

The National Agency for Employment, Institution Having Attributions in the Workforce Domain

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Abstract:

This material presents in its first part historical aspects regarding the evolution of the attributions of the National Agency for Employment which has transformed from an institution that paid the monetary rights of the unemployed into a provider of services for people who are looking for a job, services that include: professional counseling, professional training classes, services of labor mediation, services of consultancy for initiating a business and others.

The second part of this material is dedicated to the presentation of the organisation and functioning method, attributions and object of activity that this agency has.

Keywords: *organisation and functioning of the agency, attributions, subordinated units, the object of activity, workforce mobility.*

General considerations

After the First World War, because of work and social insurances issues, the state must found an institution to regulate work-related issues and to take care of the employee's interests, in the new social and economic conditions.

At the proposal of the president of the Ministers Council, the marshall Alexandru Averescu, the Ministry of Labor and Social Protection is founded, having the main purpose to protect and organize labor. Over time, the attributions of this ministry have broadened, including no the drying and application of labor law, organization of the placement, immigrants and unemployed issues, work education. The name of this institution has changed many times: The Ministry of Labor, Public health and Social Protection, the Ministry of Labor, Cooperation and Social Ensurances, the State Committee for Issues of Labor and Salary.

In 1921, a legislative framework for this domain begins to take shape along with the Law of organizing placement, followed by the Law for professional training and exercise of labor, issued in 1936, the Law for establishing the

minimum salaries within private, commercial and transport companies, in 1939 and by the Labor Code, in 1950. The issue of the labor force has been treated within special directions ever since the beginning.

When the Ministry of Labor and Social Protection was founded, there also existed the Department of Labor and the Department of the Work Education Crafts. After the ministry's reorganization and the issue of the Law for organizing placement in 1921, in 122, the Offices for Placement were founded.

In 1943, within the Ministry of Labor, Health and Social Protection, the State Undersecretary of Labor was founded, institution which included The Department of professional training of the labor education and homes for apprentices, The Department of placement records and guidance of workers as well as disabled and war widows, and as exterior service, Professional courses for apprentices and Guidance offices.

In 1944 the Ministry of Labor, Health and Social Protection is divided into three ministries: The Department of labor and immigrants regulation, The Department of professional training of the labor education and homes for apprentices, The Department of placement records and labor guidance, Office of documentary and guidance studies.

Between 1960-1967, the labor domain issues were undertaken by the State Committee for Labor and Salaries. Starting from 1968, the Ministry of Labor has been refunded, functioning until 1990, then the Ministry of Labor and Social Protection was founded. From 2001, the name of the institution has modified to the Ministry of Labor and Social Solidarity.

In January 1991 Law no. 1/1991 was adopted regarding the social protection of the unemployed and their professional reinstatement, a normative act through which the existence of the unemployed was recognized in Romania, after more than 10 years.

This law was replaced on 1st of March, 2002, with a modern European one. Law no. 76/2002 emphasizes the active measures for raising the employment rate. These active measures stimulate both the employers to

employ people from the unemployed section and the unemployed to get hired before the period of the unemployment benefit ends.

Regardless of its functioning form, the Ministry of Labor has dealt with placement, professional training and guidance. But, because of the economic reform, society's requests and the important social and economic changes after 1990, the foundation of an institution to deal especially with placement, professional training and guidance and to make the payments for the beneficiary society was necessary.

Thus, by law no. 145/1998 the National Agency for Employment and Professional Training has been founded, an institution that has changed its name in 2000 to The National Agency for Employment.

From an institution that deals with the payment of the unemployment benefit, the Agency has transformed into a service provider for the unemployed who are looking for jobs, presently offering a vast domain of services, such as : professional counseling, professional training courses, outplacement services, labor mediation, consultants for the initiation of a business, subvention of the workplaces for people from the disadvantaged categories of the population, granting favorable credits for creating new jobs etc.

The year when Romania was integrated into the European Union, 2007, is the year when the unemployment rate of our country was at its lowest percentage, 4%. In this situation, the efforts of the Agency head to raising the quality of the performed services, to limit the employment shortage from certain economic domains, to implement active measures of continuous professional training, to a most efficient informing and counseling of those looking for a job and to the actual support of the employers.

