

## Further Improvement of the Institutional Framework to Identify Job Positions for Civil Servants in State Administrative Agencies in Vietnam

Nguyen Binh An<sup>1</sup>, Tran Thi Hai Yen<sup>2</sup>

### *Abstract*

*This research analyzes the concept of job positions for civil servants in state administrative agencies. And based on the current situation of job positions for civil servants, the author suggests some solutions to improve the institutional framework for determining job positions for civil servants in Vietnam today.*

*Keywords: job positions, civil servants, the institutional framework, Vietnam.*

### **1. Introduction**

The concept of the civil servant is historical, its content depends a lot on the concept of public service activities, on the political regime and culture of each country, and on each specific historical period in each country. The civil servant is one of the important bridges between the PARTY - the STATE - the PEOPLE. During the life of President Ho Chi Minh, he stated: "The cadre is the root of all work" and "All success or failure is due to good or bad cadres". Indeed, since the founding of the country, our Party and State have always valued people working in the public sector. The completion of the institutional framework to determine job positions for civil servants in state administrative agencies to ensure accuracy, science, and efficiency is one of the topical issues in the context of current administrative institution reform in Vietnam.

The concept of job positions for civil servants in state administrative agencies

At the end of the nineteenth century, capitalists in countries such as the United States, Germany, England, etc. had made progress to switch

---

<sup>1</sup> Doctor of Law, Faculty of Law, Binh Duong University, Vietnam, nban@bdu.edu.vn

<sup>2</sup> Doctor of Law, National Academy of Public Administration, Vietnam, tranthihaiyen.tm@gmail.com

from empirical labor management to scientific management, which set the premise for the birth of F.W.Taylor's Classical School. He is a person who is very interested in work and how it works? During his life, he always pondered and found a valuable scientific philosophy on job analysis thinking. "Standardization of work: Through observation and analysis of worker' impacts, Taylor found that there are redundant and laborious movements that limit labor productivity, because of this, it is concluded that the best method to split work into stages is to use precise norms and quantitative criteria; setting standards for evaluating labor results. Labor norms are mostly constructed using empirical methods: selecting healthy workers, teaching them on exact procedures, timing each movement, and using that as the overall contract rate. That is a high level that requires hard work but is compensated by income from productivity. Labor specialization: Division of labor towards specialization in the organization in order to achieve the "best" (due to proficiency in manipulation) and "cheapest" (due to no redundant movements and due to low training fee) . Forced standardization of methods, forced adoption of the best tools and working conditions, as well as forced cooperation are the only ways to make sure this faster work can be done. And it is solely the responsibility of management to enforce the adoption of standards and this cooperation . In essence, he analyzed work by scientifically determining the daily workload of workers - an important premise for job placement and job description. The civil service position system enable us to individualize and quantify all criteria of the civil service processes, such as recruitment, training, performance appraisal, payroll...as all these contents originate from the job analysis and job description. This is appropriate for the current modern civil service as the system closely stick to the reality and quickly adapts to rapidly-changing demands of the market economy. Typical representatives of this system are USA, the Netherlands, and Australia . The Service must be a flexible, integrated whole; it must continue to be a unified service. Its structure should be designed accordingly as a structure that is common throughout (ShuPeng & Saibon, 2022) .

When creating a job position in the agency, the unit needs to develop a job description and a competency framework for the position. The development of a job description is of great significance in the process of managing civil servants according to the principle: "Choose people for the job" but not according to the principle of "for people to choose jobs". A competency framework for a civil servant is a description of the competencies required to perform the job of a position, a group, a unit, or an organization.

