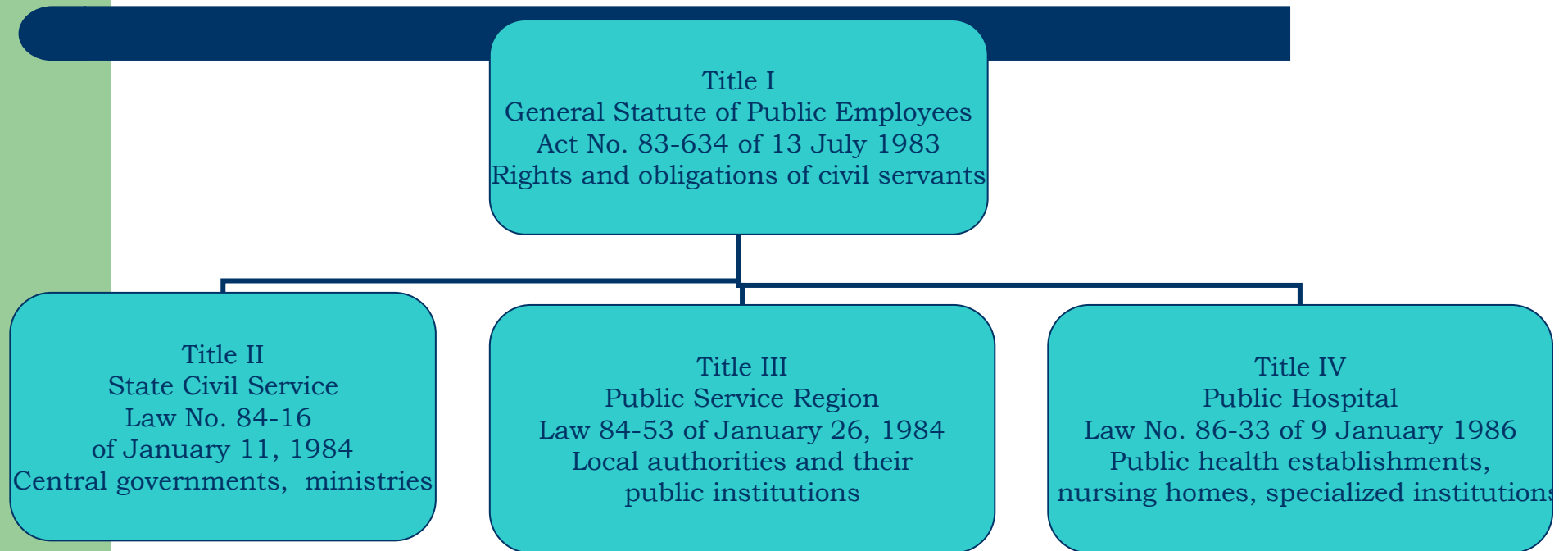


Origin and philosophy of the status of Public functions

- In the Old regime (Monarchy), public functions were entrusted :
 - To the persons in service of the monarchy and employed by the cities, by turning these working positions *de facto* hereditary.
 - To officers or commissaries appointed directly by the King
- Since 1679, the working positions of the first category progressively lose their hereditary character: stability of the post persists, but some recruitments are done by an open call to candidates. The statute provides the salary conditions and grading, as well as some specific obligations (residency requirement, reserve duty, punctuality and attendance ...)
- After the French Revolution, privileges are abolished and the system of ``offices`` is removed. The sixth article of the Declaration of the Rights of Man and the Citizen proclaims a free access to public functions based solely on talents.
- In the 19th century, contemporary public function is being progressively instaurated, by introducing corpuses, grades and classes.

SCHEME OF THE PUBLIC FUNCTION



- The first general statute of officials is promulgated in 1941 under the Vichy regime, bearing a corporatist vision.
- This statute was abolished after the liberation. Provisory government of the French Republic develops a general statute for the officials appointed by the Constituent Parliament (law from October 19th, 1946) replaced on February 4th 1959 after the 4th October 1958 Constitution was promulgated (which marked the birth of the 5th Republic)
- After the leftist government was elected in 1981, President Mitterrand asks from Anicet le Pors, Minister of interior, to elaborate a general statute of the public function, which was eventually done on July 13th 1983, and named ``Title I``.

