

考試院考銓業務國外考察
奧地利、匈牙利、捷克考察團考察報告

報告人

伊凡諾幹	吳茂雄	許慶復	李慶雄
李慧梅	徐正光	蔡式淵	劉武哲
張俊彥	沈昆興	翁靜珊	

中華民國 97 年 4 月

目 錄

第一章	前言	1
第一節	考察緣起	1
第二節	考察主題與項目	2
第三節	行程紀要	9
第二章	奧地利	13
第一節	國情簡介	13
第二節	公務員文官制度	18
第三章	匈牙利	39
第一節	國情簡介	39
第二節	公務員文官制度	44
第四章	捷克	65
第一節	國情簡介	65
第二節	公務員文官制度	79
第五章	考察心得與建議	86
第一節	考察心得	86
第二節	考察建議	93

參考文獻-----	100
附錄一：考試院 96 年度奧地利、匈牙利及 捷克考察團成員-----	102
附錄二：考察主題及項目英譯題旨-----	104
附錄三：奧地利聯邦共和國人事簡介資料-----	113
附錄四：奧地利聯邦共和國總理府座談 重要紀錄-----	136
附錄五：匈牙利人事相關資料-----	139
附錄六：匈牙利共和國總理府座談重要紀錄—	150
附錄七：捷克共和國總理府座談重要紀錄-----	153
附錄八：考察活動照片-----	157

第一章 前言

第一節 考察緣起

近數十年來，全球化的浪潮逐漸席捲整個地球村，知識經濟及網路化社會正刻劃出二十一世紀的新世界版圖，知識、學習及研發創新已逐漸成為主流價值與核心。面對知識經濟時代的來臨，以創新知識服務取代勞力服務已成為各國提升競爭力之重要趨勢，也因此藉由瞭解各國之人事制度，效法其他國家實務經驗，以期我國人事制度能更趨創新及多元，而能更有效推動政府改造計畫、落實國家培育人才政策，以期能提升國家競爭力。

本院第十屆考試委員針對考試院掌理之業務，除積極規劃研議相關法規制度外，並依業務需要赴國外考察研究各國有關文官制度，實地拜訪各國相關人事行政機關或相關考銓業務主管部門，交換業務經驗與工作，俾作為日後規劃策略性、前瞻性人事制度之借鏡。

本次奧地利、匈牙利及捷克考察團之成員計有

伊凡諾幹委員、吳委員茂雄、許委員慶復、李委員慶雄、李委員慧梅、徐委員正光、蔡委員式淵及劉委員武哲等八位考試委員及本院張秘書長俊彥、公務人員保障暨培訓委員會沈副主任委員昆興，並推請伊凡諾幹委員擔任團長；此外，本院所屬部會雖未指派人員參加，惟銓敘部、公務人員保障暨培訓委員會及行政院人事行政局均提供相關考察主題與項目供參，另為使考察業務順利進行，有關全團之幕僚作業則指派本院第二組翁科員靜珊擔任隨團秘書，全團共計 11 人（考察團員如附錄一）。

第二節 考察主題與項目

本考察團於行前由所屬部會擬具考察主題與項目，分別作成中、英文說明，函請外交部轉知奧地利、匈牙利及捷克等駐外單位，安排參訪機關及拜會行程，並請其代為蒐集相關資料，以進一步了解各該國家人事業務相關議題之實際狀況，作為將來本院推動政策制（訂）定法規之參考。

由於上開國家之政治、經濟、文化及社會等背

景與我國甚為不同，且人事制度亦與本國迥異，無法針對本團所提供之問題提供翔實資料，又囿於拜會時間有限，亦無法就考察主題逐一訪談；惟考察過程中，由於我國駐外代表處之協助，蒐集部分甄選、任用制度等相關資料，同時親身拜會奧地利聯邦共和國總理府、匈牙利共和國總理府以及捷克共和國總理府，對其國情及人事制度現況之瞭解，獲益良多。故僅就考察官方資料以及參訪機關座談會議內容與所提供之相關資料彙整撰擬本報告，俾供本院日後研擬相關人事制度之參考。

茲列述本次考察主題與項目如下：（英譯題旨詳如附錄二）

一、考選部分：

- (一)奧地利、匈牙利及捷克等國家公務人員分為幾種類別（如司法官、檢察官、警察人員、稅務人員、醫護人員等）？各類人員是否有獨立超然之考試機關辦理人員進用考試？
- (二)奧地利、匈牙利及捷克等國家公務人員進用之基本應考資格為何？除了學校之教育學歷外，公務

人員之應考資格有無特別之限制？

(三)奧地利、匈牙利及捷克等國家公務人員進用管道為何？公務人員之考試類科、應試科目如何決定？命題或閱卷等典試事項係由機關首長辦理？或係如何組設典試委員會辦理？如何決定錄取標準？

(四)奧地利、匈牙利及捷克等國家有無獨立超然之考試機關，辦理專門職業及技術人員考試證照制度（如醫師、律師、航海人員等）？專門職業及技術人員如何分類？其應考資格與應試科目如何規定？

(五)奧地利、匈牙利及捷克等國家針對原住民族、少數民族、婦女及身心障礙人士之考選進用有無採行「代表型文官制（Representation Bureaucracy）」措施？若有，其考選之相關規定為何？

(六)奧地利、匈牙利及捷克等國家最近三年對公務人員制度進用及考選變革措施為何？

二、銓敘部分：

(一)奧地利、匈牙利及捷克等國家公務人員之俸給制

度及人才交流機制

- 1.奧地利、匈牙利及捷克等國家公務人員之俸給結構（或內涵）為何？
- 2.奧地利、匈牙利及捷克等國家是否實施績效俸給制度？
- 3.奧地利、匈牙利及捷克等國家是否有公私人才交流機制？倘有交流機制，其交流對象、運作方式為何？

(二)奧地利、匈牙利及捷克等國家政務人員之退撫制度及公務人員之退休制度

- 1.奧地利、匈牙利及捷克等國家有無獨立之政務人員退撫制度？如有獨立之制度，其設計概況（包含適用對象、退撫給與之種類及給付條件等）為何？
- 2.奧地利、匈牙利及捷克等國家之公務人員退休制度

(1)概括介紹

- ①社會福利制度（包括 1.2.3 層制度之簡單介紹）。

- ②公務人員退休制度（各層退休條件、退休給付；同時說明公務人員在該國勞動市場薪資水準）。
 - ③現行運作概況。
- (2)公務人員退休制度演進
- ①變革背景。
 - ②改革阻力。
 - ③宣導策略。
- (3)公務人員退休制度
- ①退休種類及適用對象。
 - ②退休給付領取條件及領取方式（包括是否對不同職務有不同規劃設計）。
 - ③退休金給與之所得替代率為何？加列其他保險給付或相關給付後其替代率又為何？
 - ④退休金制度是否有儲金制性質？其退休基金基本運作方式、投資報酬率等為何？
- (4)現行制度運作缺失（優、缺點說明及分析）
- (5)未來改革方向、預期效益等
- (6)供我國退休制度之借鏡及參考

三、公務人員保障暨培訓部分：

(一)奧地利、匈牙利及捷克公務人員保障制度

- 1.保障事件審議之權責機關。
- 2.保障事件之對象。
- 3.實體保障事件之項目。
- 4.保障事件審議之程序。
- 5.保障事件審議之決定。
- 6.保障事件受理之情形。
- 7.保障事件決定之執行與追蹤。
- 8.其他相關保障事項。

(二)奧地利、匈牙利及捷克公務人員培訓制度

- 1.公務人員訓練進修法令規章及訓練體系
 - (1)公務人員訓練法規及政策。
 - (2)公務人員訓練機構、職掌、功能。
- 2.公務人員培訓策略與發展
 - (1)法制面。
 - (2)課程面。
 - (3)晉升機制。

3.公部門培訓現況

- (1)訓練種類（初任、晉升、在職、高階）。
- (2)各階層核心能力及訓練課程。
- (3)訓練經費。
- (4)訓練績效評核及其運用。

四、人事行政部分：

(一)性別議題在公部門人力資源管理實施現況

擬請就該三國政府對性別議題在人力資源管理之相關政策擬定及性別指標之建立等，蒐集有關資料，以供參考。

(二)公部門員工組織結社及管理

擬請就該三國公務人員之組織社群、管理之現況及經驗等，蒐集有關資料，以供參考。（如公務人員與國家關係為何、是否開放公務人員組織結社及其運用何種管理法令、運作方式等。）

(三)人事制度發展及現況

擬請就該三國政府之整體公務人員體制，瞭解其發展、變革、現況及未來走向等，蒐集相關資料，以供參考。

第三節 行程紀要

本考察團於 2007 年 8 月 30 日（星期四）下午 9 時 30 分啟程，同年 9 月 10 日（星期一）上午 6 時 50 分返國，往返均途經阿拉伯聯合大公國之阿布達比轉機，考察時程共計 12 天（考察行程彙列如附表）。

8 月 31 日班機抵達奧地利維也納機場後，由駐奧地利代表處（Taipei Economic and Cultural Office, Institute of Chinese Culture, Vienna, Austria）黃代表俊彥等親自接機，並陪同拜會該國總理府，由該府第三總司之參事兼司長 ARNOLD SCHOBA 先生簡報該國之行政組織及介紹該國人事制度現況，並答覆各委員所提問之該國相關人事業務及管理問題，雙方交流極為熱烈。（奧地利聯邦共和國人事簡介資料及與該國總理府座談重要紀錄，分別如附錄三、四）

9 月 3 日上午由駐匈牙利代表處（Taipei Representative Office, Budapest, Hungary）之李代表滋男陪同拜會該國總理府，由該府國務秘書 DUDÁS

FERENC 先生介紹該國公務人員考選、績效俸給及相關人事制度，並答覆各委員所提問之該國相關考銓問題。（匈牙利共和國人事資料及與該國總理府座談重要紀錄，如附錄五、六）

9月6日上午由駐捷克代表處(Taipei Economic and Cultural Office, Prague, Czech Republic)之王秘書小千等陪同拜會該國總理府，由該府特別顧問ZUZANA BERÁNKOVÁ女士介紹該國即將實施之公務員制度，並答覆各委員所提問之該國相關考銓問題。（捷克共和國總理府座談重要紀錄，如附錄七）

本考察團於拜會各國機關後，分別由黃代表俊彥、李代表滋男以及沈代表斯淳率同相關人員舉行餐敘，就我國與各該國家建交歷史及經貿、科技、文化、僑務等交流現況及未來展望予以介紹，並答覆本團委員所提該國之多項相關問題。

考察團並於參訪期間至奧地利維也納之熊布朗宮，匈牙利國會大廈、漁夫城堡及馬提亞斯教堂，捷克布拉格古堡、克倫洛夫小鎮等參觀，瞭解該國

歷史、宗教、文化、政情及風土民情等，考察一行收穫頗豐。全部拜會參訪行程於9月8日下午結束，9月10日清晨安抵桃園國際機場；出國考察期間多承外交部、奧地利、匈牙利及捷克等駐在國代表處鼎力協助安排參訪機關及資料蒐集事宜，圓滿完成本次出國考察任務，謹此深摯謝忱。

本考察報告分前言、奧地利、匈牙利、捷克及考察心得與建議等五章撰寫，文末並有相關簡介資料、座談會重要紀錄及本次考察活動之相關照片。

附表 考試院 96 年度考銓業務國外考察奧地利、
匈牙利、捷克考察團行程

日次	日期	地點	預定活動項目	交通工具	停留及住宿
1	96.8.30 (W4)	台北 →維也納 (Vienna)	啟程	1. 巴士前往機場 2. 飛機	夜宿機上
2	96.8.31 (W5)	維也納	1. 拜會奧地利聯邦共和國總理府 2. 參觀市政建設	巴士	維也納
3	96.9.1 (W6)	維也納→ 聖坦德 (Szentendre) →布達佩斯	1. 整理拜會資料 2. 參觀市政建設	1. 巴士 2. 船	布達佩斯
4	96.9.2 (W日)	布達佩斯→特克 (Tok) →布達佩斯	1. 拜會行前會議 2. 參訪活動	巴士	布達佩斯
5	96.9.3 (W1)	布達佩斯→ 克倫洛夫 (Ceske Krumlov)	1. 拜會匈牙利共和國總理府 2. 參觀市政建設	巴士	克倫洛夫
6	96.9.4 (W2)	克倫洛夫→ 皮耳森 (Plzen) → 卡羅維瓦利 (Karlovy Vary)	1. 拜會行前會議 2. 參訪活動	巴士	卡羅維瓦利
7	96.9.5 (W3)	卡羅維瓦利 →布拉格 (Prague)	1. 參觀市政建設 2. 參訪活動	巴士	布拉格
8	96.9.6 (W4)	布拉格	1. 拜會捷克共和國總理府 2. 整理拜會資料	巴士	布拉格
9	96.9.7 (W5)	布拉格→ 薩爾茲堡 (Salzburg)	參觀市政建設	巴士	薩爾茲堡
10	96.9.8 (W6)	薩爾茲堡→ 哈修塔特 (Hallstatt) →聖沃夫岡 (St Wolfgang) →維也納	1. 參觀活動 2. 整理資料	1. 巴士 2. 登山纜車	維也納
11	96.9.9 (W日)	維也納→台北	賦歸	1. 巴士 2. 飛機	夜宿機上
12	96.9.10 (W1)	台北		1. 飛機 2. 巴士	溫暖的家

第二章 奧地利

第一節 國情簡介

一、地理人文

奧地利位於歐洲大陸中央心臟地帶。北接德國及捷克、東鄰斯洛伐克及匈牙利、南接斯洛維尼亞及義大利；西鄰瑞士，多瑙河由西而東貫穿北部全境，自古即為歐亞交通孔道。面積 83,859 平方公里，人口 820 萬人，首都維也納。該國氣候變化很大；1 月平均氣溫在攝氏零下 2 至 4 度之間，7 月平均溫大多在攝氏 20 度以下；年雨量介於 600 至 1000 公釐之間。

奧地利的官方語言是德語，也是絕大多數奧地利人的母語。奧地利多山的地理造就了許多複雜的方言類別，類似於德國南部巴伐利亞的方言。奧地利的德語標準與德國使用的德語標準也有一定的區別。超過四分之三的奧地利人信奉羅馬天主教。其他主要宗教包括伊斯蘭教和基督教新教。

二、建國簡史

奧匈帝國於 1918 年崩潰，原屬帝國版圖的匈牙利及捷克各自獨立。奧地利維持中世紀後期哈布斯堡（Habsburg-Lothringen）家族所統治之領土。1950 年制定憲法，組成兩院制聯邦共和國，由信奉天主教保守派的基督社會黨執政。1929 年世界經濟大恐慌影響奧國政局至鉅，1933 年德國納粹掌權，奧國納粹份子亦呼應建立大德意志，惟執政的基督社會黨反對與德意志合併，並嚴厲鎮壓國內的納粹黨員。1938 年 3 月 13 日德國納粹軍隊壓境，奧國被迫與德意志合併，成為德意志第三帝國之一州，並參與第二次世界大戰。

1945 年大戰結束，奧地利由英、美、法、蘇四強分區佔領達 10 年之久，迄至 1945 年 5 月 15 日四強與奧地利締結主權恢復條約，終止佔領並承認奧國獨立，國土面積與 1938 年以前相當。奧國國會於同年 10 月 26 日通過法案，宣佈奧地利為永久中立國。1955 年末，奧地利加入聯合國。接著下來的幾世紀中，奧地利在歐洲國家中得到各國的認

可。經過數年來的努力，在 1995 年 1 月 1 日加入歐盟之後，奧地利已完全融入歐洲各國的整合過程。

三、政治概況

依奧地利現行憲法規定，國體為聯邦共和國，政府組織採三權分立之內閣制度。聯邦立法權，由國會行使。國會採兩院制，國民議會（Nationalrat）183 席，由人民按比例代表制直接選舉，任期 4 年，預計下一次大選時間為 2010 年。

聯邦議會（Bundesrat）64 席，由各邦議會推舉代表組成。內閣總理由總統任命國會多數黨黨魁擔任，總統並依總理之建議任命內閣閣員。內閣之任期與國會議員相同（4 年）。現任內閣係由社會黨（SPÖ）及人民黨（ÖVP）組成，現任總理為 Dr. Alfred Gusenbauer, 2007 年 1 月組閣。

四、政情概況

2004 年社會黨籍之費雪（Dr. Heinz Fischer）當選總統，係 20 年來社會黨籍首度勝選，費雪原任國會第二議長，曾任第一議長 12 年及政府部、次

長等要職，奧人普遍認為渠屬較傳統型政治人物，國會經驗豐富，較適合出任元首職務。

1999年10月奧國國會大選後，人民黨（ÖVP）與自由黨（FPÖ）組成聯合政府，由人民黨魁徐瑟（Wolfgang Schuessel）擔任總理，聯合政府執政3年後，內部爭議與危機不斷，時常遭聯合執政之小夥伴自由黨前黨魁海德（Jörg Haider）脫軌言行所苦。雙方因在「歐盟擴大」等議題上嚴重意見分歧，終於導致聯合內閣之瓦解，國會因之提前改選。於2002年11月24日舉行國會改選，人民黨成為國會第一大黨，徐瑟續任總理。2006年10月1日國會大選後，由社會黨及人民黨組成政府，總理由社會黨籍之Dr. Alfred Gusenbauer出任，副總理為人民黨籍之Mr. Wilhelm Molterer。由於冷戰時，奧國地處東西陣營交界，為維護安全，奧國對治安極為重視，時至今日，社會治安甚佳。社會上各族群之融合程度尚可，惟部分歐洲國家擔心奧國排外情況有日漸升高之隱憂。

五、對外政策

第二次世界大戰後，奧國恢復獨立主權。1955年12月14日奧地利成為永久中立國，因此一向重視與其他國家之友好關係，並積極參與聯合國維護和平政策及救援組織內之各項活動。2003年9月1日外交部長 Benita Ferrero-Waldner 在維也納主持駐外使節會議，並於會後向媒體闡述奧地利當前外交工作重點，列舉要項如次：(一)歐盟未來發展；(二)與歐盟鄰國間之關係；(三)中東事務；(四)大西洋兩岸之關係；上述各點亦視為奧地利安全政策之思考中心。

六、與各國關係

第二次世界大戰後，美、英、法、俄四國與奧地利簽訂對奧和約，1955年7月27日奧國恢復獨立。同年12月14日奧地利成為永久中立國，除重視與他國之友好關係外，並積極參與聯合國維護和平政策及救援組織內之各項活動。1979年維也納聯合國中心揭幕，「國際原子能總署」及「聯合國工業發展組織」以當地為永久會址，奧地利希望藉由

參與國際政治活動及國際組織，增加其在國際社會之份量。奧地利於 2006 年上半年擔任歐盟輪值主席。

七、與我國關係

- (一) 1971 年 5 月 28 日奧地利與中共建交，我國於同日與其中止外交關係。
- (二) 我國在維也納設有駐奧地利代表處。
- (三) 奧地利在台設有商務機構「奧地利商務代表團台北辦事處」。
- (四) 我國行政院長連戰於 1995 年 6 月 16 日訪問奧地利。
- (五) 1998 年 7 月 15 日，台奧民間經濟合作會議在維也納舉行，經濟部長王志剛宣布，經濟部已在維也納設立經濟組，負責推動台奧兩國官方及民間經貿合作關係。

第二節 公務員文官制度

一、奧地利之行政組織

(一) 行政組織

奧地利之行政組織，基於以下二個原則具有多樣性

1. 憲法上之聯邦制度原則

2. 奧地利區域自治原則

基於上開二個原則，使奧地利行政架構分為三個層面

(1) 聯邦行政

(2) 邦的行政(計有布根蘭邦、肯特邦、下奧地利邦、上奧地利邦、薩爾茲堡邦、史泰爾馬克邦、提洛邦、福拉爾貝格邦以及維也納邦等 9 個邦。)

(3) 區域行政 (計畫分 2,359 個行政區，實施自治式之行政)

以下分別就上開三個層面予以介紹：

◆ 聯邦行政

事務分配原則

聯邦政府是奧地利最大的行政機關，聯邦部是屬於首長制之部，部長及聯邦部之數目是可以變更的，目前奧地利總共有 14 個部，所有部長

合起來就是聯邦政府，而聯邦政府的首長為聯邦總理，負責行使中央之功能。

每一個聯邦部分別掌管不同之特定事務，每一個聯邦部之上層（係指中央辦公室），負責法律草案之準備，而其下層（所屬機構）則負責執行法律草案。聯邦部之下有很多機關，例如：各個財政處、局屬於財政部，各警察機關屬於內政部，又學校則屬於教育部。每個聯邦部之員額編制有很大的差別，規模最龐大的就屬負責教育之教育部及內政安全領域之內政部，在教育部之下有 43,000 名職員，內政部之下有 31,000 名職員，而總理府僅有 828 名職員。

分離措施

在近十年來，有很多政府機構逐漸地與聯邦行政、公共行政分離，轉型為一個獨立之機構或是適用公司法之組織。這個分離措施是透過一個特別法，其適用範圍為負責特別事務之特別機關，其人事及財政與政府分離。在這分離之過程中，如具有公務員身分之職員隨同業務移撥者，

仍具有其原始應享之權利。又其支出雖不屬國庫支出，惟其經費原則上仍係由政府補助，僅係劃分於其他項下，因其補助仍須經財政部同意，因此財政部對於這些機關仍有其影響力。

從 1969 年開始，第一個採取分離措施的是郵政銀行，其後博物館、劇院、勞工處、公營銀行及大學等亦逐漸採用實施，迄今約有 100 個機關已採取分離措施。

◆ 邦的行政

相對於聯邦行政實施事務分配原則，邦的行政係採取合議制的委員會方式管理。整個邦政府視為一個整體，一個合議制之政府，雖然很多事務仍是授權由個人來作決定，惟其形式上係為一合議制之政府，整個邦政府之下設有專門部門，負責協助及支持邦政府，邦長是這個邦政府的首長。