**Table 1: Public competency framework of some countries in the world**

|                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>French Public Competency Framework</b></p> <ol style="list-style-type: none"> <li>1. Vision and orientation</li> <li>2. Change Management</li> <li>3. Influencing</li> <li>4. Communication</li> <li>5. Decision making</li> <li>6. Foreign language</li> </ol>                           | <p><b>UK Public Competency Framework</b></p> <ol style="list-style-type: none"> <li>1. Clearly define the purpose and orient the organization according to the purpose</li> <li>2. Influencing and demonstrating through exemplary leadership</li> <li>3. Strategic thinking</li> <li>4. Encourage and support others</li> <li>5. Learning and growing</li> <li>6. Target direction</li> </ol> |
| <p><b>Canada Public Competency Framework</b></p> <ol style="list-style-type: none"> <li>1. Competency group of ethics and standards</li> <li>2. Strategic Competency Group</li> <li>3. Competency group of commitment and responsibility</li> <li>4. Implementation competency group</li> </ol> | <p><b>Korea Public Competency Framework</b></p> <ol style="list-style-type: none"> <li>1. Change Management</li> <li>2. Problem Solving</li> <li>3. Vision</li> <li>4. Strategic thinking</li> </ol>                                                                                                                                                                                           |

The Ordinance on Cadres and Civil Servants in 1998, amended and supplemented in 2003 does not contain regulations related to job positions. The Law on Cadres and Civil Servants of 2008, amended and supplemented in 2019 already contains provisions related to job positions. According to Clause 2, Article 5 of the Law on Cadres and Civil Servants of 2008, amended and supplemented in 2019, there are regulations on management of civil servants according to the job model: “Combining between title criteria, working positions and payroll quotas”.

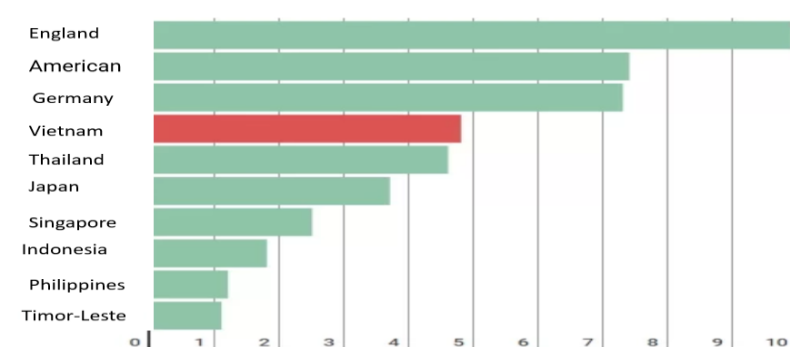
Clause 2, Article 2, the Law on Cadres and Civil Servants of 2008, amended and supplemented in 2019 stipulates, Civil servants are Vietnamese citizens who are recruited and appointed to ranks, posts, or titles in Communist Party of Vietnam, State, and socio-political organizations at the central, provincial, and district levels; in People's Army agencies and units other than officers, professional military personnel, and defense workers; and in People's Police offices and units other than officers and professional non-commissioned officers, who are included on payrolls and stipends. Clause 3, Article 7, the Law on Cadres and Civil Servants of 2008, amended and supplemented in 2019 stipulates: “3. A job position is a job associated with a title, position, structure and civil servant ranks to determine payrolls and arrange civil servants in agencies, organizations and units. Therefore,

determining job positions for civil servants in state administrative agencies is the identification of jobs associated with titles, positions, structure and ranks of civil servants in order to determine payroll and arrange civil servants in state administrative agencies. The determination of job positions is based on the complexity, nature, characteristics and scale of operations; scope and object of service; professional management process in accordance with specialized laws. Determining employment positions of agencies, units include job descriptions and competency frameworks to complete specific jobs.

The current situation and some solutions to improve the institutional framework for determining job positions for civil servants in Vietnam today

According to statistics of the Ministry of Home Affairs, by the end of October 2015, the state administrative agency sector increased from 238.668 people in 2007 to 275.620 people in 2014 (an increase of 238.668 people, a rate of 15.48%).

