



ГОСУДАРСТВЕННОЕ УПРАВЛЕНИЕ: ТЕОРИЯ И ПРАКТИКА

PUBLIC ADMINISTRATION: THEORY AND PRACTICE


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Application of Due Process in Recruitment and Selection of Personnel into the Federal Civil Service. Part 1

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Abstract. This study was conducted to investigate the constraint to the effective application of due process in the recruitment and selection of personnel into the federal civil service. Four objectives and four research questions guided the study. A sampling technique was used in carrying out the work. A total number of three hundred (300) respondents were used for the study. The instruments for data collection were a questionnaire and observation checklist. Three hundred (300) copies of the questionnaire were distributed to the staff of the Federal Civil Service Commission (FCSC), Abuja and two hundred and seventy-six (276) were returned representing a 92% return rate. The frequency table and Mean were the statistical measures employed for the data analysis. The findings revealed that there were no strategies or methods of recruitment and selection of staff into the federal civil service. However, the findings also revealed that practices such as political interference and corruption during recruitment and selection in federal civil service tend to undermine the principle of due process. Based on the findings, it was recommended that the federal civil service commission should formulate sound policies and practices that will minimize the degree of politicization and corruption in the recruitment and selection of staff into the federal civil service; make use of modern sources and techniques of recruitment and selection such as, E-recruitment process and Information & Communication Technology (ICT)-based selection resources as their source of recruitment and selection; and develop strategies or methods that will result in the effective application of due process in their recruitment and selection exercises.

Keywords: civil service, commission, corruption, due process, goal theory, politicization, recruitment, selection, Nigeria

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Introduction

Every human organization exists to accomplish certain goals and objectives it set for itself in terms of services and has to be cautious about the quality of human resources it employs through the processes of recruitment and selection. To achieve this, such an organization must ensure that it adheres strictly to the application of due process in the recruitment and selection processes to ensure the employment of a reliable, competent, effective, and efficient workforce that will assist in seeing to the realization of the organizations' set goals and objectives. In almost all organizations (public or private), there is always a separate body saddled with the responsibility of recruiting and selecting the workforce needed for the realization of the organizations' goals and objectives.

In Nigerian public service, the responsibility for recruiting personnel into the civil service is that of an independent commission, the federal civil service commission (FCSC), established as far back as 1954. This assigned role is still constitutional to date [1. P. 170]. The federal civil service commission comprises of a chairman and about fifteen other commissioners who shall in the opinion of the president be persons of unquestionable integrity and sound judgment (1999 constitution, 3rd schedule part 1 (109,6)) [1]. The Commission is a department of the civil service not under any ministerial control [2. P. 72]. However, while the civil service commission has the right to recruit and select workers into the civil service as constitutionally assigned to it, the process has been a far cry from expectations owing to the lack of the effective application of due process in the process of recruitment and selection of workers. The commission at this time needs to restore its dignity by adhering strictly to the due process principles in carrying out its business especially in recruitment and selection of federal civil servants to enhance effectiveness in civil service and government parastatals.

Statement of Problem

There are certain factors (such as sociological and institutional factors) that necessitated the introduction of due process application in civil service recruitment and selection exercises. Sociological factors are based on political consideration akin to the patronage or spoil system at the expense of a strict merit system, and institutional factors are based on tested and proven administrative and execution, competence, skill, experience, and qualification, but fraught with corruption. The employment of personnel into government ministries, departments, and agencies (MDAs) these days are often based on political and other parochial considerations. Onwe, et al [3] noted that the political heavyweights more often than not take advantage of their privileged positions to reward their political thugs who worked strenuously to see them emerge victorious during the electoral process with appointment into the federal civil service. In a nutshell, they (Onwe, et al [3]) explain that the political party loyalists are being compensated by given the

