, Berdzenishvili addressed the Telavi Municipality Gamgebeli requesting reinstatement and attaching the certificate of pregnancy, but she has not been reinstated.

As for the Telavi Sakrebulo, there are 33 employees in this agency, 13 of them supernumerary staff. 5 people were dismissed, including 2 based on personal applications. 4 people were appointed to positions.

140 persons were employed during the reporting period in the **Kvareli** Gamgeoba, 3 of them as supernumerary servants. 36 were dismissed, 18 of them resigning, including the Gamgebeli, representative of the “National Movement” Besik Zandaradze. On 13 December a member of the “Georgian Dream”, Davit Kevkhishvili, was appointed as acting Gamgebeli. The Municipality has not provided information on other appointments. No one was dismissed out of 18 employees of the Kvareli Sakrebulo. On 24 October the Deputy Sakrebulo Chairman Zaza Lomidze was appointed as the acting Sakrebulo Chairman.

There were 86 employees in the **Dedoplistskaro** Gamgeoba, including 17 supernumerary staff. Interestingly, during the reporting period 85 out of 86 employees were dismissed, 75 of them based on personal applications. 86 replacements were appointed with an acting status. Staff changes on this scale obviously give rise to doubts about this agency’s approach towards proper protocol. As for the Dedoplistskaro Sakrebulo, 21 persons were employed in this agency. 6 of them were dismissed based on personal resignations, and 13 others were appointed.

Dedoplistskaro was notorious also because the Sakrebulo has appointed the new Gamgebeli in violation of law, without the competition. TI Georgia has released a statement on this case.¹²

7. Racha-Lechkhumi

43 employees were dismissed and 64 were recruited during the reporting period in the civil services of 4 municipalities of the Racha-Lechkhumi Region. 19 dismissed employees have resigned, which is approximately 44% of the total number of dismissed. During the same period, only one of 64 appointees was recruited through competition. These statistics also cover the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos.

¹² <http://goo.gl/lfvd6k>

FIGURE 18: Civil servants who vacated, or filled, posts in the local government institutions of Racha-Lechkhumi region (20 October 2012 - 1 March 2013)

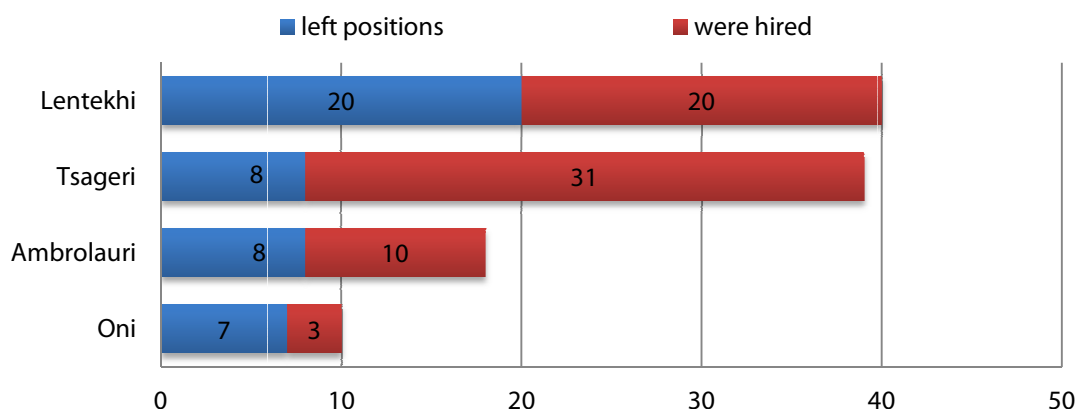
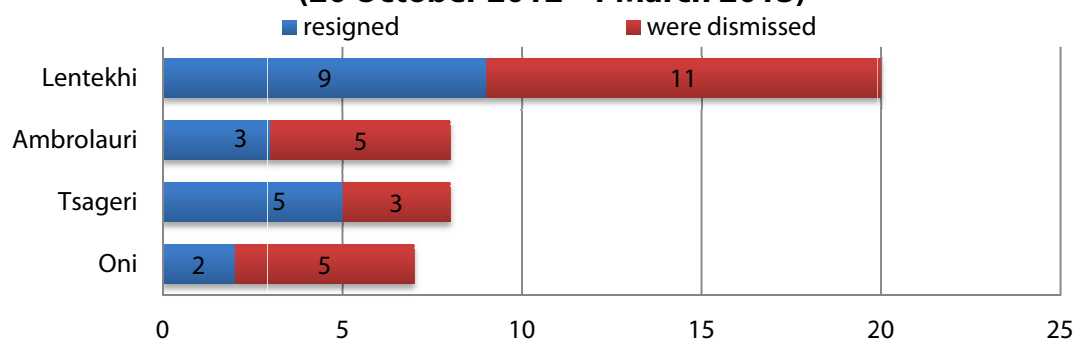


FIGURE 19: Civil servants who vacated their posts in the local government institutions of Racha-Lechkhumi region (20 October 2012 - 1 March 2013)



There were 90 employees during the reporting period in the **Lentekhi** Gamgeoba, 20 of which were dismissed. 9 of these 20 have resigned based on personal applications, including the Gamgebeli. No certification was held in the Gamgeoba. Vacant positions were filled by 20 servants, with only one (Gamgebeli) selected through competition. Employees were appointed based on orders, with the majority of them being for a 6-month probation period.