Public function in France

Public Service “French style” is the result of a gradual historical evolution that is now deeply influenced by the changes in society and the pressure exerted on the French and European public finances.

The remuneration of officials and their pensions is **one of the first items of expenditure of the State budget** and mastery through mastery of such expenses.

That is why the issues of cost containment state personnel directly impact the number of staff (reduce or maintain?), Qualities (Less but better trained officials?), Missions (The state must be everywhere? "modern state, modest state?"), remuneration (what wage policy?), their career prospects (attractiveness of the public function?).

As of 31st August, public function represents:

- **5,277 million agents of the public function, or 21% work posts in France**
 - FPE 2,4 million approximately. (830 000 teachers), 52% women
 - FPT 1,8 million approximately 60 % women
 - FPH 1,1 million approximately 77% women
- 5,971 million people if we follow a more logical economic sense, by adding the staff of private organizations providing public service missions and funded in part by the State budget
- 37% of the expenses of the French state, which is approx. 118 billion Euros over the 323 billion Euros of state including 71 billion for the assets and 47 billion euros for pensioners (2.7million people)

Towards a questioning of these principles?

The status of the public service is discussed and challenged in French society:

- Political discussions between a left that defends the traditional status and a right that wants a smaller government in a State unless present in a relatively liberal society
- Economic discussions in the debate between government officials and consumers stable but costly obligation to reduce state spending and deficits
- Social discussions between officials and casualization of egalitarianism with other employees in terms of both job security and in terms of pension contributions (convergence of public and private plans)
- Ethical discussions on the necessary adaptability of forces of the nation facing a general context or can not accept the defense of corporatist interest in a movement or solidarity must prevail.
- Discussions between an institutional "American model" and a "French model" of non-witch hunt "(See statement of F. Holland)

- Since the election of President Sarkozy in 2007, there is clearly a willingness on the right to reform the civil service through some important measures contained in the "white paper"

- Downsizing (rule replacement staff on two in the State Civil Service - General Review of Public Policy)

1. In 2007: The budget included a reduction of 19,000 job cuts and 4000 creations (search, police, judiciary) or 15,000 net losses
2. In 2008: the government removes FILLON 28,000 positions (against 23000 initially planned) to 500 million Euros in savings
3. In 2009 the budget included a reduction of 30,000 positions, including nearly half in Education for a savings of 478 million Euros
4. In 2010 and 2011: Government announces 34,000 job cuts in 2010 and 32000 in 2011
5. In 2012: The budget includes 30 400 deletions (has 14,000 National Education -7500 was the defense - 3600 Department of the Interior 2800 Ministry of Budget)

But, in the same time....

- The public functions and territorial local authorities have created 70,000 jobs in 2008 alone and have increased their workforce by 40% in 10 years. President Sarkozy has called for more rigor to the communities but:
 - The good performance of the state are also due to transfer skills to communities without transferring means, which partly explains the declining enrollment and state obligations for communities to recruit to fill these new skills delegated
 - Some communities have mismanaged their resources, and the order of reduction of public debt also affects strongly
- The public hospital increased moderately in 2008 its workforce by 1% (1,000 jobs)

- **And also...**

- Alignment of durations of pension contributions on the private sector
- Pay Master (general increases almost nonexistent replaced by individual promotions and a partial redistribution of savings)
- New obligations or minimum service strike (in particular transport perceived by the lefts obstacles to the right to strike and the right as the continuity of public service ...)
- Moralization of the public practice through the concept of "perfect state" - new ethics officials, reducing benefits (drivers, office accommodation, reducing vehicle lines, reducing travel budgets)
- Reduction of operating expenses of departments including the most important numbers (1 of 2 civil servant working in education, a defense of 5, 1 of 11 Department of the Interior)