◆ 區域行政

在自治區的層面上，目前總共有 2,359 個自治區，這些自治區人口規模不大，僅有 50 個自

治區之居民超過 10,000 人，85%之自治區居民人數少於 3,000 人，惟不管自治區所轄人數多寡，其賦予之法律任務是相同的，也因此自治區間之合作就成為一種普遍文化。自治區間之合作，稱為自治聯合，尤其當行政任務所欲投資及僱用人力龐大時，可藉由自治區間之合作實施來提高行政效率、效能。

在區域行政上面，其行政機關為區政府，其首長為市長，係由區議會之代表選出或是由該自治區之人民直接選出。其立法機關為區議會，議會之下置有秘書職務，其職責為處理議會重要之行政事務。區的任務包括：基本供應、教育、社會事務、環保文化等。

整體而言，奧地利行政任務已由維持社會秩序之傳統行政，轉變為服務行政。其任務係注重社會、健康、教育、文化。依古典理論之區分，高權行政以及非高權行政，在如今之制度下其界限已模糊難分。但是在行政任務的分配上，高權及非高權行政（公權力及非公權力的之行政）仍有其區別上

之意義。因在高權行政下，係須遵守憲法之原理原則，仍有許多限制；而非高權行政，如私經濟行政，則毋須受憲法之原理原則及相關規定限制。

(二)行政改革

近幾年來，行政改革係奧國政府注重之課題。在聯邦行政方面，針對國家之各項任務，首先均須作一廣泛評估，為達此目的，該國成立行政任務改革委員會。由上開委員會作廣泛評估後，於維持原來之行政品質下，就機關之人事及經費予以精簡。又行政改革之重點在於利用現代化之科技，達成節省行政成本之目標。經由電子化政府法律之立法，亦促成了電子化政府之建立。目前奧地利是發展電子化政府之歐洲國家中首屈一指的。又為促使電子化政府之普及化，各機關亦派遣許多訓練人員至各區教導民眾，學習使用電子行政之系統。例如「線上財政」即為公民導向及電子化政府之最佳實例，該網路平台提供了稅務問題及介紹電子化檔案之溝通媒介。

為達節約行政之目標，奧地利亦發展出另一套

彈性制度。在傳統行政上，各機關需將其年度預算用罄，又如有其他額外收入則須全數繳回國庫。換句話說，無論是各機關節省經費，或是有其他額外收入，對機關而言均無任何實質利益。是以，為鼓勵各機關開源節流，現行實施了一種彈性制度，亦即各機關自行之營收可自行運用。

從 2000 年到 2006 年有 130 個改革計畫業已實施，這個改革措施已使政府節省了數億歐元。自 2007 年起政府持續推動信賴、品質及速度之行政改革，相信這些行政改革將促使奧地利政府提供更高效率及高品質之服務。

二、奧地利公共服務制度

奧地利公共服務人員含括由奧地利政府機關所僱用之人員。自然地完成政府的工作具有很高的社會意義，於是確保其公平、效率以及守法等特別必要條件被視為奧地利公共服務人員之主要特徵，就如同其行政效率以及免於貪腐一般。

(一)公共服務之範圍

以全職人員來計算，奧地利有 383,300 位公共

服務人員。其中 35%屬於聯邦政府公共服務人員。65%屬於邦以及區域之公共服務人員。

奧地利公共服務人員人數

聯邦政府 (2007)	132,400 (35%)
邦政府 (包含維也納邦) (2004)	180,500 (47%)
自治市 (2004)	70,400 (18%)
總計	383,300 (100%)

約有 63,500 位服務於義務教育系統之邦教師亦係由聯邦政府所僱用，他們的薪水是由聯邦政府支付，而非由邦政府支付。

(二)公務員及契約聘僱人員

提到公共服務人員之法律地位，首先須就公務員 (civil servants) 及契約聘僱人員 (contract staff) 兩者予以界定。

公務員係根據國家法律予以任用 (appointment)，為公法上職務關係，且為終身任用。而契約聘僱人員之法律地位則如同一般受僱於私部門之受薪階級員工，只不過其法律關係係植基於特別之聯邦或邦及區域之法律。就多數領域而言，這兩類人員之

相關服務法令並無很大之差異。雖然具公法上服務關係之公務員為傳統之典型，但是現今已有超過半數之人員為契約聘僱人員。

聯邦公務員可分為以下 10 種類型：

1. 一般行政管理服務
2. 法律執行者（警察）
3. 軍隊服務
4. 法官辦公室之候選人、法官以及公共檢察官
5. 大學教師
6. 教師
7. 學校之督察
8. 郵政電信人員
9. 從事健康醫療服務之人員
10. 國家郵政電信行政人員

聯邦契約聘僱人員可分為以下 4 種：

1. 契約聘僱行政管理人員
2. 契約聘僱教師
3. 約聘助理、約聘助理教授以及約聘教授
4. 醫療機構之約聘人員

通常每一類之公務員或契約聘僱人員，會依據其所需教育程度細分其服務種類及薪資報酬等級。

(三)公共服務人員之結構

關於整個公共服務人員體系之詳細工作、訓練、收入以及性別架構之詳細資訊現在仍不可得，因仍在進行標準分析中。以下提供的一些關於聯邦行政的數據，相信可提供各位一些基本的概念：

聯邦公共服務人員各工作類別人數 (2006)

行政管理	48,426	(36%)
聯邦教師	36,682	(28%)
警察	29,593	(22%)
軍隊	14,717	(11%)
法官及檢察官	2,383	(2%)
其他	1,511	(1%)

中階聯邦公共服務人員收入 (根據工作類別)

法官及檢察官	60,752 歐元
教師	44,641 歐元
警察	40,643 歐元
軍隊	33,749 歐元
行政管理	27,849 歐元

(年收入以歐元計，收入係從 2005 年至今之平均值)

聯邦公共服務人員具有大學學歷者（2006）

男性	20,306	（51%）
女性	19,719	（49%）
總計	40,025	（100%）

大學比例 30%
（基礎：全職、年平均）

在各個不同工作類別中，訓練新進公共服務人員之比率是很高的，如同對身心障礙人員之優待僱用一般。

(四)公共事務之雇主

表面上公共事務之雇主為各地之政府機關。公共僱用關係是奠基於一特別之標準僱用法令，該法令在公法、私法以及相關治理的情況下均有很詳細之敘述。政府服務、邦以及各邦之自治區服務等，均由其各自之立法者（國會、議會）訂定獨立之明確法令。如此導致了奧地利有眾多之服務管理系統。

(五)公務員之甄選

欲擔任聯邦公務員，應徵者須具備以下之資格

要件：

- 1.專業及其他相關能力(包含充分之德語表達能力)
- 2.奧地利國民、歐盟或歐洲環境保護署會員國之國民，根據其申請之職位而定
- 3.完全行為能力
- 4.(終身職者)須年滿18歲，初任最高不得逾40歲

1989年之職位公告法適用於考試應徵者。此法使得甄選聯邦公務員過程之規定一致。通常如屬聯邦行政管理之職缺，均須公告。但是如屬特殊情況者可免除或毋需公告。職位公告法已詳細列舉出這類例外情形，例如，擔任聯邦部長內閣職務之人員、國務秘書辦公室之職員。再者，此法亦不適用於已於其他聯邦法律有其他公告或甄選過程規定之職位。如適用大學組織法、法官服務法等規定之職位以及邦僱用之聯邦教師、由行政區僱用之教師等均不適用職位公告法之規定。

甄選過程之簡介

◆公告

聯邦部內部之職位需求以及聯邦總理府關

於工作輪調之需求，並不僅限定於具聯邦公務員身分者方可應徵，上開機關均須將其職缺予以公告。在職位公告法之規定下，職缺必須藉由官方之電子公佈欄公告。再者，職缺亦必須以其他適當之途徑公告，例如，報紙、廣播電台以及藉由內部之官方管道公布。另外，勞工市場服務之地區辦公室所在地以及聯邦總理府之工作輪調亦必須公布。

◆申請之要件

職位公告，必須明確地敘明該職位其法律上所應須具備之基本要件。假如具備奧地利國民身分是此職位所須具備之要件時，則該公告必須敘明該項要件之法律依據。又此項公告亦須指出該職位之甄選實施方式（能力性向測驗、工作面試、適用期間）以及向應何機關或部門提交申請書。

◆甄選過程

甄選部門首先審查申請者是否符合職位公告時該職位所定之資格要件。申請者如符合資格

要件者，則安排申請者依申請職位所定之甄選方式進行下一步甄選。

- 1.標準職位：實施能力性向測驗，在這過程中，獲得最高分之應徵者方能被僱用。但是基本上，應徵者獲得的分數僅為目標評估之標準，而且僅為區辨最適任應徵者之第二種手段。甄選部門會邀請前幾名之應甄者參加非正式之面談，該面談主要係由該出缺職位之主管上司以及人力資源部門之代表予以實施。
- 2.特殊職位：藉由面談的方式取代實施能力性向測驗，這甄選過程適用於所有申請須具備專門技術職位（如電腦專家、工程師）之應徵者，或是基於勞工市場需求之短期僱用職位。應徵者無須參加能力性向測驗，但須接受工作面談。
- 3.簡易過程：假如適任之申請者未達出缺職位數目者，甄選部門則不再實施能力性向測驗，而逕於六個月內填補這個空缺。
- 4.低階職務之試用：應徵者申請之職位為輔助性質或是送信服務者，則無須參加能力性向測

驗。甄選部門將依應徵者前三個月試用期間之工作評價排序予以僱用。

◆甄選之方法

甄選公務員必須符合以下兩項標準：

- 1.確保公正及客觀之甄選程序。
- 2.確保優質之甄選過程。

聯邦總理府掌管行政管理發展之第三總司第七部門，目前已規定各空缺職位說明書均需詳細定義其主要之特徵。又根據職位性質之不同，職位申請者亦須符合以下部分條件：

- 1.小心翼翼，專注，辨別錯誤的能力
- 2.學習及記憶的能力
- 3.文書處理能力
- 4.字彙運用、理解及邏輯語言技巧
- 5.邏輯思考、決定性地推理以及抽象性思考
- 6.數學理解能力及技巧
- 7.空間形象化及科技理解能力
- 8.優良之開車技巧
- 9.具備特殊領域之知識

- 10.外語能力
- 11.計畫及組織能力
- 12.自我表達能力
- 13.自信、辨才以及總結之能力
- 14.顧客導向（包含拒絕要求、處理抱怨之能力）
- 15.社交技巧、領導能力
- 16.溝通技巧
- 17.團體討論技巧

各個職位說明書必須選擇或發展其適當之方式以界定該職位所需之技巧能力。在這個過程中，以下最先進的方法即被採用：

- 1.書面的工作檢測
- 2.藉由電腦模擬實境方式，檢驗出複雜之技巧
- 3.在實際生活中，行為技巧的觀察，角色扮演等
（由專家組成之委員會評估）

◆甄選決定

獨立委員會發表其專業之意見，以作為甄選決定之參考。根據人力資源管理部門估計，目前約有 150 個甄選部門，在甄選聯邦公務員時實施

前述甄選過程。

有鑑於目前正在進行的預算固定計畫，能甄選新進職員之員額非常有限。

(六)公務員薪俸制度

公務員每個月之薪俸包含基本薪資及津貼。此外，公務員每年可額外獲得 2 個月之薪俸。

公務員之薪俸制度，包含以晉升為基礎之職務津貼制度以及職務等級制度。

◆以晉升為基礎之職務津貼制度 (The Advancement-based System With Function Allowances)

1994 年薪俸改革法引進此種制度，在這種系統之下，公務員可依法律規定晉級，總共分為 19 級薪資等級。又根據不同之職責程度，發放不同數額之職務津貼。上開職務之意涵，不僅包括其職務之等級，亦包含其職責之專業性。職務津貼之數額取決於兩種因素，在數種職務類型中，該職務之分級，以及該職務之級距。

◆職務等級制度 (The Service-grade System)

晉升是職務等級制度典型之特徵。「晉升」意指任命公務員擔任更高職務等級之職務。公務員惟有被分派到高階之工作，方能在其職務類別中獲得更高之職務等級。在被分派到更高職務等級之前，公務員必須等待一段期間。這段等待期之長短，係根據該職位之等級以及績效評估。當等待一特定之職務等級時，公務員每半年可以晉升至下一個更高之薪資等級。晉升並非公務員法律上之權利，而僅係一機關內部之規定。新進之職員已不再適用職務等級制度，而已適用此種制度之職員可以選擇適用新的以晉升為基礎之制度。

又通常薪俸調整之協商必須考慮到通貨膨脹之比率、經濟成長以及與民間企業薪資之比較。數年來，統一運用預算限制之觀點提出後，亦成為薪俸調整之一主要因素。如今，薪俸之調整已與生產力之提升連結。

聯邦國會議員、邦政府以及區域政府之代表均

致力於公務員薪俸調整之協商。如達成協定則對所有公務員均一致適用。

(七)權利及義務

◆平等任用機會

在聯邦憲法之下，聯邦政府、邦政府以及各行政區政府，均須秉持男女平等之原則。藉著去除已存在男女不平等之措施，使得女性得以擔任公職，以促進男女實質上之平等。男女平等對待之聯邦法律，以及 1993 年促進男女在聯邦服務上平等之法律是促進男女平等之法律依據。

無論男女，在服務、受訓期間，沒有人應被直接或間接地歧視。尤其是在訂定服務或訓練契約、固定薪資、附加利益、在職間之訓練、再教育或是生涯發展（陞遷、指派高薪之工作）時。

如有任何違反性別平等對待之規定，將會被處以罰鍰。

在特別晉級措施之規定中，促使機關組織之代表人致力於去除女性在職員人數低代表性之問題，以及去除已存在之不平等。又何謂低代表

性，意謂女性員工總數低於機關員額總數之40%。

每個聯邦部，均在為女性晉升擬定計畫，計畫採取特別之措施以處理女性之低代表性以及不平等之問題。這個計畫結合了眾多之目標藉以提高女性之比例。為了符合這計畫之目標，在達到機關女性比例40%前，針對女性應徵者其資格條件如不低於最適任之男性應徵者則予優先錄取。在確保女性生涯發展之計畫中亦有相同之規定。

◆工作時間

每天標準工作時間為40小時。通常每天不得超過13小時，每週不得超過48小時。

◆個人發展

這十幾年來，公共服務已建立於現代化人事之發展，以下幾個目標是人事發展之重點工作：

1. 增加所有職員之能力層級
2. 適度領導以及激勵
3. 品格發展

4.改善組織文化

為了實施上開目標，目前已經採取不一樣的措施。除了改善以及擴展教育及再訓練外，亦創造出新的人事發展工具，例如員工討論、內部職務輪調等。

(八)公務員退休制度

聯邦公務員之退休金制度與一般退休制度有所不同，在 2005 年後已將全國聯邦公務員之退休金標準一致化，創造出一標準之退休制度。

第三章 匈牙利

第一節 國情簡介

一、地理人文

匈牙利為歐洲中部內陸國家，北接斯洛伐克，東臨烏克蘭及羅馬尼亞，南接斯洛維尼亞、克羅埃西亞、塞爾維亞，西鄰奧地利。面積 93,030 平方公里，人口 1,006 萬人，首都布達佩斯。匈牙利氣候為大陸型氣候，冬季寒冷、夏季炎熱，但各地略有差異。人種主要為馬札爾人，使用匈牙利語（馬札爾語）。宗教有天主教、匈牙利改革教會、路德教派及東正教。

二、建國簡史

馬札爾族源於中亞烏拉山麓。9 世紀末最後一批大移民潮移至喀爾巴阡（Carpathian）盆地，史蒂芬國王（St. Stephen I）迎娶日耳曼公主，並於 1000 年經教皇加冕，使匈牙利成為一信奉基督教之王國。1241 至 1242 年蒙古入侵（拔都西征），曾造成極大之損失。15 世紀起，匈牙利開始受到鄂圖曼土

耳其帝國之威脅。Matthias I Corvinus (1458-90) 在位期間國勢尚稱強盛。但 1526 年默哈基之役敗北，匈牙利遂長期落入土耳其之統治達 150 年之久。1687 年奧地利哈布斯堡 (Habsburg) 王朝逐退土耳其勢力，宣佈領有匈牙利，匈牙利民族得以逐漸恢復元氣。1848 年歐陸革命風潮中，民族英雄 Kossuth 曾率眾抵抗奧皇鎮壓。1867 年在二元帝國之架構下，奧皇兼領匈牙利國王，直至 1918 年第一次世界大戰結束，奧匈帝國崩潰，匈牙利宣佈獨立。惟 1920 年 6 月 4 日列強強迫簽訂特利安農條約 (Treaty of Trianon)，匈牙利被迫將原有 283,000 平方公里土地之三分之二割讓予南斯拉夫王國、捷克斯洛伐克、羅馬尼亞等國。1918 年至 1945 年歷經左派、復辟派、右派等不同形式政府之統治，政局動盪。第二次世界大戰中，匈國右派政府支持納粹德國，惟於 1944 年遭推翻，納粹德軍隨即進軍佔領匈牙利並扶持親德傀儡政府；二次大戰結束，遭蘇聯紅軍佔領，遂淪入蘇聯勢力範圍之中，並於 1949 年 8 月正式成立匈牙利人民共和國 (Hungarian People'

s Republic)，並成為華沙公約組織及經互會成員。1956年10月23日發生著名之民主抗暴運動，經蘇聯派兵鎮壓。1956至1988年間卡達政權施行所謂的柔性獨裁，1960年代末期更開始實施「新經濟機制」，企圖進行改革。然社會主義公有制有其先天性之缺陷，歷時20餘載之「卡達主義」終告失敗。1989年於東歐非共化潮流下，正式告別共產主義，是年10月23日更改國號為「匈牙利共和國」(The Republic of Hungary)。

三、政治概況

匈牙利之國體為共和國制。總統由國會選舉產生，任期5年，連選得連任一次。現任總統索庸(Laszlo Solyom)於2005年8月當選。政體採內閣制，內閣亦稱部長會議(Council of Ministers)，為最高行政機關，向國會負責。閣員均由總統提名，再經國會同意任命，部長會議主席即總理。現任總理為玖爾恰尼(Ferenc Gyurcsany)，自2004年8月內閣改組後擔任總理職務。本屆國會大選於2006年4月舉行，執政之社會黨與自由民主聯盟勝

選，由於原社會黨籍之玖爾恰尼總理在選前即經提名為總理候選人，因此將繼續擔任總理職務。國會稱為 National Assembly，採一院制，係最高立法機關，由 386 位議員組成，任期 4 年。

四、政情概況

匈牙利於 2006 年 4 月完成國會改選，在 386 席國會議員中，社會黨獲得 190 席、其盟友自由民主聯盟 (SZDSZ) 20 席、最大反對黨青民黨 (Fidesz) 141 席、基督民主人民黨 23 席、匈牙利民主論壇 11 席及無黨籍 1 席，因此由社會黨與自由民主聯盟繼續共組聯合政府。由於社會黨在 2002 至 2006 年執政期間，經濟發展相當穩健，平均每年成長 4%、通貨膨脹溫和，因此匈國人民願再度給予社會黨 4 年執政機會。匈國於 2004 年 5 月正式加入歐盟，雖每年自歐盟獲得鉅額補助，惟預算與貿易赤字不斷增加，歐盟並要求匈國必須將預算赤字控制國內生產毛額 (GDP) 3% 以下，方具備採用歐元之資格。為達成此一目標，匈牙利總理 Gyurcsany 於選後立即採取一系列改革措施，如加

稅、中央政府大幅裁員、提高電價及瓦斯價格等。此外，Gyurcsany 總理曾於內部講話中承認社會黨未將經濟現況誠實告知選民，方可贏得國會大選。上述訊息自 2006 年 9 月披露以來，立即引起群情大譁，反對黨多次舉行示威活動，要求 Gyurcsany 總理下台負責，甚至曾發生群眾暴動，惟皆獲得控制。然而總理承認說謊仍造成民眾極大反彈，在 2006 年 10 月 1 日所舉行之地方選舉中，反對陣營（青民黨與基督民主人民黨）大勝，得票率為 53%，執政聯盟僅獲 38%，在匈牙利 23 個主要城市中，反對黨贏得 19 席；另在全國 19 個郡當中，反對黨在 18 個郡獲勝。Gyurcsany 總理為鞏固其政權，同年 10 月 6 日主動提出議案請國會對其領導之政府進行信任投票，結果執政聯盟議員一致投下信任票，故 Gyurcsany 總理成功度過此次風暴。

五、對外政策

已於 1999 年加入北約組織，復於 2004 年成為歐盟會員，大體而言已完成與西方世界在經濟與安

全方面之整合。尤其自加入歐盟後，對外政策均遵循歐盟共識。

六、與各國關係

基本上相當良好，與義大利、斯洛維尼亞及克羅埃西亞組成四邊合作機制，另與波蘭、捷克及斯洛伐克組成 Visegrad 4 國集團，以便在國際間採取齊一步調，進而增進其影響力。近年來匈國積極參與國際維和事務，目前在海外約派有一千名駐軍。匈國為維護其本身之安全，非常關注巴爾幹半島情勢之和平與穩定，且支持歐盟繼續東擴，使相關國家皆能納入歐盟體系。

第二節 公務員文官制度

匈牙利並無獨立之文官機構掌管人事制度。目前係由該國總理府辦公室負責該國之人事業務。

匈牙利公務員制度主要規定在「1992 年第 23 號法令—公務員之法定地位（以下簡稱公務員法）」中，該法令可說是匈牙利公務員之基準法。以下將就公務員相關制度予以介紹。