principal officers of the party privilege to nominate people for appointment as commissioners for the commission. These commissioners, in an attempt to secure their position as well as gain undue favor from the president and members of his cabinet, (the commissioners) deliberately aid and abate the incursion of politics into the recruitment and selection exercises. They introduce “Ghost Workers” and sinecure (profitable or prestigious position requiring little or no work) into the system. Consequently, this brings about unjust use of the public fund to pay corruptly employed and redundant staff. What we have in the recruitment and selection of personnel in the federal civil service in Nigeria these days is a situation where the chairman of the commission compiles the names of his/her relations, friends, social club members, loyalist, and party members and offers them employment without resorting to laid down recruitment and selection procedures. There have been some cases where the commissioners give express orders to the personnel in charge of recruitment and selection to recruit their preferred candidates. Similarly related to this are some of the corrupt officials of the commission who see the exercise (recruitment and selection) as an opportunity to make money and hereby resorting to collecting bribes from the applicants hence “no bribe no employment”. All these make the entrenchment of the principle of due process in the federal civil service commission lacking but desirable. The solution should start with the critical study of the recruitment and selection procedures of the federal civil service commission to recommend ways of ensuring that the most qualified candidates are always recruited and selected to enhance high productivity in federal civil service.

The Objective of the Study

The broad objective of this research is to critically evaluate the application of due process in the recruitment and selection of staff into the federal state civil service to:

- (i) Determine the effects of politicization and corruption in civil service’s productivity
- (ii) Find out the strategies or methods of recruitment and selection used in the recruitment process.
- (iii) Find out the extent to which the recruitment and selection of unqualified staff have caused the ineffectiveness and inefficiency of Nigerian civil service.
- (iv) And finally to determine the extent to which Nigeria civil service apply due process principles in recruitment and selection of civil servant into the institution.

Research Question

The following question would help us to address the relevant issues of the study.

- (i) What are the effects of politicization and corruption on Nigerian civil service productivity?
- (ii) What are the strategies or methods of recruitment and selection of staff into the federal civil service?

(iii) To what extent has recruitment and selection of unqualified staff caused the inefficiency and ineffectiveness in Nigerian civil service?

(iv) To what extent does Nigeria civil service commission apply the due process in recruitment and selection processes?

Significance of the Study

The significance of this study lies in the fact that it is not a mere critique of other researchers, rather it is problem-solving research that aims at suggesting the possible strategies to the entrenchment of due process in the recruitment and selection of civil servants into the federal civil service by the commission. The empirical and theoretical significance of the study are stated below:

Empirical Significance: It will enlighten the independent body (federal civil service commission) which is charged with the responsibility of recruiting and selecting personnel into the service to adhere strictly to the application of due process when carrying out recruitment and selection practice to employ qualified and skilled personnel that will enhance efficiency and effectiveness in the realization of organizational goals and objectives.

Theoretical Significance: This research work will also serve as reference material to future researchers who will want to research this study or related topic.

Scope of the Study

This work will discuss immensely the application of due process in the recruitment and selection of personnel into the federal civil service. In other words, the study will focus on the recruitment and selection of civil servants into the federal civil service by the commission which has remained a very contentious issue. This, therefore, makes the federal civil service commission a suitable scope for this type of study.

Theoretical Framework

The theoretical framework this study underpinned is Goal Theory which was propounded by Max Weber and Robert Michaels. According to them (Max Weber and Robert Michaels), all organizational activities are oriented toward the achievement of the organizational goal. Therefore a study of organizations and their problems must necessarily start with an analysis of the goals of the organization. They explained that the goal theory lays paramount importance on the achievement of the goal for which an organization is set up. This theory stresses that for a better understanding of the problems of the organizations, the goal of that organization must be put into adequate consideration, and most especially all activities of the organization must be centered and directed towards the effective and efficient accomplishment of its goals with minimum cost and maximum profit. Their most important contribution is that they described the study of organizations and their problem as an evaluation of the effectiveness with which organizations achieve their goals. The Nigeria civil service like every other organization is instituted solely to ensure constant and effective service. To assist in policymaking and policy

implementation. This form the need for its establishment, to achieve that goal, the Nigeria civil service ensures efficiency and effectiveness towards services rendered to and for the people though there are also impediments to the realization of these goals through services such as political interference, corruption, and the problem of “functional connection”. This according to Okoli [4. P. 16] is a situation where people get what they want (including employment) based on their degree of connectedness rather than the due process involved in acquiring such thing; long military era, according to Babaru [5], the military ruled the country for about 28 years and during regimes, they initiated different reforms that led to the conscious and deliberate politicization of the federal civil service which made the system declined in efficiency, effectiveness, and productivity. The civil service is an organization with set goals and objectives, working harder to accomplish these set goals by adhering strictly to the due process or laid down rules of the organization is the major concern of every worker or employee in the organization (civil service). The application of due process in the recruitment and selection strategies in the federal civil service by the commission and Nigerian government as a whole has its goals and objectives which among all was to enhance transparency, accountability of government, and then enhance efficiency and effectiveness in the civil service to accomplish the general goal of the organization through services.