**Figure 1: Ratio of civil servants to population**



Source: World Bank

Vietnam has 4.8% civil servants out of the population (equivalent to 01 salaried civil servant per every 20 people), more than those of Thailand, Japan and some other countries. However, compared with the UK (9.9%), the US (7.4%), and Germany (7.3%), this figure is not too high. The administrative apparatus continues to be inefficient and cumbersome. Staff reductions fall short of meeting established targets and standards. Although the quality of cadres and civil workers has increased, it continues to fall short of development requirements. The work-based organization of civil servants and public employees has not been completed. Salary reform is still progressing slowly, failing to make pay truly a motivator for cadres and civil servants to complete their duties. Legal documents of state agencies from the central to local levels have regulations on standards of civil servants associated with ranks and grades - bearing the characteristics of the professional

civil service model. Circular 11/2014/TT-BNV, dated October 9, 2014, of the Ministry of Home Affairs, providing for the titles, rank codes and professional standards of the ranks of public servants specialized in administration as promulgated by the Minister of Home Affairs. In which, there are regulations on general standards of quality, responsibilities, tasks, standards of professional and professional capacity, standards of training and retraining qualifications for each specific rank of civil servant such as professional senior official, principal official, official, technical expert and staff member. Competent state agencies have regulations on equivalent civil servant ranks as Circular 77/2019/TT-BTC, dated April 26, 2019 of the Ministry of Finance stipulating codes and professional standards, profession and salary ranking for the ranks of public servants specialized in accounting, tax, customs and reserves promulgated by the Minister of Finance with the title and rank code of the public servant majoring in accounting, including: Senior Accountant, Principal Accountant, Accountant, Intermediate Accountant. Title and code value e to tax, tax inspector, inspector intermediate tax, and tax staff. Competent state agencies have issued many documents specifying the titles and rank codes of other majors in state agencies. The regulations on the ranks of civil servants are issued mainly based on the training qualifications corresponding to the ranks of civil servants, however, there is a lack of analysis and specific description of the work that the contingent of civil servants must perform. However, civil servants are officials, but officials in different ministries and branches are different, between central state agencies and local state agencies. In practice, there are a number of civil servants who are the principal officials doing the work of the officials and the officials who work as the principal specialists, and there are even senior professionals who do work of the experts.

State agencies at all levels have been tasked with determining the work positions and structure of public employees, and competent state agencies have implemented the management of civil servants in accordance with the competency-based employment model. Professionalism is the foundation for growth. The civil servant management agencies have reviewed and promulgated standards of civil servants and standards of leading and managing civil servants. The contingent of civil servants has become more dynamic and flexible in line with the competitive working environment of the market mechanism and international integration.

Determining the employment positions of civil servants in agencies and units is the basis for determining the appropriate number of people to work, but also the basis for recruiting, employing and renewing management mechanisms, enhancing the quality of the civil service workforce in state agencies.

**Table 2: Number of civil servants in our country in 2021**

| No | Content                                                                                                                                | Total<br>(People) |
|----|----------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| 1  | State administrative civil servant payroll                                                                                             | 247. 344          |
| 2  | Number of cadres and civil servants at commune level and number of people working part-time at commune, village and residential groups | 1.031,851         |

From 2008 up to now, competent state agencies from the central to local levels have actively implemented the project of determining job positions. Therefore, state agencies need to determine the correct, sufficient and necessary number of civil servants working in their agencies and units. According to the report of the Ministry of Home Affairs, by 2016, the Ministry of Home Affairs has approved the framework of the list of employment positions in agencies and administrative organizations of ministries, branches and localities, except for the Ministry of Public Security and the Ministry of National Defense. A number of agencies and units have implemented projects defining capacity frameworks such as the Semla Project of the Ministry of leadership competency framework, public administration management... The construction of the civil servant competency framework is a very important job in the content of civil servant management in Vietnam today. However, some localities and agencies do not yet have adequate awareness and attention on this issue. "In general, in Vietnam today, the description of job positions and the building of competency frameworks are still very qualitative. Many agencies and units still rely on common standards and have not defined their own standards, according to actual needs". The quality of government officials in the political system is varied, and some civil servants engage in corrupt and unpleasant behavior at work. Resolution No. 26-NQ/TW dated 05/19/2018, the 7th Executive Committee of the Party Central Committee (XII) on the focusing on building the contingent of cadres at all levels, especially the strategic level, to be qualified, to have capacity and prestige, equal to the emphasized task: "Overall, the contingent of staff is large but not strong; the situation of both redundancy and shortage of cadres occurs in many places; The linkage between levels and sectors is still limited. The proportion of young cadres, female cadres, cadres of ethnic minorities have not reached the set target. Lack of good leaders, managers, scientists and leading experts in many fields. The capacity of the staff is not uneven with some limitations and shortcomings; many officials, including senior officials, lack professionalism, do not work in accordance with their expertise and forte; foreign language skills, communication skills and ability to work in an international

