

The evolution of civil servants' and managers' recruitment and performance evaluation processes in Portuguese public administration

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Abstract

At the beginning of the 21st Century, new legal regulations have dictated deep changes in recruitment/selection and evaluation processes, both for employees and managers in Portuguese public administration. This paper addresses the application of these new legal documents as well as a new selection and evaluation philosophy that the Portuguese public administration seeks to instil into human resources management.

Keywords: Recruitment; Performance Evaluation; Civil Servants; Managers

Apresentação

No início do século XXI, a criação de nova legislação ditou mudanças profundas nos processos de recrutamento e de avaliação de desempenho dos funcionários e dos dirigentes na Administração Pública portuguesa. Este artigo aborda a aplicação destes novos documentos legais assim como a nova filosofia de recrutamento e avaliação que a Administração tenta imprimir à gestão de recursos humanos.

Palavras-Chave: Recrutamento; Avaliação de Desempenho; Funcionários Públicos; Dirigentes

1. Introduction

In a context of growing unpredictability within the social and economic environment, the ability of public organisations to readjust to new strategic challenges has become an imperative. The debate on methods of recruitment, evaluation and control of civil servants and managers has therefore become more relevant in public administration, politics and civil society. After all, civil servants and managers are the first line of responsibility for the adequate and timely execution of public policies dictated by the government and general political power.

International experience, particularly in West European countries, suggests the existence of an array of solutions in recruitment and performance evaluation models, all inherited from the local cultural and political history of that bureaucracy. The development of administrations is anchored in tradition and any line of administrative reform must therefore be aware of the cultural environment, as its direction, speed and sustainability will depend on it. In this matter, the Portuguese experience is no exception to the rule^{3 4}.

Lessons gleamed from certain international experiences in administrative reform can often fail to take into account the idiosyncrasies of the extremely differentiated scenarios involved. Because politics, economy and society (and

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³ ARAÚJO, J.E. - **Reform and Institutional Persistence in Portuguese Central Administration** - University of Exeter, Doctoral Thesis, 1999

⁴ ROCHA, J.AO. - **Gestão Pública e Modernização Administrativa** - Oeiras, INA, 2001

consequently, public administration) are dynamic, we have been observing in recent years the emergence of some novelties concerning recruitment and performance evaluation in Portuguese public administration⁵.

The creation of the Performance Evaluation Integrated System for Public Administration (SIADAP) in 2004 and its 2008 update have contributed to the systematisation and harmonisation of the Portuguese civil servants' performance evaluation system. With respect to managers, two legal documents were published in the last two years: the Statute of Management Personnel in Services and Organisations of Central, Regional and Local State Administration⁶, and the rules for appointments of high managerial positions in public administration⁷. They both seek to highlight the strategic importance of evaluation in public organisations. The 2005 Law nº51 attempts to formalise some control measures in terms of recruitment, selection and evaluation of top managers in public organisations. Moreover, in 2008 the revised performance evaluation system holds managers responsible for the organisational results. However, despite these developments, incongruences still exist in administration as an organisational and functional whole.

2. Recruitment and evaluation of civil servants in the Portuguese public administration

2.1. Recruitment/selection of civil servants – what's new?

Since the 1970s', some studies have increasingly been pointing out the need to 'privatise' workplace relations in public administration⁸ and consequently increased attention in regard to human capital expenses. As managerial principles were applied in many western countries during the 1980s' and 90s', successive attempts of downsizing in public administration were carried out through methods like contracting-out to face occasional needs in qualified human resources^{9 10}.

Nevertheless, some authors continue to emphasize the potential perversity in an excessive privatisation of the public sector^{11 12}, fearing the loss of its social mission. In a work published in 1990, Pollitt studied the presence of these practices in English and North-American public sector experiences, and even compared these privatised public management principles to those of the scientific management that Taylor had imposed to the industry in the early 20th century¹³.

Independently of the path public management takes and the models it adopts, it seems certain that the way civil servants are recruited is on the one hand suggestive of the presence of a certain administrative cultural pattern, and on the other an enhancer/inhibitor of performance. In fact, performance can be affected depending on whether a recruitment system is bureaucratic or one more oriented to a dynamic evaluation based on «management by objectives» logic.

A comparative study on public administrations and recruitment systems of 15 EU countries, including Portugal¹⁴, indicates that the “competition with legal pre-defined rules” is the most frequently used recruitment and selection method in countries like Portugal, France, Greece, Ireland, Italy, Luxemburg, Spain and Belgium. Nevertheless,

⁵ TAVARES, L.V. - **O Novo Quadro Legal da Administração Pública: Inovação e mudança cultural**, Oeiras, INA, 2004

⁶ January 15th 2004 Law nº2

⁷ August 30th 2005 Law nº51

⁸ OSBORNE, D., GAEBLER, T. - **Reinventing Government** - Addison, Wesley Publishers Company, 1992

⁹ KIKERT, W. - Public Management Reforms in Western Governments - **Conferência sobre a Administração Pública no limiar do Século XXI: Os Grandes Desafios**, Lisboa, INA, 1999

¹⁰ RHODES, R. - **Reinventing White wall, 1979-1995: Evolving the new governance**, European Group of Public Administration, Erasmus University, Rotterdam, 6-9 September, 1995

