

Summary

The subject of the dissertation is to analyse the legal aspects of the selection and training of the local government administrative staff and to indicate which regulations of the administrative law should be amended or specified more precisely so that they would contribute to the efficient and correct functioning of the administrative staff. The Polish local government administrative staff ought to be professional, impartial and reliable in order to ensure appropriate fulfilment of public tasks on the one hand, while the transformation of the administrative staff through a system of training courses should be compatible with changes in the administration environment, including legislative amendments and social change, on the other hand.

The research goal of the dissertation is a dogmatic analysis of the administrative law provisions regulating the selection and training of local government administrative staff with respect to ensuring the professional, reliable and impartial performance of public tasks by local government units. Furthermore, the basic thesis of the dissertation is a claim that the binding legal regulations pertaining to the selection and training of the local government administrative staff do not offer a full guarantee of the professional, reliable and impartial fulfilment of public tasks by the local government. The dissertation has a theoretical character and comprises four chapters.

As a result of the analysis of the legal regulations concerning the selection and training of staff and the analysis of literature and judicial decisions pertaining to the discussed issue, it is possible to formulate the following conclusions *de lege ferenda*:

- The Act on local government employees should be amended or replaced with a new legal act. Rationality of the introduction of such a variety of employment bases which largely impede the staff selection process is dubious. It seems plausible to adopt such legal solutions which would take into account the type of a position.
- Even though the legislator has introduced the obligation to complete a 3-month preparation service for employees who commence work at a clerical position for the first time, this solution is not compatible with the needs in this respect and it is not justifiable to diversify duration of the preparation service between this group of public administration employees and civil service members.

- I suggest introduction of a competition as a form of filling the post of a secretary (of a district or province) and a 6-year term of service.
- It is necessary to specify by law the legal consequences of employing people who do not fulfil the requirements of Article 6 of the Act on local government employees, to introduce a clear and precise appellate procedure and to specify the effects of infringing the recruitment process. Currently, a candidate who claims that there were irregularities in the recruitment process can only file a complaint pursuant to Section VIII of the Administrative Procedure Code.
- It is necessary to create a legal opportunity to appeal against a periodic evaluation to the court by local government employees working at clerical positions. The currently functioning legal solution is an incomprehensible act of the legislator, deprecating local government employees in comparison to civil service members. In both these groups of public administration employees, a negative periodic evaluation, confirmed by another negative periodic evaluation carried out in accordance with the binding rules, produces the same adverse effect – dissolution of the employment relationship by notice.
- It is justifiable to claim that the separation between legal regulations and moral principles cannot be done uncritically, because the legal aspects of the selection and training of the local government administrative staff depend also on ethical values of people who carry out the staffing policy, while legal regulations are unable to impose sanctions on all objectionable acts.

Owing to the complexity of the studied subject, the following research methods are used in the dissertation: a dogmatic-legal method, a historical-legal method and a comparative-legal method which have contributed to achievement of the dissertation goal and verification of the research theses. Furthermore, the dissertation draws on literature on administrative law, administrative science and administrative policy, as well as organization and management in the necessary scope, which is justified by the extended interpretation opportunities of the studied subject, that is local government administrative staff.