

MINISTERIAL INSTRUCTIONS N°01 OF 21/08/2020 DETERMINING MODALITIES FOR NEW PLACEMENT AND RECRUITMENT OF PUBLIC SERVANTS AFTER 2020 RATIONALIZATION OF PUBLIC INSTITUTIONS

The Minister of Public Service and Labour;

Pursuant to the Law n° 86/2013 of 11/09/2013 establishing the general statutes for public service, especially in its articles 40, 41, 43, 44, 47, 93, 95 and 96;

Pursuant to the Law n°61/2018 of 24/08/2018 determining the responsibilities, organisation and functioning of the National Public Service Commission, especially in its article 4;

Pursuant to the Presidential Order n°144/01 of 13/04/2017 determining modalities for recruitment, appointment and nomination of public servants especially in its article 19;

Considering that after the rationalization of public institutions, organisational structures of Public Institutions were reviewed with changes on job positions;

Considering the Decisions of the Cabinet in its Session of 30th June 2020 on approval of the rationalised structures of Public institutions to increase efficiency and improve delivery in the Public Sector;

ISSUES THE FOLLOWING INSTRUCTIONS:

CHAPTER ONE: GENERAL PROVISIONS

Article One: Purpose of these instructions

These instructions determine modalities for new placement and recruitment of public servants after 2020 rationalization of Public Institutions.

In principle, the new placement of public servants after 2020 rationalisation of Public institutions shall be carried out in line with Presidential Order n°144/01 of 13/04/2017 determining modalities for recruitment, appointment and nomination of public servants. However, where relevant, Public servants who have a two year cumulative performance score at least equal to the pass mark in recruitment tests (70%) will be waived from recruitment tests under the conditions set out in these instructions.

Article 2: Scope of application

These instructions apply to public servants governed by the Law establishing the General Statute governing public servants.

CHAPTER II: CRITERIA AND CONDITIONS FOR NEW PLACEMENT

Article 3: Criteria for new placement of a public servant

The following criteria are respected in the new placement of public servants:

- 1 ° the performance contract evaluation score of two (2) years (2017/2018 and 2018/2019);
- 2 ° required job profile.

For a public servant who has not yet completed two years of service to meet the performance contract evaluation requirement of two years as provided for in point one (1^o) of this article, the performance evaluation is based on the period he or she has served in that job position if he or she has completed at least six (6) months in service.

A public servant who is still in probation period on a position that has not changed, will remain in his or her post pending completion of the probation period and its outcome. After the probation period, his or her confirmation in the position will be subject to a performance score of at least 70%.

A public servant who is still in probation on a position that has been removed, changed in terms of job level, job profile or renamed is subjected to conditions stipulated under article 4 (6^o) of these instructions.

Article 4: Conditions for new placement of public servants

New placement of a public servant is done based on the following conditions:

- 1 ° the pass mark for a public servant to be placed is at least 70% in line with Article 19 of the Presidential Order n°144/01 of 13/04/2017 determining modalities for recruitment, appointment and nomination of public servants;
- 2 ° a public servant whose job position has not changed remains in his or her job position if he or she has an average score of at least 70% in the performance contract evaluation as specified in point 1^o of this article;
- 3 ° For the job position which was previously held by more than one public servant, a public servant with the highest performance contract evaluation score remains on the job position. If the two or more public servants have the same score, the one who has more experience in that position is given preference. If both have the same experience, the one who has more training is preferred. In case both have the same training, the one with the higher academic qualification is preferred. In case both have the same qualifications, preference should be given to the less represented gender. If the institution is equally represented in terms of gender, a person with disability among them is given preference;

- 4° in case a job position is to be shared by two or more public institutions, public servants who were occupying same positions in respective public institutions concerned with shared services are placed basing on oral test from internal recruitment if they have scored at least 70% in their performance contract evaluation;
- 5° a public servant whose pass mark is below 70% is suspended in public service. He or she is entitled to two thirds (2/3) of his or her salary within a period of six (6) months and thereafter he or she is entitled to terminal benefits as provided for by the General Statute governing public servants;
- 6° a public servant whose job position has been removed, changed in terms of job level, job profile or renamed is provisionally suspended from public service. He or she is entitled to two thirds (2/3) of his or her salary within a period of six (6) months and thereafter he or she is entitled to terminal benefits as provided for by the General Statute governing public servants;
- 7° for public servants on level 2 and above, the line Ministry submits a report on the status of managerial positions in the Ministry and affiliated agencies to the competent authority for decision.