Literature Review

A literature review was done which enabled us to design our methodology. To achieve the objective of this research, the following concepts were thoroughly reviewed.

- Concept of Due Process Application in Nigeria
- Recruitment and Selection
- Concept of Civil Service

The Concept of Due Process Application in Nigeria

Due process has variously been defined according to the writer’s perspectives. Due process can simply be defined as a laid down procedure. This implies that due process as a philosophy is not new. Every organization both formal and informal, religious and secular, military or civil, has laid down operational procedure and thus due process [6. P. 28]. Due process simply entails the strict adherence to laid down rules and regulations in the conduct of organizations’ activities or business with the view of ensuring probity, accountability, transparency, and more importantly, to ensure effectiveness and efficiency in such organization. Due process application in recruitment and selection of civil servants has to do with total enthronelement of merit principles in civil service. The Pendleton Act of 1883 established merit as a criterion for entrance into the civil service, where people are meant to be employed into the civil service based on a merit-based rule which includes personnel specification which stipulates all the attributes – sociological, physical, psychological, educational, etc. required of a candidate for a job. Thus through due process application in the selection process, the effectiveness

of the selection procedure which will often determine the long-run ability of the organization to achieve its objective will be enhanced. Similarly, Adujie [7] perceives due process as consisting of the willingness to let the political and legal processes take due course rather than arbitrary actions and clamor for “quick results and quick actions”, which are associated with the military. Nigeria civil service cannot be said to be incapable of performing its functions and fulfilling its obligations. They did these efficiently and effectively, particularly from the 1960s to the early 1980s. It has asserted thus: “But for the fact, the military intervened in government in 1966, the Nigerian civil service would have matured and it would have become one of the strongest civil services in the world and consequently, the Nigerian nation itself would have developed into a strong hard working and very proud country” [8]. The above assertion shows that the ineffectiveness found in civil service as a result of the military intervention and civil service reform of 1988 which was initiated by the Babangida administration which was known for corruption [9. P. 157]. The concept of due process in Nigeria was the initiative of Obasanjo’s regime 1999–2007. The concept evolved as a result of the regime’s desire to sanitize the public contracting and procurement systems in the Nigerian public sector, which has been characterized by monumental corruption and abuse of office, resulting in societal underdevelopment. Thus, the approach of due process to governance is encapsulated by Ezekwesili [10] and Obasanjo [11] in Ogonu [12. P. 1] implies that “Governmental activities and business can be carried out openly, economically and transparently without favoritism and corruptible tendencies. The essence of this is to ensure that rules and procedures for procurement are made in such a way as to be implementable and enforceable. It is hoped that this due process should put an end to the business as a usual syndrome in Nigeria. Due process is a mechanism that certifies for public funding only those projects that have passed the test of proper implementation packaging and that adhere stringently to the international competitive bid approach in award process”. The initiator of the due process principle in Nigeria Mrs. Oby Ezekwesili in her paper presented at Princess Alexandria Auditorium, University of Nigeria, Nsukka described the due process as the “design of a rapid response mechanism for ensuring fiscal transparency, strict compliance with due process, effectiveness and efficiency in the costing, prioritization, and execution of budget expenditure items resulting in an effective “follow-the-money” tracking process, by utilizing international and Nigeria expertise, and by adapting the best of information technology”. She posits that the expectation about due process is that things should be done according to the rules of the game in the budgeting process, our procurement process, and our public expenditure process. From inception, the due process clause has been interpreted largely (though not exclusively) to protect traditional practices against short departures. The equal protection clause, by contrast, has been understood as an attempt to protect the disadvantaged group from discriminatory practices, however, deeply ingrained and longstanding. Nigerians with international support have insisted that equal opportunity instead of favoritism should be elevated to the level of national principle. The underlying assumption in the above review is very important to the present study realizing that Nigerian society is such that

public office is used to apportion selective justice in all spheres of social fact including the selection and recruitment process in civil service.