environment are still limited. Many young cadres lack bravery and are afraid to practice”.

Determining a job position is very difficult, requiring the participation and support of many factors. Therefore, although the agencies have made great efforts, so far, the job position of civil servants has not been determined in the whole country.

The job placement has not been carried out synchronously, each agency and each unit does it differently. On August 31, 2020, the Chairman of the Provincial People's Committee issued Decision No. 1491/QĐ-UBND approving the Job Description and Job Position Competency Framework of the Department of Home Affairs of Ninh Thuan province. Job description and Competency Framework of 35 job positions under the Department of Home Affairs (including 08 leadership and management positions; 14 professional and professional positions and 13 support positions). It includes the name of the job position, the name of the department, department, administrative unit under which the job position is performed, the minimum civil servant rank to meet the employment position, the main tasks of the employment position, time to perform each task, a specific job or average output (product)/year of each main task; a number of specific jobs or the average product output/year of each major task.

**Table 3: Table of minimum civil servant ranks of the Department of Home Affairs of Ninh Thuan province**

| <b>Job position</b>           | <b>Minimum civil servant rank</b> |
|-------------------------------|-----------------------------------|
| Director of Department        | Principal Official                |
| Deputy Director of Department | Principal Official                |
| Chief Inspector               | Official                          |
| Head of Division              | Official                          |
| Civil Servant                 | Official                          |
| Treasurer                     | Staff                             |
| Clerical Assistant            | Staff                             |
| Archivist                     | Staff                             |

Decision 1557/QĐ-UBND of the People's Committee of Ha Tinh province, dated May 27, 2019 approving the list of job positions, number of employees, job description and job position framework in Department of Foreign Affairs. Regulations on the minimum civil servant rank of civil servants, the framework of capacity and working skills, and the job description.

**Table 4: Table of minimum civil servant ranks of the Department of Foreign Affairs of Ha Tinh province**

| <b>Job position</b>           | <b>Minimum civil servant rank</b> |
|-------------------------------|-----------------------------------|
| Director of Department        | Principal Official                |
| Deputy Director of Department | Official                          |
| Head of Division              | Official                          |
| Chief of Office               | Official                          |
| Deputy Head of Division       | Official                          |
| Deputy Chief of Office        | Official                          |

The formulation of the project of employment positions must ensure the spirit of Resolution No. 39-NQ/TW dated April 17, 2015 of the Politburo on downsizing and restructuring the contingent of cadres and civil servants: "Strengthening the policy of downsizing the payroll of state administrative officials at the provincial level, ensuring that the total payroll of the whole political system is not increased. In case a new organization is required or a new task is assigned, the agencies and organizations shall balance and adjust the total number of existing staff". Payroll management in state agencies includes the development and promulgation of legal documents on civil servant payrolls, guidance on determining civil servant payrolls and managing civil servant payrolls, making annual civil servant regime, adjusting civil servant payrolls, deciding on civil servant payrolls, allocating and using civil servant payrolls, guiding the inspection and examination of the management of civil servant payrolls, making statistics and synthesizing and reports on civil servant payrolls. "The Ministry of Home Affairs calculates the number of payrolls for the provinces by calculating a percentage of the total number of existing cadres and civil servants and adding additional staff to perform newly arising tasks. This way of calculating payroll is often estimating, formal, depending heavily on reports and recommendations of the locality, but little investigation and research on the actual needs of the locality are conducted. Moreover, the recurrent expenditure of state administrative agencies is being calculated based on the number of staff, so agencies often have the mentality of wanting to ask for more staff than they actually need to increase the budget allocated to their agency. This causes the state administrative apparatus to "bulge out" and the phenomenon of "both redundancy and lack of" in state administrative agencies.

