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**YEREL YÖNETİM REFORMU  
PROJESİ (YR III)**  
LOCAL ADMINISTRATION REFORM  
PROJECT (LAR III)

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**ESTABLISHING A HUMAN RESOURCES MANAGEMENT SYSTEM FOR LOCAL ADMINISTRATIONS  
SITUATION ANALYSIS REPORT**

23.07.2021

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| Reference to the Description of Action (DoA) |   |
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| <b>Component</b>                             | Component 1: Effective Local Service Delivery   |
| <b>Activity</b>                              | A.1.1.5 Developing Standards and Principles for the Establishment of An Effective Human Resources Management in Local Administrations |
| <b>Output</b>                                | FACT-FINDING REPORT   |



## TABLE OF CONTENTS

|   |           |
|---|-----------|
| List of Figures .....   | ii        |
| List of Tables .....  | ii        |
| Abbreviations.....  | iii       |
| <b>1. INTRODUCTION .....</b>  | <b>1</b>  |
| 1.1. BACKGROUND.....  | 1         |
| 1.2. AIM OF THE ACTIVITY.....   | 1         |
| <b>2. METHODOLOGY AND LIMITATIONS.....</b>  | <b>2</b>  |
| 2.1. PROCESS.....   | 2         |
| <b>3. LOCAL ADMINISTRATIONS .....</b>   | <b>3</b>  |
| 3.1 CONCEPTUAL FRAMEWORK.....   | 3         |
| 3.2. SERVICE AREAS OF LOCAL ADMINISTRATIONS .....   | 4         |
| 3.2.1. Service Areas of Municipalities.....   | 4         |
| 3.2.2. Service Areas of Special Provincial Administrations.....   | 6         |
| 3.3. LOCAL ADMINISTRATION INSTITUTIONS AND STRUCTURE .....  | 7         |
| 3.3.1 Institutional Structure .....   | 7         |
| 3.3.2. Human Resources Management in Local Administrations.....   | 9         |
| 3.4. RELATIONS BETWEEN LOCAL ADMINISTRATIONS AND CENTRAL GOVERNMENT .....   | 13        |
| <b>4. HUMAN RESOURCES MANAGEMENT (HRM).....</b>   | <b>18</b> |
| 4.1. CONCEPTUAL FRAMEWORK AND ROLES OF HUMAN RESOURCES.....   | 18        |
| 4.2. TRANSITION FROM PERSONNEL MANAGEMENT TO HRM .....  | 19        |
| 4.3. IMPORTANCE AND ROLE OF HR IN AN ORGANISATION [HERE].....   | 20        |
| 4.4. TRANSITION TO HRM IN MUNICIPALITIES .....  | 22        |
| <b>5. 11<sup>th</sup> DEVELOPMENT PLAN OF 2019-2023 .....</b>   | <b>25</b> |
| <b>6. FINDINGS .....</b>  | <b>26</b> |
| 6.1. REVIEW OF THE COURT OF ACCOUNT REPORTS OF 2019 .....   | 26        |
| 6.2. PERSONNEL MANAGEMENT OF MOEU GENERAL DIRECTORATE OF LOCAL GOVERNMENTS .....  | 28        |
| 6.2.1. Review of the Opinions on Personnel Matters.....   | 28        |
| 6.3. FACT-FINDING INTERVIEWS/MEETINGS .....   | 30        |
| 6.3.1. Information elicited from the meetings with Central Government and Union of Municipalities of Turkey.....          | 31        |
| 6.3.2. Municipalities .....   | 34        |
| 6.3.3. A Case of Trade Union – Interview with Belediye-Is.....  | 37        |
| <b>7. RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN EFFECTIVE HRM SYSTEM IN LOCAL ADMINISTRATIONS AND CONCLUSIONS .....</b> | <b>39</b> |
| 7.1. ROLE AND PLACE OF HR UNIT IN THE ORGANISATION .....  | 39        |
| 7.2. POSITION AND OCCUPATION CATEGORISATION .....   | 39        |
| 7.3. CAREER SYSTEMS VS. JOB CLASSIFICATION SYSTEMS.....   | 40        |
| 7.4. HR PROCESSES .....   | 41        |
| 7.4.1. Qualified Workforce Selection.....   | 41        |
| 7.4.2. Appointments and Assignments.....  | 42        |
| 7.4.3. Contract Terms and Working Conditions of Contracted Personnel .....  | 44        |
| 7.4.4. HRM results in Municipalities of the Decree-Law No. 696.....   | 44        |
| 7.4.5. Establishment of a Talent Management System .....  | 49        |
| 7.4.6. Reviewing and Improving Assignment Procedures and Regulation on Promotion and Title Change .....                   | 50        |
| 7.4.7. Reviewing and Adjusting Social Equilibrium Compensation .....  | 50        |

|  |    |
|--|----|
| 7.4.8. Formulation of Strategies for Promoting Equal Opportunities for Women .....                     | 51 |
| 7.4.9. Increasing Employment of New Graduates of Universities in Local Administrations .....           | 52 |
| 7.4.10. Establishment of Opinion and Grievance Procedures for Employees of Local Administrations ..... | 52 |

|                        |           |
|------------------------|-----------|
| <b>References.....</b> | <b>53</b> |
|------------------------|-----------|

|                     |           |
|---------------------|-----------|
| <b>Annexes.....</b> | <b>55</b> |
|---------------------|-----------|

## List of Figures

|  |    |
|--|----|
| Figure 1 Impact of Human Resources Management on the Enterprise..... | 21 |
|--|----|

## List of Tables

|  |    |
|--|----|
| Table 1: Municipality Statistics of 2020.....  | 8  |
| Table 2: Unions of Local Governments.....  | 9  |
| Table 3: Number of Personnel in Local Administrations .....  | 10 |
| Table 4: Number of Employees by Service Procurement at Local Administrations.....  | 11 |
| Table 5: Consolidated Table of Personnel in Permanent Positions in Municipalities and Those in Municipal Companies .....   | 11 |
| Table 6: Ratio of Local Administration Personnel Expenditures / Total Public Personnel Expenditures.....   | 11 |
| Table 7: Objectives and Policies of the 11 <sup>th</sup> Development Plan.....   | 25 |
| Table 8: Findings in the Chapter “Findings and Evaluations Not Affecting Audit Opinion” in the 2019 Reports of the Court of Accounts released in November/December 2020..... | 26 |
| Table 9: Opinions on Personnel Matters issued by MoEU General Directorate of Local Governments 2019-2021 .....   | 28 |
| Table 10: Data of Last 3 years on Employment by Gender in 5 Municipalities .....   | 36 |
| Table 11. Place of Personnel Expenses in Local Administrations General Activity Expenses of 2020 .....   | 46 |
| Table 12. Annual Rates of Increase in Personnel Employed through Service Procurement at Local Administrations, 2015-2020 .....   | 49 |

## Abbreviations

| <b>Türkçe Açık Hali</b>                      | <b>TR-ks.</b> | <b>EN-abbr.</b> | <b>English Full-Form</b>                                   |
|--|---------------|-----------------|--|
| Avrupa Birliği                               | AB            | EU              | European Union   |
| Büyükşehir Belediyesi                        | BŞB, BB       | MM              | Metropolitan Municipality                                  |
| T.C. Cumhurbaşkanlığı İnsan Kaynakları Ofisi | CBİKO         | CBİKO           | Presidential Human Resources Office                        |
| Devlet Planlama Teşkilatı                    | DPT           | SPO             | State Planning Organisation                                |
| Entelektüel Sermaye                          | ES            | IC              | Intellectual Capital                                       |
| İl Özel İdaresi                              | İÖİ           | SPA             | Special Provincial Administration                          |
| İnsan Kaynakları                             | İK            | HR              | Human Resources  |
| İnsan Kaynakları Yönetimi                    | İKY           | HRM             | Human Resources Management                                 |
| Uluslararası Çalışma Örgütü                  | ILO           | ILO             | International Labour Organization                          |
| Kanun Hükmünde Kararname                     | KHK           | KHK             | Decree-Law   |
| Kamu Personeli Seçme Sınavı                  | KPSS          | KPSS            | Public Servants Selection Examination                      |
| Kamu Yönetimi Reformu                        | KYR           | PAR             | Public Administrative Reform                               |
| Yerel Yönetim Reformu                        | YYR           | LAR             | Local Administration Reform                                |
| İktisadi İşbirliği ve Gelişme Teşkilatı      | OECD          | OECD            | Organisation for Economic Co-operation and Development     |
| Personel Yönetimi                            | PY            | PM              | Personnel Management                                       |
| Resmi Gazete                                 | RG            | OG              | Official Gazette   |
| Sivil Toplum Kuruluşu                        | STK           | NGO             | Non-Governmental Organisation                              |
| Türkiye Cumhuriyeti                          | TC            | TR              | Republic of Turkey   |
| Türkiye Belediyeler Birliği                  | TBB           | UMT             | Union of Municipalities of Turkey                          |
| Toplu İş Sözleşmesi                          | TİS           | CLA             | Collective Labour Agreement                                |
| Türkiye Ve Ortadoğu Amme İdaresi Enstitüsü   | TODAİE        | TODAIE          | Public Administration Institute for Turkey and Middle East |
| Birleşmiş Milletler Kalkınma Programı        | UNDP          | UNDP            | United Nations Development Programme                       |
| Yerel Yönetimler                             | YY            | LA              | Local Administrations                                      |
| Yerel Yönetimler Danışma Grubu               | YYDG          | LAAG            | Local Administrations Advisory Group                       |
| Yerel Yönetimler Genel Müdürlüğü             | YYGM          | GDLG            | General Directorate of Local Governments                   |
| Yerel Yönetimler Reformu                     | YYR           | LAR             | Local Administration Reform                                |

# 1. INTRODUCTION

The “Local Administration Reform Phase III” Project (LAR III) is the third phase of the projects financed by the EU in the framework of IPA funds and implemented by the UNDP to support local administration reforms. The first phase of this project series (LAR I) was undertaken in the period of 2005-2007 and the second phase (LAR II) was implemented between 2009 and 2011. The co-beneficiaries of the project are the Ministry of Interior (MoI) and Ministry of Environment and Urbanization (MoEU). The overall objective of the Project is to ensure effective, inclusive, accountable and participatory local governance in Turkey, in particular through support to further implementation of the LARs undertaken between 2003-2013, in line with international standards.

The specific objective of the project is to develop and strengthen the administrative capacity and cooperation of MoI, MoEU and local administrations themselves in the task of ensuring the effective implementation of the new local administration model in line with principles of democratic governance.

This report presents the findings of a preliminary study conducted to develop standards and principles for establishing an effective Human Resources Management (HRM) system in Local Administrations as prescribed by Activity A.1.1.5 of LAR III Technical Assistance Project. In this framework, we tried to identify which functions of HRM were executed in Metropolitan Municipalities (MMs), Metropolitan District Municipalities (MDMs), affiliate unions and companies in Turkey, how they were executed and areas for improvement..

## 1.1. BACKGROUND

The IPA II Indicative Strategy Paper for Turkey (2014-2020) aims to improve the coordination of Public Administrative Reform (PAR), policy formulation, public service and public administration, and governance and service delivery to citizens and businesses including local level. In this framework, the Local Administration Reform project, funded by European Union (EU) and implemented by the United Nations Development Programme, has been programmed in three phases and its third phase is currently being implemented. Its first phase “LAR I” was implemented between 2005 and 2007, its second phase “LAR II” between 2009 and 2011, and this last phase is scheduled for implementation between 2018 and 2021.

LAR III aims to carry out a series of activities to enhance and strengthen the administrative capacities of local administrations together with MoI and MoEU as co-beneficiaries and ensure effective, inclusive, accountable and participatory governance within our local government system, benefiting from the outputs of previous phases. The project has three components:

- Effective Local Service Delivery
- Capacity Building for New Metropolitan Municipality Model and Inclusive Local Governance Processes
- Installation and Updating of the Management Information System Infrastructure for Local Administration System.

## 1.2. AIM OF THE ACTIVITY

As Activity A.1.1.5 of the Component “Effective Local Service Delivery”, the expectation is to “develop standards and principles for the establishment of an effective HRM system in local administrations”. In this framework, HRM and strategic planning will be developed by considering modern tools which discuss, including but not limited to, job classification and organisation, recruiting qualified workforce, supporting newly hired employees, training and development of employees, performance management, promotions, complaints and discipline mechanisms. Consequently, the ultimate aim in local administrations is to establish an HRM system which delivers quality service to society, is more adaptable to changing conditions and more efficient.

## 2. METHODOLOGY AND LIMITATIONS

### 2.1. PROCESS

In this framework, the following sub-activities are planned to develop and improve standards and principles for the establishment of an effective HRM system in local administrations under the project.

The first stage will cover the review and analysis of fact-finding interviews/meetings with relevant public agencies and municipalities, legislation published, Reports of the Court of Accounts and reviews of the General Directorate of Local Governments on personnel management; then a desk review will be conducted on HRM standards and principles in selected EU member states, and a comparative analysis will be conducted including the identification of good practices and lessons learned.

Public agencies and municipalities interviewed are listed below. Questions asked to these agencies are presented Annex 1:

- Presidential Human Resources Office, Department of Local Administrations
- MoI, General Directorate of Provincial Administration, Department of Personnel Services
- MoEU, General Directorate of Local Governments, Department of Personnel Services
- Union of Municipalities of Turkey, Department of Legal Affairs and Department of Foreign Relations
- Metropolitan Municipalities: Aydın, Balıkesir, Eskişehir, Erzurum, Kahramanmaraş, Ordu
- Municipalities: Adıyaman, Nevşehir, Antalya/Kepez, Bolu/Gerede, Konya/Selçuklu, Muğla/Bodrum, Samsun/Ilkadam
- WSAs: Denizli, Trabzon
- Trade Unions: Confederation of Turkish Trade Unions (TURK-IS); Turkish Municipal and General Services Workers' Union (Belediye-Is).

Complementary questions were sent to participants and municipalities interviewed, via e-mail and communications continued by phone. No qualitative data analysis software was used in data analysis because of the limited number of the responses and the characteristics of information requested. Instead, the texts obtained by questionnaires were categorised by their common aspects. In order to ensure anonymity which is one of the main characteristics of qualitative surveys, HR Managers of the municipalities which responded were coded beginning from G1 to G7.

Lastly, based on the results of the comparative assessment, after draft principles and standards on HRM are formulated with the members of Local Administrations Advisory Group (LAAG), a “Draft Report for Standards and Principles on Human Resources Management in Local Administrations in Turkey” will be shared and 2 two-day online advisory meetings will be held with the participation of members of LAAG and selected municipalities. The final form of “principles and standards” which will be prepared considering opinions and evaluations of LAAG will be presented to the highest authorities of MoI and MoEU for approval. After approval, “Standards and Principles Report for the Establishment of an Effective Human Resources Management System in Local Administrations” will be shared with MoI and MoEU to be published and distributed.

## 3. LOCAL ADMINISTRATIONS

### 3.1 CONCEPTUAL FRAMEWORK

Local Administrations are public entities established in order to deliver services to a community living in a certain geographical area, in the subjects which concern them most due to their co-existence; whose decision-making bodies are elected and appointed by the community; which have the functions, powers, special revenues, budget and personnel laid down by the laws.<sup>1</sup>

Paragraph 3 of Article 4 of the European Charter of Local Self-Government which is an international treaty which the Republic of Turkey put into force as of 1.4.1993 provides that “Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen”; paragraph 2 of Article 6 requires that “the conditions of service of local government employees shall be such as to authorise the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided”. Also, paragraph 5 of Article 9 of the same international treaty provides that “the protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.”

The Turkish Language Institute (TDK) defines local administration conceptually as “a public entity, a local government which satisfies the common local needs of the society of the province, municipality or village and whose general decision-making bodies are elected of the society living there.” This definition sets forth the following elements:

- Being local (geographical co-existence/space dimension)
- Common needs and common solutions
- Ability to decide
- Power of administration, governing
- Being a public entity and being elected.

In this context, the necessity to be local and find common solutions for common needs reveals that personnel who are employed in local administrations must have knowledge, skills and experience about multifarious and different subjects and legislation. For example:

- a. Being Local/Space Dimension
  - Village Law
  - Law on Land Development Planning and Control
  - Law on Cadastre
  - Law on Conservation of Cultural and Natural Assets
  - Environmental Law
  - Law on Coastal Protection
  - Law on Divided Co-property
  - Law on Mining
  - Law on Forests
  - Meadows Law etc.
- b. Common Needs/Solutions Dimension
  - Village Law
  - Law on Public Health
  - **Law on Land Development Planning and Control**
  - Law on Municipality

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<sup>1</sup> 11<sup>th</sup> Development Plan (2019-2023) Local Administrations and Service Quality Specialised Commission Report, Ankara 2018.

- Law on Metropolitan Municipality
- Communications Law
- Law on Misdemeanours etc.

## 3.2. SERVICE AREAS OF LOCAL ADMINISTRATIONS

The diversity and size of service areas may be understood from the following list of functions of local administrations established pursuant to Article 127 of the Constitution to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose principles of constitution and decision-making organs elected by the electorate are determined by law; diversity, responsibility area and purview of occupations, of required qualified personnel to perform these services.

### 3.2.1. Service Areas of Municipalities

Service areas of municipalities are explained in 7 sections according to their activities:

#### a. Licenses:

- **Licenses for Land Development**
  - Building permit
  - Occupancy permit
  - Excavation soil discharge permit
  - Concrete casting permit
  - Fire code compliance permit
- **Licenses on Business Life**
  - Weekend holiday license / working license on holidays
  - Alcoholic beverages retail license
  - Tobacco products retail license
  - Service compliance permit for workplaces serving alcoholic beverages
  - Service compliance permit for workplaces serving narghile & tobacco
  - Business license for non-polluting businesses
  - Business license for polluting business
  - Public leisure and entertainment place licenses
  - Tourism license

#### b. Land Development Plans

- **Type of Plans:**
  - **Plans without scale / with variable scale**
    - Strategic Development Plans
    - Regional Plans
    - Sectoral Plans
    - Master Plans
  - **Plans with scale**
    - Environmental Plans of 1/25,000 scale or above
    - Master Plans of 1/5,000 scale
    - Implementation Plans of 1/1,000 scale
    - Revision Plans (for every scale)
    - Plan amendments (for every scale)
- **Planning Process:**
  - Plan preparation process/ participatory planning
  - Plan approval process

- Pre-negotiations
- Council resolution
- Announcements
- Objections
- Evaluation
- Resolution / Approval

- **Implementation Processes of Plans**

- Implementation of plans
- Expropriation
- Exchange
- Documents of land development planning status
- Building permit processes
- Building inspections
- Inspection of the implementation

- **Plan amendments**

- Preparation of plan amendments
- Presentation to council debate
- Announcement and objection processes
- Approval processes

- **Article 18 Practices**

- Preparation of Plotting Plans
- Calculation of common use reserve from redivision
- Distribution of plots to beneficiaries
- Announcement and objection processes
- Approval processes

**c. Potable and Non-potable Water**

- Establish, operate or cause to establish, operate required facilities for potable, non-potable and industry water.
- Operate or cause to operate spring water.
- Undertake or cause to undertake the projects, building, operation and distribution regarding pond, duct, indoor irrigation and energy demand intended for agricultural irrigation.

**d. Transport**

- Construct or cause to construct roads, squares, avenues, streets and main roads, carry out repair and maintain, cleaning and snow removal works of those roads.
- Undertake mass transport; establish, lease, operate or cause to lease, operate all kinds of public transport systems.
- Determine the number and tariff, time and routes of all kinds of public transport vehicles and taxis.
- Determine, construct, operate or cause to operate park areas.

**e. Social Facilities and Recreation Areas**

- Arrange or cause to arrange open spaces such as parks for common use, children playgrounds, parks for young people.
- Establish, operate or cause to establish and operate recreation, food & beverages and entertainment facilities for common use.
- Establish, operate or cause to operate cultural facilities, facilities for women and young people.

**f. Environmental Problems and Measures**

- Evaluate environmental impacts of all kinds of facilities and activities which create pollution and have the possibility of creating pollution; monitor, allow and inspect facilities and activities.
- Inspect all kinds of facilities and activities which create pollution and have the possibility of creating pollution.
- Delivery of necessary services for solid waste collection, sorting, storage and combustion etc.
- Provide fire department services.
- Develop emergency and rescue measures, create relevant teams.
- Evacuate the buildings at disaster risk and posing danger for safety of life and property and decide to demolish.
- Create Urban Regeneration Area Demands, present them for the Decree of Council of Ministers
- Determine excavation soil, debris, sand and gravel storage areas.

**g. Social Services and Aids**

- Establish health centres, hospitals, mobile health units.
- Undertake and develop all kinds of social and cultural services for the elderly, people with disabilities, women, young people and children and establish social facilities for that purpose.
- Establish and operate women’s shelters.
- Organise vocational and practical skills training programs.
- Execute solemnisation procedures; establish, operate or cause to operate facilities for this purpose.
- Execute burial processes, arrange cemeteries and execute burial place designation processes.

As seen above, it is obligatory that human resources which will fulfil these services which are expected from every local administration in the country, are managed in the framework of designated contemporary principles and standards.

**3.2.2. Service Areas of Special Provincial Administrations**

The functions and powers of special provincial administrations (SPAs) are listed in Article 6 of the Law No. 5302 on Special Provincial Administrations. Functions of SPAs were defined in the Law on Special Provincial Administration such as to be the functions within the boundaries of province and the functions out of the boundaries of the municipality.