Through the quality of its services, through the modern and flexible approach to the unemployment issue, the National Agency for Employment has imposed as a leader of the social services market of Romania. The institution has also focused on employing the disadvantaged categories on the labor market, from the poorly qualified youth to the disabled or elder people, the perspectives

of their employment being strictly determined by their access to training and by acquiring competencies to allow them to get a stable job [1].

1 The organization and functioning of the National Agency for Employment

1.1 *The Attributions of the National Agency*

The National Agency for Employment, named further the National Agency, public institution with judicial personality, under the authority of the Ministry of Labor, Social Solidarity and Family, is organized and functions according to the provisions of Law no. 202/2006 regarding the organization and functioning of the National Agency for Employment.

For accomplishing its objectives, the National Agency has the following attributions:

- implements professional training strategies;
- monitors the professional training activity of people looking for a job, in relation to the performance indicators established on a national or territorial level;
- establishes partnership relations with other judicial persons of the public private right involved in the employment and professional training activity;
- verifies the respecting of the obligations of the physical or judicial persons regarding the system of the unemployment benefit and employment stimulation;
- verifies the accreditation of the specialized services suppliers for employment stimulation;
- verifies the respecting of the obligation provided by conventions or agreements;
- ensures on a regional level the implementation of the irredeemable financing schemes, a component of the Human resources development within the Subprogramme PHARE 2003 – Economical and social cohesion;

- has implementing authority attributions for the irredeemable financing schemes, a component of Human resources development, within the Subprogramme PHARE 2003 – Economical and social cohesion;
- has attributions delegated by the Management Authority for the Sectorial Operational Programme for the Development of Human Resources for the prioritized axes that can be implemented on a regional level, respectively The growth of the workforce and companies adaptability, Promotion of the active measures of employment and Promotion of social inclusion;
- has attributions delegated by the Management Authority for the Sectorial Operational Programme for the Development of Human Resources for the prioritized axis The modernisation of the public employment service;
- manages through the territorial agencies the Fund for guaranteeing the payment of salary debts;
- Ensures the implementation, maintaining and improvement of the quality management system.

The attributions provided by law are fulfilled by the National Agency through the central device and through the institutions subordinated to it, which are:

Institutions with legal personality:

- the county employment agencies and the ones of Bucharest, also named territorial agencies that organize, coordinate and performs on a county level the employment activity, the professional training and the social protection of the unemployed; elaborate studies and analysis regarding employment and professional training, makes improvement proposals for the legislation concerned and acts to aid the workforce mobility and the functional flexibility of the labor market;

- The regional centers for adults' professional training, also named regional centers who organize, coordinate and perform on a regional level both the professional training of adults, based on the professional training plan annually approved by the National Agency for Employment and the evaluation of professional competencies of adults.

The regional centers offer professional training services that are performed by a social partnership that is functional and active with employers, physical or legal people, unions, agencies as well as other organisms of the counties ordinated to the regional centers, interested in the professional training of adults domain.

- The National Professional Training Center of the Personal Staff.

Institutions without legal personality that have the role to implement the programs for the development of the human resources financed from the European Union funds, organized on a regional level, also named institution for programme implementation.

Institutions for programme implementation are made of two distinct structures: The institution for implementing the PHARE Programme and the regional intermediate Organism for the operational sectorial program for the development of human resources [2].

1.2 The Management of the National Agency

The National Agency for Employment is founded, organized and functions based on the organization and functioning regulations as well as on the organizational structures approved by the National Agency for Employment.

For solving the issues regarding the activity of the County agency for Employment the CEO is supported by a consultant council made of 15 members who represent local public authorities, unions and employers' organizations. The consultant council performs their activity based on the provisions of Law no. 202/2006, the Status of the National Agency for Employment approved by

Government Decision 1610/2006 and on their own organization and functioning regulations [3].

1.3 The chairman of the National Agency for Employment

The chairman of the National Agency for Employment is a State Secretary within the Ministry of Labor and Social Solidarity and the Chairman of the Administration Council of the National Agency for Employment.