In general, at present, our country has not yet determined exactly and scientifically the total number of employment positions in state agencies. In the past time, there is still the situation: "Trim your foot to fit your shoes" occurs on the general level of each province and in

each agency and unit of the province. At the provincial level, the number of payroll targets assigned in 2015 will be subtracted from 10% to get the number of payroll targets in 2021. From the 2021 data, the roadmap will be reversed for 2020, 2019, 2018... This general number will be calculated and adjusted according to each branch and locality to ensure that it still reaches 10% of the reduction compared to the number assigned in 2015. Specifically, in agencies, if the agency has been assigned 30 staff, the scheme on job positions will usually be built to match the assigned targets. Or if there is a reduction, it will also be in a moderate proportion in the general balance, ensuring the implementation of the policy of reducing the payroll target by 10% compared to 2015. Meanwhile, the real demand is less than the marginal data under the VTVL project. Thus, there are units, using about 60% of the assigned payrolls for a long time, from 2-4 years, but they have no plan to recruit to reach the target, but the job position project still retains the assigned payroll data before. On the contrary, there are units, although the assigned payrolls have not met the demand and are required to be supplemented, but when developing the job position project, it is forced to follow the rule not to exceed the number of assigned staff. The legal documents regulating the job descriptions and job positions of the contingent of state administrative civil servants bear outstanding features of the employment model. In Vietnam's civil service, there is a career model combined with an employment model. In the coming time, our country needs to seriously, accurately and scientifically review job positions in state agencies to consolidate the entire machine to be lean, effective and efficient. In addition, state agencies at all levels, especially at the central level, need to improve their appraisal and assessment capacity in the coming time.

## **2. Some solutions to improve the institutional framework for determining job positions for civil servants in Vietnam today**

Firstly, Vietnam is continuing to build a socialist rule of law state, building a digital government, digital transformation, and international integration require proactive review, modification and supplementation of the law system on management of civil servants according to the employment model compatible with the international legal system and international treaties to which Vietnam is a member. In the process of perfecting the legal system on the institution of defining job positions, it is necessary to ensure the building of digital institutions and policies to promote the strengths of information and

communication technology into chains in the accurate and scientific process of determining job positions.

Continue to perfect policies in a uniform and synchronous manner from recruitment, employment, training, retraining, salary, evaluation of civil servants, reward and discipline of civil servants according to the job position. This is a key issue that determines the success or failure of the country's development.

Second, continue to identify job positions

It is necessary to implement synchronous and drastic solutions of state administrative agencies in analyzing jobs and determining job positions of civil servants in state administrative agencies. It is necessary to study the functions and tasks of each state administrative agency at the central and local levels that regulate the labor norms of each job position, the factors affecting each job position in each agency and unit. Scientifically, it is necessary to involve a team of senior experts who work together with managers and scientists to accurately and fully identify job positions in public agencies. From there, a foundation for developing a capability framework and organization for the contingent of government workers is established.

Third, it is necessary to continue to concretize the Law on Cadres and Civil Servants in 2008 amended and supplemented in 2019 and guiding documents on the implementation of criteria, capacity standards, and levels of competence of civil servants; building capacity dictionary, capacity framework system, job description according to capacity and the structure of civil servants in Vietnam today.