1. Functions within provincial boundaries:

- Youth and sports, health, agriculture, industry and trade,
- Environmental plan of the provinces except for MMs whose boundaries are provincial borders,
- Public works and settlement,
- Conservation of soil, soil erosion prevention,
- Culture, art, tourism, social services and aids,
- Grant microloans to poor people,
- Nursery schools and orphanages,
- Provision of landlots to primary and secondary education institutions, construction, maintenance, and repair work of the buildings, and responding to other needs of them.

2. Functions outside municipal boundaries:

- Land Development Planning and Control
- Road,
- Water,
- Sewer,
- Solid Waste,
- Environment,
- Emergency Aid and Rescue,
- Supporting the forest villages,
- Forestation, establishment of parks and gardens.

- Undertake services related to planning, project designing, constructing, maintaining and repairing of bicycle paths and bicycle lanes, bicycle and electrical scooter parks and charging stations, pedestrian walkways and noise barriers.
- Ministries and other central government institutions may make the investments in the services regarding construction, repair and maintenance works, state and province roads, potable water, irrigation water, sewer, power transmission line, health, education, culture, tourism, environment, land development planning and control, public works and settlements, youth and sports and other investments which are within the other central government institutions' area of responsibility by transferring the allowances reserved for those services to SPAs. After the transfer, the relevant affairs are concluded in accordance with the procedures and principles to which SPAs are subject.

Certain powers and privileges are granted to SPAs with Article 7 of the Law No. 5302 in order to fulfil the functions assigned and use their powers.

### 3.3. LOCAL ADMINISTRATION INSTITUTIONS AND STRUCTURE

Local administrations which ensure that many services of local nature are delivered in Turkey are divided into 3 groups: SPAs, municipalities and villages.

Local administrations in Turkey are constitutional institutions. Pursuant to the Constitution of 1982 which lays down the position of local administrations in Turkish government structure and basic characteristics of local administration system, local administrations are “public legal entities established to meet the common local needs of the inhabitants of provinces, municipal districts and villages, whose principles of constitution and decision-making organs elected by the electorate are determined by law”. According to the Constitution, organisation and functions and powers of local administrations will be laid down only by the Law in accordance with the decentralisation principle. The Constitution of 1982 followed a different path from the previous constitution by regulating in detail the scope and justifications of power of administrative tutelage which the central government has over local administrations. Moreover, the provision that the audit power of local administrations on elected bodies may only be exercised by the judiciary is found in the Constitution. The Constitution of 1982 brought constitutional foundation to the MM system with the provision “special administration forms may be introduced for big settlements”, which was not found in other constitutions. The other regulations which the Constitution of 1982 includes in the area of local administrations are that local administrations may establish unions among them with the authorisation of Council of Ministers; local elections are held in every 5 years and sources of income are allocated to local administrations proportional to their functions.

The Law No. 5018 on Public Fiscal Administration and Control defines Local Administration as “any municipality or special provincial administration or any union or administration affiliated therewith or founded or participated as members thereby which carry out public activities with powers limited to specific geographic regions and specific services”. In our country, many reforms and reorganisations about local administrations have been undertaken since 2003 in the context of public administration.<sup>2</sup>

#### 3.3.1 Institutional Structure

##### a. Municipalities:

Units that make up the local administration system include municipalities subject to the Law No.5393, MMs subject to the Law No.5216, SPAs subject to the Law No.5302 and villages subject to the Law No. 442.

The Law No. 5393 of 03.07.2005 on Municipality entered into force by publication in the Official Gazette of 13.07.2005 issue 25326. The law lays down the organisation, bodies, administration, functions, powers and responsibilities and working principles and procedures.

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<sup>2</sup> Güneş, M (2009). Almanya ve Türkiye'deki yerel yönetimleri Almanca yerel yönetimlere karşılaştırmalı bir bakış.

The Law No. 5216 lays down the functions and powers of MMs comprehensively and the Law No. 6360 made certain amendments to the functions and powers of the MMs. In addition, the Law No. 5216 determined functions and powers of MDMs within the boundaries of MMs.

With the Law No. 6360, 13 new MMs in Aydın, Balıkesir, Denizli, Hatay, Malatya, Manisa, Kahramanmaraş, Mardin, Muğla, Tekirdağ, Trabzon, Şanlıurfa and Van provinces were established in addition to existing MMs and Ordu province became an MM with the amendment made with the Law No. 6447; the total number of MMs reached 30.

In addition, the criterion for establishing MMs was determined as provincial population of 750,000; the model of overlapping the municipal boundary and administrative boundary introduced in Istanbul and Kocaeli provinces earlier, was implemented for all MMs; SPAs were abolished in all MMs and Investment Monitoring and Co-ordination Departments with legal entity status were established under the responsibility of the governor.

According to the Local Administration General Activity Report of 2020 by the General Directorate of Local Administrations of MoEU, 1,390 municipalities in total serve 78,929,602 citizens.

**Table 1. Municipality Statistics of 2020**

| Type                                     | Count        | Ratio (%)      |
|--|--------------|----------------|
| Metropolitan Municipality (MM)           | 30           | 2.16%          |
| Provincial Municipality                  | 51           | 3.67%          |
| Metropolitan District Municipality (MDM) | 519          | 37.37%         |
| District Municipality                    | 403          | 29.01%         |
| Town Municipality                        | 387          | 27.79%         |
| <b>Total</b>                             | <b>1,389</b> | <b>100.00%</b> |

#### **b. Special Provincial Administrations (SPAs)**

The history of SPAs, another local administration institution, dates back to the local council system established in 1840 in the Ottoman Empire and named variously as “muhasıllık meclisi” (literally “council of tax collectors”), “grand council”, “minor council”, “country council”, “provincial council”, “sanjak council”. SPAs took their final form which forms a basis for its structure which it would protect throughout the 20<sup>th</sup> century, with the transitional law titled “Provisional Law on General Administration of Provinces” enacted on 13 March 1913. In the scope of the local administration reform in 2005, the system of SPAs was changed and the Law No. 5302 on Special Provincial Administration was enacted. The system of SPAs that was automatically established with the establishment of provinces was changed radically with the Law No. 6360; SPAs were abolished in all settlements which became MMs. Thus, the number of SPAs was reduced to 51 from 81 as from the local elections on 30 March 2014.

#### **c. Villages**

The root of the regulations on village administration dates back to the Provincial Bylaw issued in 1864. Village is recognised as a local administration unit under this bylaw. Villages which are locations with low population, mostly agriculture-based economy, and homogeneous and unique social relations, are public legal entities whose population constitutionally is lower than 2,000 and established to meet the common local needs of its inhabitants whose principles of constitution and decision-making organs elected by the electorate are determined by law.

Currently, villages in Turkey are governed by the Village Law No. 442 of 07.04.1924. Villages and town municipalities were transformed into neighbourhoods; town municipalities whose population was under 2,000 in 51 provinces which were not MMs were closed and transformed into villages; the condition of 500 population was introduced when establishing a new neighbourhood; subdistricts and subdistrict organisations were closed; new districts were established; unions of local governments in which the closed

legal entities were included were terminated; changes were made to the apportionments allocated from general budget tax revenues to local administrations. Thus, a new structure was established by involving 51% of the surface area and 77% of the population of the country into the MM administration system. There are 18,286 village administrations in Turkey as of 2020.

Governing bodies of villages only consist of a village executive committee and a village master (mukhtar). Thus, it lies beyond the scope of this study.

#### **d. Unions of Local Governments**

The structure of unions of local governments was laid down in the Law No. 5355 of 26.05.2005 on Unions of Local Governments. Unions of local governments refer to public legal entities established by local administrations among themselves in order to jointly undertake some of the services which multiple local administrations are individually responsible to undertake.

Bodies of the union are the council, executive committee and president. It is required that at least two local administrations come together and agree on a charter to establish a union of local governments. After the relevant governorship or Mol approved the charter, a union of local government may be established with the Decree of the Council of Ministers. Pursuant to Article 20 of the Law No. 5355 on Unions of Local Governments, only one union at the country level may be established in order to protect the interests of local governments, help them to develop, train personnel and deliver opinion in law-making process with the local governments and to represent SPAs and municipalities. In accordance with this provision, Union of Provincial Services, on behalf of the SPAs, and Union of Municipalities of Turkey, on behalf of the municipalities, serve at country level. As of 2020, the counts and types of Unions of Local Governments are provided in the table below (Table 2).

**Table 2. Unions of Local Governments**

| <b>Type</b>  | <b>Count</b> |
|--|--------------|
| Unions at country level                              | 2            |
| Union of Municipal Services                          | 41           |
| Special Administration – Union of Municipal Services | 10           |
| Development Association                              | 5            |
| Union of Environmental Infrastructure Services       | 69           |
| Tourism Infrastructure Service Union                 |              |
| Union of Potable Water                               | 72           |
| Union of Delivery of Services to Villages            | 451          |
| Other  | 10           |
| <b>Total</b>   | <b>699</b>   |

### **3.3.2. Human Resources Management in Local Administrations**

Human Resources Management creates an important dimension of the local administration reform of 2004 and 2005. With the amendments to the fundamental laws regarding municipalities in this period, MMs and other municipalities started to transition from Personnel Management to Human Resources Management. In this process, names of personnel units were changed and transformed into “human resources directorate/department” or “human resources and training directorate/department”. In addition, more rational human resources planning became possible with the transition to standard job positions; contracted personnel practice contributed to the employment; performance evaluation and remuneration system based on performance were adapted; use of HR functions such as occupational health and safety, training and

development was expanded. All those developments indicate the transition from personnel management to HRM in Turkey.

While personnel reforms undertaken until the 1990s focused fundamentally on subjects such as improvement of personal rights, elimination of inequality in wages and civil servant security, the direction of reforms went towards HRM after the 2000s in particular. This change also reflected in the national policy papers such as government policies and development plans. Until the 1990s, subjects such as establishment of a new public personnel regime, employment of civil servants in adequate number, prevention of discrimination, merit and competence, remuneration balance, social and trade union rights were brought to the agenda of different governments.

The term “human resources” appeared in the Government Programme in 2002 for the first time along with the terms such as public personnel, public employee and public servant. The Government Programme aimed to strengthen local administrations financially and in terms of human resources; introduced HRM practices such as developing performance management with contracts to be concluded between managers and employees in public entities and transition to performance-based budgeting. Transition to HRM in the entire public administration with local administrations continued in the subsequent Government Programmes.

When development plans are reviewed, it is seen that dominant policies included personnel efficiency, training workforce of required quality and quantity, bringing personnel recruitments in compliance with this by planning workforce for the purpose of savings until the 1990s. Goals regarding HRM functions such as creating standard job positions based on the job analysis in order to increase personnel effectiveness; transferring the civil servants who cannot achieve required performance goals in their functions, to other functions which are more appropriate for their learning and qualifications and evaluating performance of employees in line with the results achieved, were set for the first time in the 7<sup>th</sup> Five-Year Development Plan which covered 1996-2000. By this way, entering the 2000s, HRM approach was not limited to academic discussions; HR functions were reflected in policies and plans of the public administration generally and in local administrations particularly with the 7<sup>th</sup> Development Plan.

HR functions which were covered in plans, policies and programmes at national level in the 1990s and recommended in academic discussions were incorporated into the legal regulations with the public administrations reforms that started in the early 2000s and introduced in practice. The Law No. 5018 on Public Fiscal Administration and Control adopted in 2003, became the first legislation which opened the door to changes in local administrations. The Law No. 5018 ensured the implementation of contemporary management techniques such as financial transparency, accountability, strategic planning, performance audit, performance-based budgeting, activity reports, internal control, internal audit and external audit, in public administration in a way to cover local administrations. Contemporary management techniques implemented in public agencies and entities with the Law No. 5018 served as a bridge for transition to HRM.

According to the Local Administration General Activity Report of 2020 of General Directorate of Local Administrations of MoEU, the comparative table between the number of personnel by status employed in Local Administrations in 2020 and 2019 is given below. 1390 municipalities in total serve 78,929,602 citizens (Table 3).

**Table 3. Number of Personnel in Local Administrations**

| <b>Number of Personnel of Local Administrations (2019 - 2020)</b> |                      |             |                   |             |                         |             |                         |             |                |                |
|---|----------------------|-------------|-------------------|-------------|-------------------------|-------------|-------------------------|-------------|----------------|----------------|
| <b>Type of local administrations</b>                              | <b>Civil Servant</b> |             | <b>Contracted</b> |             | <b>Worker Permanent</b> |             | <b>Worker Temporary</b> |             | <b>Total</b>   | <b>Total</b>   |
|   | <b>2019</b>          | <b>2020</b> | <b>2019</b>       | <b>2020</b> | <b>2019</b>             | <b>2020</b> | <b>2019</b>             | <b>2020</b> | <b>2019</b>    | <b>2020</b>    |
| <b>Municipalities</b>   | 92,468               | 90,612      | 17,670            | 19,147      | 53,442                  | 49,650      | 4,176                   | 5,663       | <b>167,756</b> | <b>165,072</b> |
| <b>Municipal Affiliated Entities</b>                              | 12,337               | 12,404      | 1,976             | 2,047       | 12,475                  | 11,863      | 214                     | 258         | <b>27,002</b>  | <b>26,572</b>  |
| <b>Special Provincial Administrations</b>                         | 5,230                | 5,169       | 635               | 691         | 5,965                   | 5,386       | 197                     | 139         | <b>12,027</b>  | <b>11,385</b>  |

|                                    |                |                |               |               |               |               |              |              |                |                |
|------------------------------------|----------------|----------------|---------------|---------------|---------------|---------------|--------------|--------------|----------------|----------------|
| <b>Unions of Local Governments</b> | 289            | 367            | 277           | 350           | 441           | 496           | 346          | 327          | <b>1,353</b>   | <b>1,540</b>   |
| <b>Total Local Administrations</b> | <b>110,324</b> | <b>110,572</b> | <b>20,558</b> | <b>24,255</b> | <b>72,323</b> | <b>69,415</b> | <b>4,933</b> | <b>8,407</b> | <b>208,138</b> | <b>204,569</b> |

According to the Local Administrations General Activity Report of 020, the total number of permanent personnel employed in local governments was 204,569 and the total number of employees by service procurement was 503,163 (Table 4).

**Table 4. Number of Employees by Service Procurement at Local Administrations**

|                                    | <b>2019</b>    | <b>2020</b>    |
|------------------------------------|----------------|----------------|
| Municipalities                     | 421,532        | 441,807        |
| Municipal Affiliated Entities      | 53,004         | 52,522         |
| Special Provincial Administrations | 7,298          | 8,166          |
| Unions of Local Governments        | 708            | 668            |
| <b>Total</b>                       | <b>482,542</b> | <b>503,163</b> |

A review of the consolidated numbers of personnel in Table 5 below reveals that the total number of personnel delivering municipal services in 2020 was 707,732 not 204,569. The number of personnel who discharged high added-value functions was 130,787 including 108,552 civil servants and 22,235 contracted personnel, and the number of personnel who worked in municipal companies and whose wages were paid in the form of service procurement was 503,163. In other words, while 71.1% of all local administration employees were those working in municipal companies, only 18.4% were civil servants and contracted personnel.

**Table 5. Consolidated Table of Personnel in Permanent Positions in Municipalities and Those in Municipal Companies**

| 2020                               | Count          |                      |               |                |                | Distribution (%) |                      |             |             |              |
|------------------------------------|----------------|----------------------|---------------|----------------|----------------|------------------|----------------------|-------------|-------------|--------------|
|                                    | Civil Servants | Contracted personnel | Workers       | Companies      | Total          | Civil Servants   | Contracted personnel | Workers     | Companies   | Total        |
| Municipalities                     | 90,612         | 19,147               | 55,313        | 441,807        | <b>606,879</b> | 14.9             | 3.2                  | 9.1         | 72.8        | <b>100.0</b> |
| Municipal Affiliated Entities      | 12,404         | 2,047                | 12,121        | 52,522         | <b>79,094</b>  | 15.7             | 2.6                  | 15.3        | 66.4        | <b>100.0</b> |
| Special Provincial Administrations | 5,169          | 691                  | 5,525         | 8,166          | <b>19,551</b>  | 26.4             | 3.5                  | 28.3        | 41.8        | <b>100.0</b> |
| Unions of Local Governments        | 367            | 350                  | 823           | 668            | <b>2,208</b>   | 16.6             | 15.9                 | 37.3        | 30.3        | <b>100.0</b> |
| <b>Total</b>                       | <b>108,552</b> | <b>22,235</b>        | <b>73,782</b> | <b>503,163</b> | <b>707,732</b> | <b>15.3</b>      | <b>3.1</b>           | <b>10.4</b> | <b>71.1</b> | <b>100.0</b> |

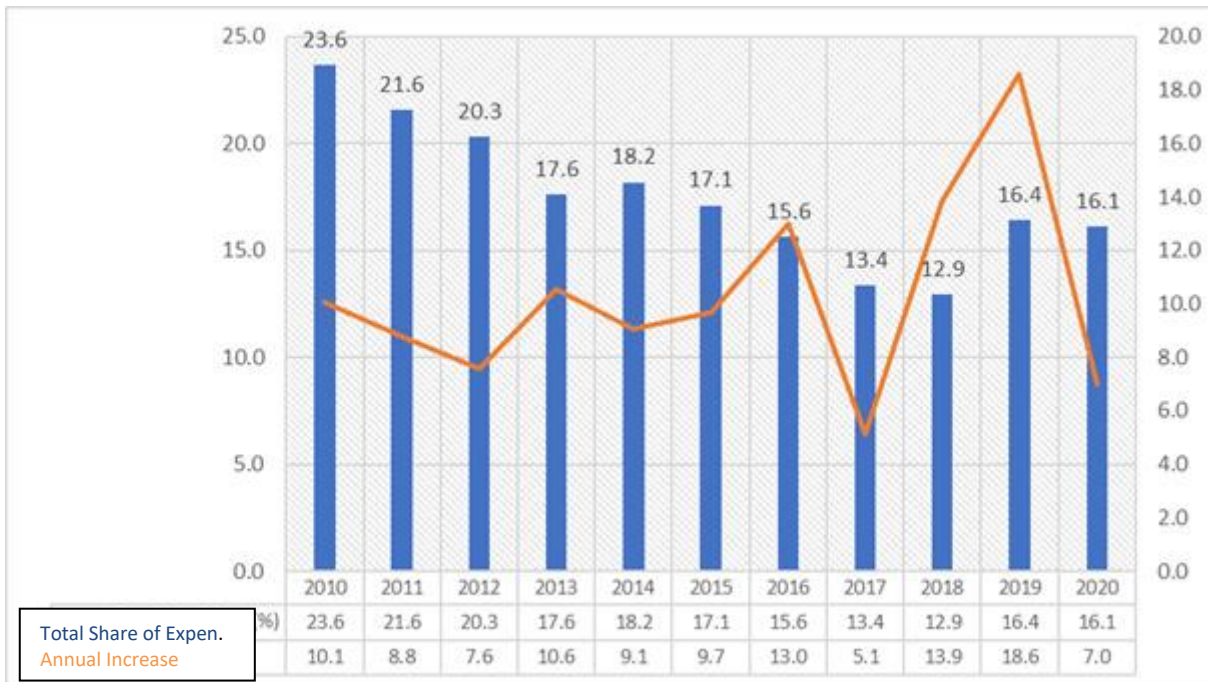
**Table 6. Ratio of Local Administration Personnel Expenditures / Total Public Personnel Expenditures**

| <b>Comparative Table of L.A. Personnel Expenditure / Total Public Personnel Expenditure</b> |                    |                    |
|---|--------------------|--------------------|
| <b>Personnel Expenditures of Local Administrations</b>                                      | <b>2019</b>        | <b>2020</b>        |
| Metropolitan Municipalities   | ₺5,641,333         | ₺6,123,733         |
| Provincial Municipalities   | ₺1,623,151         | ₺1,745,593         |
| District and Town Municipalities  | ₺10,259,982        | ₺10,927,636        |
| <b>Subtotal Municipalities</b>  | <b>₺17,524,466</b> | <b>₺18,796,962</b> |
| Municipal Affiliated Entities   | ₺3,000,134         | ₺3,167,184         |
| Special Provincial Administrations  | ₺2,364,275         | ₺2,382,711         |

|   |                     |                     |
|---|---------------------|---------------------|
| Unions of Local Governments   | ₺179,630            | ₺157,993            |
| <b>Total L.A. Personnel Expenditure</b>   | <b>₺23,068,505</b>  | <b>₺24,504,850</b>  |
| <b>Total Public Personnel Expenditure</b>   | <b>₺163,138,373</b> | <b>₺173,001,339</b> |
| <b>Rate of Unions of Local Governments Personnel Expenditure / Total Public Personnel Expenditure</b> | <b>14%</b>          | <b>14%</b>          |

Therefore, as seen in Table 6 above, the amount of 24,504,850,000 TRY reported as budget and expenditures in local administrations covers only the wages and other costs of 204,569 employees, whereas the cost of 503,163 employees is reported as service procurement, not as personnel expenditures.

The share public personnel budget in two years in total is 14% although there are differences among the administrations which utilise the budget in personnel expenditures in 2019 and 2020.