¹¹ LOWNDER, V. - Change in Public Sector Management: New Institutions and New Managerial Regimes - **Local Government Studies**, Volume 23, nº2, pp-42-66, 1997

¹² KIKERT, W. - Public Management Reforms in Western Governments - **Conferência sobre a Administração Pública no limiar do Século XXI: Os Grandes Desafios**, Lisboa, INA, 1999

¹³ POLLITT, C. - **Managerialism and the Public Services: The Anglo-American Experience** - Oxford, Basil Blackwell, 1990

¹⁴ BOSSAERT, D., DEMMKE, C., NOMDEN, K., POLET, R. - **La fonction publique dans l'Europe des Quinze** - European Institute of Public Administration (EIPA), Maastricht, 2001

even among these countries we find considerable differences in the way civil servants are recruited. Unlike Portugal, where the recruitment competitions are promoted by each public organisation and supervised at the government level, in France, for example, civil servants are recruited through wide national competitions at the ministry level. In other cases, like the Finnish or Swedish, personnel are recruited as in the private sector, through the use of several selection methods that do not need to be stipulated by national law. In Finland, the recruitment process can even be undertaken by external consultancy companies, leaving only the final decision of acceptance or refusal to the public administration. Also in Denmark or the Netherlands, each agency or organisation autonomously manages the entire recruitment process in accordance to evaluation criteria defined internally. In the United Kingdom, each ministry or executive agency can establish their own rules and regulations for recruitment, as long as they comply with the Public Service Management Code¹⁵.

A more recent study on OECD countries¹⁶ also points to a diversity of experiences, and links the recruitment question to the existent (or inexistent) career systems in each studied country, but does not affirm the supremacy of one type of recruitment over another.

In Portugal, where civil servants are managed in a career system, their recruitment model is set in the 1998 Decree N.204, which establishes the rights and duties of citizens in accessing candidacy to a post in public office, as well as the recruitment and selection methods. In spite of this legislation and taking into account the increasing weight of personnel expenses in State spending over the last 5 years, restrictions to the recruitment of new public employees have started to be felt rigorously¹⁷. Before then, there had been significant growth in the number of civil servants, despite government efforts at contraction. Available data indicate a tripling of that number between 1968 (only 197,000) and 1999 (31 years later)¹⁸. Sectors like health or education, which suffered an unprecedented growth over the last 35 years, have decisively contributed to this increase. Today, in face of available data, the only clear affirmation we can make is that if in some areas there is in fact an excess of workers, there are others that struggle with an obvious lack of human resources. There is a disproportion in the way resources are distributed. Sectors like fisheries and agriculture still have a high number of employees (12,528 in 2001) in relation to the missions that they have today, whereas sectors such as science and technology (1,411 in 2001) still have a very timid increase, when taking into account the challenges imposed by the new knowledge and information society¹⁹. In brief, harmonizing recruitment, distribution and training of human resources requires a successful process of change and modernisation. Despite imbalance in the way recruitment has been undertaken, and most of all in the distribution of resources in the public administration sector, over the last years, the admittance of public servants in the Portuguese public administration is now apparently being conducted in a more cautious manner²⁰.

The last official census on the number of civil servants in Portugal (including Central and Local Administration) accounts for 716,418, which corresponds to 14.8% of total national employment. However, these numbers were collected 6 years ago²¹. More recent data, supplied informally by CGA, suggest that the number of civil servants in December 2004 was 735,311, 18,424 less than in December 2001 (when there were 753,735 civil servants).

¹⁵ BOSSAERT, D., DEMMKE, C., NOMDEN, K., POLET, R. - **La fonction publique dans l'Europe des Quinze** - European Institute of Public Administration (EIPA), Maastricht, 2001

¹⁶ OECD - Managing Senior Management: Senior Civil Service Reform in OECD Member Countries - **Paris, PUMA, 2003**

¹⁷ Legal documents like the Ministers Council Resolution n. 97/2002 or the Joint Dispatch n. 1.071/2005 propose measures to freeze admissions to the Portuguese Public administration.

¹⁸ For this matter, consult Administração Pública em Números, 2nd General Census of Public administration; IGBDRHAP, MREAP, 2001.

¹⁹ CORREIA DE CAMPOS, A - Reforma da Administração Pública - **Reformar Portugal – 17 estratégias de mudança**, Luís Valadares Tavares, Abel Mateus e Francisco Sarsfield Cabral (coordenação), Lisboa, Oficina do Livro, 2002

²⁰ There are no published exact numbers that sustain this statement. However, according to the data of CGA, between 2001 and 2004, there was a 2.5% decrease in the Portuguese public administration. On the other hand, public opinion pressure, through the media and press, and the verification of a seemingly contention in admissions in public services can help to evaluate the situation, even if imprecise. The caution in admitting employees is particularly relevant since the 15th Constitutional Government.

²¹ More information in Administração Pública em Números – Second General Census on Public Administration, IGBDRHAP; MREAP, 2001 as well as Pessoa de Amorim, R.; O Emprego Público - Antecipar a mudança, gerir a mudança, Lisboa (non-

Without any studies that characterise the quantitative evolution of admission to the public administration (civil servants or otherwise), it is now very difficult to carry out a reliable evaluation in this matter, mostly if we consider the multiple private-like ways to acquire services (fixed-term contracting, contracting out, etc.). Without having a national-level competition like France, Portugal has essentially been using extraordinary recruitment competitions to gradually integrate people that have been working in public administration for months or years with private contracts, but that were not considered civil servants.