As for the Lentekhi Sakrebulo, there were 25 employees in this agency. No one has been dismissed and no certification has been held in the Sakrebulo.

It should be noted in respect of the Lentekhi Municipality that the 13 February 2013 order of the Gamgebeli, pursuant to which, in relation to the “urgency of staff changes” of the Municipality Gamgeoba, since 13 February the Gamgebeli has terminated the official powers of all trustees of the Gamgeoba’s territorial units. TI Georgia has described the illegality of this order in its blog,¹³ providing the problems of this act in detail. The order the Gamgebeli refers to Article 95 of the Law on the “Civil Service” as the basis of dismissal, which prescribes the dismissal of a civil servant based on one’s own initiative, i.e. that a person’s own application can serve as the basis for dismissal. The Gamgebeli’s

¹³ <http://transparency.ge/blog/ratom-aris-ukanono-lentekhis-munitsipalitets-gamgeblis-brdzaneba>

order does not even mention the application of any of the trustees, while the “urgency of staff changes” and not the satisfaction of applications on resignation is indicated in the reasoning of the act as the basis for issuing the order. Hence, by his order the Gamgebeli dismisses the trustees and refers to an absolutely irrelevant provision of the law as its justification.

Furthermore, Paragraph 3 of the order is also strange, which talks about the involvement of the civil society and experts and the taking into account of their opinions. It is unclear as to how NGOs should be involved in this process. Therefore, the 13 February 2013 order of the Lentekhi Municipality Gamgebeli cannot be legally unjustified, making it therefore illegal. Any dismissed trustee can challenge it in court, and because the order does not refer to the term for appealing the act, the period of limitations for filing a lawsuit in court is one year.

There were 131 employees during the reporting period in the **Oni** Gamgeoba and 7 of them were dismissed, 2 of them based on personal applications. No certification has taken place in the Oni Gamgeoba. Only 3 people were appointed to vacant positions based on the respective orders, with no competition being held however.

The Head of the Office for Education, Culture, Sports and Youth Affairs recommended one of the candidates (who had previously worked in the same Office as the chief and later lead specialist) to the Gamgebeli, which would give him an advantage in being appointed as the lead specialist of the Office. The person previously working in this position wrote the letter of resignation on 11 February, while the candidate asking for the appointment wrote on 6 February the following: “As far as I am aware, since February 7 the position of the lead education specialist will be vacated in the Office for Education, Culture, Sports and Youth Affairs”.

The specialist of one of the community’s territorial units from the Oni Gamgeoba was dismissed based on the memorandum of Trustee of the same community, which indicates that the specialist had “travelled to Greece to see relatives, where he has met an emigrant Georgian girl and married her”. Through the 7 February 2013 telephone communication the Trustee has clarified that “they had rented the apartment and he intends to work there. Accordingly, the specialist’s position is vacated”. The Law on the “Civil Service” refers to arbitrary abandonment of service as the basis for dismissing a servant, in which case if the service is abandoned for more than 5 days, a servant is considered as dismissed from the second business day of arbitrary abandonment. The action of the Trustee of Oni’s territorial unit has neglected the described procedures.

Moreover, none of the dismissal orders signed by the Oni Municipality Gamgebeli meet the requirements of the act on dismissal, and none of them refer to the legal bases (relevant provisions of the Law on the “Civil Service”) and procedure of appeal, which cast doubts on the legality of the acts. Similarly, none of the acts on appointments are consistent with the requirements of Article 26 of the Law on the “Civil Service”, as none of them indicate the salary rates. In one of the cases a person is appointed as an acting servant for the period of 6 months. The Law allows temporary appointments, but for the acting servants the term is determined as follows: until the occupation of this position through competition and not for a specific term.

As for the Office of the Oni Sakrebulo, this agency has not experienced any staff changes.

There were 155 employees in the **Ambrolauri** Gamgeoba. 7 were dismissed, 3 of them based on personal applications, 3 due to liquidation of the service, and one person passed away. The Ambrolauri Gamgebeli has resigned based on personal application. 9 people were appointed to

vacant positions, and none of them were selected through competition. There were no major staff changes in the Ambrolauri Sakrebulo.