**Graphic. Share of Total Personnel Expenditures in Municipality Expenditures and Annual Percentage Change**

The personnel expenditures in total municipality expenditures that stood around 0.7% levels in proportion to GDP of 2010 dropped to around 0.4% in 2020. The major determinant of this drop is that personnel employment is predominantly switched to service procurement and a part of personnel costs are in goods and service procurements. Its share in total municipality expenditures decreased to 12.9% from 23% during the period. The reason for proportional drop is that the service procurement and a part of personnel costs are in goods and service procurements, as explained above, and capital expenditures arising from investment expenditures increase in the pre-electoral period in 2018.

For example, when personnel service procurement for the purpose of cleaning and security are added to service procurements for municipalities in 2020, the total expenditures go up from 21.7 billion TRY to 27.2 billion TRY by an increase of 26%. Its share in the budget exceeds 20%. Service procurement data were obtained from the budget results data of the Ministry of Treasury and Finance. It is estimated that when classification corrections regarding codification in certain municipalities are made, this rate will go up to a much higher level. For example, Antalya MM started to include payments regarding the personnel who were employed with service procurement after the Decree-Law No. 696, under personnel expenditures. From this point of view, the share of payments made to personnel in the total expenditures of the municipality goes up to the level of 28% in 2020.

### 3.4. RELATIONS BETWEEN LOCAL ADMINISTRATIONS AND CENTRAL GOVERNMENT

Local administrations are based on the unity of the centralized administration system, on one side, based on the hierarchical execution of the decisions taken at the centre of the state through the resources and personnel of the central government and the decentralized administration, on the other side, which has a separate legal entity from the central government and takes and implements decisions on administration through administrative bodies formed through elections.

Law No. 5393 provides that municipal councils are authorised to create, abolish or alter job positions in shaping the municipal organisation in accordance with the principles and standards of the standard job positions, but for the employment of civil servants and workers, municipalities need to obtain approval from the central government. The only power that municipalities may take in the civil servant employment is to notify the quality and quantity of their requests to the central government. Prior to 15 July 2018, in order to appoint civil servants to vacant positions in standard job positions schedule of the municipality, first the approval of General Directorate of Local Governments of MoI and then of the General Directorate of Local Governments (GDLG) of MoEU had to be secured, then civil servants used to be appointed according to the results of the Public Servants Selection Examination (KPSS) be held by OSYM; after 15 July 2018, only the approval of the General Directorate of Local Governments (GDLG) of MoEU was sufficient with the elimination of General Directorate of Local Governments.<sup>3</sup> Municipalities have more power in the employment of personnel for the worker status; still, while municipalities are not obliged to transmit requests to the central government, the latter through the Turkish Employment Agency (ISKUR) is involved in municipal recruitment at times. Although the Law No. 5393 provides that municipalities may employ personnel as a result of the relationships with “public professional organisations, universities, non-governmental organisations and private sector”, this provision is only applicable to the contracted personnel in practice. Municipalities have relations with the following three Ministries in processes of HRM processes:

- MoI, General Directorate for Provincial Administrations
- MoEU, General Directorate of Local Governments
- Ministry of Treasury and Finance

Functions, powers and responsibilities of the above-mentioned institutions in association with the municipalities are described below:

#### a. Ministry of Interior<sup>4</sup>

The responsibilities and powers of MoI regarding human resources are as follows:

- Execute acts and actions about removal of mayors,
- Execute acts and actions about assignment of a mayor until an election is held, in the event of vacation of mayor position due to any reason and failure to elect a new mayor or deputy mayor,
- Execute acts and actions about termination of municipal councils,
- Execute acts and actions about termination of union councils,
- Execute preliminary examinations about elected and appointed officers of local administrations and unions of local governments pursuant to the Law No. 4483 of 2.12.1999 on Trial of Civil Servants and Other Public Officials,

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<sup>3</sup> Letter No. 71188846/250/138314 of General Directorate of Local Governments of MoEU of 7.08.2018 and Annex 1 Schedule. As it is known, Transitional Article 1 of the Decree-Law No. 703 put into force by publication in the Official Gazette of 9 July 2018 issue 304733-bis, Presidential Decree No. 1 put into force by publication in the Official Gazette of 10 July 2018 issue 30474, and Presidential Decree No. 4 put into force by publication in the Official Gazette of 15 July 2018 issue 30479, concluded that the General Directorate of Local Governments under MoI was abolished and its functions, powers and responsibilities regarding power of tutelage remain in MoI or MoEU; other functions, powers and responsibilities are devolved to MoEU and/or the Minister of Environment and Urbanization. Transfer and liquidation procedures of the relevant General Directorate were completed in accordance with these principles and procedures and transfer protocol was signed on 3 August 2018.

<sup>4</sup> T.R. MoEU, General Directorate of Local Administrations, Local Administrations General Activity Report of 2020, Pg.21 -24

- Execute actions about the decisions of not processing elected and appointed officers of local administrations pursuant to the Law No. 4483,
- Execute acts and actions regarding the penalty of dismissal from public service about civil servants who are employed in local administrations, its affiliated entities and unions of local governments,
- Execute actions regarding all kinds of examination, investigation, inspection, special audit with regard to local administrations and approval of them,
- Execute acts and actions regarding removal of the local administration bodies and members of those bodies as an interim measure until a final judgement,
- Execute acts and actions elected bodies of local administrations and members of these bodies and these administrations, whose duties were terminated or removed due to terrorism,
- Execute acts and actions about notices and complaints about officers and bodies of local administrations and unions of local administrations,
- Monitor local administration bodies which Inspection Board and Board of Controllers request them to be inspected and controlled regarding the implementation of the legislation, complaints and applications about the members of those bodies, the results of reports and summary of proceedings which inspectors and controllers prepared,
- Review inspection reports prepared as a result of the inspections made by MOI Inspectors and controllers of local administrations, their affiliated entities and unions, businesses and companies established by these administrations undertake required actions,
- Execute acts and actions about asset declarations of mayors,
- Execute acts and actions about foreign trips of mayors,
- Execute acts and actions for the establishment of SPAs and unions of local governments whose members consist of SPAs and villages,
- Undertake the establishment, merger, separation, abolition of villages and execute other acts and actions,
- Execute actions regarding the appointment of secretaries-general of SPAs,
- Execute authorisation actions about the intra-budget enterprises which SPAs will establish,
- Execute acts and actions regarding the fact that unions of local governments which are composed of SPAs and their members and villages, establish companies,
- Execute acts and actions regarding the local administrations of Gökçeada and Bozcaada,
- Collect, evaluate, report and publish all kinds of statistical data about unions of local governments which are composed of SPAs and their members and villages,
- Execute acts and actions about village/neighbourhood masters (mukhtars),
- Conduct studies on the principles and standards of standard job positions about the personnel in the unions of local governments which are composed of SPAs and their members and villages,
- Coordinate in-service training programs of the personnel of unions of local governments which are composed of SPAs and their members and villages; execute required acts and actions about training activities to be undertaken for this personnel,
- Execute acts and actions of first-time civil servant recruitment authorisation to the unions of local governments which are composed of SPAs and their members and villages,
- Execute acts and actions of the contracted personnel who are employed in the unions of local governments which are composed of SPAs and their members and villages,
- Execute acts and actions on the personnel employment authorisation in the scope of service procurement based on the personnel employment in the companies of the unions of local governments which are composed of SPAs and their members and villages,
- Ensure the coordination about carrying out the promotion training and exams of the personnel who serve in the companies of the unions of local governments which are composed of SPAs and their members and villages and execute actions,
- Ensure the coordination about carrying out the promotion training and exams of the personnel who serve in the unions of local governments which are composed of SPAs and their members and villages and execute actions,
- Execute acts and actions arising from the anti-terrorism legislation about local administrations personnel and/or the legislation about those who act against the national security of the country,

- Execute acts and actions about administrative tutelage, audit and investigation of local administrations, functions, powers and responsibilities within the remit and action plans for which they are responsible or related.
- Execute acts and actions about answering the written questions asked about acts and actions of local administrations by the members of TGNA in the subjects about administrative tutelage, audit and investigation and functions, powers and responsibilities within the remit of local administrations,
- Ensure the coordination about the opinions of other institutions and organisations which should be taken by the virtue of legislation about the legislation texts prepared by local administrations, their affiliated entities and unions established by them, about administrative tutelage, audit and investigation of local administrations, functions, powers and responsibilities within the remit of local administrations before they are put into force,
- Express opinions about the new legislation drafts to be prepared or amended which come from other ministries and public institutions and organisations, about administrative tutelage, audit and investigation of local administrations, functions, powers and responsibilities within the remit of local administrations,
- Monitor, evaluate the implementation of local administration legislation which is in force about administrative tutelage, audit and investigation of local administrations, functions, powers and responsibilities within the remit of local administration, and offer recommendations for legislation amendment,
- Conduct studies of relevant laws, regulations, instructions and circulars about administrative tutelage, audit and investigation of local administrations, functions, powers and responsibilities within the remit of local administration and execute required actions for them to enter into force,
- Form and issue opinions to eliminate hesitations that emerge in the implementation of local administrations legislation in the subjects of administrative tutelage, audit and investigation of local administrations, and functions, powers and responsibilities within the remit of local administrations.

Functions regarding human resources of the General Directorate for Provincial Administrations established to fulfil the functions above may be summarised as follows:

- Act and actions for the implementation of the legislation,
- Actions regarding monitoring inspection reports prepared as a result of the audit of provinces and districts and fulfilment of the required actions;
- Ensuring the functioning of internal control for administrative and financial decisions and actions;
- Act and actions about neighbourhood masters and neighbourhood executive committees,
- Acts and actions about village masters and village executive committees.

#### **b. Ministry of Environment and Urbanization<sup>5</sup>**

Main acts and actions about local administrations regarding human resources are as follows:<sup>5</sup>

- Regulate local administrations and their connections and relations with the central government,
- Conduct studies in order to build administrative and technical capacity of local administrations in the subjects which fall into their remit and provide technical support for them,
- Execute acts and actions of appointing general director and members of board of directors of affiliated entities of MMs,
- Give authorisation to municipalities for the appointment of Chief of Private Secretariat Office,
- Appoint secretary-general to MMs,
- Execute acts and actions regarding the establishment, merger and accession of municipality,
- Execute acts and actions about the establishment of SPAs, villages and unions of local governments other than those whose members consist of SPAs and villages,
- Execute acts and actions of municipalities and affiliated entities regarding the establishment of companies and cooperatives,

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<sup>5</sup> T.R. MoEU, General Directorate of Local Administrations, Local Administrations General Activity Report of 2020, p.16 -23

- Execute acts and actions regarding the establishment of companies and cooperatives of the SPAs and villages, and of unions of local governments other than those whose members consist of SPAs and villages,
- Execute acts and actions regarding foreign trips from local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages,
- Set standards on the activity and performance reports to be prepared by local administrations,
- Execute acts and actions about the determination and implementation of performance measurement criteria for local administrations,
- Conduct studies on principles and standards of standard job positions of other personnel of local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages,
- Execute acts and actions of authorisation for civil servant recruitment for the first time to other local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages,
- Lay down the procedures and principles regarding standard job positions and standards of municipalities and affiliated entities and unions of local governments,
- Lay down the principles of promotion and title change of the personnel of municipalities and affiliated entities and unions of local governments,
- Execute acts and actions of authorisation for first time recruitment of municipal police officers to municipalities,
- Execute acts and actions of authorisation for first time recruitment of firefighters to municipalities,
- Execute acts and actions regarding the additional personnel employment requests of municipalities,
- Execute acts and actions of contracted personnel who are employed in local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages,
- Execute acts and actions of authorisation for worker recruitment in the scope of service procurement based on personnel employment in the companies of local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages,
- Determine performance criteria for local administration personnel with MoI together and execute acts and actions regarding this,
- Execute actions regarding the determination of wage of second duty of the personnel assigned in MMs or MDMs pursuant to Article 38 of the Law No. 2547 of 4.11.1981 on Higher Education,
- Coordinate in-service training programs of the personnel of local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages; execute required acts and actions regarding training activities which the union, association, foundation, company and similar institutions will carry out for the local administration personnel in this scope,
- Ensure coordination and execute the actions for promotion training and examinations for the personnel who serve in local administrations other than SPAs and unions of local governments whose members consist of SPAs and villages,
- Compile the legislation, circulars and opinions about local administrations by their subjects and prepare them both as electronic media and as a book; put them into service for the those concerned,
- Compile and publish the information and data about the needed subjects in the field of local administrations within their remit,
- Execute acts and actions about answering the written questions asked about acts and actions of local administrations by the members of TGNA in the subjects with regard to functions, powers and responsibilities except for matters of administrative tutelage, audit and investigation of local administrations and other matters within the remit of MoI,
- Ensure the coordination about the opinions of other institutions and organisations which should be taken by the virtue of legislation about the legislation texts prepared by local administrations, their affiliated entities and unions established by them, with regard to functions, powers and responsibilities except for matters of administrative tutelage, audit and investigation of local administrations and other matters within the remit of MoI,
- Express opinions about the new legislation drafts to be prepared or amended which come from other ministries and public institutions and organisations, with regard to functions, powers and

responsibilities except for matters of administrative tutelage, audit and investigation of local administrations and other matters within the remit of MoI,

- Monitor, evaluate the implementation of local administration legislation which is in force, with regard to functions, powers and responsibilities except for matters of administrative tutelage, audit and investigation of local administrations and other matters within the remit of MoI, and offer recommendations for legislation amendment,
- Conduct studies of relevant laws, regulations, instructions and circulars with regard to functions, powers and responsibilities except for matters of administrative tutelage, audit and investigation of local administrations and other matters within the remit of MoI, and execute required actions for them to enter into force,
- Form and issue opinions to eliminate hesitations that emerge in the implementation of local administrations legislation with regard to functions, powers and responsibilities except for matters of administrative tutelage, audit and investigation of local administrations and other matters within the remit of MoI.

The functions of the General Directorate of Local Governments established to execute the above-mentioned acts are defined in general as follows:

- Perform other tasks as assigned by the Minister,
- Perform, follow up, finalise and develop functions and services imposed by the legislation on acts and actions of local administrations,
- In order to develop local administrations, conduct research, collect, evaluate and publish statistical information,
- Plan in-service training for employees of local administrations and monitor the implementation,
- Determine organisation, vehicles and job position standards of local administrations.

Four out of the present six units of the General Directorate of Local Governments have functions about HRM of municipalities. Department of Personnel Services, Department of Municipalities and Unions, Department of Legislation and Department of Training Services.

#### **c. Acts and Actions which MoEU and MoI execute jointly regarding Local Administrations**

- Prepare regulations on examination and appointment for those who will be appointed for the first time to local administrations,
- Lay down Procedures and Principles for Delivering Services based on Personnel Employment of Special Provincial Administrations, Municipalities and their Affiliates and Unions of Local Administrations of which they are members,
- Execute the Programme on Institutionalisation of Local administration reform in Turkey (LAR III),

**d. Role of Ministry of Treasury and Finance in HRM of Local Administrations** is limited to the preparation of remuneration scales, determination of grades and steps of job positions and budgeting and use of personnel expenses.

## 4. HUMAN RESOURCES MANAGEMENT (HRM)

HRM is the body of activities undertaken in the legal framework and in compliance with the environmental conditions in order to create, develop and maintain workforce effectively.

The quality of human resources is a critical factor in the duty fulfilment capacity of local administrations. HRM is recognised as an internal structure which ensures an objective treatment, ethical standards and promotes a system based on values. Therefore, HRM is of capital importance in line with pre-determined principles and standards, in terms of good management of human capital and ensuring the effective discussion of all topics regarding this resource and accurate service delivery to the society which expect multifarious and different services. These topics include remuneration, recruitment and selection, performance management, organisational development, security, health, employee motivation, communication, administrative support and training.

In the last 20 years, reforms of structure, systems and processes in public services were well documented at international level (Massey and Pyper, 2005; Skalen, 2004). The main purpose of these changes was to increase efficiency of public entities, cost effectiveness and performance and included an increasing pressure on entities from the government for imitating private sector management practices including performance management, customer orientation and high strategic focus. (Boyne et al., 2004; Horton, 2003).

Human Resources management is a planned approach for effective management of people in order to increase efficiency and performance. It aims a clearer, more flexible and attentive management style for employees to be motivated, developed and managed in a way to do and give their best to support the mission of their units. Human Resources Management is a core function within the frame of public administration. Thanks to this function, the state fulfil its obligation to be a good employer with all its entities; tries to guarantee employee commitment; develop and manage the personnel who will do their best to help the state to serve the society.

The need to fulfil the changing expectations of society means that the duty of better management of the personnel working in local administrations is more important than usual – the one who provide services is the personnel and a culture which give importance to a service and performance-based human resources management will develop.

### 4.1. CONCEPTUAL FRAMEWORK AND ROLES OF HUMAN RESOURCES

All factors which are not listed in the traditional balance sheet even though they are vital for the future success of institutions are called **intellectual capital (IC)**. The concept of intellectual capital emerged in the 1960s and was first used by John K. Galbraith in 1969; during the organisational formation process of changing businesses, the concept of intellectual capital first appeared in 1991 in the article titled “Brain Power” by Thomas Stewart.<sup>6</sup> The concept of intellectual capital is stated as “the sum of everything everybody in your company knows that gives you a competitive advantage in the marketplace” in that article.<sup>7</sup>

Intellectual capital management uses human capital and structural capital together. The basis of intellectual capital is human capital. The main values of Human Capital are **knowledge, skills, abilities, innovativeness and experiences of employees**. Knowledge is the primary source to gain advantage in service and competition; management of an institution is to manage people more than managing physical and monetary assets. Businesses should transform human capital into structural (institutional) capital in order to benefit from the knowledge, abilities and skills of people and incorporate this into the business assets.

**Structural capital** is defined as the sum of strategy, organisational structure, system and processes which enable organisations to produce goods and services for their stakeholders. In other words, it includes:

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<sup>6</sup> BAŞARAN, A. *John Kenneth Galbraith'in İktisat Anlayışı ve Yeni Sanayi Devleti*, Gazi Üniversitesi Sosyal Bilimler Enstitüsü Tezi.

<sup>7</sup> STEWART, Thomas A. (1991), “Brainpower”, *Fortune*, V.123(11), pp.44-54

- (i) Institutionalised knowledge – legislation, policies, strategies, procedures and various standardised practices;
- (ii) Databases, records and documentation in various forms which technologies provide;
- (iii) Management philosophy;
- (iv) Institutional culture; and
- (v) Financial relations.

HRM refers to taking that knowledge into the structures of an organisation, disseminating across individuals and groups then to the whole organisation and then **making the knowledge a part of the structural capital of the organisation**. With general linguistic terms, HRM concept is an intangible idea which is used in quest of organising knowledge and human experience with scientific terms. Therefore, HRM involves selection and placement and proper and efficient use of qualified workforce.

## 4.2. TRANSITION FROM PERSONNEL MANAGEMENT TO HRM

Personnel Management (PM) refers to recruiting, training, developing personnel for an organisation, providing financial satisfaction, health and protection of that personnel for the purpose that an organisation achieves its ultimate aim. 'Personnel Management' term continues to be used as a synonym of HRM.

HR concept emerged in the late 19<sup>th</sup> century following the Industrial Revolution. Concepts such as business, business administration, management, personnel, authority etc. started to emerge with the emergence of mass production. The need for workforce who would work for remuneration in businesses to operate, emerged. After the Industrial Revolution, people began to sell their labour in return for remuneration and they satisfied their needs with the products which they bought in return for their remuneration. The World War I in the early 20<sup>th</sup> century created such concepts as great depression in economy, personnel selection, disability, survivor's pension, unemployment insurance. Looking at the period from the Industrial Revolution to the 1980s, people who worked at enterprises were evaluated as a required tool for the organisation to maintain its activities, increase profits, or achieve its goals. According to the mentality of the organisations in that period, if salary and other remunerative rights of personnel (social security contributions, reserve fund investment, leaves etc.) are provided, the personnel are expected to work with best effort because organisations during that period used to consider people as machines.

The great importance of the motivation of the employees for the enterprise has been noticed beginning from the 1980s and its impact on every point within the enterprise such as peace, happiness, cohesion, high performance and achieving goals has been understood. When we look at the present, it is seen that service industry period named as Industry 4.0 started as a result of technological developments. In the Industry 4.0 period, a production form which is computer- and software-assisted, will replace the traditional manufacturing and industrialisation. Therefore, Industry 4.0 will bring a range of changes in production relations. There will be developments in the topics which concern business relations such as flexible working, lifetime employment, job attitudes and motivation techniques with the fourth Industrial Revolution.<sup>8</sup>

Personnel management has passed through many stages from the 19<sup>th</sup> century to date, and become the main functions of businesses and one of the most important units of HRM. As is also understood from its name, personnel management is the unit which deals with procedures regarding employees in the businesses. Personnel management deals with the operational activity and considers human beings, i.e. employees, as an element of cost. In contrast, HRM functions as strategic advice and considers employees as a resource and a treasure which should be evaluated and developed. Similarities and differences between PM and HRM are summarised as follows:

### a. Similarities:

- PM strategies come from business strategies as HRM strategies do.