Article 5: Placement of IT staff

For public institutions that remained with standalone IT positions, staff placement will be carried out by employing institutions in line with these instructions in collaboration with RISA. RISA together with respective institutions will design and conduct fresh tests and interviews for staff. The placement will be based on successfully passing the tests and the interviews.

Placement and hiring of IT staff in public institutions with rationalized IT structures is a responsibility of RISA. IT staff are subject to fresh placement based on competence based assessment (combination of tests and interviews), carried out by RISA in collaboration with MINICT and MIFOTRA.

Article 6: Establishment of placement panel

In a Ministry, the Minister establishes a placement panel of at least three (3) managers chaired by the Permanent Secretary.

In a public institution with a line Ministry, upon proposal of the Head of a public institution, the line Minister establishes a placement panel of at least three (3) managers chaired by the head of the public institution.

In a public institution without a supervising line Ministry, upon proposal of the Head of Institution, the Minister in charge of public service establishes a placement panel of at least three (3) managers chaired by the head of the public institution.

Article 7: Responsibilities of the placement panel

The placement panel has the following responsibilities:

- 1 ° to consolidate the performance contract evaluation score of two (2) years as provided in article 3 of these instructions;
- 2 ° to submit a proposal of placement report to the Minister who appointed the members of the panel for approval before implementation. The report must include a list of public servants to be placed, those not to be placed and remaining vacant positions on the new organizational structure.

Article 8: Establishment of oral test panel for shared services positions

A shared service is a situation whereby a service is shared by two institutions or more. Shared services can be by location or by sector. By location, shared services include Front Desk Operations, Central Secretariat, Documentation & Archive, and IT help desk. Shared services by sector include Planning and M&E, Human Resource Management, Legal Affairs and Internal Audit.

For the oral test provided under article 4 point 4 and article 10 point 5 of these instructions, an oral test panel shall be appointed as follows:

- For shared service positions by sector, the line Minister shall appoint a joint oral test panel of at least three (3) members comprising of heads of sector institutions or their delegates and determine its chair;
- For shared service positions by location, a joint oral test panel of at least three (3) members shall be appointed from heads of concerned institutions or their delegates by the Minister responsible for Public service who shall also determine the chair of the Panel.

The panel may include an external expert to be part where necessary.

At least one third (1/3) of the members of the panel must have skills and knowledge in the domain of a job position subject to oral test.

Article 9: Responsibilities of the oral test Panel

The oral test panel has the following responsibilities:

- 1 ° to prepare, conduct and mark oral test as provided for by these instructions;
- 2 ° to submit the oral test report to the Minister who appointed the members of the panel.

Article 10: Placement in merged institutions

Placement of a public servant in merged institutions is done based on the following conditions:

- 1 ° a public servant whose job position in respective former institutions has not changed on the structure of the new institution, remains in his or her job position if he or she has an average score of at least 70% in the performance contract evaluation as specified in point 1⁰ of article 3;
- 2 ° for a public servant who has not yet completed two years of service to meet the performance contract evaluation requirement of two years as provided for in point one (1⁰) of this article, the performance evaluation is based on the period he or she has served in that job position if he or she has completed at least six (6) months in service;
- 3 ° a public servant who is still in probation period on a position that has not changed, will remain in his or her post pending completion of the probation period and its outcome. After the probation period, his or her confirmation in the position will be subject to a performance score of at least 70%;
- 4 ° For a public servant who is still in probation on a position that has been removed, changed in terms of job level, job profile or renamed is subjected to conditions stipulated under article 4 (6⁰) of these instructions;
- 5 ° for the job position(s) previously held by more than one public servant, in respective former institutions and the number of such positions was reduced in the new institution, concerned public servants who scored at least 70% in their performance contract evaluation in the respective former institutions, are placed basing on oral test results;
- 6 ° for public servants on level 2 and above, the line Ministry submits a report on the status of managerial positions in the Ministry and affiliated agencies to the competent authority for decision.