Independently of any optimization of the adopted organisational solutions to make public services more capable, the Socialist Party government, elected with an absolute majority in 2005, promised a one-for-two ratio in admissions (one civil servant admitted for every two retiring). This measure has limited further the ability to access civil service employment.

In 2000, the National Institute of Public Administration (INA) introduced the Advanced Studies in Public Management Course (CEAGP). The attendance to this post-graduation has become one of the most clear and unmistakable institutional methods for workers (Executive Officers) to access Portuguese public administration²². In fact, to be admitted in this course, candidates must pass a national exam (multiple-response test) where the questions are prepared by experts and academics from different technical areas, and based on bibliographical material previously recommended to applicants as the main study element for the exam. The admitted candidates will then go through a year of intense training after which they can directly enter the Executive Officers career, without the trial phase.

It is clear that the recruitment/selection of public servants does not end with this selection/training model, as there are vacancy openings, although in a controlled and parsimonious way, in several administration areas. However, we emphasize the CEAGP course because it is a recruitment/selection form of hardly questionable impartiality, and because it also enriches future administration agents with a one-year course where theoretical and practical competences are highly stimulated, mainly through individual and group works.

2.2. The performance evaluation of civil servants

During the 1980's and 1990's, the main criticisms made to performance evaluation underlined an excessive attention given to valuation instruments, an indifference to the diversity of organizational frameworks and a disregard towards individual motivations, abilities and relationship (both formal and informal) between evaluator and evaluated²³. Therefore, opinions on the validity and importance of a coherent and integrated evaluation system, as well as on its weight on results and productivity have diverged, both at the academic and organizational levels.

A report published by the OECD²⁴ that reviews a considerable number of approaches and scientific studies on performance evaluation suggests the possibility that the yet lacking functionality of performance evaluation systems is possible due to the fact that the approach is based on false questions (sometimes, scientific paradigms that are weakly applicable to the problems felt by managers within the real operation of organizations). One could start with the simple assumption, which may lack scientific sense but is very relevant in practice, that one of the main problems in performance evaluation would be the fact that it often measures and evaluates performances without worrying with the real reasons behind them. In this perspective, one would be studying consequences without the effective determination of its causes, analyzing results without identifying the genesis. However, literature produced over the last two decades has been focusing on the importance of variables like the nature of

published manuscript), 1997. Although not recent, these are the most up to date reports we have access to in terms of civil servants census.

²² MADUREIRA, C., CORREIA DE CAMPOS, A - A formação superior em Administração Pública em Portugal: Criação do Curso de Estudos Avançados em Gestão Pública - **Revista de Administração e Políticas Públicas**, vol.1, nº2, 2001

²³ MURPHY, K.R., CLEVELAND, J.N. - **Performance appraisal: An Organizational Perspective**, Boston, Allyn and Bacon, 1991

²⁴ OECD - **Managing Senior Management: Senior Civil Service Reform in OECD Member Countries** - Paris, PUMA, 2003

inter-personal relations or work environment in the determination of individual performance^{25 26 27}. In this sense, some authors have been developing the study of particularities of performance evaluation and management in the context of human resources strategic management in public administration^{28 29 30 31 32 33 34}.

In what concerns the reality of the Portuguese public sector, in terms of performance evaluation, although there is a general consensus whereby politicians, public managers and civil society leaders claim for justice, equity and meritocracy, there are very few in these same groups that really accept to risk the existent system and discuss the real possibilities of change in organizational culture and behavioral patterns in public administration. Such a discussion is absolutely necessary to open the way to the implementation of a performance evaluation system that can have effective consequences in the context of administrative reform. Many authors suggest that the fear of losing privileges or control (which may result from the reorganization of a structure and its functions), the uncertainty of the future and the loss of competences hegemony (resulting, for example, of a new technological system that workers do not master) often lead workers and managers to resist organizational change^{35 36 37} and consequently the creation of a system that tends to evaluate as objectively as possible the performances of everyone. This phenomenon of resistance is particularly relevant in the context of an excessively bureaucratized and regulated public administration like the Portuguese, where career promotions are still mainly linked to seniority.

In another perspective, one must not forget that like any organization, public organizations are essentially a construct of people and not only its physical structures or its formal organizational chart. In fact, consistent administrative reform and modernization models are always dependent to a large extent on workers, their behaviors and performances³⁸. In fact, without diagnosing the performance of administrative actors and consequently promoting more efficiency and effectiveness, it will be difficult to successfully implement any administrative modernization and reform^{39 40}. De Bruijn⁴¹ argues that if the conditions for bilateral trust and natural interaction between hierarchical levels are not set, there will be no harmonious performance evaluation or management.