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<sup>8</sup> Muslu, A. *Dördüncü Sanayi Devriminde İKY'nin Artan Rolü ve Önemi*, III. Uluslararası Girişimcilik, İK Kongresi, 12-15 Ekim 2017 Muğla

- PM accepts, as HRM does, that department managers are also responsible for personnel management. The personnel unit provides required recommendations and support services in order to ensure that the managers fulfil their responsibilities.
- Values of PM put activities into practice for employees to reach maximum competence level by balancing personal needs of employees and required needs for achieving goals of the enterprises as HRM.
- Both PM and HRM accept that one of the main functions is to match people with the constantly changing organisational requirements: placing the right people in the right places and developing them.
- Techniques such as selection, placement, competence analysis, performance management, training, management development and rewarding management show similarities.
- Communication and participation processes are important for both management forms.

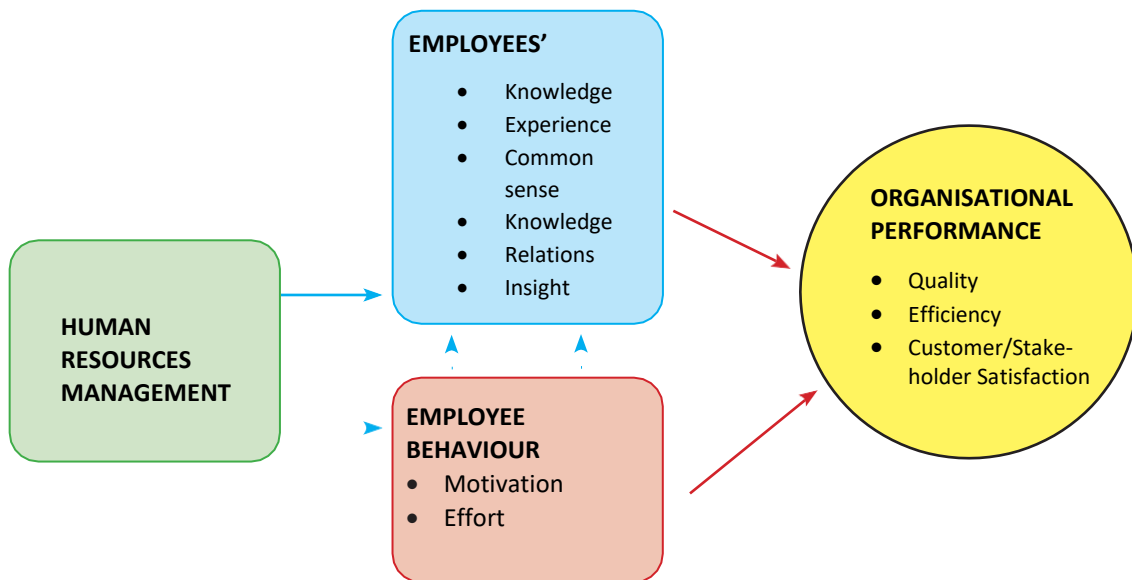
**b. Differences:**

- HRM gives more importance to strategic cohesion and integration.
- HRM is based on management and business-oriented philosophy.
- HRM gives more importance to culture management and achievement of commitment.
- HRM puts more emphasis on the role of department/unit managers as the HR policy implementers.
- HRM is a holistic approach with regard to the overall interest of business: interests of employees are recognised; however, they are subordinated to the interests of the enterprise.
- HRM experts are expected to be business partners rather than personnel managers.
- HRM treats its employees as valuable assets, does not consider them as cost.

### **4.3. IMPORTANCE AND ROLE OF HR IN AN ORGANISATION [HERE]**

Human Resources play a fundamental role in changing, developing and strengthening the culture of the institutions. It is a complicated and cross function which should be at the centre of any company strategy. It has impacts on numerous areas from strategic planning to organisational image. HR practitioners in the institutions who have multiple specialties, provide a series of services to employees. In the areas where HR has the control, knowledge, skills and experiences of employees increase in addition to efficiency.

As shown in the figure below, building the capacity of employees and increase of institutional commitment provide the increase of quality of institutional performance, increase of efficiency and customer satisfaction. (Figure 1)



**Figure 1 Impact of Human Resources Management on the Enterprise**

The most renowned HR model is the **Standard Causal Model of HRM** shown in the figure above. The model was derived from many similar models published throughout the 1990s and in the early 2000s. The model portrays a causal chain which starts with business strategy and, through HR forms, ends in an improved organisational performance. The model shows how HR activities that are aligned with organisational strategy can lead to better business performance. According to this model, HR will only be effective if its strategy is aligned with the business strategy. HR strategy is thus derived from the overall strategy.

The ongoing evolution of HR to a true value-creation stage comes from so many innovative models. David Ulrich<sup>9</sup> is also one of the management innovators who emphasises the importance of HR as a strategic partner in an enterprise.

The HRM Model of Dave Ulrich is a four-segment matrix designed to show four fundamental roles of HR professionals: strategic partner, administrative expert, change agent and employee champion. These are responsibility roles which help an enterprise retain competent and devoted resources:

- **Role as a strategic partner:** The strategic HRM process means that the HR unit of an organisation engages in full cooperation, understands what is expected of HR function, and develops and aligns HR strategies in achieving the strategic objectives of the organisation. It contributes to the strategic decision-making process of the senior management. It nurtures systems idea and focuses on stakeholders. It strategically manages the workforce development. It aligns, plans HR objectives and services according to the organisational strategies and uses resources by prioritizing.
- **Role as a change agent:** Change management is a new discipline which enables organisations and employees to respond expeditiously and effectively to new and present performance targets. The success of change management depends on the attitudes of employees towards change. In this respect, the ultimate goal in the change management is to change point of view, behaviour model and approach of the employee. Therefore, main **aim** of the change projects is to **change the “human”** which is the most important capital of the organisation. For these reasons, HRM takes a critical responsibility in *change management*.
- **Role as a guardian of values:** HR practitioners may act as the guardians of the organisation’s values concerning people. They point out when behaviour conflicts with those values or where

<sup>9</sup> David Ulrich is a professor of business at the Ross School of Business, University of Michigan. With his colleagues, he has written over 30 books that have shaped the HR profession, defined organisations as capabilities, and shown the impact of leadership on customers and investors. His HRM model is in applied as good practice in many organisations.

proposed actions will be inconsistent with them. In a sense, their roles require them to act as the 'conscience' of management. They protect reasonable, ethical and impartial human processes and practices. They design and implement required programs to ensure the commitment of employees to the organisation in the establishment of institutional culture. HRM creates a fine line between representing needs of the organisation and needs of the employees.

- **Role as an administrative expert:** It creates and provides effective and efficient HR processes and services which are adapted to business needs in order to increase efficiency of both its own functioning and entire organisation. It manages HR costs. It utilises information technologies to deliver quality HR products and services expeditiously. Improving efficiency will build HR's credibility, which, in turn, will open the door for it to become a partner in strategy.

While an HRM model created as explained above carries the values which are offered by HR to efficiency, functional perfection and strategic HR, the aim of HR work is to focus on the stakeholder (customer) satisfaction and on communities along with the purpose of increasing the overall performance of the organisation and the contribution of employees. Consequently, HRM:

- ✓ Manages productivity and experience of an employee by obtaining, retaining and developing talent; ensures employee engagement in the performance of the organisation by enhancing employee commitment.
- ✓ Supports change by creating required systems to build institutional capacity.
- ✓ Raises successful leaders by creating leadership models throughout the organisation

#### 4.4. TRANSITION TO HRM IN MUNICIPALITIES

At the end of 20<sup>th</sup> century and while entering the 21<sup>st</sup> century, Departments of Human Resources started to evolve to the role of strategic partner which contribute to the business results of the institutions from the units which play the administrative roles and HR functions started to change significantly although the human capital of organisations is seen as the main source of competitive advantage. This change resulted from the new dynamic environment created by the globalisation and global competitiveness, lack of technological developments, lack of talented workforce, the increase in the diversity of workforce, quality expectations of the customers, increasing requests of employees, changes in the expectations of the society. The functions of HR managers expanded and gained strategic characteristic over time with these tendencies. This complicated environment revealed the obligation of stability, change, innovation and re-organisation and replacement. [here]

In parallel with this global change, in Turkey, the Law No. 5216 on Metropolitan Municipalities adopted in 2004 and the Law No. 5393 on Municipality enacted in 2005, required HRM functions to be implemented legally in municipalities. As all social sciences, HRM models are constantly changing and developing by being affected from the academic studies and results of the implementation. The model explained in section 4.3 above, is the model which draws attention from the private sector and various public entities, is adopted and implemented most widely.

When we review the process of transition to HRM in municipalities, we see the following stages:

- a. The stage which personnel units which are responsible for the execution of personnel affairs give their place to HRM units.
- b. The stage which the obligation is introduced to regulate job positions of personnel in accordance with procedures and principles of standard job positions.
  - i. Two separate regulations were issued for municipalities and SPAs in accordance with the power conferred in Article 49 of the Law No. 5393 on Municipalities.
  - ii. HR planning is not left to the municipal administrations; it is prescribed that the central government decide the number and title of personnel to be employed in accordance with the "Regulation on Principles and Standards of Job Positions in Municipalities and Affiliated Entities and Unions of Local Governments".

- iii. The power of the central government in the processes of establishing and cancelling job positions of municipalities ends with the Law No. 5393 on Municipalities. Pursuant to the Law on Municipalities, municipal council has the power to decide establishment, cancellation and change of job positions of municipalities and affiliated entities in the framework of standard job positions.
  - iv. Principles and standards of standard job positions are laid down jointly by MoI and MoEU.
  - v. It is aimed to allocate resources for investments and provide a borrowing discipline by limiting the amount of money which municipalities should allocate to personnel expenses in their budgets for personnel employment. It paved the way for employing full-time and part-time employees without the approval of central government in the municipalities with proper personnel allowance in their budget.
- c. Flexibility was introduced to selection and placement of personnel.
- i. Regulations were issued to enable municipalities to employ municipal police officers and firefighters freely.
  - ii. Selection and placement of contracted personnel in municipalities was fully entrusted to the Mayor without any restriction provided that they satisfy the minimum qualifications.
  - iii. Thus, municipalities, MMs and their affiliated entities and unions of local administrations may employ contracted personnel in specific technical and specialty fields pursuant to Article 49 of the Law No. 5393 on Municipalities.
- d. Important amendments in laws were made for the participation of HR in the administration.
- i. Representatives of workers and civil servants in MMs have recently been allowed to participate as members in damage control commissions, occupational health and safety boards and permission and discipline committees.
  - ii. The participation and contributions of those who benefit from municipal services, municipality employees, NGOs, relevant organisations and entities are allowed in the preparation of strategic plans of MMs; studies in this context are conducted with the contribution of all administrative units including HRM unit.
- e. Establishment of a system based on performance management.
- When the Law No. 5018 on Public Fiscal Administration and Control and the Law No. 5393 on Municipality are considered together, it is understood that a holistic performance assessment system based on the strategic plan and annual performance programs, is envisioned. Pursuant to the Law No. 5393 on Municipalities, after performance criteria for municipal activities and personnel are prepared by the Mayor, they are discussed and approved by the municipal council. Reports about the implementation, monitoring and evaluation of performance criteria are presented to the council by the mayor.
- f. Career planning and personnel training
- A separate regulation was issued in 2009 on promotions and title changes for the civil servants who worked in local administrations, namely the “Regulation on Principles of Promotion and Title Changes for Personnel of Municipalities, Affiliated Entities and Local Government Unions”. Accordingly, the Union of Municipalities of Turkey (UMT) established Municipal Academy in 2009 for the purpose of undertaking in-service training for municipal staff in the needed subjects and ensuring the share of knowledge, experience and best practices among municipalities. The Academy which plans its activities according to the results of training needs analysis and field studies, has 218 different course content in the context of main service, legislation, vision and education according to the Activity Report of 2019.

It can be said that municipalities have no flexibility about free remuneration which distinguishes HRM from traditional PM, as the private sector has. Remuneration and other social rights of the personnel who work as workers in municipalities are laid down by the Law No. 4857, employment contracts and collective labour

agreements. The remuneration of contracted personnel are set by municipal councils provided that they do not exceed the ceiling announced by the Ministry of Treasury and Finance. The remuneration of subcontracted workers is set in the tender specifications and may vary from municipality to municipality (Çöpoğlu, 2015: 170).<sup>10</sup>

It may be beneficial to make a general evaluation of the regulations.

Even though HRM systems brought about many changes in local administrations in terms of legislation, it is seen that HRM is mostly limited with only its administrative role in practice; remains inadequate in the areas of change and development. For example, it is understood that when the roles and responsibilities of HR managers in MMs regarding strategic HRM are investigated, HR manager and unit mostly participated in the strategic planning process in the way of information and document sharing, participation in meetings and technical support. They stated that the opinions of HR managers were not reflected to the strategic planning process and direct participation was not allowed. There may be two reasons for the limited impact of HR managers of MMs in the strategic planning process.

- First, the execution and coordination of strategic planning process is handled by the Strategy Development Department in MMs as in other public entities. HR units may be seen as the units which provide input for the strategic plan preparation process as other units.
- Second, consultancy support is generally received from private companies or universities in the preparation of strategic plans in municipalities. Not many municipalities prepare strategic plans with their own personnel and means. External consultants may prepare a plan from a more general point of view instead of giving a particular importance to HR units.

Furthermore, reasons that make transition to HRM difficult include inadequate support by senior management and other units, wage inequalities, resistance of personnel and managers to innovation, low qualifications of personnel and inadequate technological infrastructure. In the framework of the component A.1.1.5 of the Project, our aim is to create HRM supportive principles and standards for local administrations with the beneficiaries with common sense.

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<sup>10</sup> Çöpoğlu, M. (2015). "Belediyelerde İnsan Kaynakları Yönetimine Giriş." U. Dolgun (Ed.) İnsan Kaynakları Yönetimi, Bursa: Ekin Kitabevi 1-34

## 5. 11<sup>th</sup> DEVELOPMENT PLAN OF 2019-2023

It is expressed that the aim of the 11<sup>th</sup> Development Plan of 2019-2023 published by the Strategy and Budget Office of the Presidency is that “11<sup>th</sup> Development Plan lays down the development vision of our country with a long-term perspective and will serve as a basic roadmap in meeting the fundamental values and expectations of our nation, raising the position of our country in international rankings and improving the welfare level of our people”. Articles of the Development Plan such as Human Resources (2.2.1.1.14), Employment and Working Life (2.3.2), Woman (2.3.5) Good Governance (2.5.2.) and Local Administrations (2.5.3.2) clarify objectives and policies of the government in these fields.<sup>11</sup>

Plans and policies which overlap with the recommendation of the activity are summarised in the following table (Table 7).

**Table 7. Objectives and Policies of the 11<sup>th</sup> Development Plan**

|  |
|--|
| <p><b>564. The main objective is to provide decent work opportunities to all segments of the society and to increase the employment of groups requiring special policies, especially women and young people.</b></p> <p><b>569. Participation of groups in labour force and employment requiring special policies will be increased.</b></p> <p><b>570. Practices which will facilitate women's participation in the labour market and increase their employment will be developed.</b></p> <p><b>570.1.</b> In order to <b>increase women's employment</b> in the labour market, women's opportunities for vocational training and skills development will be strengthened, especially in the areas of technology production such as coding and software.</p> <p><b>570.2. Practices harmonizing work and family lives will be implemented dynamically, such as facilitating access to care services, in order to increase women's participation in the labour force and employment.</b></p> <p><b>571. The active participation of young people in the labour market will be supported and their employment will be facilitated.</b></p> <p><b>571.1.</b> In order to ensure the transition of university students to the labour market, the implementation of university-private sector cooperation, notably through joint projects, will be improved.</p> <p><b>571.2. The transition of young people to work will be facilitated through of internship, entrepreneurship and on-the-job training programs.</b></p> <p><b>571.3.</b> The Number of <b>career centres for qualified labour force will be increased</b> and guidance activities will be activated in these centres.</p> <p><b>571.7. Local administrations will support the practices aimed at increasing youth employment by taking into consideration the work and labour potential in their regions.</b></p> <p><b>571.8.</b> Innovative and sustainable projects which will reveal the potential in the provinces will be supported in order to increase the employment of young people.</p> <p><b>572. Labour force participation and employment of disabled people will be increased.</b></p> <p><b>576.4. Occupational standards and qualifications</b> which are the basis of training programs in the fields needed by the market will be established; the knowledge, skills and competencies of the labour force will be certified, the occupational accidents will be reduced and the qualification of the labour force will be improved.</p> <p><b>780.</b> The basic objective is to establish accountability in public administration, to strengthen participation, to ensure equal and fair treatment in the delivery of public services and to increase transparency. Arrangements will be made in order to <b>ensure that administrative procedures are carried out effectively and expeditiously on the basis of justice and equality, to facilitate ways of legal remedies, and to strengthen the principle of legal certainty in the relationship between administration and individuals.</b></p> <p><b>794.</b> Accountability will be strengthened in public sector through <b>performance audits by providing reliable information to the public on resource efficiency, effectiveness and economy.</b></p> <p><b>794.1. The Performance Audit Guide will be updated and aligned with the secondary legislation and guidelines on the components of strategic management.</b></p> <p><b>797. Alignment between the priorities of local administrations' strategic plans and resource allocations will be increased.</b></p> <p><b>799. The level and capacity of specialization of human resources</b> in local administrations will be increased.</p> <p><b>799.1.</b> Training will be provided to <b>improve the qualifications of personnel</b> working at local administrations.</p> |
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<sup>11</sup> 11<sup>th</sup> Development Plan of 2019-2023

## 6. FINDINGS

Strategic decision-making is thought together with the potential of creating future position not only of preserving present position. Strategic decisions are for longer term, forward-looking, and result-oriented decisions where change, risk, complexity and ambiguity are intensive and made in order to achieve more advantageous status/position from other activities. This naturally requires that strategic decisions be creative, innovative, supportive of change, sustainable and effective. Data and findings which are obtained in the fact-finding analysis as the first step strategic decision making are presented in this chapter.

### 6.1. REVIEW OF THE COURT OF ACCOUNT REPORTS OF 2019

The Court of Accounts Audit Reports on 2019 Activities of 139 Municipalities and Affiliate Administrations released in November and December 2020 were reviewed, and findings on HR were categorised under the following eight headings:

- ✓ There are no findings and audit opinions on the field of HR in 25 of 139 Reports.
- ✓ In the remaining 114 reports, the Court of Accounts made recommendations under the heading “Findings and Evaluations Not Affecting Audit Opinion” as summarised in the following table. This study was conducted in order to ascertain the problems which had financial impact, under the activity of developing standards and principles on the establishment of an effective HRM in local administrations.
- ✓ Of the 139 reports, 29 related to the audit of MMs, 29 to Provincial Municipalities, 48 to District Municipalities and 40 to municipal affiliated entities and unions.

Issues and areas relating to HR within the results and recommendations in the audits conducted by the Court of Accounts in the framework of accountability of local administrations for financial activities, decisions and actions are also deemed within the HR matters for which principles and standards need to be developed under Activity A.1.1.5. The fields and topics of those findings are listed below, and their scope and framework are addressed in Section 7 (Table 8).