一、公務員適用範圍

下列各機關之所有人員均屬公務員法之公務員（Public officials）：

- 1.內閣總理辦公室
- 2.擁有全國性權限之部及機關
- 3.中央辦公室
- 4.首都與郡之公共行政辦公室
- 5.議會辦公室，地方官方行政協會及地方區域性機構
- 6.地區公證人辦公室

此外，查帳辦公室、國家廣播電視台以及匈牙利科學學會之秘書處亦有任用公務員。所以這些公務員法適用機關必須和國家建立直接或間接之法律關係，以確保其公權力之執行。例如地方公共行政辦公室在發放國家護照時，或是稅務辦公室在稽徵相關稅收時。

關於所有適用公務員法之機關，完整訂列於1085/2004 政府決議案之文件。

公務員代表國家執行公權力，管理、供應、控制以及監督國家事務。

在公共行政機關服務，執行公共行政事務但不具有實際權責者，稱為行政人員（Administrators），除了公務員及行政人員之外，這些機關亦會聘請一些適用勞基法之藍領人員（Blue-Collar），他們僅從事收集或公告政策、清潔或開車等工作。

另外公務員法不適用之對象包括軍隊、邊境守衛隊、警察、國家安全服務機構、消防隊、災難防護中心、關稅局、刑罰執行處及公民防衛與軍隊安全守衛等機關之人員（意指這些機關之職員並非公務員，惟這些機關仍有些職權需公務員方能達成）。

又受僱於中央、地方政府機關及地方區域性機構，從事這些機關（構）職掌事項之人員稱為公共服務人員（Public servants）。包含在托兒所、小學以及中學之教師，以及醫院工作者等。另有些機關如，警察局、邊境守護隊及刑罰執行處因其性質特殊，則須聘僱大量專業人員，俾使其業務順利進行。

二、公共服務法律關係之開始

(一)公共服務法律關係之意義

公務員法第 5 條規定：「公共服務法律關係為國家、自治政府與受僱之公務員、行政人員或藍領人員之法律關係，為達成其盡忠職守之目的，由雙方共同承擔特定之義務與權利。」

(二)公共服務法律關係之建立

首先，擔任公務員之基本條件有四：

1. 具備匈牙利國籍
2. 沒有犯罪紀錄
3. 有法律上之能力
4. 具有中學畢業以上學歷

自 2007 年 7 月 15 日開始，通過公共行政競爭考試已成為擔任公務員要件之一，目前正逐步推廣周知。競爭考試自 2009 年 1 月 1 日起自國務秘書、各個部門首長（部長）開始實施。下一階段自同年 3 月 1 日起適用於中央行政機關之領導職務，而地方行政機關之領導職務自同年 7 月 1 日實施，至其他公務員則自 2009 年 12 月 1 日起開始強制實施。

在 2007 年 7 月 15 日前任用之公務員是不需通過競爭考試的。

在 2007 年 7 月 15 日已具有公共服務法律關係之公務員，如未於 2007 年 7 月 15 日前通過競爭考試者，則須在 2009 年 12 月 31 日前通過基本考試。惟擁有參加基本考試之豁免權者除外。

在 2007 年 7 月 15 日後及競爭考試實施前被任命為首長、主管或公務員者，必須於其任命後 1 年內通過基本考試，除非在期限屆至前獲得豁免權。

如欲參加競爭考試者，須具備匈牙利公民、有清白紀錄、有法律上之行為能力以及中學畢業以上學歷資格。考試所需費用由應考者自行負擔。雇主應於公務員被任命時補償其考試費用，惟如屬重複參加考試者之費用除外。

競爭考試的有效期間為 5 年，應考者如在考試後被任命為公務員，則這競爭考試將持續有效，在其公共服務法律關係期間要不是至少有效 5 年，不然就是在法律關係終止後 1 年內仍然有效。

有關於書記亦須符合前述之資格，惟無須通過考試。如涉及國家機密者，僅能由符合該職位安全標準，為國家生存與經濟而能合法執行工作者方能任用。

如果中央公共行政機構傾向任命具有高學歷資格之年輕畢業生作為公務員者，此畢業生除須具備上述資格外，亦須具有獲得英國、法國或德國等國之語言能力證明。假如該職位所需之語言能力非以上所述，則至少須有英語、法語或德語其中任一語言之能力證明始得任用。

可能進一步要求之條件如下：

- 1.特殊學校畢業、資格
- 2.工作經驗
- 3.身體狀況健康良好

例如，任命為公證人、地區公證人、郡級鄉鎮地區辦公室之公證人資格為：有行政管理或國家與法律科學博士學位以及具備至少2年之公共行政經驗。

又關於公共服務人員法律關係之建立，其所需資格為具備匈牙利國籍，沒有犯罪紀錄以及年滿 18 歲。

(三)公務員之甄選

在法定工作範圍，唯有透過申請方能擔任公務員職務。

以下機關之司（處）長職務，均須透過應徵者之申請：

- 1.內閣總理辦公室
- 2.部會
- 3.政府直接管轄之中央公共行政機構

有關公務員之公開甄選，在修正案實施前（2007 年 7 月 15 日及 9 月 1 日）並非必須的，而強制公開甄選之規定即將實施並逐漸被採用。

受到 9 月 1 日公共行政團體領導職務僅能透過公開甄選進用之影響，從 2008 年 1 月 1 日起欲實施公開甄選之機關必須將公開甄選之文件，以電子方式發送至政府服務中心，並刊登在易取得之管道。這服務中心必須建立一甄選資料庫進而促進甄

選以及獲得可能應徵者之資訊。又唯有在缺乏候補官員時才能有公開甄選機會（領導職務除外）之規定將於 2009 年 1 月 1 日實施。

上開公開甄選之相關規定如下，公開甄選將是必須的

- 1.部會、內閣總理辦公室以及政府機構之領導職務從 2008 年 1 月 1 日開始實施。
- 2.中央機構及政府機構之領導職務從 2008 年 7 月 1 日開始實施。
- 3.部會、內閣總理辦公室以及政府機構之公務員從 2009 年 1 月 1 日開始實施。
- 4.地方機關或中央公共行政機關及公共行政機構之領導職務從 2009 年 7 月 1 日開始實施。

公共行政機關可自行決定該職位之應徵者所需資格條件。對於應徵者之要求，須明確地將該職務所需條件（職責程度、津貼、資格條件、評估標準、期限）逐一列出。

應徵者亦可應徵未出缺之職務，其前提是該職務能在應徵者被任命前出缺。申請之決定應由機關

首長於申請書提交之 30 日內或是由公共行政團體於召開下一次會議前決定。最遲應於評估後之 8 天內以書面通知應徵者徵選之結果。

(四)公務員之任用

有關公務員之任用、試用及宣誓等主要內容如下：

◆任用

勞基法中勞工之僱傭契約和公務員之公共服務法律關係一致，均須以書面為要件。除了代理人或特殊性質工作人員方有確定之執行事項外，一般公務員之法律關係建立於一不特定之事項，於此種情形下，其工作時間是根據工作時程或其他法律之規定來設定，尤其是以其完成特殊任務或特殊事件發生時來決定。例如，在公務員育嬰留職停薪期間僱用之代理人。再者，這不特定工作項目之公共法律服務關係也會因公務員同意加入年度績效計畫而修正為確定之工作項目。

公務員之任命文書須規定：

- 1.公務員之職務類別及等級
- 2.薪俸等級、公務員分類之基礎及薪資
- 3.職位與責任之範圍
- 4.公務員未來陞遷之描述

公務員任命文書亦須規定關於公共服務法律關係之問題。公務員之工作描述須符合任命文件。

◆試用

為建立公共服務法律關係，公務員於任命後須有 3 到 6 個月試用，其試用期間不得超過 6 個月。初任公務員者，其試用期間可視為實習期間之一部分。在試用期間，契約之任一方均得立即終止公共服務法律關係，予以解僱。

由於 2007 年 7 月 15 日修正案之影響，試用期間從 3 到 6 個月是必須的。試用期間亦不能延長。如果公務員係從軍隊或是在公共行政機關服務之官員轉任者則無須實習。

◆宣誓

公務員在任命時須予宣誓（口頭及書面皆須具備），如不宣誓則不能就任。有關宣誓之文件規定在公務員法第 12 章之第 2 節。

另又規定公共行政機關與公務員雙方同意下，可調整任命內容。但公務員不得要求調整俸等、晉升及責任範圍等內容。

三、公共服務法律關係之終止

公共服務法律關係之終止，以法律規定者為限，其主要規定如下：

1. 任命文件稱固定任期之期限
2. 公務人員死亡
3. 本法授與之權力
4. 不適任者予以免職之處分
5. 年滿 70 歲
6. 根據特別之法律規定參加年度績效計畫

除上開規定外，如符合以下情況者，亦得終止公共服務法律關係：

1. 政黨同意
2. 調職至聘僱公共服務人員或專業人員之機關

3.辭職

4.免職

5.試用期間自動生效者

公務員在公共服務法律關係存續中得隨時辭職，其辭職應於兩個月前通知，其經雙方同意亦可縮短通知期間。又公共服務法律關係可因下列免職情形而終止：

1.機關重組、職缺裁減

2.基於國會、政府或自治政府議會的決定，應執行裁員時

3.原機關職能消失，則必須解聘公務員

4.機關裁撤而無其他相似職能之機關以供任職時

5.經證明，公務員不適任該職務

6.公務員得領取老年年金或領取殘障年金時

又於下列期間不得將公務員免職：

1.殘障或生病期間

2.領取育嬰津貼期間

3.赴國外為國際組織工作

4.至外國留學求取學位

政府對於公務員免職案件，有義務提出免職之詳盡原因理由，同時政府必須證明免職理由的真實與合理。如公務員不適任之原因，為疾病所致，又無法在官方組織或公共行政機關找到相當之職類、資格及體能狀況能負擔之職位，或公務員不同意該調職決定時，亦可將公務員免職。但如有出缺之職位與該公務員之資格及體能狀況相符，即使職類不符，也應提供公務員該職位，公務員不同意此項調職決定時，亦可將公務員免職。另公務員之不適任，非因疾病所致，則僅能以公務員無能力執行職務之原因，予以免職。

依上述規定受免職處分之公務員均可以支領離職金（Severance Pay），離職金之計算以任職年資為依據：

- 1.任職滿 3 年以上，得領 1 個月薪資
- 2.任職滿 5 年以上，得領 2 個月薪資
- 3.任職滿 8 年以上，得領 3 個月薪資
- 4.任職滿 10 年以上，得領 4 個月薪資
- 5.任職滿 13 年以上，得領 5 個月薪資

6.任職滿 16 年以上，得領 6 個月薪資

7.任職滿 20 年以上，得領 8 個月薪資

但具有下列情形之一者，不得支領離職金：

1.試用期間即受免職處分者

2.公務員解僱之原因為不適任，而非疾病因素

3.公務員公共服務法律關係終止之際，如公務員有資格領取老年年金或殘障年金者

四、公務員晉升及俸給制度

(一)公務員晉升制度

公務員係依據其學歷以及任職於公共服務法律關係之時間加以分級。

具有較高學歷（大學）之公務員依照下列情況分級：

1.經過 1 年受訓期，可被分級為法案起草者（drafter）

2.任職於公共服務法律關係 3 年後，可被分級為顧問（counsellor）

3.任職於公共服務法律關係 8 年後，可被分級為資深顧問（senior counsellor）

4.任職於公共服務法律關係 16 年後，可被分級為首

席顧問 (chief counsellor)

- 5.任職於公共服務法律關係 25 年後，可被分級為資深首席顧問 (senior chief counsellor)

具有較低學歷 (中學) 之公務員依照下列情況分級：

- 1.經過 2 年受訓期，可被分級為書記 (clerk)
- 2.任職於公共服務法律關係 12 年後，可被分級為首席書記 (chief clerk)
- 3.任職於公共服務法律關係 31 年後，可被分級為首席書記官 (chief clerk)

公務員如符合以下條件即可晉升：

- 1.符合前述之工作年資
- 2.關於其職務之成就，至少被授予「適合」之資格
- 3.符合法律規定或機關以書面訂定關於陞遷之條件

(二)公務員之俸給制度

公務員的薪水稱為薪俸 (pay)，包含了

- 1.基本薪資
- 2.津貼及紅利

公務員之薪俸依據學歷，可分為具有高學歷之公務員、具有較低學歷之公務員以及行政人員等三種俸表。

自 2006 年 4 月 1 日起，基本薪俸 (pay base) 為 36,800 福林，至 2007 年仍然適用。加給 (payment) 則隨著適用不同表別之人員，而有著不同之調整倍數及數額。基本薪俸加上加給即為基本薪資 (basic salary)。機關之單位主管在其權限及預算範圍內，得予調整其基本薪資，最多可增加 30% 之薪資，亦可縮減 20% 之薪資，端視其工作績效而定。

法律針對於支領津貼之比率，已就不同類型之公共行政機關有不同之規定。在郡層級之公共行政機構，如屬高學歷之公務員可支領 30% 之津貼，而如屬較低學歷之公務員則可支領 10% 之津貼。在中央機關服務之公務員，則依其上開教育程度分別有

50%以及 10%，或 35%以及 15%之津貼。

此外，主管津貼、夜間津貼、交通津貼、語言訓練津貼以及代理津貼等在相關法律均有詳細之規定。

五、公務員上班時數及加班

公務員之上班時數為每週 40 小時，星期一至星期四，上班時間從上午 8 時至下午 4 時 30 分，至於星期五，上班時間則從上午 8 時至下午 2 時。考慮到每週工作時數，議會部門可自行彈性安排上班時間，但目前在其他行政機構實際上已採取彈性上班時間之作法。

公務員上班時數可能低於上述所說之 40 個小時，在這種情形下，其報酬亦相對地根據比例縮減。法律亦規定工作時間週期之可能性，工作週期之上限是 6 個月或是 26 週。另每天以及每週上班時間不可超過 12 小時及 48 小時。

如果實工作時間週期，每週工作時間則應被平均分配在這整個工作時間週期中。這意謂，以 4 週工作時間週期為例，第 1 週及第 2 週工作時數為

60 小時，則第 3 週及第 4 週合計僅需再工作 40 個小時即可。

根據法律，公務員只有在特派的情況下，才需要加班或是隨時待命。

有關特派加班或隨時待命部分，在公務員和一般雇員之規定是不同的，因為公務員之特派工作必須符合以下條件：

- 1.應以書面命令
- 2.一年之上限為 160 小時
- 3.並非以請領加班費為報酬，而是採取補休假之機制，補休不得少於工作時間。

公務員若於例假日或公定假日時特派加班，為回饋其工作付出，則可享有加班時間之 2 倍補休。至於隨時待命者，其工作時數超過每天工作時間者，最多給予相同之待命時間之補休。又如隨時待命者，又於例假日或公定假日時執行任務者，則亦可享有待命時間 2 倍之補休。而這種補休必須於加班事實發生後之 30 天內休畢，若無法補休者，則發給部分之津貼。另很重要是有關公務員加班之

規定並不適用於公務員之主管職務。

假如每天工作時間超過 6 個小時，在這工作時間中，須有 30 分鐘休息，如再增加 3 個小時工作時間者，則至少須再有 20 分鐘之休息時間。

六、公務員之休假

公務員每一年享有 25 個工作天之基本休假，除基本休假外，並依其職位等級另享有其他休假。

具有大學或學院學歷之公務員之其他休假如下（每一年）：

1. 書記（clerk）：3 個工作天
2. 顧問（counsellor）：5 個工作天
3. 執行顧問（executive counsellor）：7 個工作天
4. 首席顧問（chief counsellor）：9 個工作天
5. 首席執行顧問（executive chief counsellor）：11 個工作天

具有中學學歷之公務員之其他休假如下（每一年）：

1. 幕僚機構職員（staff member）：5 個工作天
2. 幕僚機構資深職員（senior staff member）：8 個

工作天

3.資深研究員（senior fellow-worker）：10 個工作天

擔任主管職務者，具有大學或學院學歷之其他
休假如下（每一年）

1.科長（head of unit）：11 個工作天

2.副司（處）長（deputy head of department）：12
個工作天

3.司（處）長（head of department）：13 個工作天

4.次長（deputy state secretary）：14 個工作天

5.部長（state secretary）：15 個工作天

副鎮書記（deputy town clerk），鎮書記（town clerk）以及首席鎮書記（chief town clerk）每年分別有 11、12 及 13 個工作天之其他休假。

如果公務員長期地在地底工作，或是每天至少暴露在電離輻射之環境工作 3 小時者，則其每年可多加給 5 天之其他休假。如果公務員已從事此種工作 5 年以上，則每年可多加給 10 天之其他休假。

另很重要的，如果有影響其他休假天數之事實發生時，公務員可依其發生事實之天數，依比例

享有其他休假天數。

休假計畫表須在每年 2 月底提交，除有正當理由者才被允許變更休假時間。又今年休假如無法休畢，如基於公益考量則可保留至下一年 1 月 31 日，如基於重大公益考量，則可保留至下年 3 月 31 日。另如公務員生病或是基於其他不可歸責於己之事由者（如：長期駐外服務），則可在事由消失後之 30 日內休畢。

休假可依公務員之請求分成好幾次申請。如雇主有特殊重要之利益才可中止員工之休假，但行政機關被要求要補償公務員所受之損害，以及因中止休假所發生之費用。另有關從休假地至工作地所需之時間亦須從休假天數予以扣除。

在公務員之要求之下，儘管不同於休假計畫表，五分之二之基本休假（發生公共服務法律關係之前 3 個月除外）可依公務員之請求給予。惟公務員須於休假開始前 15 天提出要求。

第四章 捷克

第一節 國情簡介

一、捷克國情基本資料

國慶日：10月28日

語言：捷克語

首都：布拉格（Prague）

面積：78,866 平方公里

人口：約 1,028 萬人

平均國民所得：約 13,774 美元（按捷克統計局
2006 年統計）

主要宗教：天主教、基督教、捷克教（Hussites）

官方語言：捷克語（英語日漸普及，其他主要
外語包括德語及俄語）

幣制：捷克克朗（kc；2007 年 8 月匯率約為
1USD=20.2kc）

二、捷克建國簡史

捷克建國歷史可溯自第九世紀。1918 年 10 月 28 日捷克與斯洛伐克合建捷克斯洛伐克共和國，二

次世界大戰期間領土曾遭瓜分，並遭納粹德國佔領，大戰後恢復獨立，1948年6月9日正式成立捷克社會主義共和國。1968年捷克發生「布拉格之春」民主運動，未經數月即遭蘇聯率華沙公約集團軍隊入侵鎮壓而告失敗。1989年11月「絲絨革命」導致捷共政權崩潰。1990年4月20日更改國號為捷克暨斯洛伐克聯邦共和國，捷克暨斯洛伐克聯邦共和國於1993年1月1日解體，分裂為捷克共和國與斯洛伐克兩獨立共和國。

三、捷克政治制度

國體	共和國，總統為國家元首，由參眾兩院選舉，任期5年，得連任1次。現任總統為克勞斯(Vaclav KLAUS)。
政體	議會民主制。眾議院為政治權力核心，得依法否決經參院及總統否決之法案。
中央政府及地方政府	部長會議為最高行政機關，總理由國會眾院各黨黨團協商產生後，經總統提名組閣（慣例係由總統於眾議員選舉後提名眾院最大黨黨魁），其餘內閣成員則由總理提名，並於完成組閣後將閣員名單送請總統任命；獲總統任命之內閣需在30天內通過眾院信任投票。全國行政區分13個省(regions)及1個首都(布拉格)。
國會	國會為最高民意機關，採兩院制。眾議院200席，任期4年，其選舉方式係將全國分為14個選區，獲5%以上選票之政黨按得票比例分配席次。參議院81席，任期6年，每兩年改選三分之一，其選舉方式係將全國分為81個選區，各選區選出1名參議員。

四、捷克司法制度

- (一)司法審理為三級制，依序為地方法院、高等法院、最高法院，另設有憲法法庭及專門處理行政訴訟案件之最高行政法院。
- (二)憲法法庭專司保障憲法之執行，設置法官 15 名，由總統提名經參院同意後任命，任期 10 年。
- (三)捷克國會 1990 年底通過「人民權利公共監察官法」(Law on the Public Defender of Rights)並據以設立監察機構，該一兼具高度法學素養及道德聲望之獨立監察官 (Ombudsman) 係由總統及國會參院依法各推薦兩名候選人，經國會眾院投票選出，任期 6 年，僅可連任 1 次，目前該職係由前司法部長 Otakar Motejl 擔任。

五、捷克最新政情簡述

本屆捷克國會眾議院係於 2006 年 6 月選出(任期至 2010 年 7 月)，26 個參選政黨中，僅 5 個政黨跨過法定得參與分配國會席次之 5%得票率門檻，另捷克參院於 2006 年 10 月底改選三分之一席次 (27 席)，目前各黨在參、眾兩院席次分配如下：

政黨名稱	公民民主黨 (ODS)	社會民主黨 (CSSD)	共產黨 (KSCM)	基督教民主黨 (KDU-CSL)	綠黨 (SZ)	自由聯盟-民主聯盟 (US-DEU)	無黨籍及其他小黨
政黨屬性	中間偏右	中間偏左	極左派	中間	中間	中間偏右	
眾院席次	81 席	74 席	26 席	13 席	6 席	0 席	0 席
參院席次	41 席	13 席	3 席	10 席	1 席	2 席	11 席