Fourth, strengthen examination, inspection and supervision

Strictly strengthen inspection and supervision to detect and prevent irresponsible and negative manifestations in determining the job position of civil servants. To step up inspection and supervision by state agencies from central to local levels on periodical and unexpected inspections by superiors to subordinates, and to step up people's supervision into the political system for job position determination. It is necessary to put in place strict sanctions for civil servants or individuals and organizations that violate regulations on determining employment positions.

### **3. Conclusion**

It is critical for Viet Nam to encourage civil service reform in order to establish a modern and functional national administration that serves as the foundation for a democratic and progressive society . With the efforts of state agencies from central to local, job position

determination has initially had encouraging results. However, it is necessary to ensure reasonable solutions in order to continue to perfect the institutional framework for job placement to meet the renovation requirements of the Communist Party of Vietnam, to build a socialist state governed by the rule of law by the people, for the people is an objective necessity in the current context.

## **Bibliography**

- Bob Robert Boase (2003), *Managing the Civil Service, An International Perspective*, ADB - MOHA project, Technical Adviser, Hanoi, p.20.
- Civil Service Modernisation in ASEAN Study Survey Response, Socialist Republic of Viet Nam, December 2020.
- Job position scheme, how to be substantial?  
<https://www.daibieunhandan.vn/>, accessed on June 1, 2021
- Nguyen Thi Hong Hai, Pham Duc Toan, Solutions and application conditions for managing civil servants according to capacity to meet administrative reform requirements, *State Organization Review*, October 2019,
- Assoc.Prof.Dr. Nguyen Thi Ngoc Huyen, Assoc.Prof.Dr. Doan Thi Thu Ha, Dr. Do Thi Hai Ha, *Textbook of Management Studies*, National Economics University, National Economic University Publishing House, 2012.
- Ho Chi Minh Complete Volume, Truth Publishing House, Hanoi, 1984, Volume 4.
- Le Quan, Research and application of competency framework in human resource development for leadership and management in the Northwest region, *Science Journal of Vietnam National University*, Hanoi, Research on Policy and Management, episode 31, issue 1, 2015.
- Decision No. 1491/QD-UBND approving the Job Description and Job Position Competency Framework of the Department of Home Affairs of Ninh Thuan province
- Decision 1557/QD-UBND of the People's Committee of Ha Tinh province, dated May 27, 2019 approving the list of job positions, number of employees, job description and job position framework in the Department of Foreign Affairs
- To Tu Ha (1998), *Civil servants and the problem of building the current contingent of cadres and civil servants*, National Political Publishing House, Hanoi.
- Report No. 135/BC-BNV dated January 11, 2021 of the Ministry of Home Affairs summarizing the work of the 2016 - 2020 period and implementing the work tasks in 2021 of the Home Affairs sector.
- Pham Hong Thai, Nguyen Hoang Mai, Article: "Decentralization of management of cadres and civil servants in Vietnam today", book *Decentralization of state management*, People's Public Security Publishing House, 2011.
- FW Taylor, *The Principles of Scientific Management* (1911), Dover Publications.

The Civil Service, Meeting the Challenge of Change: A capabilities plan for the Civil Service, Civil Service website, April 2013, p.3, accessed 3 June 2013, <http://engage.cabinetoffice.gov.uk/capabilities-plan/wp-content/uploads/sites/3/2013/04/CapabilitiesPlan.pdf>

ShuPeng, T., & Saibon, J. B. (2022). Online Learning Stress as A Moderator Between Learning Readiness, Learning Attitude, and Learning Students' Mental Psychological Performance: A Covid-19 Perception-Based View. *Revista de Psicología Del Deporte (Journal of Sport Psychology)*, 31(3), 61-76. <https://rpd-online.com/index.php/rpd/article/view/778/316>

Tan, L. (2018), Ongoing reformation of the civil service in Vietnam, <https://vietnamlawmagazine.vn/ongoing-reform-of-the-civil-service-in-vietnam-6108.htm>

Vietnam has the largest number of civil servants in Southeast Asia <https://vnexpress.net/goc-nhin/viet-nam-dong-cong-chuc-vien-chuc-nhat-dong-nam-a-3669338.html>