THE ROLE OF THE LOCAL GOVERNMENT SERVICE COMMISSION IN STAFFING THE LOCAL GOVERNMENTS OF BENUE STATE

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A THESIS SUBMITTED TO THE POSTGRADUATE SCHOOL,
AHMADU BELLO UNIVERSITY, IN PARTIAL FULFILMENT
OF THE REQUIREMENTS FOR THE DEGREE OF:

MASTERS OF PUBLIC ADMINISTRATION (MPA)

DEPARTMENT OF PUBLIC ADMINISTRATION
FACULTY OF ADMINISTRATION
AHMADU BELLO UNIVERSITY, ZARIA.

APRIL, 1983.

D E D I C A T I O N

This thesis of mine is dedicated to my dear Father, Mr. Danjor Mende Buruku and Mother, Mrs. Naoni Saluun Danjor Mende who, though materially poor, have struggled all their lives to give me an "unnatural sister", modern education, after having brought me to this world alone by the wish of God.

A C K N O W L E D G E M E N T

I wish to express my deep indebtedness to my Supervisor, Dr. Isa Hashim, who has given up very much of his private time attending to me as late as 1.00 a.m. at some instances. His invaluable suggestions and criticisms have been of very much help to me.

I am grateful to Gboko Local Government which has willingly sponsored my study even in the face of these austerity measures. To those who contributed in seeing that I was sponsored, I am very grateful.

Furthermore, I wish to register my profound appreciation to Dr. J. A. A. Ayoade of the Department of Political Science at the University of Ibadan, Ibadan who has been my main source of inspiration to undertake Graduate Studies at this time though he wished I could have done so earlier.

Thanks are also due to Mr. G. I. Agishi (Commissioner with the Benue State Local Government Service Commission) who felt very much concerned when it seemed very much that I was not finding it easy to obtain some required information and data at the Commission's Secretariat and therefore personally fought to see that this was made possible. For the same reason, I am also very grateful to Mr. J.T.T. Humbe, Permanent Secretary, Ministry for Local Government, Makurdi.

In this circumstance I would not forget to mention my very understanding, ever - patient and forbearing wife Euggy, who constantly kept on reminding me that I have some work to do. Her jokish challenges have inspired me up to really doing something. In the same vein, I owe much gratitude to my little daughters Dooshima and Mimihemba, who funny enough, kept awake on the table with me more than it is expected of children and later ended up falling asleep beside me.

I must also not fail to mention my indomitable typist, Mr. John T. Angum, who kept on working with me at very odd times and thus depriving himself of much leisure time without even complaining. Without his devotion and dedication my writings would have not yet been in typewritten form as it is now.

It is not possible for me to extend my appreciation to all the people who have helped me in one way or the other towards this piece of work. I however must mention Messrs. D.K. Dogoh and Philip Andza Agerner, my co-workers who have shown keen interest by encouraging me to remain in Gboko Local Government where I can have all necessary facilities at my disposal to conveniently carry out my study and who kept on reminding me that I have to finish the work early to join them as a "free" person. I also express my profound gratitude to Mr. D. G. Verbe (LL.B,B.L.) for the moral and material support he offered me during my hardships at ZARIA.

Finally, I wish to express my appreciation to all friends who have contributed in one way or the other to the production of this work.

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Chapter 4 is devoted to the debate on the need for the continuous existence of the Local Government Service Commission. The weaknesses of the Commission are identified and the advantages highlighted. It is contended that the Commission should be allowed to exist but should be thoroughly reformed in terms of its structure, composition, powers and functions as well as its relationships with other organizations with complementary services.

Chapter 5 contains the summary and conclusion of the study.

Chapter 1 sets out the aim and objective of the study. Chapter 2 examines the structure, powers and functions allocated to the Benue State Local Government Service Commission.