2006 年 6 月眾議院選舉後，克勞斯總統曾委託國會眾議院第一大黨公民黨黨魁 Mirek Topolánek 籌組新政府，惟 Topolánek 所組公民黨少數內閣未能通過眾院信任投票，於 10 月 11 日向克勞斯總統提出總辭；公民黨嗣在 10 月下旬舉行之地方首長及參議院選舉中大勝，Topolánek 復於 11 月 19 日獲選連任黨主席，克勞斯總統爰於 12 月初再度提

名 Topolanek 主席出面組閣，Topolanek 曾協商社民黨籌組大聯盟政府，惟因兩黨對各自擬優先推動之施政項目堅持不下，致籌組大聯盟政府之議破局，嗣 Topolanek 主席轉而與基民黨及綠黨協商籌組聯合政府。

公民黨、基民黨及綠黨聯合政府於 2007 年 1 月 9 日獲克勞斯總統任命後，在社民黨眾議員 Milos Melcak 及 Michal Pohanka 於 1 月 16 日公開表態願有條件容忍 Topolanek 政府下，捷克國會眾議院於 1 月 19 日以 100 票支持、97 票反對、2 票缺席及 1 票作廢，通過對聯合政府之信任投票，該聯合政府爰執政至今。

捷克於 2003 年 6 月舉行全民公投通過加入歐盟，並於 2004 年 5 月成為歐盟會員國，同年 6 月捷克舉行首次歐洲議會議員選舉，31 個登記參選歐洲議會議員之政黨，共提名 808 位候選人角逐 24 個席次，僅有 6 個政黨跨越法定得參與分配席次之 5% 得票率門檻，各黨所贏席次如下表：

政黨名稱	公民民主黨 (ODS)	社會民主黨 (CSSD)	共產黨 (KSCM)	基督教民主黨 (KDU-CSL)	歐洲民主黨暨獨立候選人聯盟 (EDa SNK)	獨立政治運動 (NEZ)
歐洲議會席次	9 席	2 席	6 席	2 席	3 席	2 席

捷克總統由國會參、眾議員投票選出，下次選舉預定於 2008 年 3 月前舉行，現任克勞斯總統已獲公民黨提名尋求連任。社民黨主席 Jiri Paroubek 則公開宣稱不支持克勞斯總統連任，且將與其他政黨協商提名一位具勝選希望之「強勁對手」與克氏爭雄。

六、捷克經濟情勢

2006 年底捷克平均名目國民所得約為 13,774 美元，歐盟統計局 (Eurostat) 以購買力平價計算之捷克平均國民所得則已達 16,800 歐元(捷克統計局以購買力平價計算之數字為 20,157 美元)，世界銀行已於 2006 年 2 月正式將捷克列為已開發國家。由於出口及投資之帶動，捷克 2005 年及 2006 年

GDP 成長率均達 6.1%，預測 2007 年 GDP 成長率可達 5.3%。2006 年通貨膨脹率約 2.5%，工業成長約 9.7%，平均每月薪資突破 2 萬克朗（約合 962 美元），失業率為 7.7%。

在對外貿易方面，捷克統計局公佈 2006 年貿易總額為 1,883 億美元，成長 21.8%。其中出口金額 951 億美元，成長 21.6%，進口金額 932 億美元，成長 21.8%，出超 19 億美元。就區域而言，出超主要源自其他歐盟國家，入超主要則源於俄羅斯、中國、台灣及日本。就產業別而言，出超主要係拜外人投資帶動出口所賜，尤其是電子產業及汽車出口強勁，Toyota-Peugeot-Renault 合資在捷克所設立之小客車廠 2006 年產能已達成年產 30 萬輛目標，福斯集團旗下之 Skoda 汽車年產量亦超過 55 萬輛，另韓國現代汽車（Hyundai）已決定投資 420 億克朗來捷設廠，年產 30 萬輛汽車，2008 年開始量產，屆時上述捷克 3 大汽車廠：Skoda、Hyundai 及 Toyota-Peugeot-Renault 年產量將超過 110 萬輛，使捷克成為中歐汽車重要生產國。

捷克吸引外資利基在於獎勵投資優惠、較西歐廉價之高素質勞力、位居歐洲中心交通方便及基礎設施良好等。惟近年來，捷幣持續升值，薪資每年平均上漲約 5%，且布拉格等主要城市已出現勞力不足現象，現任 3 黨聯合政府主張對投資優惠政策作重大變更，將取消對一般製造業而僅給予高科技業投資優惠，招商重點將放在吸引高科技及高附加價值之投資案。

七、捷克的國際關係

歐盟事務為捷克外交事務最優先要項，捷克將於 2009 年上半年接任歐盟輪值主席，相關籌辦事宜將係捷克政府外交施政要務。另爭取擔任 2008 年至 2009 年聯合國安理會非常任理事國及 2008 年 1 月加入申根公約亦為捷克外交優先要項。

捷克政府向來主張彈性整合（flexible integration）之歐盟，各會員國應自行決定其參與歐盟共同政策之程度，對 2007 年 6 月歐盟高峰會就歐盟未來功能運作及決策模式達成新改革條約協議，而非通過與前遭法國及荷蘭公投否決之歐盟憲

法內容相同之新憲，且新條約內容未出現「憲法」用詞表示歡迎，認為已阻斷歐盟朝「超國家組織」方向發展之可能。

在與歐盟其他會員國之雙邊關係方面，捷克以與鄰國之關係為優先，盼連結其他 Vysegrad 集團國家（波、匈、斯洛伐克）及德、奧之力量維護捷克在歐盟內部之利益。在跨大西洋關係方面，捷克為 NATO 成員，並視美國為重要夥伴，惟有關應否同意美國在捷克設置反飛彈雷達基地乙案，朝野政黨立場分歧。對於已提出申請加入歐盟之南歐國家及土耳其，捷克盼協助其政經轉型，俾與歐盟接軌；另捷克近年來持續增加對發展中國家之援助並積極支持聯合國千禧年發展目標，其援助對象以協助科索沃、烏克蘭等東南歐及中亞國家之政經轉型為優先。

捷克政府強調經貿外交，積極開拓與中國、越南、印度及拉丁美洲之市場並關注外國貿易障礙；另基於安全及能源等因素，捷克亦頗為關注中東情勢並積極參與該區域之維和暨重建。

八、我國與捷克之雙邊關係簡述

(一)捷克對我國之立場與態度

捷方重視民主、台捷雙邊關係及台商在捷投資；對台海兩岸爭議，捷方堅持需以和平方式解決。

(二)雙邊經貿關係

1. 貿易方面

依據我國海關統計資料顯示，2006 年台捷雙邊貿易總額為 4 億 8,320 萬美元，較 2005 年成長 60.8%。我國出口至捷克之主要產品為電腦電子零組件、腳踏車、航空零件、汽車零組件、手工具、鋁製品等。我國自捷克進口之主要產品為金屬鹵化物燈泡、電容器、積體電路晶粒及晶圓、小客車、起重機、玻璃纖維、鋼管、人工骨頭、蔬菜榨汁器等。

2002 年以來台捷雙邊貿易統計表

單位：百萬美元

年 度	我自捷克 進口金額	較前一年 成長或衰退	我出口至 捷克金額	較前一年 成長或衰退	貿易總額	較前一年 成長或衰退
2002	48.6	-7.95%	225	59.57%	273.6	41.18%
2003	51.1	5.14%	277.7	23.42%	328.8	20.18%
2004	53.3	4.3%	192.0	-30.9%	245.3	-25.4%
2005	89.1	67.2%	206.3	7.4%	295.4	20.4%
2006	93.7	2.4%	389.5	86.4%	483.2	60.8%
2007 年 1-7 月	61.6	9.6%	167.3	-6.2%	228.9	-2.4%

由於近年來我國一直享有貿易順差，捷方亟盼增加對我出口以期改善貿易失衡；另捷克政府為避免其外貿過度集中於歐洲，政策上已決定加強拓展與其他地區之貿易往來。2005 年底捷克 Skoda 小客車已在台上市，另台商在捷生產 LCD 平面電視、電漿電視者已逐漸量產，所需大尺寸面板將自台進口，故未來台捷雙邊貿易可望進一步成長。

2.投資方面

我商自 1995 年開始來捷投資，迄 2006 年 12 月底，我國在捷克投資製造業之廠商計有 13 件，其中 11 件均為在台上市之電子公司，包括：大眾、鴻海、華碩、群光、大同（精英）、鴻友、英業達、宏碁、明碁、技嘉、英華達、緯創；另有 14 家台商經營貿易、運輸及旅行業。台灣在捷投資金額總計約 2.08 億美元，僱用員工人數約 8,415 人*。另華航貨機已自 2004 年 11 月起每週 2 班飛抵布拉格。

註：鴻海於 2007 年 5 月宣布將投資 1 億 4 千 7 百萬美元在捷克 Kutna Hora 擴建第 2 廠，預計 2008 年 6 月完工開始量產，屆時將增雇 5000 名員工；另明碁於 2007 年 9 月 4 日舉行捷克 Brno-Navratil 市新廠落成典禮並更名為佳世達（Qisda），2008 年起預計將雇用 1000 名員工。

(三)文教交流

近年來台捷藝文交流活動日趨密切，茲列舉其中較大型交流活動如下：

類別	台灣團體赴捷	捷克團體來台
音樂	1.2000年10月台北市立國樂團赴捷演出 2.2002年5月台北愛樂管絃樂團赴捷參加「布拉格之春」 3.2004年9月台北愛樂管絃樂團赴捷演出	2004年11月捷克國家愛樂交響樂團與布爾諾國立交響樂團分別來台北演出
劇場藝術	1. 2001年6月國光劇團赴捷參加「布拉格之春」演出美猴王 2. 2002年6月雲門舞集赴捷參加布拉格國際現代舞蹈節演出「水月」 3. 2004年10月當代傳奇劇場赴捷演出「李爾王」 4. 2005年6月雲門舞集赴捷演出「流浪者之歌」 5. 2006年9月復興閣皮影劇團赴布拉格演出「李哪吒」 6. 2007年5月我國第2度參加劇場藝術相關之PQ展	1998年捷克國家劇院芭蕾舞團來台演出
視覺藝術	1. 2002年2月查理士大學舉行「台灣山水畫家聯展」 2. 2004年10月捷克國家博物館東方文物館舉行許郭璜水墨畫展 3. 2005年5月席勒美術館展出台灣藝術家楊春森作品「飄」 4. 2005年6—9月在捷克國家博物館舉行「千面福爾摩沙」特展，展出我台灣博物館館藏 5. 2007年5月在布拉格市立美術館舉辦「綺麗台灣」照片展	2002年8月至2003年2月捷克新藝術大師慕夏（Alfonse Mucha）作品在台北、台中及高雄展出
駐村藝術交流	自2004年起文建會每年推薦一名藝術家至捷克Cesky Krumlov席勒美術館進行駐村創作，為期3個月	

文化資產保存	我文建會 2004 年及 2006 年派員赴捷考察古蹟保存技術及相關配套法規	文建會邀請捷克專家於 2005 年 8 月來台進行交流
電影	1、自 2003 年起我新聞局每年提供 5-8 部台灣電影參加捷克 Febio 影展，2004 年 Febio 影展並邀請台灣導演蔡明亮以影展特別貴賓赴捷參加影展活動 2、2006 年布拉格亞洲影展以台灣為主題國並邀請台灣影評人焦雄屏以特別來賓赴捷參加相關活動	
書展	我國駐捷克代表處自 2004 年起每年運用行政院新聞局提供之書籍參加布拉格國際書展	2003 年「臺北國際書展」以捷克為主題國，捷克共有 35 名出版商組團來台參加書展

九、捷克與中國關係

- (一)捷克採行「一個中國」政策，惟亦「支持通過建設性對話和平解決台灣問題，反對任何導致台海局勢緊張和改變台灣地位的做法」。
- (二)克勞斯總統已於 2004 年 4 月及 2006 年 9 月兩次訪中。
- (三)捷中雙方總理於 2005 年進行互訪。
- (四)中國方面除在捷舉辦中國絲綢展、中國電影節及

中國古老手稿及歷史印刷品展等活動外，並已宣布在捷進行電漿電視、食品生產投資案；聯想電腦（Lenovo）設立捷克客服中心；派採購團來捷克作市場調查等。2006 年捷中雙邊貿易額達 60 億 9,300 萬美元，捷克逆差為 52 億 9,300 萬美元。

十、一般僑情

除國內政府機構派駐捷克人員眷屬外，在捷台商僑胞約 80 人，留學生 30 人。目前留學生已成立同學會組織，現任會長為就讀於查理士大學之鄭宇欽同學，台商則於 92 年元月成立「捷克台灣商會」，現任會長為華碩電腦布拉格服務處經理謝孝民先生。駐捷克代表處經常與僑胞保持聯繫，往來密切，並提供必要之服務。

第二節 公務員文官制度

所謂公務員係指國家聘用於公務機關服務之人員，包括中央機關及地方機關之公務員。

現行公務員與一般私人企業勞工相同，均適用勞基法，並無專屬法律保障公務員。例外的是，軍

事相關機關之公務員具有特殊法令予以規範。從2000年至今捷克面臨一連串之政治改革，且因公務員須有一套專屬之法令制度，爰國會通過公務員法（Civil Service Act），並自2009年開始實施。該法僅規範中央機關之公務員，以下將就新制之公務員制度予以介紹。

一、公務員任用

擔任公務員所需具備之基本資格要件：

1. 捷克共和國國民
2. 年齡須滿十八歲
3. 具有行為能力
4. 沒有犯罪紀錄
5. 符合工作所需之教育程度、外語能力
6. 健康狀況良好

◆ 甄選

應徵者經初審（就應徵者是否符合基本資格要件予以審查）通過後，接著需通過所謂的競爭（Competition）。競爭指的是某一種形式之面談或是一種競試。應徵者首先通過第一階段甄選，

再來需經過一段時間之訓練，通過第二階段之訓練後才能正式成為公務員。

第一階段—甄選

各機關組成面試委員會，由委員會決定以口試或筆試方式進行，面試內容主要係以日後工作相關之專業知識及技能為主。通過第一階段甄選後，方能進入第二階段。

第二階段—訓練

通過第一階段甄選後，應徵者即以學員身分進入第二階段接受訓練，此時機關會和學員簽訂一年之短期契約，訓練期間結束後，仍需通過結業考試，通過考試才算是完成訓練。考試內容之命題亦由委員會決定。

每個通過第一階段之應徵者，會有一位指導員負責指導，由指導員根據其工作性質及內容，指派該學員至其適合之機關訓練。

面試委員會由政府機關官員及大學教授所組成，各機關之下置一主任委員，各委員由主任委員任命，其組成人數為5人，並非常設組織。

其功能主要係鑑定應徵者是否具有相關之資格。又有關結業考試內容，包括筆試及口試，根據相關法令規定，學員如未通過結業考試，還有一次機會，如果二次結業考試都未通過，則喪失成為公務員之資格。

通過結業考試，即具備公務員之資格；惟仍須等待相關職缺，俟機關及學員雙方均認適合該職缺後，學員方正式成為公務員。

結業考試內容，可分為二個部分，第一部分是般共同科目，即基本能力測驗，包括捷克共和國之憲法、基本法律、公務員相關知識及倫理等；第二部分是專業科目，視其申請之職缺專業而定，如財經方面須有財經之素養、文化方面須有文化之素養。

◆職缺公告

職缺必須要在天時、地利及人和之情況下，方能被填滿。政府機關每年須公告有多少職缺，該職缺之所在機關、部門及職等等相關資訊。各機關必須於公開甄選前將職缺之資訊公開透明

化。(現行各機關職缺並無公開透明化)

又等待職缺，並無一定之時程保障及限制，仍須視公務員之專業與該職缺是否契合，是否有多數人競爭而定。不似本國經考試錄取、訓練合格後即保證有職務可以擔任。

二、公務員之權利義務

根據新法令，公務員於任用後可享受之權利及應負擔之義務如下：

- (一)終身僱用制(現行沒有長期僱用，僅為短期僱用)
- (二)在一定時間內，必須有適當之職等升級
- (三)每年視公務員之工作表現，給予年終考績，並依其年終考績決定其下一年度是否予以升等，或是有更多之機會至其他機關部門歷練。
- (四)關於公務員之再訓練，根據法律規定，公務員可至大學或相關學術機構進修和其工作相關之專門知識，其所需經費，由其所在之機關予以補助。(現行進修均無補助)
- (五)為達適才適所，各個機關於其職缺公告時，會

列出其所需資格條件及該職缺之職等，如低階之公務員欲申請較高階之職務，則必須提出具有該工作相關能力之證明，同時亦須參加甄選以證明其可擔任較高階之工作。

(六)對工作表現不良之公務員，並無終身僱用之保障。如其年終考績未達基本標準時，仍可予以解僱。

三、其他相關規定

(一)政府各機關必須進用 3%機關員額總數之身心障礙人員，如未達此標準時，該機關必須繳交差額補助費，或是需明確解釋未能達到該比例之理由。

(二)公務員並無平均最低工資，均視其職位之等級、類別而定。

(三)中央機關與地方機關之公務員制度，各自成一系統。

(四)一般公務員平均每月薪資為 1000 美元以下，相較於布拉格居民平均每月薪資 1200 美元而言，公務員薪資明顯偏低，又因民間金融業從業人員

平均每月薪資可達 2000 美元以上，致使年輕人從事公務員之意願偏低，亦使得公務機關之平均年齡偏高。惟如屬司法、外交及經濟等專業人員，仍有相當高之意願至公家機關服務，因其至公部門服務之經歷，將是其日後至歐盟工作之最佳跳板。(捷克共和國將於 2009 年擔任歐盟主席)

(五)捷克並無專門負責公務員保障業務之機關，公務員有重大權益受損，如對公務員考績懲處不服者，可提出上訴，各機關設有一特別委員會審議上訴是否合理，並就其上訴作適當之處理。另公務員亦可組織工會及聯合會，藉以爭取其權益。

第五章 考察心得與建議

第一節 考察心得

一、奧地利

- (一)近 40 年來，奧地利政府逐漸採取分離措施，使部分機關（構）自該國政府部門脫離，如郵政銀行、博物館及劇院等為最佳例證。此舉與本國近年來推動機關行政法人化之措施類似，足見行政法人化儼然業已成為時代潮流之趨勢。
- (二)奧地利政府設有行政任務改革委員會，該委員會主要係就各個機關之行政任務作廣泛之評估，在維持原來之品質下，就各機關之人事及經費予以精簡。
- (三)奧地利政府利用現代化科技，打造電子化政府，派人員至各地推廣並施以教育訓練，如此一來，可節省許多不必要之人力。
- (四)奧地利之專門職業及技術人員，在開始執業前須

有相當一段時間之工作歷練。如欲當法官者，於大學畢業後，必須先到法院實習八至九個月，實習期間會有一個法官負責指導，實習結束後仍須通過一個考試，方能成為法官候選人。成為法官候選人後仍須受4年之教育，此4年間，法官候選人必須至各法院部門（民事、刑事、行政）和法官一起工作，最後還需通過一個考試方能成為法官。由上述過程可知，奧地利非常重視專技人員之在職訓練及工作經歷。

(五)公務員甄選秉持著公開公平之原則。其甄選類似我國之考試，惟其由各機關自行舉辦甄選，且採取能力性向測驗及面試之方式，較能遴選出各機關心目中該職務之理想人選。

(六)公務員之退休金比私人企業人員優渥，現行目標是將公、私部門退休金加以調整使其趨於一致。此舉與本國公務人員退休近年之改革方向頗為類似。

(七)為爭取優秀人才，公務員之薪水比一般私人企業

人員高，但其錄取名額少。

(八)奧地利對於婦女之保障，有相關之立法以及計劃，如有任何違反性別平等對待之規定，將會被處以罰鍰。與我國性別工作平等法之立法有相同之立意。又其對於身心障礙人員之進用，亦須達機關總員額比例 4%，如未足額進用者，需繳交差額補助費。

(九)公共服務人員主要分為兩種類型，一種為公務員，一種為契約聘僱人員。公務員為終身任用，須具有一定之教育水準及資格能力，且需通過任用考試，其升遷採取年功序列及每年予以考績；契約聘僱人員適用勞基法，其身分並無保障，相關之制度及資格亦無確定之規定。奧地利目前具有公法上職務關係之公務員為傳統之典型，但是現今已有超過半數之人員為契約聘僱人員。足見該國為提升效率，節省經費，已逐漸降低公務員之進用。

二、匈牙利

- (一) 2007年7月15日開始，通過公共行政競爭考試已成 為擔任公務員要件之一。競爭考試自2009年1月1日起將先自國務秘書、各個部門之領導職務（部長）開始實施。下一階段自同年3月1日起適用在中央行政機關之領導職務，而地方行政機關之領導職務自同年7月1日實施，至其他公務員則自2009年12月1日起開始強制實施。足見該國對公務員專業之重視，以及採取上行下效之措施。
- (二) 職位如涉及國家機密者，僅能由符合此職位安全標準，為國家生存與經濟而能合法執行工作者方能適任。與我國現行所定之涉及國家安全或重大利益公務人員特殊查核辦法之規定相似。
- (三) 公務員之公開甄選，在2007年7月15日前並非必須的。從2008年1月1日起公開甄選之機關必須將公開甄選之文件，以電子方式發送至政府服務中心，並刊登在易於取得之管道。
- (四) 公務員於殘障、生病、育嬰留職停薪、赴國外為

國際組織工作或至外國留學取得學位之期間，政府機關不得予以免職。足見匈牙利政府對公務人員之身分保障。我國於公務人員請假規則及公務人員留職停薪辦法亦有類似之規定。

(五)公務員係依據其學歷以及任職於公共服務法律關係之時間加以分級。亦即高學歷者可被分為較高級之職位。與我國經同一考試及格，縱使其學歷不同，均以同等級任用之規定不同。(例：如經普通考試及格者，具大學或碩士學位者均以委任第三職等本俸一級任用)