Only 8 out of 251 employees of the **Tsageri** Municipality Gamgeoba were dismissed, and five of them were based on personal applications. During the same period, 31 employees were appointed in the Gamgeoba, and all as acting servants since no competition has been held in the Gamgeoba during the reporting period.

8. Samegrelo-Zemo Svaneti

During the reporting period, a total of 163 employees were dismissed and 222 were recruited in the civil services (apart from the Martvili Sakrebulo) of 8 municipalities of the Samegrelo-Zemo Svaneti Region and the city of Poti. 66 of those dismissed have resigned voluntarily, which is approximately 45% of the total number of dismissed. In the same period, only 4 of 190 appointed servants were recruited through competition. These statistics also include the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos.

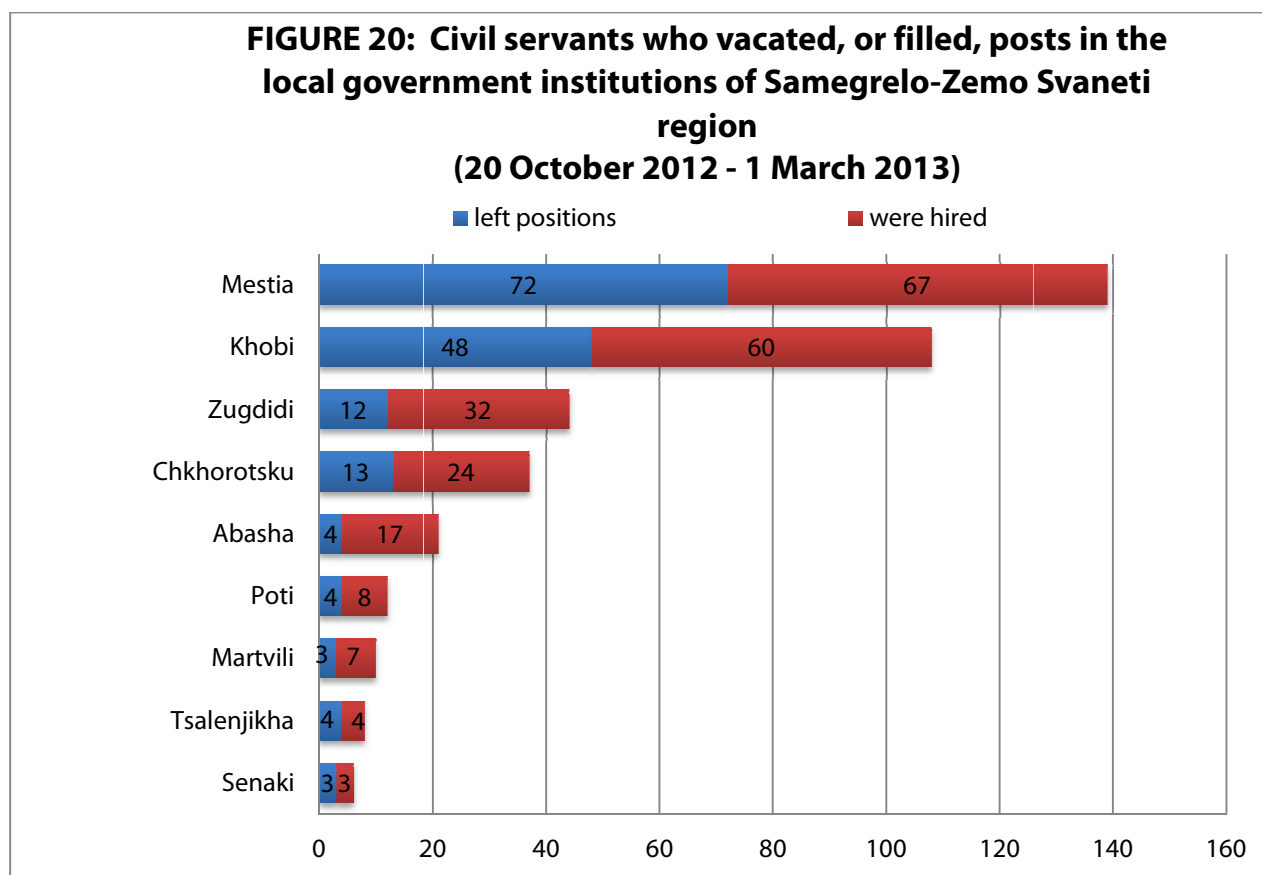
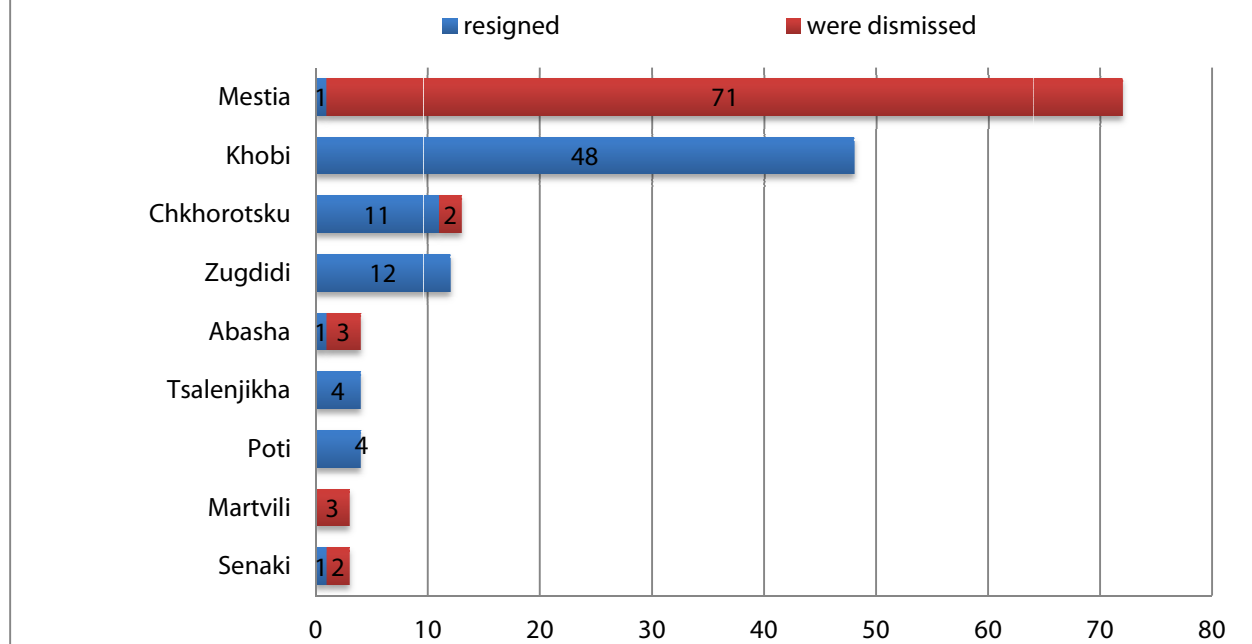