Recruitment and Selection

According to Fatiregun [13] cited in Onah [14. P. 115], “recruitment is the process of assessing a job, announcing the vacancy, arousing interest and stimulating people to apply”. Obikeze and Anthony [9. P. 277] defined recruitment as the process of attracting job candidates to apply for vacant positions in organizations. They believe that it is through the recruitment process that an organization attracts the needed personnel to achieve its objectives. Ikeanyibe [2. P. 91] believes that “the recruitment functions aim to seek out, evaluate, and obtain a commitment from new employees to fill vacant positions in an organization. For Cole [15. P. 172], “the principal purpose of recruitment activities is to attract sufficient and suitable potential employee to apply for vacancies in the organization” Koontz [16] highlighted thus: “Effective requires a clear or the position to be filled, collection of data on the applicant, the projection of a favorable yet realistic image of the enterprise and attracting the best-qualified recruits for the position”. Conceptually, recruitment stands for the search for the proper personnel to perform the various activities, obligations in the processes of administration [17]. Flippo [18] shares a similar view with them and wrote that recruitment is the process of searching for prospective employees and stimulating them to apply for jobs in an organization. The purpose of recruitment must evolve the process of selection. Selection, therefore, is the process of severing the grains from the chaff. It is the process of pinpointing employable ones out of numerous applicants. According to Obikeze and Anthony [9. P. 278], selection is the process of choosing from the pool of applicants, those to be hired by the organization based on their abilities to meet the required organizational requirements. The essence of this process is to make sure that those to be hired meet up with the standard and expectations of the organization. Furthermore, Omisore and Okofu [19] identified two methods of selection: a selection from within the service embracing reassignment and promotion; and selection from outside the service recruitment. However, Ahmad and Schroeder [17] differing slightly in semantics with Omisore and Okofu [19], agreed that there are two methods of recruitment: External and Internal recruitment. Under external recruitment the personnel is recruited from the open market, here posts are advertised, applications are invited, tests are held and selection is made. They maintain that in internal recruitment, promotion is the process of recruitment from within. Ahmad and Schroeder opined that while external recruitment has the major advantage of infusing a new idea and changes into an organization, it has a setback of often involving series of training before the new staff can cope with the job. On the other hand, internal recruitment provides incentives, raises morale, and enthrones experienced men for better performance. Recruitment is closely linked with the selection process that, according to Ikeanyibe [2. P. 91], some authors tend to discuss them as a single process. However, he (Ikeanyibe [2]) pointed out that the primary objective of recruitment as distinguished from the selection process is to identify the person that the organization needs rather than the person the selector

likes or wants. “Furthermore he believes that selection is part of the recruitment process through which the organization takes out of many who applied those who are considered best for the Job”. Cole [15. P. 172] also believes that the principal purpose of selection activities, by comparison with recruitment, is to “identify the most suitable applicants and persuade them to accept a position in an organizational requirement”. Osuji [20. P. 80] cited in Onah [14. P. 115] broadly and succinctly defines selection by stating that: “The selection process involves the accumulation, evaluation, and assimilation of a wide range of information about the candidate from many sources, matching the information against the present and the future skill and manpower requirements of the organization and arriving at a decision on the suitability of the candidates for living”. In conclusion, the authors can deduct from all these that recruitment and selection have to do with all the activities involved in attracting and choosing the right manpower to fill the vacant job positions in an organization to achieve the objectives and goals of the organization.