**Table 8. Findings in the Chapter “Findings and Evaluations Not Affecting Audit Opinion” in the 2019 Reports of the Court of Accounts released in November/December 2020**

| No       | Field/topic   | # of Cases | Total     |
|----------|---|------------|-----------|
|          |   | 192        | 192       |
| <b>1</b> | <b>Appointments</b>   |            | <b>21</b> |
|          | Use of the job position of the Chief of Private Secretariat Office as a method to become a civil servant without examination  | 14         |           |
|          | Appointments from a vice-mayor position to a manager position not complying with procedures.  | 2          |           |
|          | Failure to comply with career and merit principles in the appointment to the positions of fire department   | 1          |           |
|          | Failure to implement the provision of the Regulation in the appointment to municipal police positions by transfer   | 1          |           |
|          | Certain appointments to the positions subject to title changes being made in contravention of the provisions of the legislation.  | 1          |           |
|          | Personnel who were assigned to the contracted programmer and analyst positions not meeting the requirements stipulated by the legislation.  | 2          |           |
| <b>2</b> | <b>Assignments</b>  |            | <b>13</b> |
|          | Assignments in contravention of the Regulation on Municipal Police  | 1          |           |
|          | Assignments to positions of branch manager not complying with the legislation   | 4          |           |
|          | Placing an acting manager in an already-filled position (manager), and allowing the acting person to exercise disbursement powers   | 2          |           |
|          | Assignment of personnel of local administrations as “acting” in contravention of the Regulation on Principles of Promotion and Title Changes for Personnel of Municipalities, Affiliated Entities and Local Government Unions | 2          |           |

|          |   |    |           |
|----------|---|----|-----------|
|          | Performance of the primary and permanent functions by workers which should be performed in accordance with general administration principles.   | 1  |           |
|          | Assignment of municipality personnel in neighbourhood masters although the legislation does not allow.  | 1  |           |
|          | Not complying with the Regulation in the appointment to municipal police positions by transfer  | 1  |           |
|          | Assignment of the personnel employed as worker to the manager position.   | 1  |           |
| <b>3</b> | <b>Promotion</b>  |    | <b>3</b>  |
|          | Appointments without examination to the job positions which are subject to the promotion  | 1  |           |
|          | Appointments to other manager positions without examination by using the position of municipal police manager without taking promotion and title change examination   | 1  |           |
|          | Not complying with the provisions of the Regulation on Principles of Promotion and Title Changes for Personnel of Municipalities, Affiliated Entities and Local Government Unions   | 1  |           |
| <b>4</b> | <b>General employment topics</b>  |    | <b>10</b> |
|          | Failure to employ the specified number of disabled personnel as laid down in the Law on Civil Servants.   | 4  |           |
|          | Employment and assignment of certain workers in contravention of the legislation  | 1  |           |
|          | Executing a transfer procedure in contravention of the legislation to the personnel transferred to worker status in municipal companies and according financial and social rights.  | 1  |           |
|          | Establishing a supervision unit for subcontracted personnel who were transferred to the job positions of municipal companies  | 1  |           |
|          | Transfer of certain employees from subcontractor company to municipal company as workers although conditions required in the legislation were not satisfied.  | 1  |           |
|          | Not complying with the requirements of the provisions of the legislation which stipulates the employment of special quality personnel in certain proportions in public administrations in the personnel employment of the administration. | 1  |           |
|          | Establishment of job positions which were not present in organisational structure and assignment of personnel who were employed as workers in those positions   | 1  |           |
| <b>5</b> | <b>Social equilibrium agreement</b>   |    | <b>61</b> |
|          | Laying down unrelated provisions  | 28 |           |
|          | Not complying with the legal time limit   | 11 |           |
|          | Exceeding the ceiling laid down in the legislation.   | 17 |           |
|          | Exclusion from the earning basis for premium  | 4  |           |
|          | Inclusion in compensation for pension payment   | 1  |           |
| <b>6</b> | <b>Collective labour agreement</b>  |    | <b>3</b>  |
|          | Inserting unrelated provisions in collective labour agreements  | 1  |           |
|          | Validity period of collective labour agreements going beyond the election date of local administrations.  | 1  |           |
|          | Making payments according to the provisions of the collective labour agreements signed between company and labour union instead of the collective labour agreements which were finalised by the Supreme Arbitration Board.                | 1  |           |
| <b>7</b> | <b>Worker remuneration, payments, annual leave, overtime, retirement etc.</b>   |    | <b>77</b> |
|          | Retiring the personnel who were transferred to the worker status after the date which they deserve the pension.   | 2  |           |
|          | Failure to set performance criteria for municipality personnel. It is determined that it is not clear that the bonuses which are paid to municipal officers, are paid based on which criteria and measurement.                            | 1  |           |
|          | Personnel expenditures exceeding the limit laid down in the legislation.  | 3  |           |
|          | Forcing workers to engage in more than 270 hours of overtime work in a year.  | 4  |           |
|          | Not allowing workers to take their paid annual leaves in accordance with the law.   | 66 |           |
|          | Not recovering the expenditures suffered by the administration from those concerned due to failure to timely give the rights of dismissed workers.  | 1  |           |

|          |   |   |          |
|----------|---|---|----------|
| <b>8</b> | <b>Service procurement</b>  |   | <b>4</b> |
|          | Not complying with the provisions of the Law No. 4734 in service procurement  | 1 |          |
|          | Receiving consulting services on matters in the scope of functions of the administrative personnel  | 1 |          |
|          | Procuring service based on the personnel employment in a way not to comply with the Law on Public Procurement.                            | 1 |          |
|          | Additional markups to the remuneration of the workers who are employed in the scope of direct service procurement from municipal company. | 1 |          |

## 6.2. PERSONNEL MANAGEMENT OF MOEU GENERAL DIRECTORATE OF LOCAL GOVERNMENTS

### 6.2.1. Review of the Opinions on Personnel Matters

Based on the Decree-Law No. 703 and Presidential Decrees No. 1 and 4, in accordance with the “Protocol on Transfer and Liquidation of the Functions of General Directorate of Local Governments” signed between MoEU and Mol on 03 August 2018, one of its fundamental functions regarding local administrations is “to form opinions to clarify ambiguities which will arise in implementation of the legislation of local administrations on the subjects such as other functions, powers and responsibilities except for administrative tutelage, audit and investigation of local administrations and the effects which are within the responsibility area of Mol.”<sup>12</sup>

In this framework, 54 opinions on various subjects have been issued since the beginning of 2019 on the website of General Directorate of Local Governments (GDLG) of the Ministry in question in order to clarify ambiguities. 26 of these opinions relate to the appointments in municipalities, five (5) to general matters of worker employment, four (4) to promotion and four (4) to assignments, four (4) to personnel expenditure rate, three (3) to remuneration and three to transfer of job positions, two (2) to general management and two (2) to service procurement and service unions. Dates and subjects of the opinions are listed in the following table.

Those opinions issued by the General Directorate of Local Administrations are among the important findings of this study as the matters about which municipal administrations experience ambiguities.

**Table 9. Opinions on Personnel Matters issued by MoEU General Directorate of Local Governments 2019-2021**

| No | Date       | Subject  |
|----|------------|--|
| 1  | 5.03.2021  | Regarding that the mayor may not assign someone to a vice-mayor position which has not been established.   |
| 2  | 5.03.2021  | Regarding who will execute the functions such as administrative follow-up, performance control, work shifts of the private security personnel who serve in municipal companies.  |
| 3  | 1.03.2021  | Regarding whether or not a full-time contracted engineer may be employed part-time.  |
| 4  | 2.02.2021  | Regarding make-up of foreign language examinations which were cancelled or delayed due to COVID-19 pandemic.   |
| 5  | 1.02.2021  | Regarding that the Mayor has the power to appoint contracted personnel on the basis of number and title, and the municipal council has the power to determine their remuneration   |
| 6  | 6.01.2021  | Regarding that since the renewal of contracts of contracted personnel may not be deemed new recruitment, the contracts for contracted personnel should be renewed in case of exceeding personnel expenditure rates   |
| 7  | 17.12.2020 | Regarding that the person in question who has a computer programming certificate may be appointed as contracted programmer provided that s/he possesses the qualifications laid down in the Regulation on Principles of Promotion and Title Changes for Personnel of |

<sup>12</sup> T.C. Çevre ve Şehircilik Bakanlığı, Yerel Yönetimler Genel Müdürlüğü, *2019 Yılı Mahalli İdareler Faaliyet Raporu*, P.23 <https://webdosya.csb.gov.tr/db/yerelyonetimler/icerikler/2019-yili-mahall-i-dareler-genel-faal-yet-raporu-18082020-20200818142825.pdf>

|           |            |   |
|-----------|------------|---|
|           |            | Municipalities, Affiliated Entities and Local Government Unions and principles of contracted personnel.   |
| <b>8</b>  | 23.11.2020 | Regarding salaries, raises, allowances and additional pay differences for acting persons  |
| <b>9</b>  | 16.11.2020 | Regarding that contracted analyst will not be required to know a foreign language and appointment of the personnel who served as first lieutenant and captain in the Turkish Armed Forces, to the positions which are titled as chief, expert or manager without examination. |
| <b>10</b> | 12.11.2020 | Regarding whether specialist enlisted leaders who have resigned from the Armed Forces may be appointed to vacant officer, municipal police officer and firefighter positions.   |
| <b>11</b> | 27.10.2020 | Regarding employment of temporary workers   |
| <b>12</b> | 12.10.2020 | Regarding that it is possible to outsource municipal police support services to municipal companies, not the functions to municipal personnel companies as these are directly assigned to the municipal police unit by the legislation.                                       |
| <b>13</b> | 29.09.2020 | Regarding whether or not the duration as worker will be taken into account in the appointments to the head of department position.  |
| <b>14</b> | 23.09.2020 | Regarding that a private security manager in the municipal company may not be employed as HR and training manager along with that job.  |
| <b>15</b> | 15.09.2020 | Regarding which titles the holders of bachelor's degrees in "international relations" and "business administration" may be employed as contracted personnel.  |
| <b>16</b> | 10.09.2020 | Regarding appointment to the position of vice-mayor.  |
| <b>17</b> | 28.08.2020 | Regarding whether contracted personnel can be employed in the programmer position.  |
| <b>18</b> | 10.08.2020 | Regarding whether or not personnel who is an interior architecture, may be appointed to the positions of architect or decorator on a contractual basis.   |
| <b>19</b> | 27.07.2020 | Regarding appointment to the manager position while a vice-mayor.   |
| <b>20</b> | 23.07.2020 | Regarding durations for direct service procurement involving personnel employment.  |
| <b>21</b> | 23.07.2020 | Regarding secondment by receiving the opinion of the relevant organisation  |
| <b>22</b> | 21.07.2020 | Regarding appointment of a specialist gendarmerie who resigned to vacant civil servant positions in municipality.   |
| <b>23</b> | 20.07.2020 | Regarding appointment of an specialist enlisted leader who resigned to vacant civil servant positions in municipality   |
| <b>24</b> | 20.07.2020 | Regarding calculation of the allowance to the Mayor in municipalities with population from 10,001 to 50,000   |
| <b>25</b> | 20.07.2020 | Regarding appointment of an specialist enlisted leader to civil service after resignation   |
| <b>26</b> | 20.07.2020 | Regarding that municipal security services are performed by municipal staff joint-stock company   |
| <b>27</b> | 14.07.2020 | Regarding appointment of contracted personnel who were employed before the Circular No. 2020/2  |
| <b>28</b> | 13.07.2020 | Regarding that no transfer may be made to lawyer services group from other personnel groups.  |
| <b>29</b> | 12.07.2020 | Regarding whether municipal companies perform personnel employment of service unions.   |
| <b>30</b> | 29.06.2020 | Regarding employment of workers with disabilities in municipality   |
| <b>31</b> | 22.05.2020 | Regarding that, of the frozen positions, the vacant vice-mayor position should be abolished by a resolution of the municipal council to make it compliant with the Regulation.  |
| <b>32</b> | 29.04.2020 | Regarding that HR and training manager positions may be established separately without cancelling the position of manager of board of inspectors  |
| <b>33</b> | 17.04.2020 | Regarding whether or not secondment is allowed among municipalities.  |
| <b>34</b> | 9.04.2020  | Regarding responding to fires in villages outside the boundaries of municipality and auditing fire department and personnel.  |
| <b>35</b> | 3.04.2020  | Regarding appointment to the position of municipal police manager   |
| <b>36</b> | 2.04.2020  | Regarding determination of personnel expenditure rate in the municipalities   |
| <b>37</b> | 17.12.2019 | Regarding which unit shall undertake Background Check and Archive Inquiry processes for the employment of workers in municipal companies as part of the service procurement based on the personnel employment   |
| <b>38</b> | 4.11.2019  | Regarding requirement to have a bachelor's degree as of the deadline for application to the manager's examination in the framework of promotion.  |
| <b>39</b> | 17.10.2019 | Regarding new personnel employment in municipal companies.  |
| <b>40</b> | 29.08.2019 | Regarding whether or not personnel appointed for the first time under the Law on Combating Terrorism will be subject to the Promotion Examination.  |

|    |            |  |
|----|------------|--|
| 41 | 19.07.2019 | Regarding determination of remuneration to be paid to the contracted personnel   |
| 42 | 19.07.2019 | Regarding whether or not a person dismissed from civil service after being sentenced to 5 months of prison may be employed as a worker in the municipal company.   |
| 43 | 18.07.2019 | Regarding whether or not the personnel who was appointed to an engineer position by transfer while serving in the manager position, may be reappointed to the manager position.  |
| 44 | 16.07.2019 | Regarding how personnel expenditure rates will be calculated   |
| 45 | 5.07.2019  | Regarding how personnel expenditure rates will be calculated   |
| 46 | 22.05.2019 | Regarding auditing activities regarded as being one of the functions and powers of the municipal police, and its power to take legal action  |
| 47 | 21.05.2019 | Regarding whether or not ex-convicts whose contracts were terminated may be reinstated.  |
| 48 | 15.03.2019 | Regarding whether it is possible to appoint those who are out of the success rankings may be appointed to positions of municipal police commissioner not announced as vacant.  |
| 49 | 12.03.2019 | Regarding whether the personnel who is in the alternate list as a result of the Promotion Examination may be appointed to the position of Municipal Police Commissioner which became vacant due to the appointments to the position of Municipal Police Chief. |
| 50 | 27.02.2019 | Regarding appointment request of the personnel who was appointed to another municipality by transfer in reference to the Promotion Examination held in the prior municipality.   |
| 51 | 14.02.2019 | Regarding whether or not the personnel who serve as the Chief of Private Secretariat Office may be appointed to the position of municipal police manager.  |
| 52 | 29.01.2019 | Regarding whether or not it is possible to recruit new personnel to municipal company without authorization in the event that the ceiling of forty percent for personnel expenditures is exceeded.   |
| 53 | 14.01.2019 | Regarding which qualifications will be required of new personnel to be employed in the municipal company.  |
| 54 | 2.01.2019  | Regarding whether or not personnel who is assigned as an acting manager may benefit from the raises and allowances.  |

### 6.3. FACT-FINDING INTERVIEWS/MEETINGS

Fact-finding interviews/meetings were planned and held as online meetings on the dates indicated below, in compliance with working schedules of agencies/institutions in order to develop and improve standards and principles for the establishment of an effective HRM system in local administrations under the Project. Minutes of meetings are in the annex (Annexes 1 to 8):

- Central Government: (ordered by meeting dates.)
  - ✓ MoI, General Directorate of Provincial Administration, Department of Personnel, 26.03.2021.
  - ✓ MoEU, General Directorate of Local Governments, Department of Personnel 7.04.2021.
  - ✓ Presidential Human Resources Office (CBIKO), Department of Local Administrations 8.04.2021.
  - ✓ Union of Municipalities of Turkey (UMT), 30.03.2021.
- General Directors and Department Heads of Human Resources for Municipalities, 02.04.2021.
- Kahramanmaraş MM, General Directorate of Human Resources, 21.04.2021.
- Turkish Municipal and General Services Workers' Union (Belediye-İs) affiliated with the Confederation of Turkish Trade Unions (TURK-IS), 26.04.2021.
- Denizli Municipality Water and Sewer Administration, Department of Human Resources, 29.04.2021.

After giving information about the aim and working principles of Activity A.1.1.5 of LAR Project in those meetings, interviews were held based on the question sets drawn according to the respondents' area of responsibility and interest; and the knowledge, experience and recommendations of respondents were included into the data of fact-finding study.

### 6.3.1. Information elicited from the meetings with Central Government and Union of Municipalities of Turkey

During the interview with Presidential Human Resources Office (CBIKO), Ministries and UMT officials, institutions' responses to the questions communicated in advance, are noted as follows.

With the Decree No.78, CBIKO is an institution which undertake the functions such as undertaking the talent development in required fields in Turkey; producing projects for ensuring the development of human resources in line with the vision, objectives and priorities of Turkey; developing projects for implementing career management in public service, performance management and other modern modelling of the human resources management; producing required projects and conduct studies for increasing merit and competency in public employment; conduct studies for human resources planning in order to increase efficiency. This activity was analysed with the thought that in which fields and to what extent local administrations can benefit from the projects which CBIKO undertake in fact-finding meetings and facts emerging in other studies; developments and current situation are described below.

- a. CBIKO single-handedly conducts a comprehensive work programme to execute HR policies in the public service. In the framework of the present fact-finding meetings, there are various tools in this context. Some of them are as follows:
    - There is a talent pool which consists of students who will graduate soon or have recently graduated from university and involves 135,000 students who had internship in public services.
    - **Distance learning gateway:** e-education system which included 328 institutions and organisations was created.
    - **Career gateway:** (internship applications, recruitment processes– a system based on the merit is aimed) they started to recruit interns as assistant specialists after their internship, as an alternative to KPSS examination. 467 municipalities including 23 MMs participate.
    - **Talent gateway:** Career centres were established in 202 universities and career planning courses were started to be given in universities. It was recommended that this course should be given to 1<sup>st</sup>-year students as a mandatory course (this course was adopted in curriculum in 103 universities.) Various activities continue on YTNK TV portal.
    - **Public Database** was developed in order to elicit the opinions and recommendations of all public employees about the subjects such as satisfaction and belongingness with their occupations and the organisation where they work as well as their opinions and recommendations on HR processes in effect in their organisations.
    - **Talent is Everywhere Programme** aims to provide equal opportunities in the employment for university students; strengthen relations with employers and increasing recognition of public entities among qualified labour and brand value of the employer and bring qualified students and graduates to public entities by activating career centres in universities.
  - b. It was attempted to identify the problems faced by local administrations and areas for improvement which were recommended based on the experiences of Ministries and UMT during the interviews with Ministries and UMT.
- ✓ **QUESTION 1: Are there any problems with the standard job positions? What are they?**
- Standard job position needs of municipalities, number of personnel and titles are determined according to criteria such as population, industrialisation and tourism. Municipalities execute the process according to their own needs provided that they remain within the limits determined. Standard job positions are changed once a year (General Directorate of Labour and MoEU) and therefore, solutions are offered for the problems faced in the implementation.

➤ ***At this point, while factors such as population, industrialisation, and tourism were taken into consideration when determining standard job positions, it was seen that surface area was not considered.***

- It was stated that the standards of standard job positions in practice for 12 years had been generally implemented successfully; however, no job descriptions were drawn up when determining standard job positions and, such lack of job descriptions was criticized.
- As needs of each municipality are different, job position needs may vary. Therefore, certain positions may be shaped under the administrative job positions. Branches such as climate change, zero waste and one-stop were added as new job positions in 2020.
- In the context of standard job positions, there are no big problems communicated to the Ministry.
- Municipalities have more autonomous position in the personnel management. Personnel who work in the central government and local administrations are subject to the same law; however, there are different points about the legislation. In this sense, pursuing separate HR policies in the central government and local administrations may be more appropriate.

➤ ***According to UMT, it would be appropriate to make standard job positions flexible considering position of the municipalities and features of the region.***

- Numbers of standard job positions were decided as technical and administrative positions; therefore, municipalities are not able to change the numbers of technical and administrative positions in line with their own needs.
- As the administrative and technical positions were decided in advance, it poses an obstacle to establishing new branches in line with the changing needs of municipalities, at this point facilitating the transition among groups by pursuing a flexible policy may enable the establishment of branches which municipalities need.
- Standard job positions which are determined according to population, pose a big problem for municipalities with changing population in summer and winter. Increases and decreases of population may be ignored in the context of numbers of job positions.
- It is indicated that these flexibility recommendations which are prescribed in the standards of standard job positions may be resolved with the amendments in the Regulation and it is not necessary to make and amendment in the law.

✓ **QUESTION 2. Can career civil service be established in municipalities? Are there any obstacles? If any, what are they?** Different opinions of the organisations emerged in this question.

- *Mol, General Directorate for Provincial Administrations, Personnel Branch*, expressed its opinion on the importance and necessity of “Central Specialist” position in MMs. Moreover, they stated that the requirements of Central Specialties and Provincial Specialties were different in themselves; therefore, it would be appropriate to categorise them individually when establishing career specialties. Sometimes, in the recruitments, specialists are chosen and employed from among people who are outside of the region and city, as there are no qualified personnel in their own region. However, those people want to be assigned to the cities where they come from or to be re-appointed a while after the appointment; this poses problems in terms of personnel shortage. Accordingly, it was recommended that municipalities might employ people who were trained to be career specialists, as career officers in the local area.
- *MoEU General Directorate of Local Governments Department of Human Resources* considers that career officers are not needed in local administrations and personnel, who are predominantly trained in technical areas, such as engineers, architects, technicians are needed as municipalities serve in more technical areas. It was stated that the practice of central governments which is for

employment of qualified people who will sustain the institutional memory, caused conflict among the employees in the organisations. However, they did not mention about such a practice in local administrations. They consider that the deficiency may be filled with the assignment of Governorships if there is such need.

- According to *UMT*, it is appropriate to establish career civil service and establish Job Positions of Local Administration. They may be named Local Administrations Specialist and Assistant Specialist. **An amendment to the law is required for this.** There should be an obligation of examination or internship for the personnel to be established. The duration and model of the internship should be created similar to the profession of lawyering. Its systematics should be similar to TODAIE.<sup>13</sup> Employment of Local Administrations Specialists came to the agenda as an important job position for municipalities to train managers particularly and encourage working in municipalities. A person who took office in the position of Local Administration Assistant Specialist may be in a manager position in 3 years by obtaining specialty. In this period, it was stated that *UMT* might support the process by undertaking the examination of Local Administrations Assistant Specialist.
- *CBIKO* believes that Career Positions are suitable for MMs.

### ✓ QUESTION 3. How can the employment of university graduates in municipalities be promoted?

- Municipalities are given the right to selection with the amendment to the KPSS Regulation. One can be a civil servant whether with KPSS group B or the declaration with the approval of the ministry. However, contracted positions are filled by transfer because local employment topic is on the agenda. Since contracted personnel is not included in the hierarchy, a career plan cannot be envisaged for them.
- Municipalities now meet their personnel requirements **with municipal companies by service procurement.**
- *MoEU* made a decision in tender specifications in local administrations regarding prioritization of the technical personnel who graduated from universities in the last 3 years and declared it to all provincial units.
- *UMT* participates in career days of universities and signs protocols with universities; it was recommended that similar practices might be implemented by municipalities.