QUALITY OF THE PUBLIC OFFICIAL

- Officials: all civil servants in jobs permanent state, local government (municipality, county, state), some public institutions (hospitals) or institutions for cooperation between local (municipal associations, unions, etc)
- Some public facilities have changed status several years ago and now recruit private sector employees. For example, since 1990, when a change of status of French position (state administration since 1923) into a limited company, the officials who wanted could retain this position for life, new employees are private employees.
- Some public officials are not civil servants because of their special status (military) or the need for independence from the hierarchical power of government (magistrates of the judiciary)

STATUTORY AND CONTRACTUAL PERSONNEL

- These are public servants, holders or trainees, employees in state administration, territorial or public institutions.
- They have a particular responsibility to ensure non delegated public services, such as the fight against disasters, protection and order (police, gendarmerie, army), teaching and education , health and all administrative tasks entrusted to the management of departments and local authorities
- The State, local governments, hospitals and public institutions also employ contract staff. These agents sign a contract with their employer, which may be public or private, temporary or permanent
- Usually these contractors have to mitigate the temporary absence of owners who remain prioritary

Three public functions: The public function of the state

- Regulated by Title II of the statute and represents approximately 50% of staff
- Exercises in central government (mainly ministries), the decentralized services (prefectures, rectors, departmental offices and regional government, educational institutions, security services and police etc ...)

Territorial public function (2)

- Regulated by Title III of the Statute
- Represents about 30% of the total staff
- Practices in local authorities and their groupings (regions, departments, municipalities, municipal associations or settlements...) and in their public institutions (public offices)
- Special case: the city of Paris which includes 52 000 officials, reporting to TFP, has its own management rules

The hospital public function (3)

- Regulated by Title IV of the Statute
- Represents about 20% of the workforce or 900,000 agents
- Exercises in public health and social and medico-social facilities: hospitals, nursing homes. child welfare, etc.

Categories and hierarchy

- Officials are divided into three broad categories A, B and C according to the hierarchical level and the level of qualification required for recruitment by open competition, that is reserved for graduates who do not have seniority in the administration
- These three categories are shown by open competition (which is addressed to any person who meets the requirements of particular degree) or internal (reserved for officials who have some seniority, the order of 3 to 5 years)
- These categories may be subdivided into macro degrees, by level of recruitment and the nature of the body: A + (senior), A administrative, technical A, B administrative, technical etc.
- EPF in 2007: 50% A, 27% B, 23% C
TPF: 9% A, 14% B, 77% C
FPH: 16% A, 36% B, 48% C

Category A: Executive body

- Grade accessible to faculty diploma holders
- The Class A competition can be classified as A +, A or A small
- Category A superior: recruited through high schools (ENA, EHESP, polytechnic, normal sup, INET)
Body chief executives: prefects, diplomatic corps, civil administrators and territorial hospital directors, presidents, police chiefs
 - Body of administrative judges
 - Engineers of the State
 - Body of general inspections
 - University professors and research directors
 - Military officer corps
 - **Opportunities exist as a bridge between these bodies, encouraged by the administration and by the 2009 law on mobility**
- The body of other directions of category A', A type relate to other executive body

Category A: Coaching body

- Recruitment of external competition (minimum high school level)
- Category type B:
 - Editor or administrative secretary
 - Deputy executive hospital
 - Tax inspector
 - Tax auditors and Treasury

Category C : executive body

- Recruitment in the patent
- Category C type:
 - Administrative assistant
 - Technical assistant
 - First degrees of national and municipal policies
 - Childcare assistants and auxiliary personnel

SOME CONCEPTS UPON TO CONSIDER

- Officials belong to the body that include one or several grades and are classified according to their level of recruitment, categories (A, B, C).

- A. Notion of body and Class

Bodies comprise several grades and group officials subject to the same special status and aspiring to the same rank (eg for hospital directors or civilian administrators - body comprising two grades; normal class DH and DH Senior)

The bodies are divided into categories that reflect the hierarchical structure of the public service: Category A: officers design features and management, Category B officers of supervisory functions and enforcement, Category C: officers executive functions.

Internal promotion allows a change in body and category, including through contests and career development.