(六)公務員薪俸亦以學歷分為三種俸表，足見匈牙利對於公務員學歷之重視程度。

(七)機關之單位主管在其權限及預算範圍內，得予調整公務員基本薪資，最多可增加30%之薪資，亦可縮減20%之薪資，端視其工作績效而定。與我國依其公務人員職務等級所領之固定薪資不同，又我國僅於公務人員年終考績時有甲、乙等之分而已，不易提升公務人員績效。

(八)公務員上班時數與我國相同，惟星期五上班時間

係從上午 8 時至下午 2 時，足見其人性化，且可激勵公務士氣。公務員之加班並非以請領加班費為報酬，而是採取補休假之機制，補休不得少於工作時間。此舉亦值得我國參考。

(九)公務員每一年享有 25 天的基本休假，除基本休假外，並依其職位等級另享有其他休假。具有高學歷及主管職務者，其其他休假較低學歷者為高。而我國則係不分學歷高低，依據工作年資長短予以給假，匈牙利之休假措施，依據學歷有所區分，恐不符平等原則。

(十)公務員須於每年 2 月底前提交休假計劃表，如有要求，其五分之二之休假亦可更改時間，惟須於休假前 15 天提出。該國此種休假方式，不僅有計劃地安排人員休假、方便人力之調度，且保有適當彈性，不至拘泥不變。

三、捷克

(一)現行公務員並無專屬法律規範，與私人企業人員相同，均適用勞基法。

(二)為保障公務員權益，該國國會已通過公務員法，

- 對公務員之甄選、任用及保障等有詳盡之規範。
- (三)該國欲實施之新制度，有關公務員任用部分，可分為甄選、訓練、結業考試及等待職缺四個部分，其中結業考試有二次考試之機會，如該二次考試均未通過則喪失公務員之資格。又該國公務員取得資格後，尚須等待是否有適合之職缺方能正式成為公務員開始工作。
- (四)各機關職缺公告，亦秉持資訊透明公開化以及需明定所需資格條件，以及該職缺之職等類別等相關資訊。
- (五)公務員可至大學或相關學術機構進修與工作相關之專業知識，並可申請補助費。
- (六)政府各機關必須進用 3%機關員額總數之身心障礙人員，如未達此標準時，該機關將須繳交差額補助費，或是需明確解釋未能達到該比例之理由。
- (七)公務員平均月薪低於私人企業人員，是以，年輕人擔任公職之意願不高，惟司法、外交及經濟等

專業人員，如欲至歐盟服務者，均會先至公部門服務，其政府工作經歷係至歐盟工作之最佳跳板。

第二節 考察建議

經歸納整理本次考察國家所提供之相關資料及座談會之交流意見，可發現這些國家之改革經驗中，值得我國文官體制參考者如下：

一、儘速完成制定公務人員基準法

不論先進國家或發展中國家，文官制度發展之歷程，多數均以建立一套統攝整體人事法制之基準法制為基礎。本次考察國家中，捷克本無公務員專屬法規，而係與勞工適用相同之法律，惟該國體認制定公務員專屬法規之重要性，爰於 2007 年通過制定公務員法，並定自 2009 年開始實施。我國文官歷史淵遠流長，雖然公務人員之相關法規甚為完備，惟仍缺乏一套完整之基準法制，為統攝全盤人事法規，確立全國公務人員共同適用之基本規定及

兼顧各種個別人事制度之差異，促成整體人事制度之健全，本院於 2006 年完成審議「公務人員基準法草案」後，於 2006 年 6 月 16 日經行政院同意會銜將該法草案送請立法院審議。為促進整體文官制度健全發展，實宜早日完成公務人員基準法之制定。

二、儘速配合推動完成制定行政法人法

奧地利自 1969 年來即推動分離措施，很多政府機構逐漸地與聯邦行政、公共行政分離，轉型為一個獨立之機構或是適用公司法之組織，其財政及人事與政府分離。其中尤以國家歌劇院之分離成果最為卓著，奧地利政府一方面給予其足夠之經費維持相當之文化水準，另一方面則於行政事務領域上，擲節開支，以企管思維來經營。該國這種被分離之機關(構)已達上百個，而且仍在逐漸增加中。行政院為提升政府效能，參照國外經驗，引進企業化經營理念，擬具「行政法人法草案」，將部分不適合由行政機關(構)推動之公共任務，成立行政法人負責處理，以避免政治干擾、擺脫法令與層級

之限制、擲節開支，俾使政府的績效獲得提昇。該法並經本院於 2005 年 8 月 8 日同意會銜與行政院函送立法院審議。行政法人法雖非本院主管法規，但為提升政府效能，並兼顧保障相關公務人員權益，本院仍宜配合推動制定行政法人法並積極參與提供相關意見，俾其保障相關公務人員權益。

三、積極研修司法官、律師等專門職業技術人員法規

現行我國具有大學法律相關科系畢業以上之資格者，於通過司法官考試，並經 2 年訓練後，即可分配至各地擔任法官。是以，初任法官者，其人生經驗及工作歷練恐嫌不足，如逕由其自由心證，恐有違司法之公平性。而奧地利之專技人員人事制度，頗值得我國學習。在奧地利欲擔任法官者，於畢業後須先至法院實習八至九個月，經通過考試後，成為法官候選人，再經過 4 年至各法院工作歷練，並通過法官考試，方能成為法官。足見奧地利政府對於法官專業及工作歷練之要求。近年來，為協力完成司法改革，奠定司法人員一元化之基礎，本院 2005 年 10 月 14 日函請立法院審議「高等考

試法官檢察官律師考試條例」草案，對司法官及律師考試採「合考分訓」，至於應考資格年齡，配合民法成年之規定修正為年滿 20 歲，學歷部分並未修正，法律系畢業生得應司法官及律師考試。上開草案之制定已使司法改革跨了一大步；惟為培育公正及專業之司法人員，本院似可參酌奧地利有關工作前訓練 4 年之作法，與司法院、行政院及相關機關研究其可行性，並訂定適合我國之司法人員培育、考試制度。又除了司法人員外，其他專技人員如會計師、醫師及記帳師等，奧地利均有類似之規定，我國亦可參酌借鏡，並依我國國情制定研修相關制度，俾期我國專業人員更臻專業，將考訓用合一運用，發揮考試用才之實質功能。

四、積極規劃建立彈性用人制度

綜觀各國趨勢，除積極延攬優秀人才至政府服務外，亦相對地精簡公務人員數量，以擲節政府預算。惟為維持政府服務品質，為量甚少之公務人員恐不敷需求，是以，聘用短期之聘僱人員儼然業已成為時勢之所趨。奧地利政府機關，其契約聘僱人

員之數量已占政府機關員額總數半數以上，足見聘僱人員之重要性。我國目前契約聘僱人員僅佔機關少數，是以，為提昇國家競爭力，積極規劃建立彈性用人制度，為現行行政改革之重要課題，本院有鑑於此業整合現行聘用、派用、機要、聘任、約僱等五類人員管理法規，研擬完成聘用人員人事條例草案，內容涵蓋聘用範圍、等級、資格、程序、薪給、考核、保險、退職撫卹及過渡條款等事項。有關退職撫卹部分，參酌勞工退休金條例的集中管理、可攜式、月退休金及最低收益保障等機制，期充分保障聘用人員權益，該草案並已於 2005 年 8 月 15 日函送立法院審議。其中有關聘用人員之人數占機關總員額比例為 15%，是否可再予以放寬，宜再進一步研究，並應適度檢討何類職務毋須由公務人員擔任，或宜由短期聘用人員擔任，以精簡政府機關公務人員總數，並提升國家競爭力。

五、以績效取向辦理公務人員考績

公務人員考績法規定，公務人員之年終考績可分為甲等、乙等、丙等及丁等四種等級。綜觀實務，

公務人員考列甲等比例約為 75%，考列丙等及丁等僅有少數，其餘則均為考列乙等。是以，如欲提升工作績效，適度之獎勵是必須的，惟囿於法無明文規定，績效優異之公務人員僅能考列甲等，和其他績效普通之百分之七十之公務人員受到相同之對待。如此一來，公務人員喪失努力之動力，自然無心致力於工作。本院為激勵工作績效特別優秀人員之工作士氣，修正公務人員考績法，增列優等等次，並於 2005 年 7 月 14 日函送立法院審議，惟除增加優等等次外，是否應採取其他措施以獎優汰劣，仍待研究。以匈牙利為例，該國政府機關之單位主管在其權限及預算範圍內，得予調整公務人員基本薪資，最多可增加 30% 之薪資，亦可縮減 20% 之薪資，端視其工作績效而定。是以，我國似可朝績效取向修正公務人員考績法，視機關同仁工作績效施予鼓勵或懲罰，並應賦予機關首長或主管調整機關人員薪俸之權利，以提昇工作之績效及競爭力，並藉此凝聚同仁之向心力。

六、有計畫及彈性之休假措施

公務人員應予以適當之休假，以期能於工作職場盡心盡力，不論工作忙碌與否，實施強制休假是必要的，其一可避免主管否准同仁休假，其二可使公務人員休養生息。惟強制休假制度實施以來，仍有許多公務人員未能達到實質休息之目的。本院主管之公務人員請假規則，僅規範公務人員之休假天數，其細部規範則授權行政院人事行政局訂定，惟休假係屬公務人員重要權益，其實施規範理應於請假規則中訂定。茲參酌匈牙利公務員休假制度，係需於年初提出休假計劃表，並可因應突發狀況彈性修改，基此，本院應可依此方向著手檢討休假之相關規定，適度放寬及限縮休假規定，如此一來，不僅可達公務人員休假之功能，亦可事先安排好職務代理相關事宜，提升行政效能。

參考文獻

Administration in Austria (2007)

Republic of Austria Public Administration Country
Profile (May 2006)

<http://www.ris.bka.gv.at> (31 December 2007)

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_munkajogv/a_koztiszt20071115.html
(6 December 2007)

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_munkajogv/a_kozlalkjogv20071115.html
(6 December 2007)

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_szabadsag/a_munkido20060627.html
(6 December 2007)

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_szabadsag/a_szabads20071115.html
(6 December 2007)

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_eletpalya/a_kozalkelo20060627.html

ml (6 December 2007)

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_eletpalya/a_koztisztelo20070123.html (6 December 2007)

Hungary Public Service and the Administrative Framework Assessment 2002

218ACT of April 26, 2002 on service of public servants in administrative authorities and on remuneration of such servants and other employees in administrative authorities (the Service Act)

奧地利現行人事制度資料 2007.8.31 (駐奧地利代表處提供)

匈牙利現行人事制度資料 2007.9.3 (駐匈牙利代表處提供)

捷克現行人事制度資料 2007.9.5 (駐捷克代表處提供)

附錄一 考試院 96 年奧地利、匈牙利及捷克考察團成員

1. 伊凡諾幹
IBAN NOKAN
考試委員（團長）
Member of Examination Yuan
（ministerial rank）
（Delegation Leader）
2. 吳茂雄
WU, MAO-HSIUNG
考試委員
Member of Examination Yuan
（ministerial rank）
3. 李慶雄
LEE, CHING- HSIUNG
考試委員
Member of Examination Yuan
（ministerial rank）
4. 李慧梅
LEE, GRACE WHEI-MAY
考試委員
Member of Examination Yuan
（ministerial rank）
5. 徐正光
HSU, CHENG-KUANG
考試委員
Member of Examination Yuan
（ministerial rank）
6. 許慶復
HSU, CHING-FU
考試委員
Member of Examination Yuan
（ministerial rank）
7. 蔡式淵
 TSAI, SHIH-YUAN
考試委員
Member of Examination Yuan
（ministerial rank）

8. 劉武哲
LIU, WU-TSE
考試委員
Member of Examination Yuan
(ministerial rank)
9. 張俊彥
CHANG, CHUN-YEN
試院秘書長
Secretary-General of Examination Yuan
10. 沈昆興
SHEN, KUN-HSING
公務人員保障暨培訓委員會
副主任委員
Vice Chairman of The Civil Service Protection and Training Commission
11. 翁靜珊
WENG, CHING-SHAN
考試院第二組科員(隨團秘書)
Secretary

附錄二 考察主題及項目英譯題旨

Investigation into Civil Service Examination & Personnel Administration Systems in Austria, Hungary, and Czech in 2007 by the Examination Yuan

I Examination and Employment

1. How many categories of civil service in your country, e.g. the judge, court prosecutor, police officers, inspector of tax, and medical personnel...etc? Are they all recruited by an independent examination agency?
2. What are your basic examination qualifications for civil service? Besides academic degree, is there any restriction on the examination qualifications?
3. What are your recruiting channels for civil service? How are the examination categories and subjects composed? How are examination question decided and examination assessment

conducted by head of agency or by a committee?

How do you decide the qualified standards?

4. Is there an independent agency to manage certification examinations for professional and technological personnel? (E.g. medical personnel, lawyer, and seafarer...etc) How do you categorize these professional and technological personnel? And how do you measure their qualifications for examination and decide which subjects to test?
5. Is representative bureaucracy implemented in the employment and examinations for the indigenous people, women, and disables in your country? If there is, please explain the actual situation of implementation and also provides us with related information.
6. What reforms have been implemented in connection with employment and examinations in the civil service system during the past three years?

II Evaluation and appraisal

1. Pay system and professional resource- exchange mechanism of civil service

(1)What is the pay structure (or content) for civil service in your country?

A.Does your country execute a performance-based pay system?

B.Does your country have any professional resource-exchange mechanism between public offices and civilian business units? If so, what are the requirements of application and the methods of operation?

2. Political appointee's retirement and compensation system and civil service retirement system

(1)Does your country have an independent retirement and compensation system for political appointee? If such an independent system exists, how is it designed (including the requirements of application, categories of

pension and pay conditions)?

(2) Retirement system of civil service

A. Overview

- a. Social welfare system (please provide a brief introduction on systems for job grades 1, 2, and 3)
- b. Civil service retirement system (eligibilities for retirement and retirement benefits for different disciplined ranks; also describe the civil service salary in the local job market).
- c. Overview of current operations.

B. The development of civil service retirement system

- a. Background of the reform
- b. Resistance to reform
- c. Advertisement strategy?

C. Present situation of civil service retirement system

- a. Categories of retirement and eligible pensioners
- b. Eligibilities for pension benefits and method of payment (whether there are different programs designed for different jobs)
- c. What is the percentage of retirement payment compared with in-service income? What is the Replacement Ratio after insurance income or other related income?
- d. Does the pension plan include self-contribution? What are the pension fund operation and the return on investment?
- e. The advantages and shortcomings of the current retirement system.
- f. The direction of future reforms and expected beneficial results
- g. What we can learn from your country?

III The Protection and Training

1. The Protection system of civil service

- (1) Authorized agency in charge of the study and legislation regarding protected rights.
- (2) Civil servants under protection
- (3) Protected rights
- (4) Procedures for drafting and discussing protected rights regulations.
- (5) Procedures for commission resolution on protected rights regulations.
- (6) Handling of protected rights regulation.
- (7) Execution and monitoring of protected rights regulations.
- (8) Other related protected rights regulations.

2. Civil Service Training and Development

- (1) Regulations and training system for Civil Service Training and Development
 - A. Regulations and policies for Civil Service Training and Development

B. Institutes for Civil Service Training and Development and its responsibilities and functions

(2) Civil Service Training strategy and Development

A. Legal aspects

B. Curricula

C. Promotion

(3) Present situation of Civil Service Training and Development

A. Training categories (Entry level, promotion training, on-the-job, high level)

B. Core competence of different disciplined ranks and corresponding training courses

C. Budget for training

D. Training results appraisal and its application.

IV Human resource and administrative

1. Present situation of the governmental HR's management concerning gender issues.

Please collect relevant information regarding your governmental HR's management policies on gender issues and establishment of Gender Sensitive Indicators for our reference.

2. The association and organization of public servants and their management

Please collect relevant information regarding your public servants' organization and association, and the present situation of relevant regulatory management and experience of your government for our reference (such as the relation between civil servants and the government, whether the civil servants have freedom of association and what are the corresponding regulatory bylaws, and the corresponding operations).

3. Development of HR system and its present situation

Regarding the entire civil servants personnel

system of your government, please collect information about its development, changes, present situation, and future development for our reference.

附錄三 奧地利聯邦共和國人事簡介資料

The Organisation of Austrian Administration

The organisational variety of the Austrian administration is derived from two principles:

- from the constitutional basic principle of the Federation
- and from the principle of local self-administration of Austrian municipalities

These two principles result to an administrative structure consisting of three levels of subdivisions each with corresponding administrative organisations:

- at central government level the Federal Government
- at federal level, the federal state administrations of the nine States of Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg and Vienna
- and at local self-administration the municipal administrations of 2,359 Austrian municipalities

All over Austria there is also a network of 99 administrative districts, which are not independent territorial authorities but are rather organisationally integrated in the federal state administration (as district authorities) or within the greater city. As such, Austria can be said to have a four-tiered administrative structure throughout: Federal Government – Federal States – Districts – Municipalities



The Federal Government

The Department Principle

The Federal government is the largest administrative organisation in Austria. It is under the leadership of the Federal Ministers, who preside as monocratic organs of a particular department. The number of Federal Ministers and consequently of the departments is variable – currently there are fourteen. State Secretaries can be appointed for political support and for representation in parliament or at European level.

Other than the Federal Chancellor, who is also supported by his own department, there are Federal Ministers of Finance, for Women, Media and Civil Service, for European and International Affairs, for Health, Family and Youth, of the Interior, of Justice, for Agriculture, Forestry, Environment and Water Management, for Defence, of Social Affairs and Consumer Protection, for Education, Arts and Culture, for Transport, Innovation and Technology, for Economics and Labour and of Science and Research. Currently there are six State Secretaries active in five ministries.

As a whole, the Federal Ministers make up the Federal Government. The Federal Chancellor is the chairman of the Federal Government and as such, exercises the central function. As heads of the Federal Chancellery, he has the same rank as all other Federal Ministers. This clearly demonstrates the prevailing distinct “department principle” of the Federal Administration.

Federal Ministries and subordinate agencies

A Federal Minister's department consists of a Federal Ministry (also called Central Offices), where strategic decisions such as draft bills are prepared, and the subordinate agencies. The latter is a collective name for all kinds of organisational establishments. In this way, finance offices are subordinate agencies just as police inspectorates or even individual schools are. The size of individual departments varies greatly as a consequence. Traditionally, large departments are the ones concerned with education and security agendas. In particular, the dimensions are as follows:

Staff size of federal departments (01.04.2007)

Department	Central Office (Ministry)	Other (subordinate) Ministerial area	Whole Ministerial area
Federal Chancellery *	697	132	828
Interior	1.632	29.936	31.568
Education, Arts and Culture	738	42.385	43.123
Science and Research	280	445	725
Social Affairs and Consumer Protection	413	640	1.053
Health, Family and Youth	495	3	498
European and International Affairs	554	726	1.280
Justice	207	10.712	10.919
Defence	1.003	22.618	23.621
Finance	750	10.491	11.242
Agriculture, Forestry, Environment and Water Managmen	891	1.774	2.665
Economics and Labour	1.036	1.905	2.941
Transport, Innovation and Technologie	638	262	900
Others **	1.017		1.017
Total	10.350	122.029	132.380

* The department for Women, Media and Civil Service resides in the Federal Chancellery.

** The principal institutions – the Office of the Federal President, the Constitutional Court, the Supreme Administrative Court, the Ombudsmen's Office and the Public Audit summed up.

(Number of persons employed as equivalent to full-time employees)

The structure of a ministry

The Austrian Federal Ministries (including the Federal Chancellery) are subject to standard organisational basic principles. They are divided into divisions, and for the most part have between 50 and 150 employees. The divisions are themselves divided into departments. Depending on the case, several departments can be combined into groups or areas. Subdivision of departments into sections is also possible. Additionally, Secretaries General are established in some areas as are personal offices of Federal Ministers or State Secretaries around the political leadership of a ministry. The actual structure of the organisation and distribution of responsibilities (division of tasks) is laid down by each individual Federal Minister internally. The running of the organisation occurs in all ministries through an electronic file system (ELAK), which has completely replaced the "paper file".

“Disincorporation” from the Federal Government

In the last decades, various legally independent establishments were founded outside of the Federal administration. This occurred through so-called “disincorporation”, in which a governmental establishment was converted into a legally independent institution or a company under company law on the basis of a special law. In the course of a disincorporation process, the staff – while maintaining its rights – is also transferred to the disincorporated establishment. Also, financial funds are separated from the government budget. Financing and control relationships with the relevant Federal Ministry continue to exist, of course.

The spin-off process began in 1969 with the disincorporation of the government owned Postal Savings Bank and currently includes around 100 companies and institutions following the disincorporation of the postal service, museums and theatres, employment offices, banking supervisory authorities, all universities and many other government establishments.

Federal State Administration

In contrast to the Federal Administration, the administrative apparatus of the nine Federal States are not organised according to the branch system. The state government as a leadership organ of the state administration basically acts as a committee, although many aspects are still delegated to individual members for decision. There are no separate State Ministers with or without portfolios as administrative assistance, but rather a common State Government Office. Internal affairs of the Office are led by the State Governor as chairman of the State Government (at political level) and the Head of the State Government Office (at administrative level).

Most of the 99 District Administrations are also part of the State Administration. Outside the 15 larger cities, which act as administrative

districts, there are 84 District Authorities established as administrative districts throughout Austria, and which play a leading role especially in national administration. District authorities are led by one of the persons nominated as District Governor by the State Government. Furthermore, State Administrations also have subordinate agencies and numerous disincorporations from State administration have taken place. State hospitals especially have been going through a process of legal independence over the last few years.