Attentive to this long discussed problem in Portuguese public administration, the 15th constitutional government approved in 2003 the guidelines for the administrative reform in the 2003 Ministers Council Resolution N.95, and put into effect by the 2004 Resolution N.53. The reform outlined in these documents, which has not been

²⁵ MORHMAN, A. M., LAWLER, E.E. - Motivation and performance appraisal behavior. In F. Landy, S. Zedeck & J. Cleveland (Eds.), **Performance Measurement and Theory**, Hillsdale, NJ: LEA, 1983

²⁶ MURPHY, K.R., CLEVELAND, J.N. - **Performance appraisal: An Organizational Perspective**, Boston, Allyn and Bacon, 1991

²⁷ CAETANO, A. - **Avaliação de Desempenho – Metáforas Conceitos e Práticas**, Lisboa, Editora RH, 1999

²⁸ OCDE, **L'Évaluation des performances: Pratique, problèmes et questions à débattre**, PUMA – Gestion Publique, Université d'Australie Occidentale, Paris, 1993

²⁹ DE BRUIJN, H. - **Managing Performance in the Public Sector** - London, Routledge, 2002

³⁰ TOMPKINS, J. - Strategic Human Resources Management in Government: Unresolved Issues - **Public Personnel Management**, pp-95-110, 2002.

³¹ GUILLAUME, H., DUREAU, G., SILVENT F. - **Gestion Publique – L'État et la performance** - Paris, Presses de Sciences Po et Dalloz, Amphi, 2002

³² POISTER, T. - **Measuring Performance in Public and Non-Profit Organizations** - San Francisco, Jossey Bass, 2003

³³ LECTURE, D.C. - Performance: Promises to keep and Miles to Go - **Public Administration Review**, July/August, Vol.65, N°4, ASPA, pp-390-395, 2005

³⁴ MOYNIHAN, D.P. - Goal-Based Learning and the future of Performance Management - **Public Administration Review**, March/April, Vol. 65, N°2, ASPA, pp-203-216, 2005

³⁵ KANTER, R.M., STEIN B.A., JICK, T.D. - **The Challenge of Organizational Change** - NY, Free Press, 1992

³⁶ ROCHA, J.A.O. - **Gestão Pública e Modernização Administrativa** - Oeiras, INA, 2001

³⁷ MADUREIRA, C. - A organização neo-taylorista do trabalho no fim do século XX - **Sociologia Problemas e Práticas**, n°32, CIES, ISCTE, pp-159-182, 2000

³⁸ MADDOCK, S. - Making Modernisation work: New Narratives, change strategies and people management in the public sector - **The International Journal of Public Sector Management**, Volume 15 n°1, pp-13-43, 2002

³⁹ ROCHA, J.A.O. - **Gestão Pública e Modernização Administrativa** - Oeiras, INA, 2001

⁴⁰ MADUREIRA, C. - A organização neo-taylorista do trabalho no fim do século XX - **Sociologia Problemas e Práticas**, n°32, CIES, ISCTE, pp-159-182, 2000

⁴¹ DE BRUIJN, H. - **Managing Performance in the Public Sector** - London, Routledge, 2002

interrupted by following governments, establishes a “new idea of performance evaluation of both public services and public employees”, as well as the adoption of a new system of “management by objectives” as the main matrix for change. It is in this context that the 2004 Law N.10 is published, thus creating the Integrated Evaluation System for public administration (SIADAP) and revoking the prior model.

Although this new system sets two evaluation levels – the individual and the organizational, only the former has been regulated and put into practice. However, the introduction of this new evaluation model has proven to be quite difficult, as it encountered resistance in both employees and managers, mostly during its first year of application. Two main differences from its predecessor can explain this resistance trend. First, it privileges a result-oriented evaluation and second, it limits the highest grades through a quota system. The comprehension, acceptance and apprehension of these novelties imply a cultural change, for which no information or training plan involving all public workers was prepared⁴².

The new Portuguese administrative paradigm is ‘management by objectives’, which naturally implies the involvement of all the hierarchical structure in the definition and control of objectives and results, starting with each organization’s top manager. Such an involvement has proven to be scarce and incipient, and this may have pushed the government to publish the December 29 Ministers Council Resolution N.199 that unmistakably determines the responsibility of top managers to establish strategic objectives, which are the base for the objective definition in the subsequent organizational units. On the other hand, the implementation of ‘management by objectives’ implies the existence of specific competences, as well as a technical and behavioral updating dynamic in managers. The fact is that in Portugal, a recent study shows that many public managers disregard questions related to cultural and behavioral change⁴³.

In 2008, the government revised the performance evaluation system with the December 29 Law N.º66-B/2007, introducing major and minor changes to the model. This renewed version of SIADAP establishes three levels of assessment: organizational, managerial and individual. The performance of public organizations is driven by an auto-assessment carried out internally and based on key-performance indicators approved by the government. Only if performance is poor is there an external intervention as to identify causes and propose solutions.

The performance of top managers remains dependant of Mission Statements, which are negotiated with and assessed by the government. The case is very different for intermediate managers, as their evaluation system has now two important changes: they are evaluated on the basis of their department’s objectives and they are subject to maximum grade quotas, as the rest of the workers. In relation to individual performance evaluation, the essence of the previous system is maintained. In terms of effects of performance evaluation, some important novelties were introduced. The career evolution is now directly tied to the evaluation results, and it is now possible to distribute performance-related pay to top performers.