Official's career: recruitment

- **Internship**

It is usually the result of success in a competition, securities or tests, a professional examination or a hearing. If based on qualifications, appointment as a trainee is conditioned by the possession of a university degree determined by specific statutes. The course: probationary period during which the qualification in the employment is verified. Course Duration: One year full-time equivalent to 100% (2 years 50%) (18 months to 75%) This period shall be either by school or on the ground Extension: 6 months to one year.

- **Appointment**

It comes at the end of the course. It is granted by the appointing authority to appoint (Director, Minister, Government) after consultation with the national joint administrative committee or local county, responsible for the body in which the agent wants to be tenured.

Official's career: the remuneration

- Le The official receives monthly:
 - A basic salary of an index linked sum which is multiplied by its grade point value (see example next slide)
 - A housing allowance based on their place of work
 - A family allowance
 - A system of allowances (bonuses) based on the body and grade. This program has evolved in 2008 into the system known as the "prime function and result." A portion of the premium is fixed (hand function), another is based on the results (profit share).
 - An enhanced index (NBI) that can be allocated based on bonds or special characteristics

BULLETIN OF WAGES (simulation) IDE superior class - 100% - 151.67 h – Rank 6

Ind brut - Ind majoré 534 Point Value 10/2009	Base	Rate	To deduct	To pay
Indexed salary monthly				2460.25
Indem.résidence				24.60
Special 13 hours specific premium	13,00	15.69		203.97
Indem. Night and intensive work				90.00
Indem. Work on sundays and holidays	2.00	1.07		2.14
Risk premium first cat.3 / 4	8.00	5,86		46.90
TOTAL GROSS	9.00	1.55		13.95
				2841.81
Employee premiums: RDS, CSG deductible CNRACL, ANFH, FEH, RAFP, unemployment, sickness, old age, mutual contribution NET PAID			599.79	
Employer contributions: 1607.03				2242.02

Official's career: the statutory positions

- An official may be in one of six statutory positions

1. **The activity:** he holds a position corresponding to his grade and receives remuneration associated, which is the normal case
2. **The detachment:** he has a job outside his home administration, paid in the body in which they work, but continues to receive in his original career advancement of a similar
3. **Senior executive position:** Full support in the body in which the official is required (used mainly for officials)
4. **Availability:** he no longer holds his position, is no longer paid, has no right to advancement, his career is put in brackets for personal reasons without losing his job
5. **Activities in the Army Reserve**
6. **Parental leave**

Official's career: the evaluation

- General rule: an employee is evaluated and rated by his superiors
- Expresses the professional value
- Influences:
 - The career path
 - Remuneration
 - Bonus
- Reform is currently preparing the deletion of the notation in favor of the assessment

Official's career: the advancement and promotion

There are three forms for the staff to professional development:

- The step increase is mainly on seniority, with the possibility of reducing time for agents deemed most deserving by their superiors
- The advancement in rank or grade is based on the assessment of the hierarchy, after a certain length of service and possibly after passing an examination or a competition.
- Finally, it is possible to move in a body part or employment by higher internal competition or promotion by selection on a proposal from its hierarchy.

Rank	Average tenure	Gross index	Premium index
1st	1 year	322	308
2nd	2 years	346	324
3rd	3 years	372	343
4th	3 years	407	367
5th	4 years	443	390
6th	4 years	480	416
7th	4 years	519	446
8th		568	481

Official's career: exit

- **Resignation**
- **Mutation:** change of institution
- **Layoff:** for incompetence or due to a dereliction of duty
- **Revocation** after disciplinary proceedings
- **Retirement**
- **Death**

RIGHTS OF CIVIL SERVANTS

GENERAL LIBERTIES

- **Gender equality:** no gender discrimination, the general principle of parity, even if sometimes the sex is a determining factor for the exercise of functions
- Protection against sexual and moral harassment : No action may be taken against an official in order to gain favor or prejudice the rights and dignity of the employee, alter his physical or moral or to compromise his professional future, under penalty of disciplinary and / or criminal
- **The principle of equal treatment for workers with disabilities:** obligations on employers to take appropriate measures to allow access, retention, progression and employment training