The main attributions of the chairman are:

- manages the activity of the National Agency for Employment while keeping the legal provisions and the decisions of the Administration Council;
- issues decisions regarding the exercise of his attributions and for making the decisions of the Administration Council;
- engages the National Agency for Employment into making the programmes of employment;
- represents the agency in relations with third parties and ensures the promotion of the agency's image;
- is responsible for fulfilling the decisions made by the Administration Council;
- annually proposes for approval the status of the agency's functions to the Administration Council;
- Has control over the activities of the National Agency for Employment [4].

1.4 The Administration Council

The National Agency for Employment is managed by an Administration Council with a tripartite competence, made of 15 members, thusly:

- 5 members, Government representatives, designated by the Ministry of Labor and Social Solidarity, out of which one member is the State Secretary of the Ministry of Labor and Social Solidarity

and is also the president of the National Agency for Employment designated by the prime minister;

- 5 members, elected by the consent of the union confederations representative on a national level;
- 5 members elected by the consent of the employers' organizations representative on a national level.

The Administration Council meets monthly or whenever it needs, at the request of the chairman or of a third of its number of members, the decisions being adopted by the vote of at least 2/3 of the number of the present members, providing the fact that every part is represented.

The main attributions of the Administration Council are:

- ensures the coordination of the activity of the National Agency for Employment and makes proposals regarding the activity of the agency for the following year;
- analyses and approves the programmes of employment and professional training;
- approves the deduction of the budget of unemployment insurances for the county agencies of employment, regarding the specific territorial programmes;
- approves the internal and external agreements of the agency and makes decisions regarding the development of the agreements with international financing;
- Approves the financial account and the annual report of activity of the National Agency for Employment [5].

1.5 The General Secretary

The executive management of the activity of the National Agency of Employment is exercised by a general secretary who is part of the high public clerks category and is appointed according to law. He has the following attributions:

- ensures the execution of the orders issued by the chairman of the National Agency;
- approves the regulations of organization and functioning of the subordinated institutions and subjects them to the approval of the chairman of the National Agency;
- coordinates the development of the methods of unitary applications of the legislation of the activity domain;
- coordinates the development of studies, forecasts and programmes regarding the specific domain of activity;
- Ensures the implementation, maintenance and improvement of the quality management system [6].

1.6 The Institutions subordinated to the National Agency

1.6.1 Territorial Agencies

Territorial agencies are the decentralized public services constituted on a county level and in Bucharest.

The territorial agencies ensure, according to law, the implementation of the unemployment prevention

measures, of the employment stimulation measures, social protection of the unemployed, organizes and develops the employment and professional training activity. The territorial agencies mainly develop the following activities:

- professional information and council;
- labor mediation;
- professional training;
- assistance and consultancy for founding an independent activity or for initiating a business;
- complementing the salaries of people who have the right to the unemployment allowance and who get employed for a normal working time, according to the legal provisions in force;

- the stimulation of the mobility of the workforce;
- stimulating the employers to employ the unemployed;
- stimulation of employers who employ people based on an apprenticeship agreement at the workplace;
- accreditation of the specialized services suppliers for the stimulation of employment;
- Paying the right to social protection out of the unemployment insurances budget;

The following sub-units without legal personality are subordinated to the territorial agencies:

- the local agencies for employment;
- Personal centers for professional training. On the level of every sector of Bucharest there is a local agency, according to the needs of executing the duties provided by law, subordinated to the territorial agencies other sub-units can also be founded with the approval of the administration council of the National Agency.

The local agencies are founded in order to execute, on the level of county residence, of the main towns of every county, as well as of the sectors of Bucharest, the activities previously stated.

Within the territorial-administrative institutions where there is registered a high unemployment rate, subordinated to the local agencies work points can be founded.

Local agencies and work points subordinated to them can be dissolved with the approval of the administration council.

The organizational structure and the organisation and functioning regulation of the territorial agencies are approved by the administration council of the National Agency.

The organisation and functioning regulations of the territorial agencies, developed based on the organisation and functioning frame-regulation, is approved by the chairman of the National Agency.

With the approval of the administration council, by the order of the chairman of the National Agency, within the organizational structures of territorial agencies, regarding the needs imposed in order for the attributions provided by law to be executed, services, bureaus and compartments can be organized, keeping the conditions provided by law. The attributions of the services, bureaus and compartments are established by the organization and functioning regulations of territorial agencies and the attributions of their personnel are provided in the job description.