The combination of all these factors – no experience in evaluating organizations; no generalized information/training about the new model; tacit introduction of a new management model; resistance to cultural/behavioral change; and no involvement of top managers in defining objectives – makes the implementation of SIADAP complex and difficult. It has also resulted in the non-application of reforms in many public organizations. Although the creation of a performance evaluation system is of extreme importance to achieve a participated and sustained administrative reform, SIADAP must be regarded as an experimental instrument, and thus subject to revisions that would correct failures and deficiencies that still remain.

⁴² Between 2004 and 2008, the authors assisted the introduction of the SIADAP system in several public institutions in Portugal. During this period, several questions were raised by employees and managers (some very pertinent, due to the system’s ambiguities and imperfections), but the resistance to change was very noted in important hierarchical positions.

⁴³ MADUREIRA, C. - A organização neo-taylorista do trabalho no fim do século XX - **Sociologia Problemas e Práticas**, nº32, CIES, ISCTE, pp-159-182, 2000

3. Recruitment and evaluation of public managers in the Portuguese public administration

3.1. The recruitment of public managers

According to Page & Wright⁴⁴, there has been a reinforcement of the assumption that, despite an administration's degree of neutrality and independence from politicians and political parties, any person that serves the State should respect the institutional loyalty principle. There is nowadays a common tendency in more depoliticized administrative systems to seek "trustworthy servants" for top-management positions. However, the use of this term has a reference to the concept of trust in its wider sense, not only political. This tendency is very clear in countries like Denmark. Jensen & Knudsen⁴⁵ illustrate well the example of this country, by describing the administrative modernization as a phenomenon that led to the transformation of bureaucrats into "public management professionals" and where recruitment is now based on professional competences and not political choices.

Paige & Wright⁴⁶ use the Austrian case to contradict the idea that in countries where the appointment of top managers obeys political trust logics, top civil servants that belong to the party in government have privileged access to top positions. In fact, in countries like Austria where public administration is traditionally politicized, this politicization has now new outlines, since the appointment of managers by ministers is based on personal loyalty more than political party loyalty.

One could say that today, after several attempts of administrative reform in western countries, with the emergence of the Public Choice Theory⁴⁷, managerialism and the New Public Management^{48 49 50 51 52} or a wider application of the Governance concept^{53 54 55} and independently of the political tendencies of governments that conduct these reforms, there is an aspect that has become essential to the connection between political power and administrative elite: Trust.

As bureaucratic organizations grew, unconcerned with the evolution of changing civil society needs, politicians and citizens have progressively disregarded them. Also the traditional forms and methods of recruitment and selection as well as the form of organizational management have been formally or informally replaced.

To better understand the issue of change in public organizations over the last decades, we can point out the decrease of trust in traditional bureaucratic organization models⁵⁶ as the core of the main modifications operated (independently of its format or direction). In countries like Greece or Italy, the mistrust in bureaucratic public tradition has set apart political and administrative elites. In the United Kingdom and in Denmark, on the other hand, new management structures (agencies) were created and the political management of bureaucratic/public

⁴⁴ PAGE, E.C., WRIGHT, V. (eds.) - **Bureaucratic Elites in Western European States – A comparative Analysis of Top Officials**, Oxford, University Press, 1990

⁴⁵ JENSEN, H., KNUDSEN T. - Senior Officials in the Danish Central Administration: From Bureaucrats to Policy Professionals and Managers - in **Bureaucratic Elites in Western European States**, December, Oxford Scholarship Online Monographs, pp-229-249, 1999

⁴⁶ PAGE, E.C., WRIGHT, V. (eds.) - **Bureaucratic Elites in Western European States – A comparative Analysis of Top Officials**, Oxford, University Press, 1990

⁴⁷ MUELLER, D.C. - **Public Choice** - Cambridge, Cambridge University, 1979

⁴⁸ PETERS, T., WATERMAN, R. - **In Search of Excellence** - New York, Harper and Row, 1982

⁴⁹ POLLITT, C. - **Managerialism and the Public Services: The Anglo-American Experience** - Oxford, Basil Blackwell, 1990

⁵⁰ OSBORNE, D., GAEBLER, T. - **Reinventing Government** - Addison, Wesley Publishers Company, 1992

⁵¹ LANE, J.E. - **Public Sector: Concepts, Models and Approaches** - London, Sage Publications, 1995

⁵² FREDERICKSON, G. - Comparing the Reinventing Government with the New Public Management - **Public Administration Review**, volume 56, n°3, pp-263-270, 1996

⁵³ Governance perceived as the recognition that in a global society, there are no unilateral impositions of any kind of leadership, and that therefore State and Public administration must function as a system of orientating bodies of different social and economic actors of a determined society.

⁵⁴ HOOD, C., LODGE, M. - Competency, Bureaucracy and Public Management Reform: A Comparative Analysis, **Governance**, pp-313-333, 2004

⁵⁵ PAGAÇA, I.P. - La Globalización y la Reforma a las Administraciones Públicas - **Revista Iberoamericana de Administración Pública**, n°5, Julio-Diciembre, 2000

⁵⁶ ROCHA, J.A.O. - **Gestão Pública e Modernização Administrativa** - Oeiras, INA, 2001

structures has increased. In Spain, administrative elites were politicized, and finally in countries like Germany or Sweden, mistrust in bureaucratic administrative models was used to restrain the progression of career bureaucrats into top management positions⁵⁷.