Municipalities

From the 2,359 municipalities, only 50 towns have more than 10,000 inhabitants and 85% of all municipalities have less than 3,000 inhabitants. Since the size and capacity of a municipality is not considered in task setting, a distinct structure of cooperation has developed amongst Austria's municipalities. As such, many municipal associations are founded especially when concerning high investment and employment opportunities, in order to enable more efficient management. 15 of the largest Austrian cities play a very specific role among the municipalities: they are cities with their own statute. This means that on top of their municipal responsibilities, they also hold the function of administrative district.

The municipal offices are under the leadership of the Mayor, who is elected by the Municipal Council representative organ or directly by the citizens of the municipality. An office leader generally referred to as Municipal Secretary or City Office Director takes care of the administrative leadership (Chief Magistrate in cities with their own statute). Many municipal responsibilities fall under the provision of subsistence and concern the creation of educational, social, environmental and cultural infrastructure.

Public Administration tasks

The modern administrative state is long past being a simple sovereign state which administers state tasks with commands and force. The Austrian administration is more an administration of services with distinct fields of activity such as in the social, health, education and cultural areas as well as a support administration. The classic differentiation between a sovereign administration and non-sovereign administration is therefore in a context of a material analysis of tasks with continually reduced significance.

Task distribution

In the distribution of administration tasks to territorial authorities, the way in which the state administration acts plays a determining role. This is because the division of competencies of the Austrian constitution only applies to the state administration. Aspects observed in the legal entities outside the state administration are not subject to this strict distribution regime. It is sometimes referred to as the “private sector administration”, because the State acts like a private company in this context. All non-state administration affairs can therefore be come under the jurisdiction of territorial authorities, which in practice could lead to double-tracking in the administration of services and support. The distribution of tasks within territorial authorities is something undertaken mainly by Federal Ministry law or by classification by State governments or Municipal Councils.

Indirect and direct administration

A special form of fulfilling tasks within the scope of the State Administration is that efficiency is the main principle of indirect administration. This means that state affairs of the state administration are basically under the jurisdiction of provincial State Administration organs – mainly district authorities; The Federal State District Authority therefore acts for the provincial Federal State as well as the central government. Instructions from

the responsible Federal Minister are of course also authoritative in indirect state administration. Exceptions to this principle only exist for certain responsibilities: financial administration affairs, the security police as well as military and foreign affairs are dealt with directly by the (subordinate) state agency.

Public Administration reform

In the last few years, administrative reform has reinforced activities. Within the central administration, a strategic approach was chosen, which would initially provide for an evaluation of tasks. To this purpose, a group of experts was commissioned with examining existing administrative tasks and to scrutinize them critically (Report by the Task Reform Commission 2001). Consequently, targeted measures to optimise structure and services were proposed, based on objectives of benefiting from potential staff and budget cuts, but at the same time ensuring the quality and efficiency of administrative services. A reform focus brings increased use of modern technologies to the advantage of citizens as well as of achieving the savings objectives. A special e-government law creates the foundation for widespread e-government services. Both citizen-oriented applications such as "finance online" as a communication level for tax issues and the introduction of the electronic file (ELAK) are prime examples of this.

In order to optimise the administrative organisation, distinct decentralisation measures were taken. In this way, making the strict regime of budget law more flexible for operatively active organisational units (through the so-called flexi-clause) will facilitate management. Through "disincorporations" from the government administration organisation, legally independent and responsible "companies" are created, whose public services are produced more efficiently. From the year 2000 to 2006 about 130 reform projects have

been executed. The reform measures put together have already yielded cumulative savings of several billion Euros.

Starting from 2007 these efforts continue under the key words Trust, Quality and Speed. The new Quality initiative consists of 50 reform projects, in order to raise the quality of administrative services as well as lead to savings. E-Government-Projects, Call-Centers, the establishment of one-stop-shops and reorganisations contribute to the goal that the Austrian Public Administration offers the best possible service to its citizens.

The Public Service in Austria

Administration staff – the public service – consists of the persons who are employed by an Austrian territorial authority. Fulfilling government tasks naturally has high social significance. Civil servants have the special requirement to ensure that impartiality, efficiency and abidance to laws count as the main characteristics of the public service in Austria, just as the efficiency of the administration and its freedom from corruption.

Dimensions of the public service

Quantitatively speaking there are – calculated as full time employees – a total of 383,300 public servants in Austria. Only 35% of public servants are employed by the Federation (Federal Service). 65% are Federal State and Municipal employees (State and Municipal Service).

Public service employees in all territorial authorities

Federation (2007)	132,400	(35 %)
Federal States (incl. Vienna) (2004)	180,500	(47 %)
Municipalities (2004)	70,400	(18 %)
Total	383,300	(100 %)

Around 63,500 teachers of the compulsory education system are also employed by the Federal States (State teacher), whose salaries are not paid by the relevant State but by the Federation.

Officials and contractual staff

There are two types of public employment: employment under public law as officials based on a government act and basically designates a permanent position, as well as employment under private law (contractual) as contractual employees, based on a service contract and is the similar as that of a private sector employee. In many areas though, there are no great differences between the service regulations for officials and those for contractual employees.

The status of official comes from the historical prototype of a civil servant, but nowadays more than half of all employees are contractual employees.

Structures of the public service

Detailed information on specific work, training, income and gender specific structures for the whole public service is not possible since a corresponding standard analysis is still in progress. The data provided below on the Federal Administration does provide a certain general idea.

Federal Employees according to work groups (2006)

Administration	48,426	(36 %)
Federal teachers	36,682	(28 %)
Executive service	29,593	(22 %)
Military	14,717	(11 %)
Judges and Public Prosecutors	2,383	(2 %)
Others	1,511	(1 %)

Middle Federal Employee income
according to work groups

Judges and Public Prosecutors	60,752 €
Teachers	44,641 €
Executive service	40,643 €
Military	33,749 €
Administration	27,839 €

(yearly salary in Euro, income data as median values from 2005)

Academic – employment in Federal Service (2006)

Male academics	20,306	(51 %)
Female academics	19,719	(49 %)
Total	40,025	(100 %)

Academic quota 30 %

(basis: full-time, year average)

Training trainees in the various work groups rates very highly in the civil service, just as privileged employment of disabled persons.

The public employer

The public employers in the formal sense are the territorial authorities. The basis of public employment is formed by special service regulation laws for employment both under public law and private law and govern all relevant conditions in great detail. Both for the government service and the State and Municipal services of each Federal State, there are specific legal

foundations that are independent of each other's relevant parliament government or state legislator. This leads to numerous service regulatory systems in Austria.

Personal responsibility in the government belongs to the individual Federal Ministers. The coordination of staff management and the preparation of service regulation laws and other standards is based in the Federal Chancellery.

Personnel management and controlling

Post diagrams are the instrumental tools for personnel management in the public service. In this set of figures, which is very effective as a formal part of the yearly official budget, the highest permissible number of employees and individual institutions are assigned through the setting of permanent posts. Both new recruits and reassignments are only possible provided there is a vacant permanent post. Also, the maintenance of budgeted financial staff expenses must be ensured.

The task of personnel controlling consists of the most up-to-date observation of developments resulting in extra costs in the staff sector, in order to gain personnel relevant knowledge and to be able to take targeted measures to steer the staff. Data collected in the course of personnel controlling allow an orientation to international data and form a good basis for staff demand planning.

Social partnership in the public service

The social partnership that is decisive throughout economic and social levels is moulded in the public service itself. It is based on problem solving in partnership and ranges from yearly salary negotiations to the review of diverse relevant standards.

As trade unions of the public service part of the Austrian Trade Union Federation (ÖGB), the Union of Public Services (GÖD) has 230,000 members and the Union of Municipal Employees has 165,000 members (incl. the retired employees).

In each organisational area of the administration, there is a fully differentiated system of personnel representation concurrent to the “in-service” employee representation system, which has varied legal information and codetermination rights of personnel representation. The results of personnel representation elections are decisive for the political power relations within the trade unions of the public service.

Admission into the public service

Staff selection in the public service has two criteria that must be fulfilled: To guarantee objective staff recruitment and ensuring high quality. New recruits therefore usually have to go through public invitation to competitions and take corresponding suitability examinations. Only for special requirements, which can only be provided by a small number of applicants, does a full recruitment interview suffice. The strict education principle traditional in the public service is today – at least for contractual employees – much more flexible.

Careers and functions in the public service

In Austria, long and life-long careers within the public service are still very common – but leaks to private sector employment are becoming more common. For high leadership functions, not only does a public competition take place, but a selection recommendation by an independent appraisal commission also forms the basis of the personnel selection. Top official positions in the public administration, such as the lead of a Ministerial Division, are only assigned for a maximum of five years.

In the public service, there is an express requirement to promote the careers of women. Also, international experience is valued when pursuing a career in European and international institutions.

Personnel development

For over 10 years, the public service has established modern personnel development. The following objectives are the focus of this:

- Increasing the qualification level of all employees
- Supporting leadership and motivation
- Supporting personality development
- Improving the communicative company culture

In order to implement these objectives, different measures have been taken. Other than improving and expanding education and further training, new personnel development instruments have been created, such as employee discussions, internal “job exchanges”, corporate identity measures up to modern organisation of the workplace.

Salaries

There is a great variety of salary systems for employees of different Austrian territorial authorities. Currently, for most of the government service, there is a system with guaranteed advantages combined with job-related bonuses for well-performed functions. Further allowances or so-called “extra-pay” must take special service conditions into consideration. This salary system is based on a widespread analysis of employment in individual positions regarding their valency (job valuation).

Retirement

The pension system for federal officials with a different concept than that of the general system of retirement was standardised in 2005 in the course of

the so-called "pension harmonising", so that for the first time and throughout Austria, the foundation for a standard pension system was created. The reconciliation of the retirement provisions previously under other dimensions to the general regime was carried out only for Federal State and Municipal officials.

Public Service in Austria

Administrative Structures

The Federal Ministries and the authorities subordinated to them are entrusted with conducting all business on behalf of the Federal Administration. The powers and responsibilities of the individual Federal Ministries are clearly defined in the Federal Ministries Act. This Act also contains provisions governing the organizational structure of the Ministries and their rules of procedure.

The Federal Ministries are subdivided into Directorates-General, Divisions, Directorates and Units.

Subordinated authorities, offices and other administrative bodies are headed by one senior civil servant who is in charge of their management. They differ in their organizational structure.

The tasks of the Federal Administration are either performed directly by federal authorities or indirectly by Province Governors and province authorities subordinated to them.

The members of the Province Governments are assisted by Province Government Offices which are headed by directors. The 84 district authorities and their branch offices are subordinated to the province authorities. They are responsible for performing administrative functions for the province but also act on behalf of the Federal Administration.

Besides the Federal Government and the Province Governments, 2,351 towns and local communities carry out administrative tasks. Vienna is not only the federal capital, but at the same time also a province and a municipality. The size of local communities varies widely, from 1.8 million inhabitants in Vienna to the smallest village, with 50 inhabitants. Fifteen towns enjoy a special status. In addition to performing their regular administrative work they also act as district authorities.

History

The origins of the public service in Austria go back to state and administrative reforms in the 18th century. Prior to these reforms, public servants lived from perquisites and taxes collected in the exercise of their functions. To protect her subjects, Empress Maria Theresia (1740 - 1780) introduced a system of fixed salaries paid from the public purse. At that time, the documentation of administrative activity

and office instructions evolved as guiding principles. A rudimentary understanding developed that government administration must be executed on the basis and within the realm of law.

The latter half of the 19th century saw the development of a public sector characterised by the parallel existence of two categories of staff: appointed civil servants owing special allegiance to the monarch, and contract staff assigned to tasks the nature of which was strongly oriented to the private sector (e.g. railway and postal services). The latter category enjoyed higher salaries and generally better conditions of work. This historical phase coincided with the foundation of an "Association of Public Servants", the precursor of today's Public Service Trade Union ("Gewerkschaft Öffentlicher Dienst!"). By the early 20th century, the fundamental principles governing the remuneration and retirement of public servants had already been established. The codification of the service regulations led to the adoption of the Service Code for Civil Servants ("Dienstpragmatik") in 1914.

After the collapse of the Austro-Hungarian monarchy, this set of legal provisions was incorporated into the legal system of the Republic and restored after World War II. Some time later, the Act on Contract Staff of 1948 ("Vertragsbedienstetengesetz") governing the service and remuneration of federal staff employed under private-law contracts was passed, followed by the Remuneration Act of 1956 and the Retirement Act of 1965. The two latter acts set out the remuneration and retirement provisions for federal civil servants in a comprehensive manner. The Service Code of 1914 remained the prevailing source of law governing the service regulations for public officials. This sphere of law was thoroughly reformed in the late 1970s with the adoption of the Service Code for Civil Servants of 1979 ("Beamtendienstrechtsgesetz"). With the Salary Reform Act of 1994 the remuneration system for major groups of federal civil servants was reorganised with due regard for their functions. Far-reaching amendments to the law governing the retirement of civil servants were adopted in 1997. As a result of the reform of the Contract Staff Act in 1999, employment under contract was defined as the normal form of employment in the Federal Administration.

Federal, Province and Local Government Services

Following the tiered structure of state authorities, public servants are divided into federal, province and local government staff.

The service regulations for federal staff are governed by federal provisions and the regulations governing province and local government staff are defined in province legislation.

Teachers in state-maintained compulsory schools have a special status: although they are employed by a province, they are subject to federal service regulations and their salaries are paid by the Federal Government.

Service contracts under public law (civil servants) and under private law (contract staff) coexist in all three tiers of public service, though to different extents.

Civil Servants and Contract Staff

With regard to the legal status of public officials, a distinction between civil servants and contract staff must be made.

Civil servants are employed by virtue of a sovereign act known as "appointment" (public law service contract). As a rule, appointment is for life.

The legal status of contract staff is comparable to that of wage-earners and salaried employees in the private sector. Their service contracts are, however, based on specific federal or province laws.

A common feature of both types of employment is the high degree to which the duties of service and remuneration are defined by law.

The Austrian Federal Constitution does not expressly embody the notion of public-law employment for career civil servants. The Austrian legal system generally does not delimit the sphere of activity of civil servants as opposed to that of contract staff. In contrast to a number of other European Union Member States, the differentiation between civil servants and contract staff in areas where both types of employment coexist has little practical bearing on the type of activity or function performed.

As a result of various reform measures, service under public-law contracts has been widely replaced by employment under private-law contracts.

In addition to service under public and private-law contracts, a small number of employment contracts are based on general labour law, which are to some extent modelled on collective agreements.

The Different Categories of Federal Civil Servants and Contract Staff

Federal civil servants fall into ten categories:

- General administrative service (formerly: civil servants in general administration and manual workers)
- Law enforcement (formerly: police officers)
- Military service (formerly: career officers)
- Candidates for judicial office, judges and public prosecutors
- University teachers
- Teachers
- School and specialist inspectors (formerly: Civil servants of the school inspectorates)
- Civil servants in postal and telecommunications services (assigned to the Austrian Post Office and Telekom Austria)
- Civil servants in the health service
- Civil servants of the national postal and telecommunications administration

Federal contract staff are grouped as follows:

- Contract staff in administration (salaried employees and wage earners)
- Contract teachers
- Contract assistants, contract assistant professors, and contract professors
- Contract staff in the health service

In general, each group of civil servants and contract staff is subdivided into service categories and remuneration grades which basically reflect the required degree of formal education.

Social Partnership

The economic and social environment in Austria's private sector is, to a great extent, shaped by an established dialogue between the represented interests of employers and employees ("social partnership"). A similar form of partnership, though on a smaller scale, exists in the public sector. It is characterised by an institutionalised dialogue between local authorities acting as employers at all levels of government and the public sector trade unions representing the interests of employees. Social partnership is a political culture in which the conditions of employment for public servants (both civil servants and contract staff) are regularly negotiated in detail with the representatives of the Public Service Trade Unions before any relevant law is adopted.

Public Service Staff

General Requirements for Recruitment

In order to be recruited for federal service, candidates must meet the following general requirements:

- Personal and professional competence (including an adequate command of German);
- Austrian citizenship or citizenship of one of the EU or EEA member countries, depending on the post in question;
- Full capability to act;
- (Tenured staff) must not be younger than 18 and not older than 40 years upon commencement of service in the federal administration.

The 1989 Act on the Advertisement of Vacancies applies to the examination of applicants. This text has harmonised the provisions governing recruitment procedures for federal service. As a general rule, all vacant posts in the federal administration must be advertised. However, this requirement may be dispensed with or is inapplicable in some cases. The Act on the Advertisement of Vacancies enumerates these exceptions comprehensively, i.e. service in the cabinet of a federal minister or the office of a state secretary. Moreover, this Act does not apply to posts which are subject to other advertising or recruitment procedures laid down in other federal laws. These include e.g. the University Organisation Act (Universitätsorganisationsgesetz), the Service Code for the Judiciary (Richterdienstgesetz), the Service Code for Civil Servants (Beamten-Dienstrechtsgesetz) in respect of federal teachers employed by the state, the Service Code for Province-employed Teachers and the Service Code for Province-employed Teachers of Agriculture and Forestry.

Brief Outline of the Recruitment Process

Public Advertising

Jobs for which an internal request in a ministry or a request to the "Job Exchange" set up within the Federal Chancellery did not result in the identification of a suitable candidate from within the federal service will be publicly advertised. Under the provisions of the Act on the Advertising of Vacancies, vacant posts must be advertised by way of notice on the official bulletin board. Moreover, vacancies may

also be advertised in any other appropriate way, e.g. in daily newspapers, the broadcasting media and by promulgation through internal official channels. Concurrently, the regional offices of the Labour Market Service and the "Job Exchange" at the Federal Chancellery must also be notified.

Application Requirements

The job advertisement must specify all the requirements stipulated by law for the type of service to be performed in the established post being advertised. If Austrian citizenship is a requirement for the post, special reference must be made to the fact (Article 39, para.4, EC Treaty). The job advertisement must also indicate the type of selection procedure which will be applied (aptitude test, job interview, trial period) as well as the department to which the application is to be submitted.

Recruitment Procedures

The recruiting department verifies whether the applicant meets all the requirements set out in the job advertisement. Applicants meeting these requirements must undergo the recruitment procedure prescribed for the envisaged post.

- Aptitude testing for "standard posts": Under this procedure, candidates having achieved the highest score in the test are recruited. However, the score achieved is primarily a criterion for objective assessment, and only in the second instance an instrument which serves to identify the "best-qualified candidate". The recruiting department may invite the top-ranked candidates to an informal interview, which is to be conducted by the prospective direct superior and a representative of the human resources department.
- Interview instead of aptitude testing for "special posts": This procedure applies to all candidates who apply for posts requiring a special degree of expert know-how and skills (e.g. computer experts, engineers, specialist staff) or who are considered as being in short supply owing to the situation prevailing on the labour market. Candidates for these posts do not undergo aptitude testing, but will be invited for a job interview.

- Summary proceedings: In the event that the number of suitable applicants does not exceed the number of vacant established posts, the department may fill a vacancy for a period of six months without carrying out aptitude tests.
- Trial employment for "low-level" tasks: Candidates having applied for e.g. auxiliary or messenger services will not be aptitude tested. They are recruited in accordance with their ranking on the list of applicants and are subject to on-the-job appraisal during the first three months of employment.

Methods of Staff Selection

Two quality criteria apply to the selection of public service staff:

1. ensuring an objective and unbiased recruitment of staff,
2. ensuring a high-grade selection process.

Together with the recruiting services, Department III/7 for administrative development of the Federal Chancellery develops job profiles which define the principal characteristics of vacant posts. Depending on the job, prospective applicants may have to meet the following requirements (selection):

- meticulousness, concentration, ability to recognise errors
- ability to learn, memory
- typewriting, word processing, spelling.
- use of vocabulary, language comprehension, logico-linguistic skills
- logical thinking, conclusive reasoning, abstract thinking
- mathematical comprehension, mathematical skills
- spatial visualisation, technical comprehension
- fine motor skills
- knowledge of specific fields
- foreign language skills
- planning and organisation
- rhetorical skills and self-presentation in front of an audience
- conceptualisation, rhetoric and self-assurance when summarising given texts followed by a presentation
- service-orientation in client contacts (supplying information, denying requests, handling complaints, etc.)
- social skills, leadership qualities in staff interviews (conflict-solving and evaluation sessions)
- self-assertion in negotiations
- team skills in group discussions.

Appropriate methods for assessing the required skills and abilities are selected or newly developed depending on the different job profiles. In this process, the following state-of-the art methods are used (selection):

- written performance tests,
- examination of complex skills by PC simulation of near-life situations,
- observation of behavioural skills in near-life situations, modules taken from assessment centres in the form of presentations, role play, etc. (evaluation by a committee with expert support).

In individual cases, applicants are interviewed by a committee on the basis of previously defined assessment criteria for objective selection.

Recruitment Decision

Independent committees deliver their expert opinions, which serve as a reference for the recruitment decision. It is generally the human resources departments within the approx. 150 recruiting departments which carry out the recruitment procedure for federal service staff.

In view of the on-going budget consolidation, the number of new staff recruitments is in general very limited for the time being.

Application for Senior Posts ("Functions")

The Act on the Advertising of Vacancies contains systematic and comprehensive provisions governing appointments to management-level functions and higher-level jobs. Sections I to VI of this Act stipulate that any appointment of a person to the management of an organisational unit specified in the Act must be preceded by public advertising. For special management functions, a Board of Review is to be set up at the central ministries which has to submit an expert opinion on the suitability of candidates to the Federal Minister in each case. State-of-the art methods of staff selection may be used in the review process.