The territorial agencies are run by CEOs and their deputies.

The occupation of the CEO and deputy CEO posts of the territorial agencies as well as of the local agencies made on the levels of the sectors of Bucharest is made based on competition or exam organized according to legal provisions.

CEOs and their deputies have public clerk status and are designated by the chairman of the National Agency, according to law.

While exercising their attributions the CEOs of the territorial agencies issue normative decisions [7].

1.6.2 Regional centers

The regional centers have expenses caused by the programmes of professional training, with the exception of the expenses for medical consultations and tests, needed for participating to the professional training programmes, which are paid by the territorial agencies for people that benefit for free from professional training services, when the professional training services are organized in counties where there are regional centers [8].

They are institutions with legal personality, founded on a regional level, which organizes and executes the professional training of the unemployed as

well as of other people who can participate in professional training programs according to Government Decision no. 129/2000.

Regional centers mainly supply the following services:

- professional information and counseling;
- evaluation and monitoring of professional training;
- certificating professional training.

Regional centers can be authorized as centers for evaluation and certification of professional competencies gained through formal and informal ways. These can also develop professional training activities and evaluate the professional competencies of people from other countries, at the request of territorial agencies, employers, as well as other interested parties.

The frame organizational structure and the frame regulation of organization and functioning of the regional centers are approved by the administration council of the National Agency and the organization and functioning regulations of the regional centers elaborated based on the frame regulation of organization and functioning is approved by the chairman of the National Agency.

With the approval of the administration council, by the order of the chairman of the National Agency, within the organisational structures of regional centers, according to the needs for executing the attributions provided by law, there can be organised services, bureaus and compartments, keeping the provisions of the law, as in the case of territorial agencies.

The attributions of the services, bureaus and compartments are established by the organization and functioning regulations of the regional centers, and the attributions of the personnel of the regional centers are provided in the job description.

The regional centers are managed by managers. The management of the financial accounting and administrative activities of the regional centers is made by deputies.

The management of the professional training activities developed by the regional centers is ensured by the people responsible for professional training, subordinated to the managers of the regional centers.

The occupation of the manager and deputy posts of the regional centers is made based on a competition.

The managers and deputies of regional centers are designated by the chairman of the National Agency.

The personnel of the regional centers is employed based on an individual labor agreement and is paid according to the legal provisions applicable to the contractual personnel of the budgetary sector.

The people responsible for professional training are designated by the managers of the regional centers.

While exercising their attributions the managers of the regional centers issue normative decisions.

In order for the regional centers to fulfill the requests for their authorisation as suppliers of professional training and as competence evaluation centers, the management of the regional centers adopts technical and organizational measures.

The technical measures have the purpose of ensuring the requests for equipment and logistics necessary for theoretical and practical training according to the standards based on which the didactic material and the training methods are elaborated and adopted.

While executing their attributions the managers of the regional centers are supported by tripartite consultant councils which are founded and function according to law.

The consultant councils of the regional centers develop their activity only in the presence of at least 2/3 of the number of its members, provided that every part is represented.

The financing of the expenses regarding the organization and functioning of the regional centers is ensured from the following sources:

- personal income;
- Subventions granted from the budget of unemployment insurances;

In order to efficiently and durably constitute, develop, assign and use the financial and material resources for the professional training of adults, the regional centers establish partnership relations with:

- territorial agencies;
- employers;
- employers' organization, unions or professional organizations – education institutions;
- Other organizational structures, on a regional, county and local communities level.

The regional centers have expenses caused by the programmes of professional training, with the exception of the expenses for medical consultations and tests, needed for participating in the professional training programmes, which are paid by the territorial agencies for people that benefit for free from professional training services, when the professional training services are organized in countries where there are regional centers [8].

1.6.3 The National Professional Training Center of the Personal Staff

The National Professional Training Center for the Personal Staff is an institution with legal personality, having its headquarters in Rasnov town, in Brasov county.