Article 11: Guiding principles for conducting oral tests

The oral test abides by the following principles:

- 1 ° oral test must be transparent, objective and competence based;
- 2 ° public servants on the same job position within a public institution must be assessed with the same questions;
- 3 ° oral test must be audio-visual recorded. The video must be recorded in a way that shows both the panel and the assessed public servant with clear voices;
- 4 ° the line Ministry is represented when conducting oral test and oversees the placement process in its affiliated agencies;
- 5 ° Only technical questions shall be asked. The test should neither include general knowledge questions nor questions requiring prior exposure to the position or institution;
- 6 ° the oral test related to the post competed for, is composed and marked as follows:
 - a. technical questions in the field are marked on 70 %. The panel assesses the knowledge, skills and capacity of the candidates to think creatively and provide solutions;
 - b. behavioural competences marked on 30%: communication skills marked on 20% and attitude marked on 10%.

Article 12: Steps to follow in the implementation of these instructions

In the implementation of these instructions, a public institution respects the following steps:

First step: Public institutions submit job profiles to the Ministry of Public Service and Labour for approval (Timeline: two (2) weeks after publication of rationalized structures in the Official Gazette);

In order to ensure continued professionalization of Public Service and achieve expected capacity, job profiles will be more competence based than merely degree based. In that context all the degree levels including A1, Advanced Diploma and recognized Professional Certificates remain valid in terms of job requirements. Job profiles will also have to accommodate where appropriate and applicable candidates with proven skills and competences in lieu of academic degrees (e.g. technical areas);

For jobs falling under specific sectors (e.g. Accountants, DAF for MINECOFIN, Human Resource Management for MIFOTRA, Procurement for RPPA, IT for MINICT/RISA, Legal advisory for MINIJUST, Public Relations and Communication for OGS, etc.), the concerned sectors (experts in the area) will take the responsibility to develop the job profiles to be used by all Public Institutions with the concerned jobs to ensure appropriate and correct job specifications;

Second step: The Head of a public institution explains to public servants changes made on the organizational structure and guiding principles for the implementation of these instructions (Timeline: immediate after publication of rationalized structures in the Official Gazette);

Third step: The public institution avails to the line Minister or the Minister in charge of Public Service a consolidated performance contract evaluation report of all its employees (Timeline: one week after publication of rationalized structures in the Official Gazette);

Fourth step: The line Minister or the Minister in charge of public service for the institution without a line Ministry establishes the placement panel (Timeline: one week after publication of rationalized structures in the Official Gazette);

Fifth step: The placement panel submits to the line Minister or the Minister in charge of public service for institution without a line Ministry, the report on public servants eligible for placement without undergoing test and those not eligible (Timeline: within two weeks after appointment of the panel);

Sixth step: After assessment and approval of the report, the line Minister or the Minister in charge of public service provides feedback to the head of Institution for public servants eligible to placement without undergoing oral test (Timeline: one week after receipt of the report mentioned in step five);

Seventh step: Effective placement of eligible public servants by the Competent Authority (Timeline: one week after receipt of feedback from the line Minister or the Minister in charge of public service);

Eighth step: The line Minister or the Minister in charge public service for the institution without a line Ministry establishes oral test panels (Timeline: one week after placement of public servants eligible to placement without undergoing oral test);

Ninth step: Panels conduct tests for shared services positions and positions within merged institutions (Timeline: two (2) weeks after appointment of the oral test panels);