### ✓ Other topics mentioned:

- The conditions of the reappointment of civil servants who earlier resigned to the civil service in accordance with Article 59 and 92 of the Law No. 657 should be reviewed and implemented in the framework of principle of equality.
- Although *merit* and *career* are among the fundamental principles in municipalities, situations such as placing acting managers for branches and failure to hold examinations in contradiction with those principles pose obstacles for career steps of civil servants.
- People from different departments may be appointed to irrelevant branches because serving 6 years in civil service is enough to apply for a manager position with the amendments to the

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<sup>13</sup> **TODAIE** was established in 1952 within the University Of Ankara, Faculty of Political Sciences, in order to train public administrators and public servants based on a technical assistance agreement between the Government of the Republic of Turkey and United Nations. TODAIE which operated independently until 1958 within this academic institution, gained legal entity status and had scientific, executive and financial autonomy with the Law No. 7163 on the Organisation of the Public Administration Institute for Turkey and Middle East of 25 June 1958. TODAIE was closed with the Decree-Law (KHK) No. 703 of 9 July 2018 and the abolition of organisational laws.

Regulation on Principles of Promotion and Title Changes for Personnel of Municipalities, Affiliated Entities and Local Government Unions.

- Municipalities have the “Social Equilibrium” tool; however this tool disrupts the balance rather than establishing it. The fact that it is distributed to everybody at the same rate, municipalities which are in debt cannot use it or reflect to pensions prevents it from being used in line with its purpose.
- It was emphasized that presence of HRM Practical Guide would be beneficial but there might be challenges in the implementation and there should be sanctions for effective implementation. It was underlined that the preparation of such a guide should be entrusted to the Ministry, and the audit thereof to the Court of Accounts, thus the legal framework should be drawn to increase effectiveness.

### 6.3.2. Municipalities

In the online meeting of 2 April 2020 in which most of the managers of human resources units of MMs, Province and District Municipalities and Water and Sewer Administrations participated, studies of institutions in the field of HR, problematic areas and solution suggestions were discussed and good practices were shared. List of participants (**Annex: 9**).

#### a. Recruitments and appointments

- The relevant legislation is complied with in the recruitment and employment processes (the Law No. 657 on Civil Servants, the Labour Law No. 4857, the Law No. 5393 on Municipality and service procurement through municipal companies under the Decree-Law No. 696). Recruitment is predominantly performed in the way of service procurement through companies.
- Most of the standard job positions remain vacant particularly in MMs. Transfers up to 10% may be made among positions with council resolution; however, increasing the number of technical job positions would be more beneficial (Eskişehir MM). Municipalities prefer service procurement due to the fact that there is particular need in the service sector and those positions are not preferred by civil servants, recruitment lasts long and due to the relevant costs. As annual total personnel expenses of the municipality may not exceed 30% of the amount which was calculated after multiplying budget revenues of the last year with the revaluation coefficient to be determined in accordance with the Law No. 213 on Tax Procedures, service procurement process becomes easy and budgetary restrictions are prevented. (This ratio is applied as 40% for the municipalities with a population less than 10,000.)
- Recruitment is predominantly performed in the way of service procurement through companies. However, performance of background check in the scope of the Decree-Law No. 696 regarding service procurement through municipal companies, prolongs the process (through the commissions established by governorships); on this topic, regulations of the council are expected.
- Remuneration differences may arise as personnel recruitment is executed through different channels and laws. We have a problem with the contracted personnel. The differences in the remuneration of the personnel who work in the same office and do the same job cause problems among employees. A situation arises which destroys the principle of remuneration equity. The implementation of equal wage for equal job on the occupation basis was adopted in the employment made from Personnel Inc. and transfers among departments are prevented thanks to this.
- In the personnel recruitments through companies, only the company which serves the relevant municipality is subject to pay VAT (it was reduced to 1% from 18%); there are uncertainties and problems.

- Due to the fact that the personnel who were employed through KPSS in the civil servant position come from different cities and have different expectations, those people want to leave the municipality after completing candidacy status of a civil servant; therefore, continuity of the personnel may not be maintained. On the other hand, as the dismissal is out of question in civil servant positions, desired performance cannot be obtained. Therefore, service procurement becomes more attractive for municipalities and procurement up to 2/3 of the total present positions is made, and civil servants are generally employed if the power of signature is required. They may have power of signature in the assignment of contracted personnel. Employees, who are subject to the Law No. 4857, are only conferred with the authority which their occupational diplomas provide. It is stated that they have no power of signature on behalf of the municipality.
- There are contradictions in the status of the personnel who are employed under the Decree-Law No. 696, similarly there are unclear parts in their powers in the processes; responses are not adequate even if questions are asked to required authorities.
- The fact that laws are not clear enough leads to different interpretations and causes problems in the implementation.
- A clearer regulation of the legislation for the subjects of the appointment and dismissal of department heads may relieve the central government and facilitate processes.
- It is understood that there were problems in the transfer of the personnel who were qualified for retirement under the Law No. 696. The failure to transfer such personnel led to their involuntary retirement. Uncertainty in the law about the people who retired after 02.04.2018 poses problems though it is contrary to procedures and principles.
- Due to the fact that the personnel who are employed through KPSS in the civil servant positions come from different cities and have different expectations, those people want to leave the municipality after completing candidacy status of a civil servant; therefore, continuity of the personnel may not be maintained. Furthermore, as firing is not possible from the civil servant position, the desired performance cannot be obtained. Therefore, service procurement becomes more attractive for municipalities, which consequently 2/3 of the entire employment comes through service procurement; and civil servants are recruited only in the positions that require signing authorization. Contracted personnel may have signing authorization when so assigned; those employed subject to the Law No. 4857 only have the powers conferred by their vocational diplomas. They do not have signing authorization on behalf of the municipality.<sup>14</sup>
- The number of personnel who are employed in MDMs increased with the transfers of personnel from town municipalities; therefore, this leads to the increase in personnel expenditures in MDMs.
- It is not permitted to perform Fire Department and Municipal Police services with the personnel who are employed from Personnel Inc.; it should be performed in accordance with Article on the service performance through civil servants. However, there are difficulties regarding budget in appointment of adequate number of civil servants in this area by municipalities.

b. [Training](#)

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<sup>14</sup> It can be said that institutional culture (IC) is a body of patterned and recurrent values and beliefs which members share. These values and beliefs shape an accepted way of behaviours by giving meaning to the institution. Same values guide the way the relevant institution and its members perceive and present themselves, defining mission and vision of the institution and also making their strategic plans. Institutional culture forms behaviours of their members and describes what and how the institution do, as the character forms the person. IC forms or is formed over time. Formation of IC over time may be explained with the formation of employees by their beliefs and values. Elements of IC are beliefs, values and fundamental assumptions on which it is based.

- The emphasis is on personnel training. Training needs are identified by units and plans are made accordingly. On-the-job training and induction training are very important for the new personnel. On the other hand, training support is received from UMT Municipal Academy. In addition to legislation training, training programs such as protocol, team training for the new personnel are implemented, which will instil sense of belonging. Particularly, executive coaching programs for heads of departments are implemented as it is implemented in private sector whenever replacement happens.

c. Employment of university graduates in municipalities:

- Successful young people who graduate from good departments generally do not prefer to work in local administrations. Restrictive legislation prevents young people from progressing in their work. Employment of people who do not have adequate capacity, makes on-the-job training processes difficult and more emphasis should be put in on-the-job training.
- Qualified students do not apply due to remuneration and personal rights practices even though efforts are made for merit-based practices. People who have recently graduated from university, pay attention to their career development. Therefore, young graduates do not find talent management and remuneration policies attractive except for legislation practices.

In order to obtain more detailed information from municipalities, all participants were given a questionnaire which consisted of 23 questions and only five municipalities responded to that questionnaire. Responses from the municipalities which participated in the survey, shared with HR units, are in the Annex 3. It is impossible to generalise due to inadequate sample size of municipalities; the subjects below are considered important for identifying areas for the establishment of principles and standards.

1. It was found that branches/departments of personnel failed generally to fulfil the roles appropriate to the name of the unit in the area of functions, responsibilities and events even though the names of Branches/Departments of Personnel were changed as Branch and Department of Human Resources. Especially, HR Units did not play an active role in the development of strategic plans; expansion of the roles of HR in decision-making analysis in the fulfilment of HR functions is required to increase the effectiveness of HR Management.
2. While it is indicated that HR units of certain municipalities have defined vision, mission and strategies, their definitions will have to be changed in order to add new roles.
3. HR units assume the role of coordination when conducting and implementing training programs by receiving the requests from other units in identifying training needs. However, HR Units should take more active more in making training needs analysis.
4. There are no employee performance evaluation methods in most municipalities. Only in a few municipalities, case studies are being conducted.
5. While certain municipalities have internal process guides, it is generally thought that it will be beneficial to follow a comprehensive guide to be prepared by the central government for better implementation of the legislation.
6. There are no defined complaint management strategies and procedures which employees may convey their problems in municipalities before they become serious disputes.
7. When employment and quit statistics in municipalities were examined, it was seen that women’s employment was low in all categories. It is thought to be appropriate to ensure equal opportunities for women, which is one of the goals of 11<sup>th</sup> Development Plan and develop principles and standards to increase women’s employment.

**Table 10. Data of Last 3 years on Employment by Gender in 5 Municipalities**

| <i>Comparative Table of Survey Responses of Municipalities</i> |           |           |           |           |           |  |
|--|-----------|-----------|-----------|-----------|-----------|--|
| <b>Recruits</b>  |           |           |           |           |           |  |
| <b>G1</b>  | <b>G2</b> | <b>G3</b> | <b>G4</b> | <b>G5</b> | <b>G6</b> |  |
|  |           |           |           |           |           |  |

| Year  | 696 KHK            |    | 696 KHK            |    | 696 KHK            |     | 696 KHK            |    | 696 KHK            |    | 696 KHK            |    |  |
|-------|--------------------|----|--------------------|----|--------------------|-----|--------------------|----|--------------------|----|--------------------|----|--|
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 155                | 14 | 9                  | 1  | 2573               | 185 | 56                 | 21 | 0                  | 0  | 528                | 29 |  |
| 2019  | 374                | 40 | 37                 | 1  | 2                  | 0   | 162                | 48 | 0                  | 0  | 15                 | 7  |  |
| 2020  | 186                | 30 | 49                 | 6  | 4                  | 0   | 143                | 8  | 0                  | 0  | 21                 | 8  |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | Standard Positions |    | Standard Positions |    | Standard Positions |     | Standard Positions |    | Standard Positions |    | Standard Positions |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 0                  | 0  | 313                | 40 | 13                 | 1   | 134                | 31 | 0                  | 0  | 11                 | 2  |  |
| 2019  | 0                  | 0  | 303                | 38 | 17                 | 1   | 132                | 30 | 0                  | 0  | 3                  | 0  |  |
| 2020  | 0                  | 0  | 331                | 39 | 7                  | 0   | 136                | 31 | 0                  | 0  | 4                  | 2  |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | Contracted         |    | Contracted         |    | Contracted         |     | Contracted         |    | Contracted         |    | Contracted         |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 2                  | 0  | 2                  | 2  | 17                 | 10  | 4                  | 0  | 11                 | 0  | 4                  | 1  |  |
| 2019  | 7                  | 2  | 2                  | 0  | 0                  | 0   | 0                  | 0  | 0                  | 0  | 1                  | 0  |  |
| 2020  | 11                 | 9  | 35                 | 1  | 0                  | 0   | 1                  | 1  | 19                 | 1  | 0                  | 0  |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | 4857               |    | 4857               |    | 4857               |     | 4857               |    | 4857               |    | 4857               |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 0                  | 0  | 2                  | 0  | 1                  | 0   | 0                  | 0  | 0                  | 0  | 0                  | 0  |  |
| 2019  | 0                  | 0  | 0                  | 0  | 0                  | 0   | 0                  | 0  | 0                  | 0  | 0                  | 0  |  |
| 2020  | 0                  | 0  | 2                  | 0  | 0                  | 0   | 0                  | 0  | 0                  | 0  | 0                  | 0  |  |
| Quits |                    |    |                    |    |                    |     |                    |    |                    |    |                    |    |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | 696 KHK            |    | 696 KHK            |    | 696 KHK            |     | 696 KHK            |    | 696 KHK            |    | 696 KHK            |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 166                | 10 | 40                 | 3  | 30                 | 3   | 79                 | 8  | 0                  | 0  | 3                  | 0  |  |
| 2019  | 158                | 23 | 3                  | 0  | 107                | 6   | 135                | 27 | 0                  | 0  | 13                 | 0  |  |
| 2020  | 159                | 22 | 100                | 6  | 80                 | 6   | 110                | 14 | 0                  | 0  | 16                 | 0  |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | Standard Positions |    | Standard Positions |    | Standard Positions |     | Standard Positions |    | Standard Positions |    | Standard Positions |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 0                  | 0  | 0                  | 0  | 16                 | 1   | 0                  | 0  | 0                  | 0  | 16                 | 0  |  |
| 2019  | 0                  | 0  | 0                  | 0  | 26                 | 2   | 0                  | 0  | 0                  | 0  | 3                  | 2  |  |
| 2020  | 0                  | 0  | 0                  | 0  | 42                 | 0   | 0                  | 0  | 0                  | 0  | 8                  | 1  |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | Contracted         |    | Contracted         |    | Contracted         |     | Contracted         |    | Contracted         |    | Contracted         |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 1                  | 0  | 4                  | 1  | 0                  | 0   | 1                  | 0  | 0                  | 0  | 2                  | 0  |  |
| 2019  | 1                  | 2  | 0                  | 1  | 5                  | 5   | 0                  | 0  | 0                  | 0  | 0                  | 1  |  |
| 2020  | 3                  | 1  | 1                  | 0  | 0                  | 1   | 3                  | 0  | 0                  | 0  | 0                  | 0  |  |
|       |                    | G1 |                    | G2 |                    | G3  |                    | G4 |                    | G5 |                    | G6 |  |
| Year  | 4857               |    | 4857               |    | 4857               |     | 4857               |    | 4857               |    | 4857               |    |  |
|       | M                  | F  | M                  | F  | M                  | F   | M                  | F  | M                  | F  | M                  | F  |  |
| 2018  | 10                 | 2  | 11                 | 1  | 10                 | 1   | 16                 | 0  | 17                 | 0  | 5                  | 0  |  |
| 2019  | 22                 | 0  | 15                 | 0  | 22                 | 2   | 10                 | 0  | 10                 | 0  | 5                  | 0  |  |
| 2020  | 21                 | 3  | 16                 | 0  | 50                 | 3   | 31                 | 1  | 8                  | 0  | 5                  | 0  |  |

### 6.3.3. A Case of Trade Union – Interview with Belediye-Is

The representatives of Turkish Municipal and General Services Workers' Union were interviewed on 26.04.2021 in the framework of the subjects listed below in order to receive their participation.

- What are the problems encountered in the areas such as practices of employment/qualified personnel selection processes in the municipalities? Do you have any solutions? Is it required to

establish a separate body of standards/principles? If required, what should be found in those principles?

- In connection with the question above, do you think that a system such as career specialty (career civil service) which will provide municipal personnel to advance within municipality would be beneficial? To what extent this impact is evaluated in collective agreement negotiations?
- Are there fundamental problems experienced regarding HR practices of standard job positions, contracted personnel and worker positions in the municipalities? If any, what are they?
- What is the role of your union regarding various levels of government of municipalities in the employee rights management? Do you have a formulated strategy in this field? What is it? If any, is merit issue addressed in this strategy?
- What are the priority areas of your union in Collective Labour Agreements (CLA) studies for municipalities? Explain briefly.
- What are problems which you observe in municipalities in the work of disciplinary boards in which the representatives of your union participate? With which standard and principles those problems are resolved and a more harmonious work environment can be created?
- Are there institutional systems where municipal employees can express their problems? How do they function? Or would be the establishment of a Complaint Management System beneficial? How should be the place of representative of the union in such a system?

In the framework of the questions posed, the representatives of Turkish Municipal and General Services Workers' Union stated that there were three important problems in municipalities on their part:

- Use of subcontracted workers
  - ✓ Personnel recruitment to municipalities through municipal companies limited the recruitment of permanent personnel and led to workforce procurement with low pay, therefore wage inequity.
- Lack of standardisation and consequent political influence. Accordingly there should be:
  - ✓ Employment based on merit
  - ✓ Personnel recruitment according to needs
  - ✓ Equal treatment in working conditions – The fact that workers who do the same job, have different remuneration and other rights, notably remuneration
    - Employment security and labour peace – Recruitment and dismissal should be performed according to needs of the job, not by political influence.
- The business line, General Services whose organisation area is larger compared to other business lines due to its public nature became a difficult ground to be organised and remain organised as the political preferences of mayors dominate the field.

They do not think that the union has a role about the cooperation for working conditions of municipality officials.

They have no strategy for increasing women's employment yet.

## **7. RECOMMENDATIONS FOR THE ESTABLISHMENT OF AN EFFECTIVE HRM SYSTEM IN LOCAL ADMINISTRATIONS AND CONCLUSIONS**

As a result of the studies conducted as part of this activity, it is clear that a new change is inevitable which enables that HRM in local administrations respond expeditiously and effectively to performance goals. The success of this change depends on the attitudes towards change of all stakeholders in local administrations, particularly the organisations and individuals in decision-making mechanisms and employees. The resistance of the stakeholders to change or failure to adequately internalise the change in an organisation where all organisational systems, technological infrastructure and management models change, will fail the efforts to establish a better HRM. In this respect, the ultimate goal is to change the points of views (mindsets), behaviour models and approaches of all stakeholders.

Thus, as the technical assistance team of LAR III Project, our aim through Activity A.1.1.5 is to establish an HRM model which is contemporary, applicable and will minimise potential problems, and formulate fundamental principles and standards in local administrations with the participation of all stakeholders. In this framework, areas for improvement are recommended in local administrations as follows.

### **7.1. ROLE AND PLACE OF HR UNIT IN THE ORGANISATION**

According to the information elicited in the meetings held with municipalities, it is understood that the opinions of HR manager and/or the unit are not reflected onto the process; the unit is limited with the participation in the strategic planning process mostly in the way of information and document sharing, participation in meetings and technical support. Strategy is everywhere in the government and many approaches connected to strategy such as strategic planning and management, are tools which public administrators and law-makers use. Strategies connect aspirations and abilities required to achieve them. Strategy formulation implies the intended and simultaneous realignment of aspirations and abilities; thus, by taking into consideration the exiting abilities and the requirement to develop new ones, it is ensured that either the goals can be really achieved or they should be changed. The role of HR units is important in matching strategies with goals because it is human beings who will fulfil what is required. HR units ensure plans of recruiting, selecting, managing and motivating people to be strategically developed in this process with the proactive or preventive HR role. As it is understood from the form of the work of the present HR units, HR units are obliged to create new policies and/or solutions as a response to the problems which emerge with reactive management form. Due to the change of the role of proactive HR within the organisation and increase of its responsibility, this will require to change the present organisational structure and at the same time bring along the personnel who perform these functions, to have the required competencies. Therefore; it may be appropriate to review the organisational structure of HR units, create a new organisational structure which is appropriate for HR roles, establish sub-units, determine the definitions of job positions to assume new functions in these units, qualifications of the personnel to be employed in these positions and draw a framework by a directive.

### **7.2. POSITION AND OCCUPATION CATEGORISATION**

It is recommended to establish principles and standards which will ensure easier and fairer transition among categories, in order to harmonise the HR processes of occupations close to each other as much as possible by reviewing occupational categorisation in local administrations.

In this framework, standards of all required job positions should be established by conducting job analyses; and training, experience and competences which this function requires should be designed by categorising. For example, occupations at the similar level are grouped together and the powers, competences and skills of their functions and responsibilities are defined jointly. Employees may easily pass from an occupation to another in the same group. This is called “Job Family” Groups in HR jargon. Occupational groups at similar levels help determine the roles generally same with each other throughout the organisation, capture the required knowledge correctly and simplify the matching. For example, “Alignment of the Matching Jobs” or “Job Family Model”: define the roles, which undertake conceptually same or similar activities and include development and diverging factors of the activities undertaken. They require similar knowledge, skills and

abilities (competences). They describe knowledge, skills and abilities which represent a career path from the lowest level job to the highest level job, basic behaviours which one must have, which are interrelated and influence and similar remuneration groups.

This approach may serve to optimise the development of the employee by designing a specific competency model in addition to job titles specific to family. Job families which are also named as occupational families, enable similar occupations to be found in different departments of an organisation. This means that positions clusters cannot be taken from only organisation charts. Job families may form the foundation of the differences in remuneration policies depending on the company strategy. For occupations in demand, separate remuneration bands may be modelled.

This method can be evaluated for fitness and recommended should be evaluated case by case. Adoption of such a model can ensure the flexibility desired among technical and administrative positions; moreover, it may minimise the differences between Standard Job Positions and Contracted Positions.

### **7.3. CAREER SYSTEMS VS. JOB CLASSIFICATION SYSTEMS**

Two different models stand out in terms of the establishment of personnel systems. One is the so-called “career (rank) system”; the other is “job position (job classification) system”.

In the job classification system, classification is carried out according to qualifications required for the job; features which the personnel should have is determined according to this. Job description is recognised as the basis for the determination of complexity, difficulty, qualification of the job and the qualifications to be looked in the personnel and the return to be provided for the personnel. The unique criterion for the system is the described job i.e. the job position; and the method is job analysis.

The career system, on the other hand, is based on an individual-oriented or personnel-oriented classification. Thus, the continuity in public services and knowledge based on experience in public organisations are maintained. The system is established on vertical integration with the rule-bound promotion and advancement principles beginning from the entrance to service; and the personnel’s career map becomes the definition of the organisation.