FIGURE 21: Civil servants who vacated their posts in local government institutions of Samegrelo-Zemo Svaneti region (20 October 2012 - 1 March 2013)



The number of employees during the reporting period in the **Mestia** Gamgeoba was 143. 70 employees were dismissed from their positions, with none of them leaving voluntarily. The servants were dismissed due to the reorganization (liquidation) of structural units and the reduction of regular staff. In this case such servants were notified respectively and compensation was issued. 65 people were appointed as acting servants. Notably, elements of appointments do not meet the requirements of Article 26 of the Law on the "Civil Service", as the majority does not refer to the salary rate.

On 25 February 2013 the Mestia Municipality Gamgeoba announced the competition for occupying public offices.¹⁴ The competition was announced for 17 vacant positions, some of which were created as a result of reorganization, while some were vacated after the dismissal of previous servants, and a small portion of positions remained vacant for a certain period of time. Overall, the competition in Mestia was carried out in a transparent and competitive environment. However, we believe better planning and organization of the process is important when holding the competition. In particular, prior to the competition two former employees of the Mestia Gamgeoba initiated court cases concerning the dismissals from the Gamgeoba. The first instance court has satisfied their request, but at this stage the decision has not been legally enforced and the dispute continues in the court of appeals. The Public Defender's Office has also released a statement on this issue, casting a doubt on the legality of this decision of the Gamgebeli.¹⁵ As for the Mestia Sakrebulo, no major staff changes have occurred in this agency.

There were 207 employees during the reporting period in the **Khobi** Gamgeoba. 40 employees were dismissed, and all of them were based on personal applications. 54 people were

¹⁴ <http://www.mestia.ge/index.php?news=1&year=2013&month=3&date=2013-03-26>

¹⁵ <http://goo.gl/nPkNZE>

appointed, none of them through competition. Appointments were based on respective orders. As for the Sakrebulo, there were 14 employees in this agency and 8 were dismissed, all of them voluntarily. 6 people have filled vacant positions, all with an acting status. No competition was held when selecting the candidates. Respective orders served as the basis for appointments.

Remarkably, all eight letters of resignation in the Khobi Municipality Sakrebulo are written on 27 December 2012, whereas the employment applications were submitted as follows: two on 3 January, three on 4 January, and one on 8 January. Simultaneous drafting of applications by so many employees is suspicious, as well as the submission of applications on official holidays. Notably, none of the orders on dismissal meet the requirements for the dismissal of the employees, as they indicate only the titles of the law and not the direct legal grounds (relevant provisions of the Law on the “Civil Service”) and the appeal procedure, which undermines the lawfulness of these acts. As for the appointments, they are consistent with the requirements of Article 26 of the Law on the “Civil Service”, and the Sakrebulo has provided full documentation on the servants, including their biographies, certificates of criminal record, diplomas, etc.