Tenth step: The oral test panel submits to the line Minister or the Minister in charge of public service for institutions without a line Ministry, the report on public servants eligible for placement after passing oral test (Timeline: two (2) days after test);

Eleventh step: After assessment and approval of the report on public servants eligible for placement after passing oral test, the line Minister or the Minister in charge of public service provides a feedback to the head of Institution (Timeline: one week after receipt of the report mentioned in step ten);

Twelfth step: Effective placement of public servants eligible for placement after passing oral test by the Competent Authority (Timeline: one week after receipt of feedback from the line Minister or the Minister in charge of public service);

Thirteenth step: Each public institution submits to the Minister who appointed the placement panel a report of placement with a copy to the National Public Service Commission and the Ministry in charge of Public Service. The report indicates a list of all public servants placed or not placed and vacant positions remaining on the new organizational structure.

Article 13: Valuing work experience in public service

Placement or recruitment of a public servant in context of implementation of rationalization shall not affect negatively his or her career progression. In this regard, the experience acquired from his or her former job position and the corresponding horizontal step promotion are taken into consideration.

Article 14: Placement on managerial job position as acting

In case there is a vacant managerial position in a public institution after rationalization, the Head of a public institution may appoint an acting public servant on the vacant managerial position pending the decision of the competent Authority to fill the position.

For the case of merged institutions, the line Minister may appoint a public servant on the vacant managerial position pending the decision of the competent Authority to fill the position.

Article 15: Provisional suspension for public servants in managerial positions

A public servant on a managerial position, whose job position has been removed from the organisational structure or changed after rationalization and has not been placed or proposed as acting on any other position in the institution, is provisionally suspended by the Minister in charge of public service.

Article 16: Recruitment for vacant positions after placement of public servants

Vacant positions shall include all new positions, positions that were not changed but the incumbent holders did not score 70% in their performance evaluation, positions not filled out after, where applicable, oral tests and any other position that is not filled out at the time of placement.

The Sector Ministry is responsible for recruiting public servants for vacant positions filled through competition after the placement process of public servants.

For institutions without a line Ministry, the Ministry in charge of public service is responsible for recruiting public servants for vacant positions filled through competition after placement process of public servants.

The Ministry in charge of public service, after completion of the placement process, will provide specific instructions on modalities of conducting the recruitment for vacant positions through public service online recruitment system. These instructions will specify roles of each institution in the sector and key information on online tests.

The Ministry in charge of public service will oversee the recruitment process and will also conduct induction of the newly recruited successful candidates in collaboration with employing institutions, Rwanda Development Board (RDB) and Rwanda Management Institute (RMI).

Public servants who will be suspended provisionally as a result of implementation of rationalisation of Public institutions in line with the provisions of these instructions shall have the right to compete for vacant positions if they meet the job profile requirements.

CHAPTER III: FINAL AND MISCELLANEOUS PROVISIONS

Article 17: Transitional measures

A public servant on previous organizational structures will keep temporally serving until effective placement and assignment of his/her responsibilities to another public servant.

In case of services designated to be outsourced, phased out or transferred to another public institution, a public servant carrying out those services shall be managed under contract basis. At the end of the contract, concerned public servants shall be subject to the regulations of public service management.

Pending completion of placement and recruitment process for vacant positions, the Head of Institution may appoint an acting staff to ensure continuity of service.

New placement and recruitment to fill positions provided under rationalised structures shall not exceed a period of three (3) months maximum counted from the date of signature of these instructions.

Article 18: Appeal

A public servant who is unsatisfied with the outcome of placement process, may appeal in the first instance to the head of a public institution. In case he or she is not satisfied by the decision taken on his or her appeal or when he or she was not given response, may appeal in the second instance to the National Public Service Commission in accordance with the time line set by relevant laws.

Article 19: Commencement

These instructions come into force on the date of their signature.

Kigali, on 21st August 2020

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Minister of Public Service and Labour