- **The mobility guarantee:** Requirement to open to public office mobility inter vacancies before they are filled by contractors
- **The right to participation:** delegation exercised by the statutory bodies (CAP) or management of charities (CGOS) or for training (ANFH)
- **The right to protection in the exercise of his duties** in case of misconduct within the department, or in cases of defamation, threats, insults, the employee is covered by his community for the civil award that may be imposed against him (unless criminal or personal misconduct from public service)

- **The right to refuse** a clearly unlawful order
- **The right to an individual file:** where are listed all the official decisions during his career that available on request
- **The right to conditions of hygiene and safety:** that preserve their health or physical integrity (see right-warning model on the Labor Code)
- **The right to vocational training throughout life (LLL):** access to training, individual right to training (DIF), access to personal training or skills assessments

Training

- The 2007 reform: the right to vocational training throughout life and DIF
 - Right to ask for each agent from training according to his own initiative and in agreement with his employer
- Decree No. 2008-824 of 21 August 2008 on vocational training throughout life agents the public hospital
- The individual right to training Man/ Time: 20h / year accumulated over six years = 120h ceiling; Entry into force since 1st July 2007

Freedom of opinion and expression, freedom of association. Right to strike

- **Guaranteed freedom of opinion and general non-discrimination:** no distinction between civil servants because of the political opinions, trade union, philosophical, religious, origin, sexual orientation, age, surname, state of health, physical appearance, disability, real or perceived membership an ethnic group, no mention of these items in the folder and no influence on the career
- **Freedom of Expression:** The official candidate for elective office and who expresses his opinions in this part shall not suffer any influence on his career thus
- **Freedom of Association:** constitutional principle "every man may defend his rights and interests through union action and join unions of their choice": the right to form a union, join, union to hold office, to negotiate and necessary to institute legal proceedings
- **The right to strike:** constitutional principle guaranteed to all employees under the laws which regulate, subject to other principles such as continuity of public service

DUTIES OF CIVIL SERVANTS

Obligation of hierarchical obedience and loyalty: The hierarchy is an organizational principle of the administration: the official must comply with the instructions of his superior and can not escape it as if the order is clearly unlawful and likely to seriously undermine public order or public interest. In the absence of the official in charge of a work emergency, no other official who ordered to perform the work does not escape it, except for regulated professions for which the "alternate" would not have the qualifications

Exclusive exercise of functions: to combine a theoretical ban public employment and other professional activity, but changes with the arrival of new devices such as self

Reserve requirement: requires agents some restraint in expressing their opinions: appreciated by the courts.

Obligation of professional secrecy and discretion.: Art. 226.13 CP "to affect the privilege." There are cases of obligation to report facts (abuse or sexual abuse to minors, remarkable diseases ...) The breach of confidentiality prof. May result in criminal and / or disciplinary action. Officers must use discretion for all facts, documents and information within their knowledge in connection with the performance of their duties. It aims to protect the user but also the administration

Obligation to inform the public: To improve relations between the administration and its users in the professional secrecy and the obligation of confidentiality.

Duty of impartiality and neutrality: The service provided can differentiate to users based on their beliefs

The discipline

The non-compliance subject to sanctions disciplinary list of which is limited by the fixed status of the public hospital.
Breakdown of disciplinary action in four groups.

The law provides penalties for four groups

1st group	<ul style="list-style-type: none">- Warning- Reprimand
2nd group	<ul style="list-style-type: none">- Deletion from the promotion- Relegation- Temporary exclusion from function
3rd group	<ul style="list-style-type: none">- Reduction in rank- Temporary suspension from duty
4th group	<ul style="list-style-type: none">- Retirement from office (if the employee has 15 years of effective service valid for retirement even without the required age)- Revocation (even if the agent does not fulfill the requirements to be retired)

The issue of pensions

- By 2050, estimated at 1050 billion euros of commitments for pensions of officials that the state will have to ensure
- Extending the duration of contributions to balance the accounts chronically loss was aligned with the private sector, to reconcile and harmonize the two sectors
- The state in 2010 aligned the rate of pension contributions from the public over those of private sector
- However, disparities remain with the private sector since the monthly pension is typically 75% of final salary excluding bonuses. The pension amount is calculated on the last 6 months of the official's service against the best 25 years for the general scheme.