The progressive weakening of mass political parties, with a strong ideological component, and the promotion of more transversal and less focused parties in civil society has also been a strong contributor to the recession of the political party logic in choosing public managers. Despite this and the fact that trust can be considered as a key element in the political choice process, it is still necessary to clarify if the assessment of competences and capacities for public top management positions is performed in an objective manner and if political trust criteria are strengthened or weakened according to results attained (or not) by managers in whom trust was first placed.

The fact that Portugal experienced a political dictatorship until April 1974 has contributed to the perpetuation of negligence in public administration, where no attempt of reform was ever taken. According to Araújo⁵⁸, it was the intensification of social, financial, political and mostly international pressures that drove the country to start a reform attempt during the 1980s'. The OECD⁵⁹ pointed out the 1974 revolution and the accession to the European Community in 1986 as essential landmarks for achieving and driving administrative reform. In this context, it wasn't until 1979 that Portuguese public administration managers stopped being appointed for life, and started being appointed in a temporary service commission regime⁶⁰. Manager positions changed from a definitive to a transitory status, although renewable every 3 years. The evolutionary dynamics of the political, social and economic tissue contributed to such situation.

However, and despite external influences, the juridical framework of bureaucracy remained in essence almost identical to the one in effect during the near 50 years long dictatorship⁶¹. One can therefore admit that the administrative state inherited from the old regime not only was maintained, but gained new roots through the promotion and expansion of the public sector.

Between 1974 and 1987, political power appeared weak and confused in Portugal, as minority governments followed each other. Only when the Social Democrat Party (PSD) obtained a parliamentary absolute majority in 1987 was the political control over the administrative apparatus reinforced. Political power centralized administrative power in the hands of politicians with the intent of avoiding eventual opinion confrontations or disagreements between top administration and government. Rocha notes that the 1989 Decree nº323 created a Special Statute for Management Personnel, allowing government members to recruit director-generals and sub-director-generals outside public administration personnel boards. Even the recruitment of intermediate managers (service directors and heads of division) now depended on political power⁶². Despite the advances made in terms of legal framework and methods of appointment of managers, there was an inadequacy between the law and the ongoing developments in work organization models of public administration. Nevertheless, the Special Statute for Management Personnel symbolized the institutionalization of a new kind of managers' recruitment in public administration. In the preamble of this normative text, one can read that an effective public administration "requires the existence of competent, dynamic and loyal managers, capable of deciding in the proper moment upon multiple organizational problems that occur daily, of predicting the evolution of external demands and the needs of the public they serve, of bravely facing the challenge of modernity, in short, of managing with growing efficiency the services under their responsibility".

⁵⁷ PAGE, E.C., WRIGHT, V. (eds.) - **Bureaucratic Elites in Western European States – A comparative Analysis of Top Officials**, Oxford, University Press, 1990

⁵⁸ ARAÚJO, J.E. - **Reform and Institutional Persistence in Portuguese Central Administration** - University of Exeter, Doctoral Thesis, 1999

⁵⁹ OECD - **Managing Administrative Reform: A case study of Portugal (1976-1994)**, Public Management Occasional Papers, Puma, Paris, 1995

⁶⁰ TEIXEIRA DA CRUZ, J.M. - O recrutamento, a selecção e a avaliação dos dirigentes - **Revista Administração, Dirigentes e Técnicos do Estado**, Série 3, Nº3, Maio-Junho, 1992

⁶¹ ROCHA, J.AO. - **Gestão Pública e Modernização Administrativa** - Oeiras, INA, 2001

⁶² ROCHA, J.AO. - La fin de l'État Administratif au Portugal - **Revue Française d'Administration Publique**, Institut International d'Administration Publique, nº86, Avril-Juin, pp-219-229, 1998

During the last 15 years, debate on the appropriate recruitment method for top and intermediate managers in public administration has been ongoing. Succeeding laws have modified the forms of recruitment of managers. The 2004 Law nº 2, which approved the Statute of Management Personnel in Services and Organizations of Central, Regional and Local State Administration, sets out in Section II of Chapter II the rules for the recruitment and selection of intermediate management positions. Within this framework, Article 20 established the graduate's degree (with some exceptions), a minimum period of professional experience and the approval in a training course of Top Management in Public Administration as pre-requisites for management positions. In accordance with Article 21, the selection of intermediate managers has abandoned the competition procedure. Tavares (2004) argues that this new management statute has essentially served the purpose of dealing with deficits in public administration such as weak leadership culture, reduced autonomy, lack of specific training and the maintenance of bureaucratic and slow selection methods.

The 2005 Law nº 51 "establishes rules for the appointment of top managers in public administration" and reintroduces the situation prior to 2004 (revoking the January 15th, 2004 Law nº2) in relation to the recruitment of intermediate managers. In fact, Article 20 establishes that "intermediate managers are recruited by a competition procedure". In the same document, Article 21 states that there must be a jury composed of the top manager of the institution, another manager in the same or higher level and grade than the position to be filled and "an individual of recognized competence in the respective functional area, appointed by a higher education institution or public association that represents the corresponding profession". The decision on the choice of the candidate must be sustained only on the proposed nomination, where the jury must indicate the reasons for its choice. This way, only top managers are appointed directly by the government.