During the reporting period, there were 283 employees in the **Poti** City Hall. Four of these employees were dismissed, all of them based on personal applications. City Hall has not held any certification. 5 people were appointed as acting servants based on respective orders, and the Mayor Davit Sarsania was appointed through competition. The Poti Sakrebulo had 32 employees. On 6 December, the Chairman of the Sakrebulo Ivane Saghinadze left the office on his own initiative. 3 people were appointed to positions, with one of them through competition.

There were 106 employees in the **Abasha** Gamgeoba during the reporting period. The Gamgebeli was dismissed from office based on personal application. No certification took place. 11 people were appointed to positions, with only one of them (Gamgebeli) selected through competition. It is worth mentioning that the three Deputies of the Gamgebeli in the Abasha Gamgeoba were transferred to other positions with an acting status. As for the **Sakrebulo**, there were 23 employees. 3 of them were dismissed, none based on personal applications while 6 people were appointed as acting servants. No competition was announced to fill the vacant positions, and only 1 person was appointed through competition.

The **Senaki** Gamgeoba employed 144 people. 3 people were dismissed, 1 of them based on personal application. No certification was held in the Gamgeoba. 3 people were appointed to positions as acting servants and no competition has been announced or held to fill the vacancies. The Office of the Senaki Sakrebulo has not experienced any staff changes.

During the reporting period, the **Chkhorotsku** Gamgeoba had 168 employees. 12 of them were dismissed from positions, 10 of them based on personal applications, including the Gamgebeli. No certification has been held. 22 people were appointed. Competition for selecting the candidates has not been held and no significant changes had taken place in the Chkhorotsku Sakrebulo.

There were 143 employees in the **Martvili** Gamgeoba. 3 people were dismissed from the occupied positions, all of them based on orders. 7 people were appointed, but without the selection competition. We could not obtain the orders on dismissals and appointments in the Gamgeoba, nor

did we obtain the personal applications of the new employees filling the vacant positions. The Martvili Sakrebulo has not provided any information.

12 employees have resigned based on personal applications from the **Zugdidi Municipality** Gamgeoba, including the Municipality Gamgebeli Aleksandre Kobalia. Notably, prior to his letter of resignation, there were rallies organized by the civil movement "White Veil" demanding his resignation. Within six days of the resignation of the Gamgebeli, the former Head of the Zugdidi organization of the "Georgian Dream" Edisher Toloraia had been appointed as the Acting Gamgebeli. Following the appointment of Toloraia the Sakrebulo amended the Gamgeoba's statute at the special session and increased the number of the Deputies of the Gamgebeli from two to three. The "Georgian Dream" representatives have occupied all three positions with an acting status. During this period no competition was held in the Municipality, and 32 people were appointed as acting servants.

9. Guria

Despite our request, the **Ozurgeti** Municipality Gamgeoba has sent information only on the appointed civil servants. For reasons unknown to us, they have not provided information on the dismissed employees. Based on the available data, during the reporting period a total of 15 new employees were appointed in the Ozurgeti Gamgeoba, and 11 of these are the Trustees of a territorial unit. There were many questions raised among the general public about the dismissal of former Trustees, and especially the case of the Trustee of the village of Natanebi Kakha Koplatadze, who claimed that the Gamgebeli and activists of the "Georgian Dream" coalition exercised pressure on him, forcing him to write the letter of resignation. No significant changes have occurred in the Municipality Sakrebulo - one employee was dismissed based on personal application and three people were appointed as supernumerary staff.

