

## The Implementation Of New Public Management In Civil Service Policy: The Institution Of Tenure And Performance Appraisals

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**Abstract:** This article explores the structural evolution of human resource management within the Greek Civil Service, focusing on the paradigm shift from traditional tenure to the performance-based metrics of New Public Management (NPM). Central to this analysis is the imperative for administrative efficiency, which has necessitated the integration of private-sector evaluative practices into the public sphere. The study posits that civil service tenure constitutes a fundamental institutional guarantee of administrative neutrality and meritocracy, shielding the public apparatus from partisan interference. However, it is argued that constitutional tenure does not preclude the implementation of robust performance appraisal systems, provided such mechanisms adhere to the principles of objectivity and proportionality, respecting the individual rights of officials. Under the current legal framework, the outcome of these evaluations may serve as a basis for disciplinary proceedings; persistent inadequacy, as determined by a disciplinary council or an administrative court, may lead to the lawful dissolution of the service relationship. Ultimately, the article concludes that tenure does not function as an impediment to accountability but rather as a safeguard for diligent personnel, harmonizing the security of the career system with the efficacy demands of modern public administration.

**Keywords:** Public Administration, Civil Service Policy, New Public Management, institution of tenure, performance appraisals.

### 1. INTRODUCTION: TENURE AND THE PERSONNEL OF PUBLIC ADMINISTRATION

In the human resources of Public Administration, the institution of the public servant constitutes a point of reference. Ever since the first Greek Civil Service Code (Law 1811/1951, currently Law 3528/2007 is in force), the definition of public servants has been established, according to which public servants are defined as the indirect organs of the State, who maintain a direct service-based, voluntary, and disciplinary relationship with it (Aggelopoulos, 1914, pp. 71-72 [1], Ktistaki et al., 2018 [2], Tachos & Symeonidis, 2007, pp. 10 et seq. [3], Ktistaki, 2020, pp. 159-160 [4], Panagopoulos, 2014, pp. 18 et seq. [5], Spiliotopoulos & Chrysanthakis, 2017, p. 4 [6]). A characteristic feature (Ktistaki, 2020, p. 160 [4]) of the public servant is the voluntary but special relationship of authority between the State and the official, who is integrated into the organic hierarchical structure of the State, upon which they are hierarchically dependent and incur disciplinary liability for the offenses they commit.

The fundamental "privilege" enjoyed by public servants is tenure, which functions (also) as a criterion for distinguishing Public Administration personnel into regular personnel, revocable appointees, and term-appointed personnel. More specifically, regular public servants are those who occupy organic positions—i.e., positions provided for by legal rules—possess tenure, and are subject to the career system (Ktistaki, 2020, p. 152 [4]). Thus, it is accepted that "the connection of the regular official with an organic position constitutes the prerequisite and simultaneously the foundation for their tenure" (Ktistaki, 2020, p. 166 [4]). Revocable public servants have special duties, occupy specific positions requiring specialized scientific or technical knowledge, enjoy the State's personal trust, and in their case, the position-based system is applicable (Ktistaki, 2020, p. 153 [4]). Term-appointed public servants are appointed for a specific timeframe, exercise certain activities, fulfill a special mission, and until the expiration of their term—provided that their position has not been abolished—they enjoy the constitutional guarantee of tenure (Ktistaki, 2020, p. 167 [4]).

The present paper deals with the evolution of Public Administration personnel management, centered on the transition from the traditional institution of tenure to its evaluation. The paper is divided into two main chapters: the first examines the traditional model of tenure (1) and the second investigates the application of New Public Management to the evaluation of Public Administration personnel (2).

## 2. THE TRADITIONAL MODEL OF PERSONNEL TENURE IN PUBLIC ADMINISTRATION

The present chapter concerns the institution of public servant tenure as a constitutional guarantee toward them and is divided into two sections. The first develops the principle of tenure (2.1.) and the second examines the challenges arising from its establishment (2.2.).

### 2.1. The Principle of Tenure

In order to ensure that public servants would not be dismissed upon a change of the respective governing parties, as was the case until the beginning of the 20th century, El. Venizelos, via the 1911 Constitution, introduced the institution of public servant tenure in Greece. Based on this institution, Public Administration would function with efficiency and stability, as the continuity of its operation would not be disturbed (Panagopoulou, 1986, pp. 33 et seq. [7], Alexiadou, 2007, p. 6 [8]). This was because those not "pleasing" (Mathioudakis, 2014, pp. 125 et seq. [9], Alivizatos, 2011, p. 156 [10]) to the respective Government would not be dismissed overnight, and thus, a "non-partisan Rule of Law" would be constituted (Ktistaki, 2020, p. 151 [4]). To ensure the neutrality and independence of public servants from partisan influences and to safeguard the stability of Public Administration's operation, even the current Constitution of Greece (Art. 103, par. 4) maintained the establishment of public servant tenure (as did the previous Constitutions of 1927 and 1952). Tenure could be defined as "the permanent and indissoluble bond of the official with their position" (Ktistaki, 2020, pp. 155 [4]). Thus, public servants remain unaffected by changes in the political scene and exercise their duties with objectivity and transparency.