The National Professional Training Center for the Personal Staff ensures, according to the annual strategies and programs of staff training, approved by the Administration Council of the National Agency, training and perfecting the National Agency staff as well as the staff from the subordinate institutions.

The main goals of the National Professional Training Center of the Personal Staff are the following:

- founding and developing abilities, knowledge and competence of the National Agency's personnel and of the subordinate units, through specialized courses;
- the development of the management capacities of the National Agency's personnel and of the subordinate institutions, through training and perfecting programs, organized in partnership with high education institutions, research institutions as well as with other institutions of the certain field;
- The specialization of the National Agency's personnel and of the subordinate institutions in the fields specific to employment and professional training, through courses organized in partnership with employment institutions from other countries.

The organizational structure of the National Professional Training Center of the Personal Staff is approved by the administration council of the National Agency.

The organization and functioning regulation of the National Professional Training Center of the Personal Staff are approved by the chairman of the National Agency.

With the approval of the administration council, by the order of the chairman of the National Agency, within the organizational structure of the National Professional Training Center of the Personal Staff there can be organized services, bureaus and compartments.

The attributions and duties of the services, bureaus and compartments are established by the organization and functioning regulation of the National Professional Training Center of the Personal Staff and the attributions and duties of the staff are provided in the job description. The National Professional Training Center for the Personal Staff is managed by a CEO. The management of the financial accounting activity of the National Professional Training Center of the Personal Staff is ensured by a deputy. The personnel of the National

Professional Training Center for the Personal Staff is made of public clerks and employees that were employed based on an individual labor agreement and it is paid according to the legal provisions applicable to public clerks and contractual personnel from the budgetary sector. The CEO and his deputy of the National Professional Training Center for the Personal Staff have the status of public clerks and are appointed by the chairman of the National Agency [9].

While exercising his attributions the CEO of the National Professional Training Center for the Personal Staff issues normative decisions.

1.7 The object of activity of the National Agency for Employment

Law no. 145/1998 regulates the foundation, organisation and functioning of the National Agency for Employment and Professional Training, public institution of national interest with legal personality.

The National Agency for Employment and Professional Training ensures, for free, employment and professional training services, to the interested judicial or physical people.

The main employment and professional training services supplied by the National Agency for Employment and Professional Training are:

1.7.1 Services for physical persons:

- orientation and counseling for unemployed people and other people in order for them to find a job;
- qualification and requalification of unemployed people;
- professional reconversion of the personnel of the economical agents subjected to restructuring, in order to prevent unemployment;
- Establishing and paying the rights to social protection of unemployed people and other socio-professional categories.

1.7.2 Services for legal persons:

- mediation between the supply and demand of the labor market;

- the selection of the candidates for employment;
- applying stimulation measures for creating jobs;
- Counseling for creating small and medium enterprises.

1.7.3 Advantages for the unemployed

- Completion of the employed' salary. People who receive unemployment allowance and get employed benefit, until the end of the period they were going to receive the unemployment allowance, from a monthly not taxable sum of 30% of the unemployment allowance received the month previous to employment.
- The graduates of the education institutions and the special schools, of age 16, registered at agencies for employment, if they get employed on a normal working time, for a period longer than 12 months, benefit, out of the unemployment insurance budget, from a bonus equal to a basic minimal raw country salary guaranteed in payment, in force on the employment date.
- The graduates for whom the right to the unemployment allowance has been established which get employed during the period of receiving that allowance benefit, out of the unemployment insurance budget, from a sum equal to the unemployment allowance he would have had the right to, until the end of the period of its granting if he would not have been employed [10].

1.7.4. The stimulation of the workforce mobility

- The person who during the period when he benefits from the unemployment allowance gets a job at a longer distance than 50 km of his home town, benefits from an employment not taxable bonus, granted from the unemployment insurance budget, equal with the sum of two minimal raw country salaries in force on the date of the granting.

- People who during the period when they benefit from unemployment allowance get employed in another town and change their residence receive a lodging bonus equal to the sum of 7 minimal raw country salaries in force on the date of the employment.

1.7.5. *The stimulation of the employed for employment*

The stimulation of the employed for the employment of the unemployed is made by:

- subventioning the work places;
- granting advantageous credits;
- granting financial facilities [7].

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