Meritocracy is a personnel system where entrance to public services and progress through ranks are conditioned on the criterion of “fitness for the job” or “performance”, and remuneration and other service conditions contribute to the effectiveness and continuity of service. In Article 3/C of the Law No. 657 on Civil Servants, merit is defined as “basing the entrance to public service, promotion and advancement in classes, termination of the duty on merit, and providing security civil servants in the implementation of this system with equal opportunities.”

Various “Career Specialty” jobs which existed in the past in personnel management practices of public administrations (such as Foreign Affairs Career Civil Service) were created with the administrative reform studies carried out between 2011 and 2018 and career job positions emerged accordingly. The Turkish Language Institute defines “career” as a stage, success and specialty in an occupation acquired over time and by working; defines “job position (kadro)” as those who carry out audit and direction processes of a public entity or a business and a whole of functions, powers and responsibilities of them.

Types of career specialty occupations and number of member of the occupation are increasing day by day; such types are created in a way to employ for the first time in recently established public entities or in certain entities although they do not exist. Within the frame of the regulations introduced by the Decree-Law No. 703 lastly, the creation of career specialty occupations in all of the central organisations of public authorities and entities is enabled provided that it is stipulated by Presidential Decrees.

In this scope, paragraph 1 of Article 41 of the Law No. 657 on Public Servants as amended by Article 104 of the Decree-Law No.703 provides that specialists and assistant specialists to be employed in the subjects which fall into the entity’s remit regarding the organisation of Ministries and other public authorities and entities may be employed in central organisations, Presidency of the Council of Higher Education, HQs of Turkish Armed Forces and Force Commands provided that it is stipulated in Presidential decrees. In Presidential Decrees put into force accordingly, it is seen that a new type of career specialty occupation was

established within the most of the recently established public entities. For example, recently established career specialty occupation types in this scope are archive specialty in the Directorate of the State Archives established under the Presidency, communication specialty in the Directorate of Communications, specialty of Secretariat-General of National Security Council in the Secretariat-General of National Security Council, defence industry specialty in the Directorate of Defence Industry, strategy and budget specialty in the Strategy and Budget Office, national palaces specialty in the Directorate of National Palaces Administration.

The innovation introduced by the Decree-Law No.703 to the career specialty occupation status is not limited with those examples. Under Article 178 of this Decree-Law, Supplementary Article 23 added to the Decree-Law No.375 and subparagraph (A) of the first paragraph of Article 4 of the Law No. 657 on Civil Servants, provided that it is stipulated in Presidential Decrees regarding the organisation of public authorities and entities in which personnel is not employed, the employment of specialists and assistant specialists to be employed in the areas which fall into the institution's remit, which is subject to administrative service contract and labour legislation, is subject to an additional regulation without reference to the Law No. 657 and the provisions of other laws on the employment of contracted personnel.

As the works undertaken in terms of the services which local administrations delivered are special to the described services, specialisation in those areas and increasing efficiency are of the elements which will increase customer satisfaction. In recent years, the concepts of quality of life, quality of service and citizen satisfaction concept have become much more important for municipalities with the new philosophy of local administration. The evaluation of to what extent local administrations can meet the needs, expectations and requests of the citizens for which they are responsible, is of great importance for in the future planning of the municipalities. Municipalities are considered successful as long as they deliver quality service to the citizens. Therefore, we give importance to designation of some of the job positions in municipalities as Career Specialty and Career Job Position; selection, placement and determination of required qualifications in line with the need and requirement of the positions and review of talent management and promotion conditions. This thought is also supported by Municipalities and UMT.

Some of the career occupations designated as Group A in KPSS examinations are as follows:

- General Directorate of Bağ-Kur, Assistant Auditor
- Ministry of Transport Turkish Wagon Industry Inc. Assistant Inspector
- TGNA, Assistant Specialist
- State Supply Office, Assistant Inspector
- Assistant Tac Inspector
- Assistant Sworn Bank Controller and Assistant Banking Specialist
- PTT, Assistant Inspector
- General Directorate of Youth and Sports, Assistant Inspector
- Higher Education Credit and Hostels Institution, Assistant Inspector
- Development Bank, Assistant Specialist
- Assistant Inspector Positions of Municipalities
- Intern Treasury Controller
- Inspection Board of Ministry of Finance, Assistant Finance Inspector
- Assistant Revenue Specialist
- Assistant Tax Inspector
- Assistant Public Revenue Specialist
- Financial Services Assistant Specialist
- Ministry of Finance, General Directorate of Revenues, etc.

## **7.4. HR PROCESSES**

### **7.4.1. Qualified Workforce Selection**

The personnel who are subject to three (3) different legislative pieces are employed in local administrations. These are standard job positions (civil servants), contracted personnel, employees who are employed under

the labour agreement subject to the Law No. 4857. The personnel who are defined as worker before the law and subject to the Law No. 4857 are titled as permanent workers, temporary workers; however, some of them are employed in the job positions group which municipalities need and most of them are employed as unskilled workers. Those who work in municipal companies are employed subject to the Labour Law No. 4857. Recruitment procedures and processes of personnel who work in municipalities are presented comparatively. Annex 10 summarises general conditions for the personnel in different status; on the other hand, Annex 11 summarises recruitment processes for every group (Annex 10 and Annex 11).

The success of the organisations is based on creating value-driven difference. The greatest factor that makes difference in an organisation is quality of human resources. Quality work and quality production are only possible with qualified human resources.

In this context, correct selection and management of human resources which is recognised as the greatest wealth of the organisations, is extremely importance. Harmonising the procedures, principles and standards of selection for all job positions in recruitments and the flexibility which will be achieved by facilitating the transitions among different categories, are important in the career developments of employees. Moreover, it is recommended:

- To make job descriptions in advance, to specify required knowledge, proficiencies and competences for each position and functions, responsibilities and competencies of the personnel to be employed in that position and to share them within the organisation and if necessary outside the organisation, in the selection and appointment of qualified workforce, in line with the transparency principles;
- To select the most appropriate people to the job by vacancy announcements via websites and/or media and to keep candidate pool wide; to refer the importance of code of conduct within the organisation in the announcements; to repeat it during the interviews;
- That selection criteria is prepared by expert and competent people in the framework of the elements specified in the recruitments and job descriptions; interviews are undertaken with the implementation of written and verbal examinations by the committee which was created carefully, in a manner to ensure transparency;
- To evaluate the candidates of the organisation with other candidates together in the same conditions if there are suitable candidates within the organisation.

#### 7.4.2. Appointments and Assignments

Findings relating to appointments and assignments can frequently be attributed to the complexity or misinterpretation of the legislation as noted in the Reports of the Court of Accounts. Therefore, putting implementation guidelines which will be prepared by MoEU General Directorate of Local Governments, into use by identifying the parts of the legislation which are not clear enough, will minimise wrong practices in municipalities. The processes in these guidelines should be standardised and employee status and categories should be aligned. In certain areas, as indicated in the Reports of the Court of Accounts, legislative amendments should be made. A few of them can be sorted as follows:

- a. **Preventing the use of the job position of the Chief of Private Secretariat Office as a method to become a civil servant without examination:** The Law on Civil Servants recognised that civil servants may be appointed to certain functions without reference to the provision regarding appointment, examinations, step raise and promotion. The duty positions which allow appointment of civil servants to certain functions which have the political and administrative characteristics in public administration, due to certain specific political and administrative reasons without reference to personnel regime, are called "*exceptional office positions*". Pursuant to the provisions of mentioned Article 59 of the Law No. 657, review of the legislation regarding this topic may be suggested as direct appointment of those who are appointed to exceptional office positions as a new hire after a while, to the job positions which require to take an examination normally without participating in the examinations held for civil service may lead to the results contrary to merit and fair and principle of equal treatments of HRM. It is suggested that it should be submitted to Turkish Grand National Assembly with the opinion that it is found to be damaging for the benefits of the Treasury in terms of implementation and results in the Reports of the Court of Accounts.

- b. **Preventing Appointments from a vice-mayor position to a manager position not complying with procedures laid down in the Regulation on Principles of Promotions and Title Changes of Personnel of Local Administrations:** One should satisfy the requirements in paragraph B of Article 68 of the Law No. 657 on Civil Servants to be a Deputy Mayor. In that conditions, vocational school graduates are required to serve as a civil servant for 12 years; 4-year university graduates are required to serve as a civil servant for 10 years. Anyone who satisfies those requirements may be appointed. A manager position is determined as a position subject to examination in the Regulation on Principles of Promotions and Title Changes of Personnel of Local Administrations. It is provided that “the aim of this Regulation is to lay down the procedures and principles regarding the promotion and title changes of civil servants who serve in local administrations, by taking service requirements and personnel planning as a basis, in the framework of merit and career principles” and the principles of merit and career are highlighted. In the subparagraph (C) of the first paragraph of Article 19 “Transitions among service groups” of the same Regulation, it is described how the transition occurs from a senior position to a lower position.
- c. **Assignment of the contracted personnel to manager job positions in acting capacity:** In the first paragraph of Article 128 which explains general principles on the provisions about public service officers, of the Constitution of the Republic of Turkey published in the Official Gazette of 09.11.1982 issue 17863-bis, it is stated that “The fundamental and permanent functions required by the public services that the State, state economic enterprises and other public legal entities assigned to perform in accordance with principles of general administration, shall be carried out by civil servants and other public employees.” In Article 4 “Types of Employment” of the Law No. 657, it is stated that “Public services shall be carried out civil servants, contracted personnel, temporary personnel and workers”.

**A) Civil Servants:** Regardless of its present structure, those who are charged with the performance of fundamental and permanent public services performed according to the principles of general administration, by the State and other public legal entities, shall be deemed civil servants in the implementation of this Law. Those who are charged and authorised with the tasks such as general policy identification, research, planning, programming, management and auditing in the institutions except for those defined above, shall be deemed civil servants.

**B) Contracted Personnel:** They are public servants, not deemed in the worker status, employed under contract limited to a term of the fiscal year in positions approved by the Ministry of Finance upon a proposal from the relevant institution, affirmative opinion of the State Personnel Department within the principles and procedures laid down by the Council of Ministers, in temporary jobs which requires specific professional knowledge and specialty, exclusive to exceptional cases of necessity which are necessary for the preparation, realization, operation and operability of important projects included in development plans, annual programmes and work programmes. There is a provision that “...the provisions of this Law shall not apply to the aforesaid” and in Article 86 “Conditions of acting capacity and payment of salary”, there is a provision that “Where civil servants are temporarily out of their offices for legal leave, temporary duty, disciplinary penalty or removal from office, someone from within the institution or from other institutions or as new hire may be appointed in acting capacity.”

The Communique-General No. 99 on Civil Servants that regulates assignment as temporary substitute provides that where it is not possible to find an acting civil servant who has the qualifications for the principal office holder, the office position vacated or vacant for any reason shall in priority by executed in substitution by assistants, failing that, the personnel with the qualifications closest to the principal so that the service can be performed without disruption. Article 6 of the Principles on Employment of Contracted Personnel which went into force by publication in the Official Gazette of 28.06.1978 issue 16330 provides that “the relevant persons may not be employed in positions other than the one laid down in their contracts.”

In the framework of Article 1 of the Regulation on Performance Evaluation of Civil Servants, the Regulation is applied to the civil servants who are subject to the Law No. 657 on Civil Servants. However, there is no provision in the Principles on Employment of Contracted Personnel put into force with the Decree of the

Council of Ministers No. 7/15754 of 6 July 1978 that contracted personnel may fill in the performance evaluation forms for (i.e. evaluate the performance of) civil servants or become supervisors of civil servants.

According to the Law No. 657, there is a hierarchy between civil servants and supervisors. Therefore, putting contracted personnel at a hierarchical tier between a civil servant and a supervisor is contrary to the provisions of the legislation. According to the Law No. 657 and relevant regulations, the function of a manager which should be carried out by a civil servant may not be carried out by a contracted personnel even in acting capacity.

In addition, it is thought that such a practice damages career and merit principles as laid down in the Law No. 657, circumvents the provisions of the Regulation on Principles of Promotion and Title Changes for Personnel of Municipalities, Affiliated Entities and Local Government Unions, prevents institutionalisation, weakens financial control within the institution and increases risks, reduces personnel motivation and efficiency through potentially causing personnel to defer or abandon career plans, which all eventually lead to the loss of qualified human resources needed by the institution to produce and deliver quality services.

The third paragraph of Article 49 of the Law No. 5393 on Municipality lays down who may work under contracts under which titles; and manager positions are not listed among those titles.

It is clear that unit officials who are responsible for the implementation of primary and continuous public services which are executed in accordance with the general administrative principles must be civil servants subject to the Law No. 657. The employment need in question should be satisfied among either the civil servants employed according to the Law No. 657 on Civil Servants or public servants who serve in the other public agencies and entities under sixth paragraph of Article 49 of the Law No. 5393 on Municipality.

#### **7.4.3. Contract Terms and Working Conditions of Contracted Personnel**

Contracted personnel are employed for one year in job positions in accordance with the Regulation No. 7/15754 of 6.6.1978. This is unfavourable for two reasons.

1. There is no career plan or talent management for an employee with one-year contract.
2. There is a risk for the employees with one-year contract to be under the influence of people of bad faith in the execution of the function because they do not have a fair job security or are not under guarantee. For public entities, especially in municipalities this situation has ethical drawbacks.

Therefore, in terms of the interests of the institution it would be more appropriate to employ contracted personnel depending on the Labour Law No. 4857 either under the standard job positions conditions or under the same white collar occupation status as in the private sector.

#### **7.4.4. HRM results in Municipalities of the Decree-Law No. 696**

With the Decree-Law No. 696 enacted in December 2017, subcontracted workers in public sector were included in job positions; it allowed the establishment of municipal personnel companies which would provide subcontracting service to municipalities. The result of that Decree-Law enacted in good faith caused some problems in HRM and its practices.

##### **1. Establishment of Municipal Personnel Companies (MPCs) (Transitional Article 20 of Article 126)**

- a. **Legislation:** SPAs, municipalities and affiliated entities and unions of local governments of which they are members may have one of the administrations to which more than half of its capital belongs and the companies which they currently procure services in this scope, provide the services based on personnel employment together or separately *by means of direct service procurement without being subject to the limits and conditions in Article 22 of the Law No. 4734 on Public Procurement of 04.01.2002 and the limitations in Article 62 (1) (e) of the Law No. 4734*; if there are not any company of similar nature, they may have a company which will be established exclusively for that purpose, provide the services.

b. **Establishment and Functioning:** Pursuant to the Law No. 4046, establishment of companies by municipalities is subject to the authorisation of the Council of Ministers. On the other hand, pursuant to the Law No. 5393 on Municipality, the municipal council has the authority to decide the establishment of company. Therefore, before submitting an authorisation request to the Council of Ministers, an approval from the municipal council should be received and after receiving such approval, the relevant documentation listed in the circular for the authorisation from the Council of Ministers should be submitted to Mol. Pursuant to the Law No. 6102, as commercial companies acquire legal entity status with the registration in the trade registry, the company should be registered in the trade registry after receiving the required authorisations from the municipal council and the Council of Ministers.

Completing the establishment process and being registered in the trade registry, the municipal company has a separate legal entity from the municipality; its assets, debts, revenues and expenses are completely kept separate from the municipality's accounts.

c. **Payment of Service Charges:** Pursuant to the Law No. 4734, a municipality will procure services based on personnel employment from the company in question by means of direct service procurement without running a tender; remunerations will be paid by the municipality to the company based on the progress payments which are periodically issued.

d. **Assignment of municipality personnel in the company:** In line with the provisions of the Law No. 657 on prohibition of trade, although it is possible that municipal personnel serve as a board member on behalf of the municipality in the municipal companies established in the form of joint-stock companies and they are paid an attendance fees per meeting; it is not legally possible that they perform other assignments. Likewise, according to the provisions of the law on the prohibition of the second assignment, municipality personnel subject to the Law No. 657 who serve in any other title other than manager or in any other title in limited companies and as board member in joint-stock companies are not paid for those assignments by the company or municipality.

e. **Objectionable situations and results which arise from the practice:** Personnel employment without undertaking any election or screening process by the municipality by performing the services which the municipality should perform, by means of service procurement instead of municipality's own personnel or in the event that they are inadequate. Ignoring that such a recruitment will create various risks and costs.

- Assignment of people who may not be competent for the works which the municipality must perform.
- The fact that the wages of employees who are employed in MPCs are much higher or much lower than the wages of those who are employed in municipalities.
- Employing personnel more than the needed number of personnel as a result of arbitrary recruitment.
- As MPC personnel costs are reflected onto accounting records as service procurement pursuant to paragraph 8 of Article 49 of the Law No. 5393 on Municipality, it is not reported in balance sheets as personnel costs. Thus, as such personnel expenditures are not included in the annual total personnel expenses; it may exceed the budget limitations. For example, when Annual Performance Reports of MMs are analysed, we see that only 15 of the 30 MMs published their numbers of personnel in Municipal Companies in addition. This situation creates limitations in the analysis of the data.
- Exclusion from data collection results in that personnel statistics do not reflect the facts. Whatever the area of work or the method used for the definition of data (quantitative or qualitative) is, correct data collection is required for protecting the integrity of the research. An official data collection process is required in order to ensure that collected data is both defined and correct and further decisions based on the evidence substantiated with findings are valid. The process provides both a basis to measure and a target for what to improve in some situations.

- f. **Sample Review:** MoEU General Directorate of Local Administrations, Local Administrations General Activity Report, 8. B, *Activity Results of Local Administrations*, Table 17, p.63. When the table is reviewed, the sum of Local Administrations Personnel Expenses of 2020 and State premium expenses to Social Security Institutions is 28,743,257 (Thousand TRY). “Service Procurement” charges reported under Goods and Service Procurement Expenses is 48,284,270 (Thousand TRY). When we take the Decree of the Council of Ministers No. 2018/11608<sup>15</sup> as the basis, if 30% of the price which municipal company charged, is personnel expenditure of service entrusted to the municipality, personnel expenses in service procurements may be thought as 14,485,281 (Thousand TRY). In the present case, sum of the personnel expenses of local administrations in 2021 is 34% higher than what is visible. In other words, the actual personnel expense is 43,228,538 (Thousand TRY).

**Table 11. Place of Personnel Expenses in Local Administrations General Activity Expenses of 2020**

| Financial Impact of the Recruitment of Subcontractors to Municipal Job Positions and Establishment of Municipal Personnel Companies with the Decree-Law No. 696           |                           |
|---|---------------------------|
| <b>Sum of Activity Expenses (On Accruals Basis)</b>   | <b>161,636,582,000.00</b> |
| <b>Total Personnel Expenses + Personnel Cost from Service Procurement Item</b>  | <b>43,228,538,000.00</b>  |
| <b>Total Personnel Expenses</b>   | <b>28,743,257,000.00</b>  |
| <b>Personnel Expenses</b>   | <b>24,863,022,000.00</b>  |
| Civil Servants  | 10,587,037,000.00         |
| Contacted Personnel   | 2,064,945,000.00          |
| Workers   | 10,728,341,000.00         |
| Temporary Personnel   | 180,629,000.00            |
| <b>Other Personnel *Subcontracted Workers included in Job Positions</b>   | <b>1,302,070,000.00</b>   |
| <b>State premium expenses to Social Security Institutions</b>   | <b>3,880,235,000.00</b>   |
| Civil Servants  | 1,475,845,000.00          |
| Contacted Personnel   | 305,881,000.00            |
| Workers   | 1,884,910,000.00          |
| Temporary Personnel   | 72,484,000.00             |
| <b>Other Personnel *Subcontracted Workers included in Job Positions</b>   | <b>140,963,000.00</b>     |
| Social Security Premium Payments, Default Penalties and Raises  | 152,000.00                |
| <b>If we assume that Service Procurements Item has 30% Personnel Cost: Service Procurement from Municipal Personnel Companies Established with the Decree-Law No. 696</b> | <b>14,485,281,000.00</b>  |
| <b>Goods and Service Procurement Expenses</b>   | <b>69,425,233,000.00</b>  |
| Goods and Service Procurements for Production   | 560,992,000.00            |
| Goods and Service Procurements for Consumption  | 10,886,041,000.00         |
| Travel Allowances   | 63,653,000.00             |
| Duty Expenses   | 2,787,556,000.00          |
| <b>Service Procurements</b>   | <b>48,284,270,000.00</b>  |
| Representation and Advertisement Expenses   | 827,765,000.00            |
| Personal Property, Incorporeal Right Procurement, Maintenance and Repair Expenses   | 2,311,726,000.00          |
| Real Estate Maintenance and Repair Expenses   | 3,675,982,000.00          |
| Treatment and Funeral Expenses  | 27,248,000.00             |

## 2. Transition of workers who are employed by contractors as from 4.12.2017, in the scope of “Service Procurement Agreements” signed with municipalities to permanent worker positions of municipalities.