It is accepted that the principle of tenure operates under two manifestations (Ktistaki, 2020, p. 155 [4]). The first concerns the obligation of the Public Administration to establish organic positions for its unimpeded operation and the recruitment of competent public servants to these positions, in accordance with the principle of meritocracy. The second manifestation concerns the management of public servants, taking into account the interest of the Service. In the latter case, tenure ensures stability and strengthens the sense of professional security; thus, "the achievement of administrative goals is ensured more effectively" (Ktistaki, 2020, p. 155 [4]).

Finally, the guarantees that realize the principle of public servant tenure are considered to be: the existence of a *numerus clausus* of cases regarding the involuntary departure of public servants from active service, the existence of a special payroll, the right of the public servant to administrative recourse against the Administration, and the existence of Service Boards, which are composed in their majority by permanent public servants (Panagopoulou, 1986, pp. 72 et seq. [7], Symeonidis, 2014, pp. 30 et seq. [11]). It follows, therefore, that tenure functions as a constitutional safeguard for public servants and protects them from arbitrary actions by the State itself.

### 2.2. Challenges Arising from the Establishment of Tenure

Although it constitutes a guarantee for the unimpeded operation of Public Administration, the rule of public servant tenure has been criticized (abolition of tenure) (Tsironas, 2015, pp. 85-102 [12]). This is because it has been argued that it makes the removal of inadequate public servants from the Service particularly difficult, given that they are covered under the "mantle of tenure" and exploit this guarantee for personal gain (Tullock, 1979, pp. 21 et seq. [13]). Furthermore, the establishment of tenure appears to hinder productivity and is linked to the low performance of public servants, who no longer have an incentive to provide higher quality work, since their retention in the Service or their progression within it is not related to their performance, but it suffices that they occupy organic positions and are permanent. In this way, existing dysfunctions are maintained and a climate of introversion is cultivated within the Public Administration (Tullock, 1979, pp. 21 et seq. [13], *contra* Heywood, 2011, pp. 519 et seq. [14]).

However, the aforementioned phenomenon of the "abuse" of tenure should not be attributed to the principle itself, but potentially to the procrastination of the ordinary legislator to proceed with the reorganization of the Public Administration. This is also reinforced by the position that: "constitutional tenure is not responsible for the poor organizational structure of the Greek Administration [...], [which] cannot be considered a hindrance to the reorganization of public services by the legislator" (Ktistaki, 2020, pp. 157-158 [4]).

### 3. THE IMPLEMENTATION OF NEW PUBLIC MANAGEMENT (NPM) AND PERSONNEL EVALUATION IN PUBLIC ADMINISTRATION

In this context, the issue of public servant evaluation is investigated; this chapter consists of three subsections: the first section analyzes New Public Management (NPM) (3.1), the second highlights the necessity of evaluating public servants (3.2), and the third refers to the institutional framework of their evaluation (3.3).

#### 3.1. The Objectives of NPM

The need for more effective action by Public Administration led to the adoption of private sector practices by the public sector. Thus, NPM was introduced (Lapuenta & Van de Walle, 2020, pp. 461–475 [15], Liveris, 2015 [16], Pollitt & Bouckaert, 2004 [17], Ridley, 1996, pp. 16-29 [18]), which has as its central axis (inter alia) the evaluation of individuals and services.

More specifically, NPM aims to substitute the traditional Weberian bureaucratic model of Public Administration by adopting private sector methods and elements (Apostolakis et al., 2008, p. 23 [19]). In contrast to the Weberian bureaucratic model, which can be characterized by stability, legality, impartiality, and the rigid application of predetermined procedures, NPM offers certain new characteristics. In more detail, NPM adds critical new elements and successful private sector methods to the aforementioned traditional features. NPM provides the traditional operating method of Public Administration with service quality, efficiency, effectiveness, transparency, and "open" access to citizens and society (Apostolakis et al., 2008, pp. 24, 189 et seq. [19]). With NPM, emphasis is primarily placed on achieving goals and expected results regarding the satisfaction of citizens' needs. Citizens should henceforth be treated as "customers" (Pombotsis, 2025, pp. 39 et seq. [20]), and Public Administration is no longer permitted to rely solely on the rigid application of predetermined procedures (Apostolakis et al., 2008, pp. 24, 189 et seq. [19]).