Rights and Duties

Duration of Contract; Provisional and Definitive Tenure of Civil Servants

Service contracts may be concluded for a specified or an unlimited period of time. Every new service contract is agreed for a specified trial period. Contracts of service concluded for a specified period of time can be prolonged for only one further specified period of time (maximum of three months). Every further prolongation automatically converts the contract into an agreement of unlimited duration.

Special provisions apply to civil servants replacing other civil servants. The employer may terminate an (unlimited) service contract on the following grounds: breach of duty, poor performance, misconduct, reassignment of tasks, or reorganisation. Service contracts may, however, not be terminated on the grounds of reorganisation if the official in question has reached 50 years of age and has served for a minimum of 10 years under that contract. Terminations due to organisational changes are very rare in public service.

Every service contract under public law is initially of provisional nature. It may be terminated by way of an administrative order; if the requirements for definitive status (usually the service examinations) were not met; if the official loses his/her physical or mental capacity to work, if performance is unsatisfactory; in the case of breach of duty, or if the post has become redundant. After six years of provisional service and usually after passing of a service examination, the status of the civil servant becomes definitive (permanent tenure).

Permanent tenure can only be terminated by resignation; by dismissal following a disciplinary ruling; on the grounds of negative performance assessment in two consecutive assessment periods; or after conviction for serious criminal offences.

Equal Opportunities

Under the Federal Constitution, the Federal Government as well as the province and local governments are committed to the principle of equality of men and women. Measures to advance the de-facto equality of men and women, particularly by removing existing inequalities, are admissible. The Federal Act on the Equal Treatment of Women and Men (Bundesgesetz über die Gleichbehandlung von Frauen und Männern) and the Act on Advancement of Women in Federal Service (Bundesgesetz über die Förderung von Frauen im Bereich des Bundes) of 1993 constitute the statutory basis.

No one must be discriminated against on the grounds of gender, either directly or indirectly, in service or training relations, particularly in the drawing up of service or training contracts, the fixing of pay, fringe benefits, in-service training or further education or in career advancement (promotions, assignment to higher-paid categories of service).

Any violation of the equality of treatment rule will entail sanctions, i.e. through the enforcement of indemnification claims.

The provisions on special promotion measures stipulate that the bodies representing employers must strive to counteract the under-representation of women in the total number of staff and functions, and to remove existing inequalities for women ("mandatory affirmative action for the advancement of women").

By this definition, under-representation exists if the share of women is less than 40% of the total number of staff.

Each Ministry has to draft a Plan for the Advancement of Women, stating specific measures to do away with under-representation and inequalities. These plans contain binding numerical targets for raising the proportion of women. To meet the targets specified in these plans, preference in recruitment is to be given to female job applicants who are not less qualified than the best qualified male competitor until a 40% share of women has been reached. Similar provisions apply to affirmative actions in career advancement.

The Remuneration of Civil Servants

The monthly remuneration of civil servants consists of a salary plus allowances. In addition, civil servants are entitled to the equivalent of a further two months' remuneration annually.

The system of remuneration of civil servants is either

- an advancement-based system with function allowances, or
- a service-grade system (to be gradually discontinued) for general administration and manual workers, law enforcement and military officers.

The Advancement-based System with Function Allowances

This system was introduced by the Remuneration Reform Act of 1994. Under this scheme, every civil servant in a defined category of service runs through a "basic" career consisting of 19 salary grades with statutory guaranteed advancements. Upon the assumption of distinct responsibilities, a function-linked allowance is added to the basic salary. In this context, the term "function" not only denotes management level functions, but also other highly rated posts requiring specialist knowledge. The amount of the function allowance depends on two factors: the classification of a post in one of several function groups (rating), and the scale within a function group (element of experience based on seniority). Classification in a service category still depends on the education formally completed, but the remuneration scheme for highly-ranked specific functions cutting across the specified service categories has been improved.

The Service-grade System

Promotion is a characteristic feature of the service-grade system. Promotion means appointment to a higher service grade. Only civil servants assigned to higher-level tasks will attain the highest service grade in their respective service category. Before being appointed to a higher service grade, the civil servant must wait for a defined period of time to elapse ("waiting time"). The length of these waiting times depends on the rating of the post and on assessed performance. While "waiting" in a particular service grade, civil servants move on to the next higher salary scale at biannual intervals. There is no legal entitlement to promotion. Internal guidelines on promotion have been drawn up. Newly recruited staff are no longer employed under the old system. Staff under the old service-grade system may opt for the new advancement-based system.

The Remuneration of Contract Staff

In addition to their monthly remuneration, contract staff are entitled to the equivalent of a further two months' pay annually; hence they receive fourteen salaries per year.

The remuneration scheme for contract staff consists of a uniform system of scales in each remuneration group. Contract staff automatically transfer to the next scale at biannual intervals.

Contrary to the prevailing arrangements at province and local government level, the salaries for university graduates and those with university entrance qualifications employed as contract staff in the federal administrative service were lower than those of their tenured counterparts. In the other groups, the salary differential between civil servants and contract staff was and still is insignificant.

Under the Contract Staff Reform Act (Vertragsbedienstetenreformgesetz), improvements in the remuneration scheme for contract staff in administrative service (and for manual workers) were introduced in early 1999. Thus the remuneration scheme for contract staff has been made more attractive than that applying to civil servants. In addition, it provides for a flatter curve of remuneration levels and provides for an adequate compensation for higher-level tasks.

Exempting clauses (e.g. on remuneration) may be agreed upon in the service contract in exceptional cases. Such special contracts must be approved by the Federal Chancellor.

Adjustment of Salaries

In general, the negotiations on the adjustment of salaries (usually conducted annually) take account of the rate of inflation, economic growth, and of pay levels in the private sector. For a number of years, the constraints posed by budgetary consolidation have been a major factor of influence. Today, the adjustment of salaries is linked to rises in productivity.

Representatives of the Federal Government, the Province Governments and the local communities are all involved in the negotiations on the adjustment of public service salaries. The agreement reached is generally valid for the entire public service.

Remuneration - Special Allowances

The remuneration regulations for civil servants and contract staff make provisions for a number of "ancillary allowances". These allowances serve as compensation for overtime (extra hours or stand-by duty), for the special circumstances of service (hazardous or difficult conditions of work), for expenses incurred (e.g. outlays while on official trips), or they are bonus-type allowances. The latter category includes bonuses per se, which may be granted for excellent performance or on other special occasions depending on the availability of funds, and anniversary bonuses, which are disbursed as a loyalty premium after 25 or 40 years of service.

Duties

In compliance with the general duties of service, all official tasks must be accomplished with respect for the applicable laws in an honest, conscientious and impartial manner. Public officials must ensure that their overall conduct is such as to uphold public confidence in the impartial execution of official tasks. Public officials are bound to support and inform any person seeking assistance from their department or office if such request does not contravene the interests of the service or the prescribed impartial exercise of office. Unless bound by a statutory duty of secrecy, public officials must provide information on facts within the sphere of activity of their department or office.

Distinct from the judiciary, the administration constitutes that part of the executive branch of government where the principle prevails that public officials are bound by instructions. Public officials in the administration are bound by the instructions of their superiors and accountable to them for all actions or activities performed in the exercise of office. Public officials are not bound by an instruction if the instruction was given by a body not having the relevant competence, or if compliance would constitute a criminal offence. If an official considers an instruction to be unlawful for any reason, he or she must notify his/her superior of his/her reservations prior to compliance. The superior must then issue such an instruction in writing, otherwise it is deemed to have been withdrawn.

Public officials are not allowed to engage in any side-line activities which may impede the accomplishment of official tasks, which may create the impression of bias, or which compromise any other important official interests. Side-line activities exercised with gainful intent must be reported.

With respect to their official position, public officials must not demand, accept or obtain promise of any gifts, pecuniary advantage or any other benefit for themselves or any third party.

Breach of Duty

The Disciplinary Code with its sanctions is designed to ensure that public officials fulfil their official duties. By providing for a termination of service in the case of a severe breach of duty with the associated loss of confidence, the Disciplinary Code acts as a counterbalance to the principle of indissoluble and life-long employment. Disciplinary action is instituted whenever a culpable (wilful or negligent) breach of official duties has occurred. A catalogue of disciplinary offences does not exist. It is left to the disciplinary authorities to judge whether specific conduct constitutes a breach of official duty or not. Misconduct off duty may also constitute a breach of duty. The range of disciplinary sanctions consists of reprimands, small fines, large fines, and dismissal. Decisions on all serious disciplinary measures are taken by commissions which operate in accordance with a predetermined schedule of tasks and whose members are independent in the exercise of their office. Some members of these committees are staff representatives.

Breaches of duty committed by contract staff are subject to sanctions under the general instruments of labour law (notice of dismissal or termination of employment).

Working Hours

The standard weekly working time is 40 hours. Some schedules provide for a fixed allocation of working hours over the individual working days, whilst others, within certain limits, allow for more flexible hours at the beginning and end of the working day. Service schedules may also define an irregular pattern of working hours on some days of the week or during some weeks of the year (flexible annual working time models). Shift and rotation-based schedules are in force in some important service areas.

In general, the daily working time must not exceed 13 hours; the maximum weekly working time is 48 hours. There are regulations governing breaks, daily rest periods, weekly rest periods, and night work.

附錄四 奧地利聯邦共和國總理府座談重要紀錄

一、參訪時間：96年8月31日（星期五）上午10時至12時15分

二、參訪機關：奧地利聯邦共和國總理府

三、接待人員：奧地利聯邦共和國總理府第三總司負責人 事、培訓、法制及電子化政府業務之參事兼司長 ARNOLD SCHOBA 先生

四、座談重點：

ARNOLD SCHOBA 先生之簡報以「奧地利之行政組織、公共行政改革」及「奧地利之公共服務」為焦點，其中，與公務員制度相關之內容重點如下：

(一)1969年開始推動行政改革，目的在於精簡員額及經費，並同時提升公共服務品質。而該國電子化政府（e-government）之推動於歐洲首屈一指。

(二)公務員相關法規堪稱完備，可透過網際網路搜尋，亦即 The Legal Information System of the Republic of Austria, RIS (<http://www.ris.bka.gv.at>)

(三)公務員種類依據薪資體系分為 10 種類（行政人員、法官、檢察官、大學教師、義務教師、警察、

軍人、醫護人員……等等)

(四)公務員之甄選程序規定於聯邦公務員甄選法，各機關設有具一定獨立性之甄選委員會，進行人力甄拔，且須事前公告該職缺所需之資格條件。另除保留最核心之公務職缺（如軍人、法官……）給具本國籍身分者外，其餘職缺開放給歐盟會員國國民競爭。

(五)欲成為法官或其他專門職業及技術人員者，需接受一定期限之實習，初步通過第一階段考試後成為該專門職業及技術人員之候選人，並再接受一定年限之工作歷練及通過最終考試後才擁有正式資格。（以司法官為例，於入門考試前即需實習 8-9 個月，通過入門考試成為法官候選人後，再至法院民法、刑法、行政法等各個專業法庭跟隨法官學習歷練 4 年後，始能參加法官考試，通過後成為正式法官。

(六)具有專門職業及技術人員證照者，如經歐盟承認，可至歐盟其他國家任職，以達成人才交流之目的。政府機關於行政法人化後，仍不改變其原

有公務員之權利義務及資格。

(七)公務員之退休金較民間企業優渥，現行目標是欲將公、私部門人員之退休金加以調整使其趨於一致，俾利公、私部門間人才交流。

(八)立有專法保障婦女及身心障礙人員於公部門之任職機會，其中各機關雇用身心障礙人員之比例須達 4%，未足額進用者，需繳交差額補助費，此補助費係用來協助身心障礙人員。

(九)政府於精簡部會時，須經國會立法通過。

附錄五 匈牙利共和國人事相關資料



Establishment and Modification of Legal Relation: Application, Appointment

Created: Monday, 12 February 2007

Modified: Tuesday, 20 November 2007

[Public official, public servant, administrator, employee](#)

[Conditions for establishing legal relation](#)

[Application](#)

[Appointment of the public official](#)

[Appointment of the public servant](#)

Public official, public servant, administrator, employee

The first provisions in Act XXIII of 1992 on the Legal Status of Public Officials (hereinafter PO Act or Ktv.) and Act XXXIII of 1992 on the Legal Status of Public Servants (hereinafter PS Act or Kjt.) stipulate the persons they apply to, so define public servants and public officials.

Public officials shall mean all persons subject to the Public Officials Act, including public officials in:

1. the Prime Minister's Office,
2. the ministries and organizations with nationwide competence,
3. the central offices,
4. the county (metropolitan) public administration office,
5. the office of the representative bodies, the official administrative association and public land agency of the local self-government,
6. the district notary office

(the public officials' legal relation is also called public service legal relation) .

Additionally but without limitation, the State Audit Office, the Office of the National Radio and Television Board, the Secretariat of the Hungarian Academy of Sciences also employs public officials . So this implies organizations that necessarily establish direct or indirect customer or legal relationship with the nationals and exercise public power. This includes for example the local administration office when it issues a passport for the national, the duties office when it levies the property acquisition duty for purchasing a flat, the Hungarian Tax and Financial Control Administration when it controls, audits and penalizes or the employment centre when it decides about wage support or pays unemployment benefit.

The entire list of organizations subject to the Public Officials Act is supplied in the Attachment to Government Resolution 1085/2004 (VIII.27.).

The public officials' - executives' and actual clerks' - activities cover public power, management, supply, control and supervision and they represent the state when they perform their duties.

The persons who work for a public administration organization, are not in charge of actual duties but carry out administrative tasks related to practising the above activities are called administrators. In addition to public officials and administrators, these organizations also employ employees whose legal relation is governed by the Labour Code. The employees are in charge of e.g. collecting and posting the decisions and letters completed, cleaning, driving.

The Public Officials Act does not apply to:

1. the organizations of the Hungarian Armed Forces, the Hungarian Border Guards, the Police, the national security services, the Fire Department, catastrophe prevention, the Board of Customs and Excise, penal execution, civil defence and armed security guards (meaning that

- the staff working for these organizations are not public officials, however these organizations may also have some scopes of responsibilities met by public officials),
2. persons employed to provide the public services that are part of the responsibilities of the local self-government (they are public servants), the persons employed in non-profit and community service works, public works and with a temporary employment book (they are employees who work under the scope of the Labour Code) .

Public servants are, disregarding some exceptions, persons employed in the state and local government bodies and in the local self-governments to perform the public services these organizations are in charge of . They typically include those working in day-nurseries, elementary and secondary schools, teachers, educators, hospital workers. Some workplaces - e.g. the police, the border guards (armed forces, organizations of law enforcement), penal institutions - mainly employ professional staff, however these organizations also generate jobs where public servants or public officials are employed. Therefore in order to differentiate between public official, public servant or other legal relations, the branch regulations pertaining to the specific organization shall also be observed.

Conditions for establishing legal relation

A public official shall

1. be a Hungarian citizen,
2. have no prior criminal record,
3. have legal competency,
4. have secondary level educational background at the least

pass the public administration competition examination.

The public administration competition examination has been a condition for public officials since 15 July 2007, but it will be introduced gradually. Said examination may be organized only as from 1 January 2009 when Section 10/C of Ktv. shall come into force. Based on said provision only the person passing of the above examination may be a public officer, leading officer or leader. The competition examination shall apply to the leaders of central public administration agencies as from 1 March 2009, to the leaders of regional public administration agencies as from 1 July 2009 and all other officers as from 1 December 2009.

No competition examination is needed for the maintenance of the legal relationship of those already in public employment on 15 July 2007.

The public officer in public relationship on 15 July 2007 and obliged to take the examination and failing to pass it by 15 July 2007 shall take the basic examination by 31. December 2009 with the exception of the case when he/she is exempted from taking the basic examination.

Persons who are appointed to be leaders or public officers following 15 July 2007 but before the competition examination becomes obligatory shall take the basic examination within one year of his/her appointment unless he/she is exempted from it by that date.

The competition examination may be taken by the Hungarian citizen who has a clean police record, is legally competent and has a secondary qualification at the least. The costs of the examination will be borne by the candidate. The employer shall reimburse the examination fee of the officer who is appointed or commissioned, with the exception of the fee of repeated examination.

The examination shall be valid for a limited period of 5 years. However, if the candidate is appointed to be a public officer following the examination, the competition will remain valid during the public legal relationship but for at least 5 years or for 1 year following the termination of said legal relationship.

Clerks shall meet the same conditions but they do not have to pass the above exam - the secondary qualification is sufficient. Confidential job specifically defined may be done only by public officers who meet the security conditions stipulated for the job concerned, which are necessary for the lawful operation of the state and the national economy.

Hungarian citizenship is not listed among the criteria for a clerk's job - with the exception of the above mentioned serious and confidential jobs in administration and appointment to a senior administrator's job - with regard to persons having the right of free movement and stay provided the person has the necessary command of Hungarian to fulfil the duties .

If the central public administration organization intends to employ a young graduate with high-level educational background as a public official in its basic activities, the graduate shall, in addition to the above, also have language certificate acknowledged by the state in English, French or German. If occupying the job requires the use of any language but not those listed above, the language certificate in that specific language shall be accepted instead of the English, French or German certificate as a condition to employment .

Some further conditions could also be set, for instance:

1. specific school graduation, qualification,
2. practice,
3. health and psychic adequacy.

This means that the appointment of e.g. a notary is subject to a diploma in administration management or a law doctor's diploma, or diploma in public administration management, an examination certificate in law or public administration (or exemption therefrom) and two-year practice in public administration .

With regard to public servants, the establishment of legal relation is not always subject to strict rules similar to those applying to public officials, although the minister may itemize the jobs where a public servant's legal relation shall only be established with a Hungarian citizen with no prior criminal record and above eighteen years of age.

Application

In the statutory range of jobs, the public official's job shall only be occupied by application. All the applicants need to apply for the posts of head of department at:

1. the Prime Minister's Office,
2. the ministries, and
3. the central public administration organizations managed directly by the government. .

Public officials may be appointed and leaders may be commissioned and appointed for ministries and the Office of the Prime Minister, leaders may be appointed and commissioned for central agencies, leaders may be appointed and commissioned for the regional organs of central public administration organizations, leaders may be appointed and commissioned for the local organs of such organizations, leaders may be appointed and commissioned for public administration agencies only through applications invited by the servicing centre. .

Tendering had not been obligatory in public service before the amendments came into force on 15 July and 1 September 2007 with the exception of notaries public and leaders. The new provisions on compulsory tendering will come into force and will have to be applied gradually.

With effect of 1 September leaders of public administration bodies may be appointed and commissioned only through tendering. As from 1 January 2008 the inviting organ shall send the tendering material electronically to the governmental servicing center when the tender is invited, which latter shall publish it in the interest of equal chances and access. The servicing center shall operate a recruiting database to facilitate selection and the information of possible applicants. The provision on the opportunity of inviting a tender only if reserve officers are not available - with the exception of leading positions - shall come into force on 1 January 2009.

The above tendering rules shall apply as follows: tendering will be compulsory

- to the leaders of the ministry, Prime Minister's Office and the leader of the governmental agency as from 1 January 2008
- to the leaders of the central agency and the governmental agency as from 1 July 2008

- to the public officers of the ministry, Prime Minister's Office and the governmental agency as from 1 January 2009
- to the leaders of the regional organs of central public administration organs, leaders of the public administration agency as from 1 July 2009.

The act itemizes the persons for whom the new rules of tendering shall not be applied as well as the cases when no tendering is to be conducted or no tender has to be invited. Furthermore, it authorizes the minister and the local municipality to define the jobs in a decree for which no tender has to be invited - to the extent of 3% of the staff of the organ with the exception of leaders and leading positions.

The public administration organization may decide in its own competence to invite an application even if not compulsory. The call for applications shall expound all the essential elements regarding the job (scope of responsibilities, benefits, conditions of qualification, conditions of assessment, deadlines, etc.) which are detailed in the law .

The application may also be invited for a job occupied if the job can be occupied from the date the application is assessed. The applications shall be decided by the person exercising the employer's rights within 30 days of the term of submission or, for bodies, at the next meeting. Each applicant shall be informed about the result of the application prompt but within 8 days of assessment at the latest, in writing .

To occupy a public servant's job, applications shall only be invited with compulsory effect for senior managers or public servants charged with a manager's post, however it is considerably more frequent in practice. Assignment to such a post is valid for an indefinite term but the minister may stipulate assignment for a definite period .

Appointment of the public official

The employment contract in the Labour Code corresponds to the appointment in public service legal relation which is similarly valid when in writing. The legal relation is, as a general rule, established for an indefinite term, yet may also apply to a definite term but only for a deputy or a specific task. In this case its length is set by the calendar or in any other eligible manner, especially fixed to the completion of a specific task or the occurrence of a specific event . It is legal for example to hire someone to perform the duties of another public official until the child-care period expires. Moreover the indefinite-term public service legal relation may be amended to a definite-term relation if the public official agrees to enter the bonus years program or his/her employment in the special staff category.

The document of appointment shall stipulate:

1. the classification underlying the public official's categorization,
2. the classification and payment grade, the public official's pay, its position compared to his/her basic pay corresponding to the categorization,
3. the job and scope of responsibilities,
4. the place of employment,
5. obligations underlying any advancement in career.

The document of appointment may also provide for other issues concerning the public service legal relation. The job description of the public official shall be attached to it .

On establishment of the public service legal relation, the appointment may also stipulate a trial period of three to six months but no subsequent extension. For first-time workers the period shall be part of the trainee term. Either party is entitled to terminate the public service legal relation with prompt effect during the trial period without giving reasons.

No trial period shall be set if

1. selection is made after a statutory call for applications,
2. a manager is also appointed and charged upon establishment of the public service legal relation .