As Paige & Wright⁶³ affirmed, the fact that the choice of managers is based on imperatives of "trust", independently of the state and the reforms undertaken, takes us to an interesting question. In Portugal, as in other countries, it is still not clear whether this personal trust, claimed by politicians for managers, is in fact a way to legitimate the almost total subjectivity in choosing public managers. This top managers recruitment process doesn't seem sensitive to the need to create more objective candidacy evaluation models to avoid subjectivity and discretion, thus contributing to the maintenance of lack of transparency and eventual ineffectiveness in public administration.

Shouldn't top managers, despite the trust placed upon them, give objective proof of reaching goals, as it happens for civil servants? We try to answer this question in the next chapter.

3.2. Performance evaluation of top managers

In public as in private organizations, change and consequent reforms depend on the transformations of the value systems and reference frameworks of everyone that works in them. In the case of Portuguese public administration, where pyramidal hierarchical structures prevail and where decisions and rules are dictated from the top, the role of managers in the reform process is decisive⁶⁴ ⁶⁵. However, they often appear as one of the most resistant groups to change, mainly because of the possibility that new outlines in organization and management can lead to decreased personal importance or status and increased accountability for them⁶⁶.

Nevertheless, in Portugal as in any other State, the role of managers in a reform process in public administration is absolutely essential. Managers that are not a part of the reform must not have place in an administrative

⁶³ PAGE, E.C., WRIGHT, V. (eds.) - **Bureaucratic Elites in Western European States – A comparative Analysis of Top Officials**, Oxford, University Press, 1990

⁶⁴ ROCHA, J.AO. - **Gestão Pública e Modernização Administrativa** - Oeiras, INA, 2001

⁶⁵ MADUREIRA, César - **A formação comportamental no contexto da reforma da Administração Pública portuguesa** - Oeiras, Edições INA, 2004

⁶⁶ *Idem*

modernization process⁶⁷. On the contrary, in order for a reform or renovation process to be effective, it is important to choose managers on the basis of objective criteria, delegating tasks, powers but also responsibilities, and expecting the fulfillment of concrete and appraisable goals and results. Only then is the positive and active participation of managers made possible in a process of change and administrative reform.

Beyond the political, structural, organizational, technical and procedural changes, the need to change “bureaucratic-administrative mentalities” is an important variable in any solution of public administration reform. Trained for decades within a logic of centralization and overvalued rules and procedures, and being inattentive to the needs and criticisms of the public, public managers promote the “previously convened” rather than innovate. On the other hand, the Portuguese experience demonstrates that proximity to political power has inhibiting effects in managers’ behaviors. The excessively cautious way, in which they issue advice, defend their positions or avoid objective responsibilities are examples of this⁶⁸. This way, all decisions that can have ambiguous non-standard content are frequently forwarded to their hierarchical superior. In the case of Portugal, this issue is even more visible when, throughout history, the majority of managing positions have been under a political appointment regime. This fact strengthens the fears of managers that avoid acting outside the previously determined boundaries, under the implicit threat of losing privileges.

According to Teixeira da Cruz, “the Director-General or equivalent is the link between government and public administration. It is a position of political trust and therefore, individual choice is the most appropriate method, independently of the specific academic training he may have”⁶⁹. Today, however, different administrative science tendencies, from the New Public Management to Governance, tend to consider top managers not only as executors of public policies but also as active agents of change, having results to achieve (that can be quantified and therefore measured) and goals to fulfill, as it would be senseless to establish objectives, goals and performance indicators for civil servants and not for top managers.

The fundamental task of a manager is effectiveness. But to evaluate it, it is necessary to measure managers’ performance by establishing plans as well as control and deviation detection and correction instruments. A recent OECD study⁷⁰ points out the fact that politicians do not use performance information in decision-making. This data reveals that in general, the real performance of public top managers is not taken in consideration in political decisions. According to Schedler⁷¹, rarely are politicians guided by performance measures or evaluations when taking political decisions.

Nevertheless, one must not forget that the decision to choose a top manager in public administration and consequently to evaluate him, can be considered as a political decision, but also and mostly as a pragmatic decision upon which the global performance of a public entity can depend. Moynihan⁷² believes that in order for administrative reform to transform public administrations into organizations that actively seek results, it is necessary that performance evaluation becomes part of a paradigm that is reproduced, multiplied and learned by the entire organization.

In Portugal, the implementation of the new Integrated Evaluation System for public administration (SIADAP) suggests that an effective evaluation implies the adoption of a cascading goals approach, from the top of the hierarchy to its operational base. In fact, notwithstanding any demerits it may have, this new system has the merit

⁶⁷ CORREIA DE CAMPOS, A - Reforma da Administração Pública - **Reformar Portugal – 17 estratégias de mudança**, Luís Valadares Tavares, Abel Mateus e Francisco Sarsfield Cabral (coordenação), Lisboa, Oficina do Livro, 2002

⁶⁸ GANHÃO, M.T. (1994) - Desburocratização da Administração Pública - **Forum Sociológico – Revista do Instituto de Estudos e Divulgação Sociológica**, Nº 5, pp-7-18, 1994

⁶⁹ TEIXEIRA DA CRUZ, J.M. - O recrutamento, a selecção e a avaliação dos dirigentes - **Revista Administração, Dirigentes e Técnicos do Estado**, Série 3, Nº3, Maio-Junho, 1992, p.18