- a. **Legislation: Transitional Article 24 of Article 127-** The following transitional articles are added to Decree-Law No. 375. “*In special provincial administrations and municipalities and its affiliated entities and unions of*

<sup>15</sup> **ARTICLE 5** Share of Personnel Expenses in Total Expenses Decree of the Council of Ministers No. 2018/11608 of 9.04.2018: (1) **Annual total personnel expenses of administrations including company personnel, may not exceed the 40% of the amount, which will be calculated as a result of increasing the total budget revenues of the administration for the last year in the ratio of revaluation determined and announced every year pursuant to Article 298-bis of the Law No. 213 of 4.1.1961 on Tax Procedures with regard to the previous year. This ratio is applied as 30% in MMs. Where personnel expenses exceed the ratios in question as a result of an unexpected increase in salaries and wages during the year, new personnel may not be recruited to the administration companies until those ratios fall under those ratios in the current year and the following years.**

*local governments of which they are members, those who are employed as from 4.12.2017 by the contractors in the scope of the service procurement contracts based on personnel employment pursuant to the Law No. 4734 and other legislation provisions together or separately, in the companies whose more than half of the capital belongs to special provincial administrations and municipalities and its affiliated entities;”*

**b. Objectionable situations and results which arise from the practice:**

- Transitional regulations were made in the Decree-Law No. 696 which regulated the transition from subcontracting to permanent worker positions and collective labour agreement in the first stage and two subjects which were important in terms of trade unions. First was to limit financial and social rights of workers who were transferred to job positions and municipal companies. Financial and social rights of those workers were determined according to the provisions of collective labour agreement which the Supreme Arbitration Board determined with regard to subcontracted workers.
- The other important regulation was made regarding business lines and trade union memberships of workers. According to the provisions of the Decree-Law No. 696 and Transitional Article 7 added to the Law No. 6356 later, for local administrations the workers who worked as subcontracted workers once and were then transferred, will continue to work in the same business line in whichever they used to work as subcontracted workers until 30 June 2020. Now it is understood that there are important amendments both for workers and trade unions with ancillary works connected to the main work being regarded as connected to the business line of the main work.
- When the Activity Expenses in the Table 17 in the MoEU General Directorate of Local Administrations, Local Administrations General Activity Report of 2020 8. B, *Activity Results of Local Administrations* are reviewed, while the cost of workers who were transferred to the municipality from the contractor in the budget is 5% (Five percent ), a factor which adversely affects labour peace emerged with the creation of a personnel group which does the same work in the same institution but has different personal rights although the law which they are subject to is the Labour Law No. 4857 (have lower wages and rights than other permanent workers) and subject to two different collective agreements.
- According to the information elicited in the meetings held with the representatives of local administrations, it was understood that there were employees from the occupational groups such as environmental engineers, civil engineers, architects, teachers, musicians among the personnel who were employed under the unskilled worker title under the name of service procurement contracts and various municipal services or cleaning services in past years. Under these circumstances, it is understood that the personnel who are in the same occupational group and do the same job, were employed in 3 different statuses with 3 different laws and contracts; therefore, 3 different personal rights are applied.
- In the reports which the municipalities published, the fact that the statistical data of this personnel group was not shared clearly prevents the expression of an opinion about the size of the problem and how long these different practices will continue. For example, while only 5 of the 30 Metropolitan Municipalities indicated the number of workers who transferred from the contractor to the municipality separately, 25 municipalities published in their reports by including them in the permanent worker statistics. Even though it was stated that when the workers who were transferred under the Decree-Law, qualified for the pension, their retirement pension will be started; it is not possible to make estimation about how long this process will continue as there are no data about the ages and retirement of people.
- One of the HRM principles is to provide **fair and equal treatment**. As equality is an universal

principles which applies to every sphere of life, it is also important for working life. Due to its importance, it is stipulated in detail in Article 5 “Principle of equal treatment” of the Labour Law.

- One of the most important duties of employers under the principles of equal treatment and non-discrimination among the employees is the obligation to apply equal pay for work of equal value unless there exist valid reasons to the contrary. Due to the importance of this subject, Article 55 “Provision of fair wage” provides that “Wages shall be paid in return for work. The state shall take the necessary measures to ensure that workers earn a fair wage commensurate with the work they perform and that they enjoy other social benefits.” In addition, there is an ILO agreement about this subject which Turkey ratified.
- In Article 5 in question of the Labour Law, the obligation of equal pay for work of equal value is stipulated as “Lower remuneration for similar jobs or for work of equal value is not permissible. Application of special protective provisions due to the employee’s sex shall not justify paying him (her) a lower wage.” However, the obligation of equal pay for work of equal value should not be considered as a practice of giving same wage for each employee. Relevant Civil Chambers of the Court of Cassation made certain decisions about these subjects from time to time. For example, in a decision of the 7<sup>th</sup> Civil Chamber of the Court of Cassation (Case No. 2015/25116 – Decision No. 2015/19145 – Date: 14.10.2015) it was stated that;
  - The principle of equal treatment obliges the employer in terms of the Labour Law not to treat workers differently in the workplace unless there is a valid and objective reason; the prohibition of discrimination prohibits arbitrary discrimination among workers,
  - In addition, the obligation of equal treatment does not require that all workers be given the same status without any discrimination; it aims to prevent the workers in equal status are subject to different procedures,
  - The obligation of equal pay for work of equal value regulated in Article 5 “Principle of equal treatment” of the Labour Law also covers the payments such as bonus, premiums etc. in addition to wages,
  - The obligation of equal pay for work of equal value means that paying the same wage to the workers who do the same job and have the same tenure; however, tenure of a worker at workplace does not only include his/her length of service at workplace; it includes many factors such as knowledge, the positions in which s/he has worked, prizes which s/he has won and the punishments; two workers who do not have the same knowledge in terms of institutional background and experience and only have equal length of service may not be considered in the same tenure in broad terms even though they seem as they have worked for the same duration.

Table 12 below shows the changes in the past five years in the number of personnel employed by service procurement at local administrations. While the number of such personnel in municipalities went down in 2017 due to the transfer from subcontractor’s employees into permanent positions under the Decree-Law No. 696, the additional recruitment of 136,668 persons into municipal companies established under the same Decree-Law in 2018, the rate of personnel employed by service procurement increased by 40.64% in one year. The figures and statistics derived from the Local Administrations General Activity Reports of 2015 to 2020 are explained below:

- As of 2015, 312,174 persons were employed by service procurement at local administrations. Of this figure, 3,176 worked at SPAs, 268,588 at municipalities, 39,796 at municipal affiliated entities, and 614 at local government unions.
- As of 2016, 347,402 persons were employed by service procurement at local administrations. Of this figure, 4,624 worked at SPAs, 303,393 at municipalities, 38,527 at municipal affiliated entities, and 858 at local government unions. Comparing the number of persons employed by

service procurement in 2015 to those in 2016, there was an overall increase by 11% with increase by 46% at SPAs, 13% at municipalities, 40% at municipal affiliated entities, and decrease by 3% at local government unions.

- As of 2017, 343,548 persons were employed by service procurement at local administrations. Of this figure, 5,526 worked at SPAs, 300,572 at municipalities, 35,685 at municipal affiliated entities, and 1,765 at local government unions. Comparing the number of persons employed by service procurement in 2016 to those in 2017, there was an **overall decrease by 1.11% with increase by 19.51% at SPAs and 105.71% at local government unions, and decrease by 0.93% at municipalities and 7.38% at municipal affiliated entities**. It is believed that the reduction at municipalities and 7.38% at municipal affiliated entities occurred due to the transfer of workers employed by service procurement to municipal permanent positions.
- As of 2018, 480,634 persons were employed by service procurement at local administrations (i.e. through municipal companies), with 6,948 at SPAs, 426,029 at municipalities, 46,906 at municipal affiliated entities, and 751 at local government unions. Comparing the number of persons employed by service procurement in 2017 to those in 2018, there was an increase by 10.46% at SPAs, decrease by 57.45% at local government unions, and increase of 125,457 personnel corresponding to an increase by 41.74% at municipalities and 11,221 persons corresponding to an increase by 31.44% at municipal affiliated entities. As could be concluded from the figures by years, when the subcontractor's workers were transferred to municipal permanent positions under the Decree-Law No. 696, the figures in 2017 went down; however, the personnel were recruited into municipal personnel companies established under the same Decree-Law, multiplying the increase in recruitment under service procurement compared to previous years.
- As of 2019, 482,542 persons were employed by service procurement at local administrations (i.e. through municipal companies), with 7,298 at SPAs, 421,532 at municipalities, 53,004 at municipal affiliated entities, and 708 at local government unions.
- As of 2020, 503,163 persons were employed by service procurement at local administrations (i.e. through municipal companies), with 8,166 at SPAs, 441,807 at municipalities, 52,522 at municipal affiliated entities, and 668 at local government unions.
- On a wider view, in the past five years, the number of personnel employed by service procurement at local administrations increased by 61.18% from 2015 to 2020, with increase by 157% at SPAs, 64.49% at municipalities, 31.98% at municipal affiliated entities and 8.79% at local government unions. More importantly, the personnel expenditures in the local administration budgets covered 204,569; however the number of personnel employed by service procurement was two and half times that figure.

**Table 12. Annual Rates of Increase in Personnel Employed through Service Procurement at Local Administrations, 2015-2020**

|                                    | 2015    | 2016    | Change (count) 2015-2016 | Change (%) 2015 / 2016 | 2017    | Change (count) 2017-2016 | Change (%) 2017 / 2016 | 2018    | Change (count) 2018-2017 | Change (%) 2018 / 2017 | 2019    | Change (count) 2019-2018 | Change (%) 2019 / 2018 | 2020    | Change (count) 2019-2018 | Change (%) 2019 / 2018 | Change (count) 2020-2019 | Change (%) 2020-2019 |
|------------------------------------|---------|---------|--------------------------|------------------------|---------|--------------------------|------------------------|---------|--------------------------|------------------------|---------|--------------------------|------------------------|---------|--------------------------|------------------------|--------------------------|----------------------|
| Special Provincial Administrations | 3,176   | 4,624   | 1,448                    | 45.59%                 | 5,526   | 902                      | 19.51%                 | 4,948   | -578                     | -10.46%                | 7,298   | 2,350                    | 47.49%                 | 8,166   | 868                      | 27.33%                 | 4,990                    | 157.12%              |
| Municipalities                     | 268,588 | 303,393 | 34,805                   | 12.96%                 | 300,572 | -2,821                   | -0.93%                 | 426,029 | 125,457                  | 41.74%                 | 421,532 | -4,497                   | -1.06%                 | 441,807 | 20,275                   | 7.55%                  | 173,219                  | 64.49%               |
| Municipal Affiliated Entities      | 39,796  | 38,527  | -1,269                   | -3.19%                 | 35,685  | -2,842                   | -7.38%                 | 46,906  | 11,221                   | 31.44%                 | 53,004  | 6,098                    | 13.00%                 | 52,522  | -482                     | -1.21%                 | 12,726                   | 31.98%               |
| Unions of Local Governments        | 614     | 858     | 244                      | 39.74%                 | 1,765   | 907                      | 105.71%                | 751     | -1,014                   | -57.45%                | 708     | -43                      | -5.73%                 | 668     | -40                      | -5.65%                 | 54                       | 8.79%                |
| Total                              | 312,174 | 347,402 | 35,228                   | 11.28%                 | 343,548 | -3,854                   | -1.11%                 | 478,634 | 135,086                  | 39.32%                 | 482,542 | 3,908                    | 0.82%                  | 503,163 | 20,621                   | 4.27%                  | 190,989                  | 61.18%               |

#### 7.4.5. Establishment of a Talent Management System

Talent management is a target-oriented and integrated process which consists of planning, recruitment, development, management and remuneration of the employees. Along with the creation of a coordinated process in order to determine, recruit and develop employees with high potential, it includes career movements of employees and leaders who have extensive knowledge and cross-functional skills. Talent

management is also known as a popular retention strategy for talented employees; therefore, best retention strategies are multi-functional. Identification of problems is the first step in any retention strategy. An effectively executed exit interview provides beneficial information regarding potential quitting problems.

The establishment of a talent management system will increase brand values of municipalities and employee commitment and ensure candidates with high competences appear in the selection of qualified workforce. Increase in the brand value of the municipalities will be one of the primary elements which promote the applications of the new graduates to the jobs. In order to ensure this, new systems should be established and programmed, for example:

- a. Establishment of competences measurement system
- b. Establishment of performance measurement and assessment system
- c. Making training planning according to the detailed needs of institution and performance assessment results to be made in cooperation with HR and relevant units
- d. Ensuring the training to be prepared according to levels of employees, not uniform for all
- e. Organising induction processes systematically, supporting with strong training programs and extending to a period of 2-3 months according to needs
- f. Preparing mentoring (internal advice) programs in the training and career development processes of employees.

HR personnel who will carry out new works must have the qualifications which the job requires. Therefore, new job positions should be defined in detail and attentively according to the job; proficiencies and competencies should be indicated; personnel who are trained in accordance with the job should be recruited. Moreover, designating these positions as career job positions would be appropriate for the sustainability of services.

#### **7.4.6. Reviewing and Improving Assignment Procedures and Regulation on Promotion and Title Change**

- Limiting the duration of the assignments to a particular period in obligatory cases.
- Establishment of criteria for assignment.
- Eliminating the use contracted personnel in the execution of the works which are among the fundamental functions of municipalities and transforming them to standard job positions.
- Adding outputs of performance management to the criteria for promotion.
- Including the relation with the applicant's specialty in the criteria for promotion.
- Organising the preparation training for the Promotion Examination according to the specialised professional fields.

#### **7.4.7. Reviewing and Adjusting Social Equilibrium Compensation**

Where the municipal council on a proposal from the mayor in case of municipalities, or the general provincial council on a proposal from the governor in case of SPAs, decides to pay the social equilibrium compensation under Article 32 of the Law No. 4688 on Public Servants' Labour Unions and Collective Agreement and in the framework of Supplementary Article 15 of the Decree-Law No. 375 of 27.6.1989, an agreement may be concluded between the president or a representative designated by the executive board of the trade union with the highest representation in the relevant local administration and the mayor in case of municipalities, or the governor in case of SPAs, to set the amount of the social equilibrium compensation payable during the term of agreement.

In Supplementary Article 15 of the Decree-Law No. 375; it was stated that monthly amount of the social equilibrium compensation which may be paid, would be determined with the agreement concluded among the relevant municipality, SPA and union of civil servants with the highest number of members, provided that it does not exceed the ceiling amount laid down in the Collective Agreement concluded in accordance with the Law No. 4688. The first paragraph of Article 1 "Social equilibrium compensation" of the chapter of Collective Agreement regarding Local Administrations Branch of the 4<sup>th</sup> Period Collective Agreement covering

the years 2018 and 2019 on the Financial and Social Rights for the Overall Civil Servants and Service Branches signed in accordance with the Law No. 4688 provides that “In the framework of the procedures and principles laid down in Article 32 of the Law No. 4688, the monthly ceiling amount of the social equilibrium compensation to be paid to the civil servants who are employed in the positions of municipalities, their affiliated entities and SPAs, is the 100% of the highest amount of the civil servant salary (including supplemental index).

In the agreements to be made for the paying social equilibrium compensation, the monthly payments may be determined differently according to the criteria such as the unit where the employee serves, and throughput, the importance and difficulty of the function, the feature of the place of function, working hours, title and grade of the position or function, provided that it does not exceed the ceiling amount.

Since the rate of identified findings is higher than 30%, it is considered appropriate to review the point of the incorrect application of the social equilibrium compensation in the Court of Accounts Report of 2019.

#### **7.4.8. Formulation of Strategies for Promoting Equal Opportunities for Women**

A glance at the situation of Turkey on matters of gender at international level reveals that Turkey lags behind in the international organisations such as OECD of which Turkey is a member. The Gender Equality and Sustainable Development Report of 2014 by UN Women lays emphasis particularly on the participation of women in relevant policies for food security, green economy, environment-friendly production and consumption, efficient and proper use of agricultural areas, reproductive health and sustainable development in population areas.<sup>16</sup> In order to eliminate the existing inequalities between women and men, ensure the active participation of women in economic, social and cultural life, eliminate the obstacles to accessing opportunities equally brought by the development and provide support for women’s empowerment, many international development programme and programmes specific to the countries are prepared and temporary special measures are taken and successful implementation of them is promoted.

The 11<sup>th</sup> Development Plan of 2019-2023 is also evaluated as an important roadmap to take our country to the future. The vision of 2023 which also includes the objective of becoming the tenth biggest economy of the world, includes objectives such as “special incentives for women entrepreneurs” and “prevention of violence against women” in order to empower women and girls.

About women’s employment, a series of gender equality laws and regulations were integrated into the national legislation in the frame of both Labour Law and other laws in the EU harmonisation process of Turkey. Pursuant to Article 11 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1985) which Turkey signed, Turkey is obliged to take all kinds of measures in order to assure labour rights of women. Besides, Turkey has adopted many ILO conventions and European Social Charter which directly or indirectly impact women’s employment.

While the obligation of general equal treatment of the employer is imposed by the Labour Law No. 4857, certain prohibitions of discrimination and sexual harassment at workplace were introduced in the Labour Law as well as special regulations. In addition, "Prime Ministry Circular No. 2011/2 on the Prevention of Psychological Harassment (Mobbing) at Workplaces" was put into force by publication in the Official Gazette of 19 March 2011 issue 27879. The “Prime Ministry Circular on Acting in accordance with the Principle of Equality in the Employee Recruitment” which entered into force in 2004 provides that there shall be no gender discrimination, except for the service requirements, in personnel recruitment of public agencies and entities.

In the studies conducted in the frame of this activity, no statistics or data could be found on employees of local administrations by gender. Although, these kinds of statistics are smaller in volume, they are related to all public entities. No information was provided whether or not the data of local administrations were also

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<sup>16</sup> UN Women Facts and Figures: Leadership and Political Participation, July 2017, <http://www.unwomen.org/en/what-we-do/leaders-hip-and-political-participation/facts-and-figures>.

included to those statistics. In the second part of that activity, those data should be requested from relevant authorities in this respect. However, it can be said that women's employment in municipalities is very low considering Municipality Performance Reports of 2011 even though we cannot generalise the impression obtained from the meetings held with municipalities and the responses which 6 municipalities gave to the questionnaire.

Therefore, considering the objectives 564, 569, 570, 570.1 and 570.2 of the above-mentioned 11<sup>th</sup> Development Plan, the establishment of standards and principles to increase women's employment in local administrations is important. Examples of principles:

- ✓ Adopt and publish a commitment for equal opportunities at organisational level;
- ✓ Adopt the decision to increase the number of women in the senior positions in local administrations in the next 5 years;
- ✓ Adopt equal pay between women and men at the same horizontal level;
- ✓ Cooperate with vocational high schools and universities in order to increase the number of women employed; and
- ✓ Adopt leadership development for women and prepare training programs for the empowerment of women.

#### **7.4.9. Increasing Employment of New Graduates of Universities in Local Administrations**

- a. Assessing the existing human resources pools for employment:
  - ✓ Under the titles of Objectives and Policies of 11<sup>th</sup> Development Plan, a part of the strategies for young people and university students laid down in paragraphs 571, 571.1, 571.2, 571.3, 571.7 and 571.8 was initiated by CBIKO. It is understood that 467 municipalities still benefit from those activities.
  - ✓ We are of the opinion that raising awareness for other local administrations to benefit from the opportunities and means which CBIKO offers, providing employment by primarily attracting 135,000 young people who still do internship in the public administrations and therefore, know public administrations, will be appropriate for the purpose of effective use of resources in public administrations.
- b. Standards and principles should be established for municipalities to make young people believe that they are the best employers by realising their action plans to change the perception in the society by transforming HR practices into contemporary management systems and to increase their brand value same as the employers in the private sector and for municipalities to become organisations where graduates with bachelor's degrees would like to work.

#### **7.4.10. Establishment of Opinion and Grievance Procedures for Employees of Local Administrations**

Grievance is any feeling of dissatisfaction or injustice which is related to the employment situation of the person and which is presented to the attention of the management. In general terms, grievance is any dissatisfaction which adversely affects organisational relations and productivity. The grievance mechanism of an organisation is a measure used for measuring efficiency and effectiveness because it provides important feedback on the functioning of the administration. Grievances at a workplace generally arise as a result of unfair treatment perceived by an employee. The approach of the International Labour Organization regarding the handling of grievances lays a certain emphasis on finding solutions developed in a dialogue between worker and employer within the enterprise (for example, "harassing" behaviours experienced in local administrations from time to time).

Therefore, the purpose of the recommended procedure is to evaluate any type of recommendations and grievances of the employees of local administrations institutions in order to improve service quality and increase its efficiency.

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## Annexes

1. Minutes of Meeting, Ministry of Interior, General Directorate for Provincial Administrations, Department of Personnel.
2. Minutes of Meeting, Ministry of Environment and Urbanization, General Directorate of Local Administrations, Department of Personnel.
3. Minutes of Meeting, Presidential Human Resources Office (CBIKO), Department of Local Administrations
4. Minutes of Meeting, Union of Municipalities of Turkey (UMT)
5. Minutes of Meeting, General Directors/Head Departments of Human Resources in Municipalities.
6. Minutes of Meeting, Kahramanmaraş Metropolitan Municipality, General Directorate of Human Resources.
7. Minutes of Meeting, Turkish Municipal and General Services Workers' Union affiliated with Turk-İs Confederation.
8. Minutes of Meeting, Denizli Municipality, Water and Sewer Administration, Department of Human Resources.
9. List of Participants in the Meetings Held with Municipalities.
10. Conditions of Recruitment by Status of Personnel employed in Local Administrations.
11. Recruitment Procedures by Status of Personnel employed in Local Administrations.

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