The Concept of Civil Service

There are divergent views by many authors on the concept of “civil service”. Nwafor [21] defines civil service as “A service comprising all servants of the state, other than those holding political and judicial appointments who are employed in a civil capacity and whose remuneration is paid wholly and directly out of money voted by parliament. He saw civil service from the view that it is a service where people or some groups of people are employed to serve the state without involving themselves in political and judicial appointment”. Anne [22. P. 38] has defined civil service as a subset of persons working to provide a public service. To him, military personnel is generally excluded from the civil service, but many categories of civilian employment like the local government, state enterprises, judges, teachers, health professionals, elected officials, and, police appear to be excluded along with the military. This could be viewed as the principle of neutrality which simply implies that the civil servants are politically neutral; making it difficult for civil servants to openly join political parties, engage in election campaigns, present themselves as candidates for election, organize protest movements against the government, or openly take a side in arguments concerning public policy. They are neutral and have to serve any party that is in power. According to Okoli and Onah [23], civil service is defined as the policy-making, policy executing echelon of the service. They simply define civil service as a body that makes policy and executes it directly or indirectly. According to Igwe [24], “Civil service is the totality of the state civilian bureaucracy and a major source of expert advice, as well as an instrument for the implementation of government politics”. Igwe’s definition agrees with that of Okoli and Onah [23] which say that civil services are expert advisers and instruments for the implementation of government policies. Asiegbu and Ezeadi [25] defined civil service as “A component public bureaucracy or service in which the non-military workers, employees are engaged in the government services. The workers are often employed through competitive examination instead of political patronage. The appointment of the employees by the government is permanent, subject to good conduct during the years of service. Civil service

ensures the continuity of government in any country. They further added that civil service is a great body of men and women that translate words into action from one end to the country to the other”. This definition rightly captured the supposed meaning and functions of the civil service which presently do not prevail in all cases. For instant Asiegbu and Ezeadi stated that the civil servants are employed through competitive exams only, but in the civil service of today, employment into the civil service is sometimes determined by some factors like political patronage i.e. a situation where godfatherism takes charge in selecting officials into the civil service. In conclusion, all the cited authors have the same perception of civil service in the sense that they all agreed that the civil service is the body of permanent carrier officials charged with the responsibility of assisting in policymaking and also implement the public policy.

Identification of Gaps

Due process as gathered from several authors, is generally agreed to be laid down procedure. The observation is that the overall operation of the principle of due process in the general management of civil service remains to be seen in Nigeria. Work may have been written on civil service reform, generally, and due process, non so far has looked at how the application of due process has been observed in recruitment and selection of employees into the civil service, especially how it has been observed in federal civil service recruitment and selection exercise. This is the gap which this study has been designed to determine. To find out if the due process principle has been properly applied in recruitment and selection of civil servants into the federal civil service by the commission, as well as determining the strategies of recruitments and selection of staff.

To the next part. In the second part of the article there is full description of our research methodology (Method of Data Collection; Description of the Study Location; Sample and Sampling Techniques; Method of Data Analysis; Validation of Measuring Instrument and so on), discussion of the findings, conclusion and describing of some limitations of the study. You also find there some recommendations based on findings.

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Применение надлежащих процессуальных норм при приеме на работу и подборе персонала на федеральную государственную службу. Часть 1

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Аннотация. В статье изучаются ограничения эффективности применения надлежащей правовой процедуры при приеме на работу и отборе персонала на федеральную государственную

службу. Авторами использовался пробоотборный подход к сбору данных. В исследовании приняли участие 300 респондентов. Для сбора данных использовались анкетирование и контрольный список наблюдений. 300 экземпляров анкеты были розданы сотрудникам Федеральной комиссии по гражданской службе (ФКГС) в Абудже и 276 были получены, что составляет 92%. Результаты показали, что не было никаких специализированных стратегий или методов приема на работу и отбора персонала на федеральную государственную службу. Однако результаты анкетирования также показали, что такая практика, как политическое вмешательство и коррупция во время приема на работу и отбора на федеральную государственную службу, подрывает принцип надлежащей правовой процедуры. На основании полученных результатов было рекомендовано, чтобы комиссия по федеральной гражданской службе сформулировала разумную политику и институциональную практику, которые минимизируют уровень политизации и коррупции при приеме на работу и подборе персонала на федеральную гражданскую службу; использовать современные источники и методы найма и отбора, такие как процесс электронного найма и ресурсы отбора на основе информационно-коммуникационных технологий (ИКТ); и разработать стратегии или методы, которые приведут к эффективному применению надлежащих правовых процедур при найме и отборе персонала.

Ключевые слова: государственная служба, комиссия, коррупция, надлежащая правовая процедура, теория целей, политизация, набор персонала, отбор персонала, Нигерия

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