#### 3.2. The Necessity of Personnel Evaluation

In order to render Public Administration more flexible, modern, and efficient, it is deemed necessary that the evaluation of its personnel takes place. Specifically, the performance of public servants will be individually evaluated regarding the quality of their work, the provision of their services, and the achievement of the objectives set by the competent Superior Authority. Furthermore, the evaluation should take into account the abilities and skills of the public servant, including their studies and participation in lifelong learning programs.

Further, evaluation should take place at multiple levels. At the first level, there should be a self-evaluation of the public servant, followed by the traditional evaluation by their Superior, and finally, the public servant should be evaluated by the citizen, who is the direct recipient of public sector services and whose evaluation will carry significant weight. Naturally, the issue that arises is whether the evaluators are objective and possess the appropriate and sufficient qualifications to conduct an evaluation. The legislator, therefore, is required to institutionalize terms and conditions based on which the evaluation of public servants will be carried out.

Finally, there is an indissoluble link between evaluation and professional advancement. This is because evaluation—and not only seniority—should be taken into account for the selection of executives and heads of Public Administration.

#### 3.3. The Basic Institutional Framework for Evaluation

The institutional framework for Public Administration personnel management, moving from the stability of tenure to the flexibility of performance and effectiveness, has as its primary regulation Law 4940/2022 on goal-setting, evaluation, and reward of public servants, aimed at enhancing the effectiveness of Public Administration. The purpose of its enactment is the improvement of Public Administration through the empowerment and development of its personnel. This is implemented by defining: a) the skills of its employees, which are necessary for the latter to exercise their official duties, and b) their evaluation, i.e., whether and to what extent they achieve the set goals. Therefore, the object of the new law is "the establishment of a new, functional, and transparent framework for goal-setting and performance evaluation in the public sector, the institution of the Human Resources Development Consultant in public administration, the establishment of a reward system for public servants, and the adoption of a self-evaluation method for public

sector services and entities" (Article 2 of Law 4940/2022). That is, goal-setting (Article 9 of Law 4940/2022) and evaluation (Article 10 of Law 4940/2022) are introduced into Public Administration as basic "pillars" for its evolution.

Specifically, through "Management by Objectives" (MbO) (Höglund et al., 2018, pp. 822-849 [21], Islami et al., 2018, pp. 94-108 [22], Rossidis, 2014 [23], Kyriakopoulos, 2012, pp. 1772-1786 [24]), as a strategic planning tool aimed at improving the internal processes of a Service while simultaneously attempting to increase the effectiveness of existing resources by establishing defined goals (Rossidis, 2014, pp. 219-220 [23]), goal-setting is divided into three levels: government policy, organizational unit, and individual. Evaluation is based on the assessment of the skills and performance of the public servant. Furthermore, the performance of the public servant is linked (also) to financial incentives within the framework of a motivation and reward system (Articles 23 et seq. of Law 4940/2022).

Law 4940/2022, therefore, decouples automatic service advancement from tenure. This occurs because it establishes administrative mechanisms for managing low-performing public servants, who are required to attend seminars and training programs. Should their inadequacy persist, a change of their job position takes place, and finally, the disciplinary procedure is activated.

#### 4. CONCLUSION

It becomes clear that the tenure of public servants embodies the neutrality of Public Administration as well as meritocracy. This is because the Government of the day cannot replace Public Administration personnel based on partisan and political criteria. As Professor X. Contiades points out: "Tenure does not mean the exclusion of the compulsory termination of the civil service relationship, but the clear delimitation of the grounds and the procedure for termination" (Contiades, 2025 [25]). Moreover, tenure is not absolute but yields, according to Art. 103 par. 4 of the Constitution, in cases where there is a relevant judicial decision or a decision of a disciplinary board regarding the compulsory termination of the civil service relationship (Bouzias, 2026 [26]). This means, in the author's opinion, that the aforementioned constitutional provision does not prevent any system of public servant evaluation (Anthopoulos, 2025 [27]), provided that it is objective, meritocratic, and does not circumvent fundamental constitutional provisions and the individual rights of public servants. The result of the evaluation of public servants is what will potentially initiate the process of imposing a disciplinary penalty and the functioning of disciplinary procedures, provided, of course, that the public servant is deemed inadequate. Consequently, an inadequate public servant is dismissed by a decision of a disciplinary board or an administrative court. Therefore, tenure does not hinder evaluation but functions as a safeguard for diligent public servants, in accordance with the principles of NPM.

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