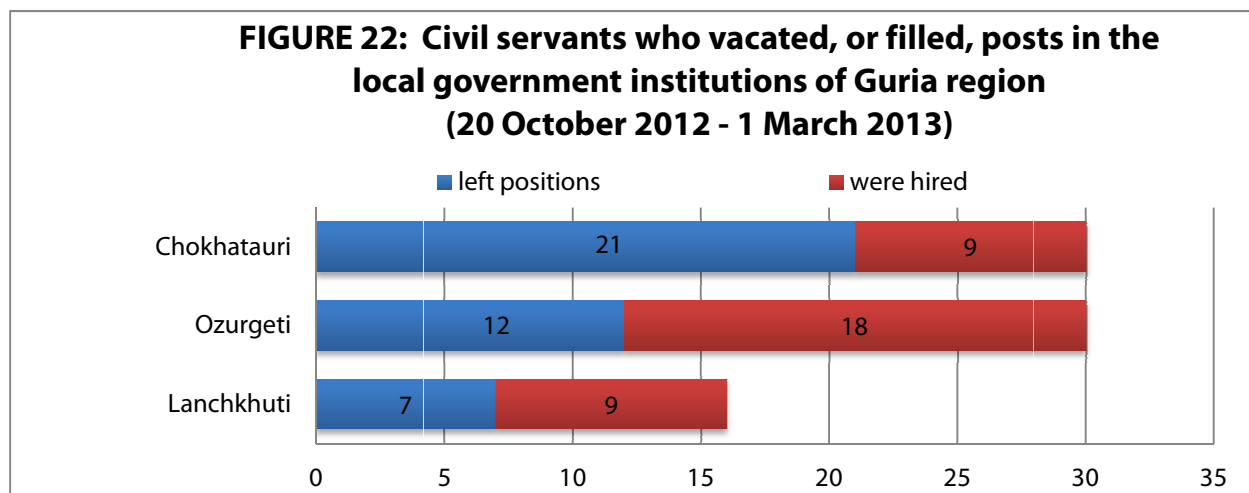
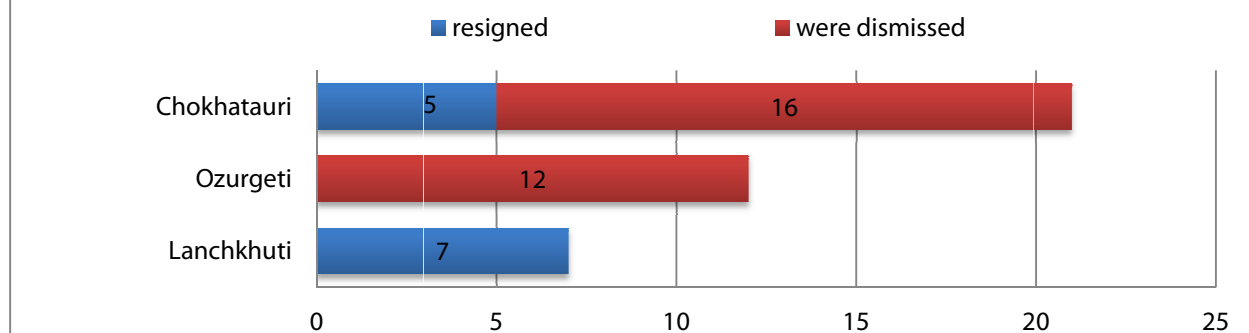


FIGURE 23: Civil servants who vacated their posts in the local government institutions of Guria region (20 October 2012 - 1 March 2013)



Out of 169 employees of the **Chokhatauri** Municipality Gamgeoba, 21 were dismissed during the reporting period, 5 of them based on personal applications. The former Gamgebeli Lela Imedashvili was among the dismissed. 13 employees were dismissed due to the expiry of the term of employment contracts. There was no competition in this period in the Gamgeoba, and accordingly 8 people were appointed as acting servants, including the Acting Gamgebeli. No one has been dismissed at this time in the Municipality Sakrebulo, while one employee was hired under contract.

The **Lanchkhuti** Municipality Sakrebulo employs a total of 189 staff. According to the information provided by them, seven employees were dismissed during the reporting period based on personal applications. In spite of our request, the Municipality Gamgeoba has not provided information on the total number of dismissed staff. In the same period, no competition has been held in the Municipality, while nine employees were appointed as acting servants. As for the Municipality Sakrebulo, no staff changes had taken place.

10. Adjara Autonomous Republic (A/R)

A total of 241 employees were dismissed and 303 recruited during the reporting period in the civil services of 5 municipalities of Adjara and the city of Batumi, as well as the agencies of the executive and legislative authorities of the Autonomous Republic. Out of the dismissed, 101 have resigned based on personal applications, which constitutes about 41% of the total number dismissed. During the same period, only 12 of 303 appointed servants were recruited through competition. These statistics also cover the civil servant data of the Municipality Gamgeobas, as well as of the Sakrebulos. However, these data do not include the Supreme Council and the ministries of the Adjara A/R, as the study covers these agencies separately.

FIGURE 24: Civil servants who vacated, or filled, posts in the local government institutions of Ajara A/R (20 October 2012 - 1 March 2013)