⁷⁰ OECD - **Modernising Government – The way forward**, OECD Publishing

⁷¹ SCHEDLER, K., Developing Performance indicators and Measurement systems in Public Administration, in **Strategies for Public Management Reform**, L. Jones, K. Schedler, R. Mussari (eds.), Research in Public Policy Analysis and Management, Volume 13, Elsevier JAI, 2004

⁷² MOYNIHAN, D.P. - Goal-Based Learning and the future of Performance Management - **Public Administration Review**, March/April, Vol. 65, Nº2, ASPA, pp-203-216, 2005

of trying to break with a predominantly passive cultural pattern, as it rehearses an evaluative intervention that is progressively more oriented towards meritocracy and not only seniority. It is self-evident that the system's weaknesses are still multiple, but that is not the centre of our debate. In this present analysis, it is more important to address the question: If Portuguese public managers are evaluated on the basis of the organization's results, why don't these have objectives, goals and performance indicators?

One can find different answers of statutory, functional, empiric or scientific origin to justify the differentiation of instruments and methods of evaluating the performance of top managers (Director-general, sub-director and equivalents). Section II of the 2004 Law nº2 establishes the "Principles of action" for managers. Article 3 describes the "Mission", Article 4 the "Principles of General ethics" and Article 5 the "Principles of management". This Article states that managers "should promote a result-oriented management, according to annual objectives". The evaluation of this result-oriented management is later partially revisited in Article 14 which states that "managing personnel will be evaluated in terms to be defined in proper legislation, with the intent of appraising the performance in their respective responsibility areas." This 2004 Law only perpetuates the non-existence of top managers' evaluation.

Only the August 30th 2005 Law nº51 presents news in relation to the evaluation of top managers in Portuguese public administration. Article 14 states that "first degree top managers [Director-general] are evaluated according to the level of fulfilment of objectives established in the mission statement to which refers Article 19-A". This article, added to the Law reads as follows:

"Article 14 – Mission Statement

- 1. When appointed, the competent member of government and the first degree top manager sign a mission statement, which constitutes a management agreement where objectives to be attained over the appointment period are explicitly defined, quantified and scheduled.*
- 2. The mission statement can establish, in terms to be regulated, the attribution of management awards for services or entities and/or for the manager, according to the progressive attainment of the defined objectives."*

The 2005 Ministers Council Resolution nº 199 also refers the importance of the mission statement of the top manager of a public institution, mainly because it should act as the base element for establishing cascading objectives for the remaining managers as well as for all workers.

With the revision of the system in 2008, the performance evaluation of public managers is now more closely tied to the organization's objectives and results. Even if the effective assessment is still carried out in the political domain, the evaluator has to consider the overall performance of the institution. Moreover, the quota system for best performances is now applied to both organizations and top managers.

One could say that in legal terms there is a considerable evolution in respect to the evaluation of the highest hierarchical level in public administration. In fact, little sense would the existence of SIADAP have without a rigorous performance evaluation of the highest levels of management. The binding of objectives, goals and even performance indicators can only be possible in a scheme of linkage and interdependency between the performances of the different hierarchical grades. However, one must not forget that the absence of sanctions for top managers emerges as a matter of relative injustice in the eyes of civil servants who have more adverse evaluation conditions in this matter.

4. Conclusion

In a country that has sought to reorganize its public administration for more than 30 years, the constant changes in law and in philosophy in relation to the reform and consequently human resources management have hindered the

clarification of how to use recruitment and workers and managers evaluation in a process for administrative modernization.

In terms of civil service recruitment, there appears to be some indication (in legal documents published over the last 5 years and data supplied by the Public Pension Fund⁷³) that there is now more caution in selecting and contracting personnel. However, despite some modifications brought by these measures, in the case of top managers it is still not clear that the “appointment by trust” (political or personal) is the best choice. Even if, according to Paige & Wright⁷⁴, this “trust” factor is at the origin of managers’ choice in all western countries. Unless the managers’ recruitment system is associated to an evaluation system that defines with absolute clarity their objectives, goals and performance indicators as well as the real consequences of success or failure, such recruitment system should not be placidly accepted.

On the other hand, the introduction of SIADAP to evaluate civil servants constitutes an important novelty, as it symbolizes a shift in organizational culture in Portuguese public administration. In fact, it represents the first attempt to create an evaluation culture in administrative organizational environment. Although this recently conceived instrument has faults, only its continued improvement will insert the desired evaluation culture in the administrative reality, thus contributing to the reform.

Finally, it is important to understand how the performance evaluation of top managers in Portuguese public administration will be made. As demonstrated before, the investment in rigorous performance evaluation would have little sense without clarifying the ways (or methods) of evaluation of the highest levels of management. In fact, the fulfillment of cascading objectives (as established by SIADAP) can only be possible in a scheme of linkage and interdependency between performances of all hierarchical levels. In order for SIADAP to function harmoniously, the rights and obligations, the objectives, goals and performance indicators, as well as the real consequences of success or failure must be specifically expressed. Only then can the productivity of Portuguese public administration be assured.

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⁷³ Caixa Geral de Aposentações

⁷⁴ PAGE, E.C., WRIGHT, V. (eds.) - **Bureaucratic Elites in Western European States – A comparative Analysis of Top Officials**, Oxford, University Press, 1990

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