With effect of 15 July 2007 the stipulation of the trial period from 3 to 6 months is obligatory. The period of the trial cannot be extended. No trial period shall be stipulated if the public officer was transferred from military service or official service to a public service legal relationship within a public administration organ .

The public official is obliged to take an oath when appointed (both verbally and in writing). The lack thereof shall provide reason for invalidity. The public official shall not be inducted in lack of swearing. The text of the oath is provided in Section (2) of Art. 12 of Act XXIII of 1992.

The appointment shall only be modified with the common agreement of the public administration organization and the public official unless for:

1. progress in payment grades or when some pay is set out,
2. transformation within the public administration organization (provided the legal relation, the job, the scope of responsibilities and the pay remain unchanged and the place of employment remains within the same settlement), and
3. succession, if the public service legal relation, the scope of responsibilities, the pay and the settlement where the work is performed is not changed .

Appointment of the public servant

The public servant's legal relation is established by appointment for an indefinite term and the acceptance thereof, in writing .

A public servant's legal relation shall be only established for a definite term in two cases:

1. for substitution, or
2. to do a specific work or fulfil a specific duty.

The public servant's legal relation may be established for over 5 years in these two cases if permitted by the minister. From 2005 the public servant's indefinite-term legal relation is modified to a definite-term relation even if the public servant agrees to enter the bonus years program.

Unfortunately elementary school teachers are for example frequently employed for educational purposes from September to June, for a definite term year after year, with the aim of cost reduction. Stipulating a definite period is illegal unless for substitution because the public servant's job may not be assigned as a definite-term job or duty. A public servant can be employed for a definite term during e.g. the heating season for heating duties.

1. The document of appointment (which corresponds to the employment contract in the competition
2. any other issues concerning the public servant's legal relation (e.g. trainee term, trial period) .

The trial term shall last three months at the most . No trial period shall be envisaged in the job that requires the establishment of a trainee period and is subject to passing a trainee's examination. A trainee period of up to three years shall be set in some jobs in e.g. the organizations of penal institutions, some budgetary organizations, regional training centres or among air traffic controllers.

The staff of public officials includes senior chief public officials. The chief public official is responsible for supporting:

1. the preparation and execution of public administrative strategic decisions and projects,
2. the fulfilment of government duties related to European integration,
3. the practical enforcement of administrative approaches in sector policy,
4. and performing any duties designated by the Prime Minister or the Minister in charge of the Prime Minister's Office from time to time .

Chief public officials are employed in ministries, in the central public administration organization, in its regional and local organizations and in the county and metropolitan public administration office.

The chief public officials' staff shall not exceed 300. The chief public officials' staff is made up of public officials appointed to the governmental chief public official's post by the Prime Minister .

Source: Magyarország.hu

〔資料來源〕

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_munkajogv/a_koztiszt20071115.html (6 December 2007)

Terminating the Public Official's and Public Servant's Legal Relation

Created: Monday, 12 February 2007

Modified: Tuesday, 20 November 2007

[Terminating the public servant's legal relation](#)

[Dissolving the public servant's legal relation](#)

[Resignation](#)

[Conditions for recall](#)

[Severance pay](#)

[Terminating the public official's legal relation](#)

[Dissolving the public service legal relation](#)

Terminating the public servant's legal relation

The public servant's legal relation is terminated by law:

1. when the definite-term expires,
2. when the public servant deceases,
3. if the employer is terminated without a successor,
4. if the public servant is given an "inappropriate" ranking,
5. when transferred to an employer subject to the Public Officials Act or the Labour Code,
6. upon participation in the bonus years program, according to the provisions of the relevant special act.

Dissolving the public servant's legal relation

The public servant's legal relation may be dissolved by:

1. common assent,
2. transfer in a public servant's, public official's, professional's or contractual service relation,
3. resignation,
4. extraordinary resignation,
5. recall,
6. with prompt effect during the trial period, and
7. dismissal
8. extraordinary recall during the trainee period .

If in the course of legal succession the employer is changed because following the founder's or employer's decision the whole or a part (e.g. a specific group in its competence) of the employer is delivered to an employer that is subject to the Labour Code or the Act on the Legal Status of Public Officials ("outsourcing"), the legal relation of the employed public servant is terminated on the date of delivery and the public servant may decide if he/she wishes to be transferred to the successor. When not, the legal relation is terminated on the date of delivery with a severance pay, or for definite-term legal relations the pay due for the rest of the definite term shall be payable .

If the public servant agrees to be employed thereafter by the transferee, an employment contract is executed or he/she is appointed a public official. This means that the public servant's legal relation is terminated but the wage or the public official's pay received from the transferee shall not be less than what the public servant earned before. No trial period shall be set at the transferee. If the legal relation was in effect for an indefinite period, it shall remain so, and if it was full-time employment, it should remain the same. Legal continuity remains in effect, which is another bonus, so when the legal relation is terminated later the period of legal relation with the delivering and receiving employer shall be added up to set the period of notice (discharge period) and calculate the volume of severance pay .

With regard to the cases of terminating a public servant's legal relation, common agreement and termination during the trial period do not call for any special explanation: the legal relation may be terminated by common agreement at any time, whereas during the trial period either party may terminate it unilaterally at any time and with prompt effect (even when receiving a sick-pay) .

The public servant's legal relation can also be terminated if he/she is transferred to another organization, whereby he/she can be appointed a public official, a professional or contractual worker. The two employers need to agree with each other and mutually with the public servant about the transfer while legal continuity remains in effect .

The employer may terminate the public servant's legal relation even during the trainee period through extraordinary recall if the public servant

- fails to fulfil a material obligation related to his/her legal relation intentionally or through serious negligence, or
- shows a conduct making the maintenance of the above legal relation impossible.

Before the recall is communicated an opportunity is to be granted to the public servant to familiarize with the reasons for the planned recall and to defend himself/herself with the exception if the employer cannot be expected to do so because of the circumstances of the case. The right of extraordinary recall may be exercised within fifteen days from learning the reason grounding the recall but within one year at the most or within the period of limitation open for criminal proceedings if a crime is committed.

Resignation

Only a public servant's indefinite-term legal relation may be terminated by resignation (which in simple employment corresponds to the employee's ordinary notice), yet at any time. The period of resignation is two months and the public servant may be exempted from employment for a part or the entire length of this period.

Extraordinary resignation is only permissible when the employer significantly violates its essential obligations that stem from the public servant's legal relation (e.g. non-payment of wage) deliberately or with weighty negligence or when it shows serious problems in attitude (objectionable instructions given in a humiliating tenor, vituperation, etc.). This may be exercised within fifteen days of receiving notice about the underlying reason but within one year of occurrence of the reason at the most, or - for criminal offence - during its period of limitation. In case of extraordinary resignation the employer is obliged to pay the public servant his/her average wage due for the same length of period as would apply to his/her recall, and additionally severance pay, and perhaps damages are also due .

Conditions for recall

Based on new rules of law that came into force on 1 September 2007, the employer may terminate the public servant's legal relation by recall if

1. the employer's activity where the public servant was employed is terminated,
2. based on the decision of the Parliament, the government, the leader of the organ supervising the budgetary chapter, the leader of the central budgetary organ or the body of the self-government the public servant cannot be employed any more (e.g. reorganization, staff reduction),
3. the public servant is surely not able to fulfil his/her duties or he/she fails to do his/he work appropriately,
4. the public servant is qualified as a pensioner on the day his/her recall is announced or on the first day of the recall period at the latest.

To prevent the recall of the public servant the employer has a so-called job offering obligation based on which he informs the public servant in writing of possible jobs corresponding to the qualification, profession, training and health condition - in case of inappropriateness for health condition reasons -

- within the organization of the employer, or
- at another employer controlled by the employer, or
- at other employers controlled by the employer and belonging to the scope of the act.

The employer shall make a declaration in this respect and if he/she fails to do so within two workdays, it is to be considered as if he/she did not wish to make use of the opportunity. If the public servant makes use of the above opportunity, his/her legal relation may be terminated through recall only if no other appropriate job can be offered to him/her or if he/she does not agree to his/her transfer to another position or to the amendment of his/her appointment.

When a decision on staff reduction is made, the legal relationship of those cannot be terminated who work in the same position and jointly request in writing the reduction of their work-time to at least the half of their aggregate work-time prevailing at the time of submitting of their request. In such a case the employer shall amend the appointment as per the request rather than recall the public servants concerned.

The employer is permitted to terminate the public servant's legal relation by recall only if

1. the employer's activity where the public servant was employed is terminated,
2. based on the decision of the Parliament, the government, the leader of the organ supervising the budgetary chapter, the leader of the central budgetary organ or the self-government the public servant cannot be employed any more (e.g. reorganization, budgetary restrictions),
3. having terminated the senior position, the public servant cannot be further employed in the original job or the public servant rejects to accept it,
4. permanent incapacity/unsuitability, improper work,
5. the public servant is qualified as a pensioner on the day his/her recall is announced or on the first day of the recall period at the latest .

The employer may terminate the public servant's definite-term legal relation - except for terminating the legal relation for incapacity/unsuitability or budgetary restrictions related to reorganization - with prompt effect, but the wage due for the remaining period (or for one year at the most) shall be payable in this case .

The recall shall be reasoned and the reason should be clear, realistic and rational. With the exception of incapacity/unsuitability and retirement an attempt should be made before the recall to transfer the public servant in another job .

The protection of recall for public servants is far-reaching. No recall shall be made during e.g.:

1. disability, sick leave, sick pay,
2. child-care allowance, child-care benefit, maternity leave,
3. work for an international organization abroad, foreign service,
4. foreign study tour with scholarship.

With regard to recall, the recall period is sixty days at the least which is extended by one month after each five years but shall not exceed eight months (meaning that after 25 years in public servant's legal relation 60 days + five months shall apply). The employer is obliged to exempt the public servant from employment for at least half of the recall period but it may as well cover the entire period .

Severance pay

The public servant is eligible for severance pay if his/her public servant's legal relation is terminated

1. by recall,
2. by extraordinary resignation, or
3. owing to the employer's termination without a successor .

If his/her permanent disability/unsuitability, excluding health reasons, or improper performance occasions recall, severance pay is not due, which is similarly not due if the public servant is qualified

as a pensioner at the time his/her public servant's legal relation is terminated at the latest (e.g. accomplished 62 years of age, or invalidity benefits or accident-related disability pension is paid to him/her).

The severance pay amounts to his/her average wage due for the following number of months if the period of the public servant's legal relation is minimum

1. three years: one month,
2. five years: two months,
3. eight years: three months,
4. ten years: four months,
5. thirteen years: five months,
6. sixteen years: six months,
7. twenty years: eight months.

The severance pay is increased with the total of four months' average wage if the public servant is recalled within five years prior to retirement, and double severance pay is due for extraordinary resignation. Payment is, as a general rule, effected on the last day of the recall period (but could also be effected in the beginning) .

Terminating the public official's legal relation

The public service legal relation is terminated:

1. when the definite-term of the appointment expires,
2. when the public official deceases,
3. in cases specified in the Public Officials Act (e.g. conflict of interests, failure to submit a declaration of personal wealth),
4. when the position in the ministry of a judge or public prosecutor assigned to the minister in charge of Justice is terminated,
5. upon disbarment with disciplinary sanction,
6. when accomplishing 70 years of age,
7. upon participation in the bonus years program or for transferring in a special staff, in accordance with the relevant special act .

Dissolving the public service legal relation

The public service legal relation may be dissolved:

1. with the mutual agreement of the parties,
2. by transfer to an organization employing public servants or to professional service organizations,
3. by resignation,
4. by recall,
5. with prompt effect during the trial period .

The legal relation of a public official who is appointed for an indefinite term and who establishes legal relation at

1. an inter-state or intergovernmental international organization,
2. the bodies of the European Union

shall be dissolved by mutual agreement.

With regard to the public official's public service legal relation in such cases, the ex-employer is obliged to offer the public official a job corresponding to his/her educational background and qualification within six years of termination of the legal relation and - at the public official's written application - within 30 days of receipt of such application. The ex-employer is only subject to the obligation of making an offer if the public official delivers his/her application to the ex-employer while he/she is still in legal relation with the international organization or the bodies of the

European Union or within thirty days of terminating such legal relation.

However the ex-employer may be exempted from this obligation if the public official dissolved his/her legal relation for any reason he/she is accountable for or is qualified as a pensioner .

The rules of resignation correspond to those applicable to public servants, but with public officials even the definite-term legal relation may be resigned from .

The reasons for recall are also similar to those of public servants (terminated scope of activity, centrally managed redundancies, entitlement to retirement), supplemented by the additional reason of reorganization as well as the termination of the commission of a Constitutional Court justice for any reason for public servants belonging to the general staff of said Constitutional Court justice.

Some compulsory cases also apply: e.g. Incapacity/unsuitability, termination without a legal successor, rejecting a job offered when a senior post is terminated. The obligation of reasoning the recall, the prohibitions of recall, the obligation of offering another job shall apply just as for public servants .

The recall period is six months, without reference to the number of years in work. The public official shall be exempted from work for at least half of this period, and for this period he/she is entitled to receive the average wage .

The extent of severance pay equals that for public servants. However the public official is only entitled to receive half of the severance pay if the public official is recalled because he/she failed to accept his/her transfer, unless rejected this agreement with substantial reasons (e.g. would have had shorter working hours or less salary at the new workplace). In some cases no severance pay is due for recall, by the law, e.g. to a retired public official or upon (non health-related) incapacity/unsuitability .

The public official shall be placed in the reserve staff for the length of the recall period at the most and with his/her agreement with the aim of offering him/her a suitable public servant's job elsewhere if he/she is recalled

1. from the public service legal relation on the basis of a central decision,
2. on account of terminating the activity, reorganization or termination without a successor.

If the public official fails to agree to this or is deleted from the reserve staff at his/her request, he/she shall receive half of the severance pay due. The position in the reserve staff is terminated when the public service legal relation is terminated. The public official is entitled to receive the pay for the recall period in equal monthly instalments .

Source: Magyarország.hu

[資料來源]

http://www.magyarorszag.hu/english/keyevents/a_kozig/a_foglalk/a_munkajogv/a_kozlalkjogv20071115.html (6 December 2007)

附錄六 匈牙利共和國總理府座談重要紀錄

一、參訪時間：96 年 9 月 3 日（星期一）上午 10 時至 11 時 40 分

二、參訪機關：匈牙利共和國總理府

三、接待人員：匈牙利共和國總理府辦公室負責公共服務及公共服務品質促進的國務秘書（次長級官員）DUDÁS FERENC 先生

四、座談重點：

DUDÁS FERENC 先生簡報內容之重點如下：

- (一)匈牙利現有公務員 78 萬餘人，以教育及醫療人員(48-50 萬人)為最大宗，警察及軍人約計 15-16 萬人，行政人員約計 11 萬人。
- (二)一般公務員係依其學歷、任職年資及專業化程度予以分級並核給薪資，而主管擁有依部屬工作態度及能力增減其薪資 20%為限度之決定權。2006 年開始業已逐步實施績效俸給制度，先自高階層之領導部門（如 12 個部之部長及國務秘書）開始實施，再擴及各個部之職員，預定於 2009 年適用全體公務員。

- (三)績效俸給制度係指，全體公務員於年初設定其一年內之工作目標，並自行檢視修正；另年內須舉行 3 次團體討論檢討，並於每年 11 月由主管就其部屬之預定目標達成度加以考評，經評定為優良者可另予加薪。
- (四)為因應全球化時代新的挑戰，公務員應具有開放性的思維，以及具備解決問題之能力，以提升國家競爭力。
- (五)法律再完善，若公務員素質不佳，將無以提升政府管理的效能；反之亦然。
- (六)國家公務員原係由各部部长、地方公務員原係由首長任命，具有公務員法所定資格者，或兩年內取得該資格者，保障其身分（該項規定亦適用於改革前所任命之職員）；惟自 2007 年 9 月 1 日後公務員均須通過公開競爭之考試，始得任用。
- (七)匈牙利之專責考試機關為公務員服務中心，由總理府辦公室負責人事業務之國務秘書擔任主管；另各地方政府亦設有考試中心。
- (八)試圖透過行政改革提升公共服務品質及效率，並

積極改革社會保險、醫療及教育制度，以精簡公務員員額（如 2006 年為 81 萬 8 千人，2007 年預定降為 78 萬人，2008 年再降為 75 萬 5 千人）。

- (九)公務員之給與，係基於國家公務員之給與表支給，該給與表未經國會承認，不得改訂。具體言之，各階級之給與係與部長相較而決定，如地方首長之給與，介於部長給與的 30%至 80%之間。
- (十)公、私部門員工之退休年齡，全國採取一致性之標準，亦即男性為 62 歲，女性為 60 歲。
- (十一)公務員可組織工會，主要工會有自主工會聯合會（ASZSZ，代表化學產業勞工與公務員之利益）、專門職業者工會聯合會（於高等教育、研究開發等公共部門活動）、匈牙利工會全國聯合會（MSZOSZ，涵蓋公、私部門，係匈牙利最大的工會聯合會）等。而政府於推動行政改革時，經常受到來自工會之壓力。

附錄七 捷克共和國總理府座談重要紀錄

一、參訪時間：96年9月6日（星期四）上午10時至12時

二、參訪機關：捷克共和國總理府

三、接待人員：捷克共和國總理府辦公室主管人事業務的特別顧問 ZUZANA BERÁNKOVÁ 女士

四、座談重點：

ZUZANA BERÁNKOVÁ 女士簡報內容之重點如下：

- (一)捷克於現制並無規定公務員身分關係之法令，其任用及身分關係乃依據一般之勞動基準法。
- (二)目前國會已通過公務員專屬法律—公務員法（Civil Service Act），預定於2009年1月1日開始施行；未經考試通過者，將無法任用為公務員（現制則可有彈性例外）
 - 1.公務員係指接受國家俸祿之人員，包括中央及地方政府之公務員（本次座談僅就中央政府公務員為範圍。）

2.公務員之進用：公務員符合任用之消極資格後（包括具捷克國民身分、年齡須滿 18 歲、具有行為能力、無犯罪紀錄、具有該職務所需之教育程度及外語能力、身體健康狀況良好），尚須經過 3 階段之試驗才可成為公務員。

第一階段：面試委員會以口試或筆試進行，考試內容為該職務所需之相關專業知能。

第二階段：通過第一階段甄選後，簽訂為期 12 個月之短期契約，並接受機關訓練。

第三階段：訓練期滿後，舉行結業考試（給予 2 次考試機會）。

通過 3 階段之試驗，即具有公務員資格，惟仍須俟機關有適當之職缺後始得進用任職。

3.政府機關如有用人需要，須公開透明地公告職缺數額及其職等、所需資格條件等資訊。

4.公務員採終身僱用制（現行並無終身僱用）。

5.對公務員實施年終考績制度，依工作績效調整

職務或加薪。

6.公務員可至大學及相關學術研究機構進修與職務相關之專業知識，並可申請公費進修，藉以提高工作知能。

7.為求適才適所，高、中、低階公務員，均明定其所需之資格條件；低階人員如需晉升高階職務，須提出相關證明文件或通過甄選。

(三)公務員新制雖採終身僱用制；惟不適任之公務員亦可透過考績等途徑予以免職。

(四)各機關面試委員會由資深官員及大學教授 5 人組成，委員由主任委員任命，並非固定不變。

(五)各機關進用身心障礙人員之比例為 3%，未足額進用者，須繳交差額補助費。

(六)公務員薪資低於平均薪資，致使公務機關年齡偏高，年輕人多選擇至私人企業服務，惟司法外交及經濟等人才，為利進入歐盟工作，多選擇至政府部門服務，以增加工作歷練之機會。

(七)現行並無考試制度；惟未來考試制度分 3 個階

段，考試並非定期舉辦。第一階段考試為共通性考試，可分一般科目（憲法及公務員所需基本知識）及專業科目（財政、文化、健康及教育等專業科目）。

(八)捷克並訓練專責機構；惟通過考試之公務員配以一位指導員，由指導員根據工作性質指派訓練機關。

(九)捷克亦無公務員保障機關，公務員如對考績或懲處不服者，可逕向所屬機關申訴，所屬機關將組成特別委員會處理；另亦可透過工會或聯合會爭取自身權益。

附錄八 考察活動照片



聽取奧地利聯邦共和國總理府第三總司參事兼司長
ARNOLD SCHOBA 先生簡報



與奧地利聯邦共和國總理府第三總司參事兼司長
ARNOLD SCHOBA 先生就考察主題進行意見交換



致贈奧地利聯邦共和國總理府紀念品



考察團成員與奧地利聯邦共和國總理府第三總司參事兼司長
ARNOLD SCHOBA 先生合影



匈牙利共和國總理府辦公室國務秘書（次長級官員）
DUDÁS FERENC 先生致贈考察團紀念品



聽取匈牙利共和國總理府辦公室國務秘書（次長級官員）
DUDÁS FERENC 先生介紹匈牙利人事制度



與匈牙利共和國總理府辦公室國務秘書（次長級官員）
DUDÁS FERENC 先生就考察主題進行意見交換



考察團成員與匈牙利共和國總理府辦公室國務秘書
（次長級官員）DUDÁS FERENC 先生合影



考察團合影於匈牙利國會大廈



致贈駐匈牙利代表處紀念品



聽取捷克共和國總理府辦公室特別顧問
ZUZANA BERÁNKOVÁ 女士簡報



與捷克共和國總理府辦公室特別顧問
ZUZANA BERÁNKOVÁ 女士就考察主題進行意見交換



考察團成員與捷克共和國總理府辦公室特別顧問
ZUZANA BERÁNKOVÁ 女士合影



致贈捷克共和國總理府紀念品



致贈捷克代表處紀念品



參訪捷克文化建設（攝於布拉格古堡前）