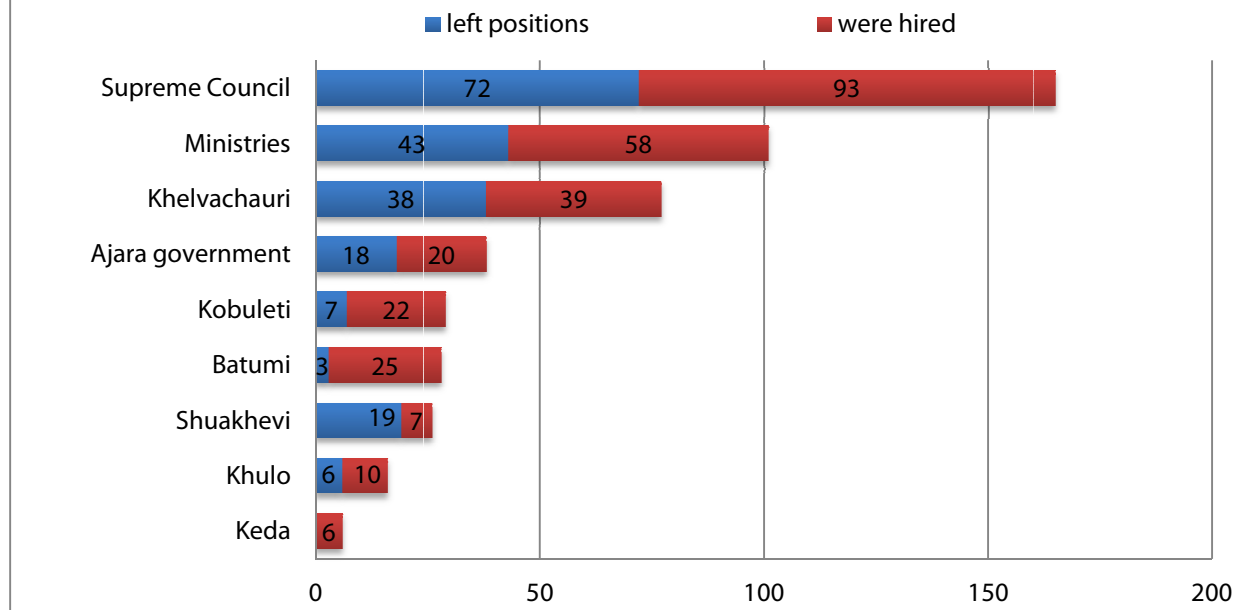
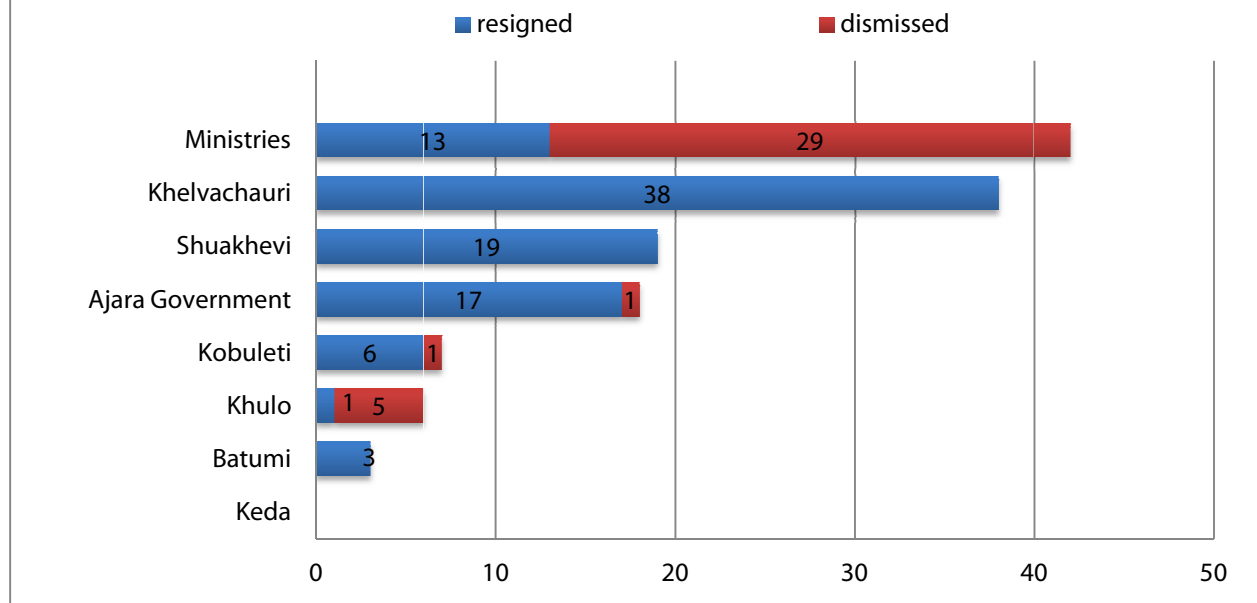


FIGURE 25: Civil servants who vacated their posts in the local government institutions of Ajara A/R (20 October 2012 - 1 March 2013)



During the reporting period, 3 people were dismissed based on personal applications, from the positions held in the City Hall of the **city of Batumi**. City Hall has not held any certification. 23 people were appointed to positions, including 21 as acting servants. As for the Sakrebulo, this agency

has not held either competition or certification. Only one person has been appointed as an acting servant.

6 people were dismissed from the positions in the **Kobuleti** Gamgeoba, 5 of them based on personal applications. No certification was held in the Gamgeoba. 19 people were appointed, including 8 as acting officials. Another 8 people were appointed through competition. As for the Sakrebulo, 1 person was dismissed on personal request. It should be acknowledged that the certification was held and the information on the conduct of certification and its results is available. 3 people were appointed to positions, 1 of them as an acting servant and 2 people were selected through competition.

During the reporting period, 19 people were dismissed from the **Khelvachauri** Gamgeoba, all of them based on personal applications. No certification was held by the Gamgeoba. 39 people were appointed to positions, including 38 as acting servants. No competition was held for the selection of the candidates. 19 people were dismissed from the Sakrebulo on personal requests, and no certification has been held. No one has been appointed to vacant positions, and no competition was carried out.

19 people were dismissed from the **Shuakhevi** Gamgeoba, all of them based on personal applications. No certification was carried out. 7 people were appointed to positions but no selection competition has been held. The Shuakhevi Sakrebulo has provided incomplete information.

The **Khulo Gamgeoba** has dismissed 5 employees however the bases of dismissals are unclear. The Gamgeoba has not held any certification. 8 people were appointed as acting servants but no selection competition has been carried out during the reporting period. No significant staff changes have occurred in the Khulo Sakrebulo, as was the case in the **Keda** Gamgeoba and the Sakrebulo.

As regards the **Supreme Council of the Ajara A/R**, during the reporting period 72 employees were dismissed from occupied positions, while 93 were recruited. The certification process in the Supreme Council of the Adjara A/R was carried out in January 2013. Notably, until the last moment there was no representative of the opposition among the Selection-Certification Commission. It has to be welcomed that overall the Supreme Council has changed this decision, securing representation of political opposition, as well as supervision by the NGO sector.

Furthermore, another problem lay in the fact that certification was carried out in the form of interviews only, which underscores a high degree of subjectivism and fails to ensure equal opportunities for demonstrating professional knowledge. Moreover, some questions carried a political rather than professional tone.

Finally, almost all employees have undertaken certification. Notably, one of the civil servants - Nino Grdzeldze, whose position was affected by reorganization - refused to undertake certification. The bases of the order on dismissal of the servant included as reorganization, as well as unsatisfactory results of certification. Shortly before the certification Nino Grdzeldze was holding press-conferences, alleging pressure on behalf of several employees of the Supreme Council, including the MPs. During the interview she left the room as a protest. Nino Grdzeldze has filed a lawsuit in court against the dismissal, in which she requested the invalidation of an administrative act of the Supreme Council, reinstatement in position and compensation for loss of earnings and position. On 17 May 2013 the

court rejected the claim, referring to the fact that the Supreme Council was authorized to dismiss the person based on the certification results.

As for the **executive authorities of the Ajara A/R**, this branch of power consists of various institutions, such as the A/R Government and its departments, as well as the A/R ministries. Overall, 96 employees were dismissed during the reporting period from the bodies of executive authorities of the Adjara A/R, including 34 based on personal applications. At the same time, 101 people were appointed to positions, with none of them being selected through competition.

Chapter IV. Recommendations

To eradicate the problems identified in the study, we believe it urgent that the following recommendations are taken in to consideration:

- Sustainable and stable civil service is crucial for the country's development, and when a shift in authorities occurs, the state's bureaucratic machine should not be affected by radical changes, especially those that are politically-driven. The legislation of Georgia also prohibits the politicization of the Civil Service, and dismissing or replacing civil servants on political grounds is unacceptable. Dismissal from the Civil Service is justified only if the breach of law, by-laws or other serious violations on behalf of a person is proven, or if s/he lacks relevant qualification;
- Managing officials of civil services should make changes to staff only through competitions and certification, justify the adopted decisions to the maximum extent, and provide more information to the public about the working experience of newly recruited persons;
- Persons participating in the competition should be selected according to certain criteria including written examination, which would increase the transparency of the process and build trust towards the competition results. Furthermore, it will reduce the degree of bias throughout the competition;
- It is preferable if the competitions are better organized, for instance if the candidates are not called for interviews at the same time, so that they do not have to wait for hours;
- Uniform guidelines of the selection-certification process have to be developed in the civil service, which would codify in detail all procedures, including the drafting of relevant questions for the participants of competition and certification;
- The Selection-Certification Commissions should be appropriately staffed by persons having sufficient qualification to duly examine the contestants and the civil servants undergoing certification;
- It is necessary that the contestants applying for the same positions are examined through the same methods, including questions that would enable the Selection Commission to compare the candidates;
- To secure greater stability of the civil service, the number of supernumerary staff should be reduced. Furthermore, it is preferable that the term of employment contracts in the civil service be increased to a minimum of one year.