Chapter 3 examines two important concepts: the "role-set" and the "organisation-set" concepts. The import of these two concepts is in the examination of the relationships between the Local Government Service Commission and other major agencies with which it interacts in carrying out the personnel management functions allocated to it. These agencies are the Local Government Councils, the Ministry for Local Government and Primary Education, the Office of the Governor and the Office of the Head of Civil Service. An important thesis in the concepts utilised in this study namely the "role-set" and the "organisation-set", is that if the role of each agency within the organisation-set is not clearly defined there will be conflict and confusion and this will militate against the proper functioning of the Local Government Service Commission which is the focus of our study. In the same vein, where there is greater similarity of goals and functions between the other agencies that interact with the Local Government Service Commission and the Commission itself, there tend to be greater competition between them and this erodes the autonomy of the Local Government Service Commission in decision-making.

ABSTRACT

The aim of this study is to critically examine the powers and functions of the Local Government Service Commission as it affects such operative personnel management functions as recruitment, promotion, postings and discipline. The Benue State Local Government Service Commission was established to ensure effective personnel management at the local level. The need for the Commission arose because it was observed that there were disparities in the number and quality of staff amongst the various local governments in the state. The Commission was therefore established mainly to ameliorate this and other related manpower problems of the local governments.

In carrying out this study on the Benue State Local Government Service Commission, we have drawn heavily from secondary sources; namely, government documents and records. Important secondary sources of data consulted included official records like the Local Government Edict No. 14 of 1976 establishing the Local Government Service Commission, circulars from both the Local Government Service Commission and other agencies involved in various aspects of personnel management at the local level and Annual Reports of the Local Government Service Commission. In addition, official files from the Ministry for Local Government and Primary Education, the Local Government Service Commission and Gboko Local Government Council were reviewed. Another important method of data collection used is the review of the already existing literature on personnel management.

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CHAPTER 1

INTRODUCTION

The establishment of the Benue State Local Government Service Commission was as a result of the determination of the State Government to ensure effective staff management at the local level. The need arose because it was observed that there were disparities in the number of and quality of staff amongst the various Local Government Councils in the state. The primary functions of the Commission therefore are recruitment, promotion, postings and discipline of the staff under the services of the various Local Governments. The main objective for establishing the Commission is therefore to solve the manpower problems of the Local Governments.

In this introductory chapter an attempt is made to review the background to the establishment of the Local Government Service Commission, i.e., the statement of the research problem. The second section of the chapter is the theoretical orientation of the study which treats the justification for the establishment of the Local Government Service Commission from the background of the essence of its state and federal counterparts - the Federal and State Public (Civil) Service Commissions. While the third section of the introduction identifies the purpose and scope of the study, the fourth part of the chapter spells out the research methodology employed by the author. The fifth and final part of this chapter is devoted to an operational definition of the significant

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concepts employed in the research problem statement; "role" and "staffing". The operational definitions of these two concepts are therefore stated in terms of the research design.

Statement of the Problem

The effectiveness of any local government depends not only on its financial strength but also, in a large measure, on the quality and adequacy of its staff. Local Governments need staff of the right calibre to provide the services and carry out the functions for which they have been given responsibility by the State Government. In particular, local governments require competent, well-trained and experienced staff in both administrative and technical fields, so as to enable an efficient and respected "service to the public" to be provided.[1] This study therefore aims at examining the powers and functions allocated to the Benue State Local Government Service Commission and also at critically assessing its performance in terms of personnel management matters at the local government level since its establishment in 1976.

The perennial problem of the local governments has been to attract and retain qualified manpower who can render needed services to make Local Governments perform efficiently. The history of this problem can be traced as far back as the Colonial era. Towards the end of the

1. The Future of Local Government in Nigeria: The Report of the National Conference on Local Government held at the Institute of Administration, University of Ife, from April 29 to May 3, 1969 (University of Ife Press, Ile-Ife, 1969), Pp. 38 - 44.

Colonial period when 'native administration' was fast giving way to 'local government' it was thought, along British lines, that the new local authorities would employ their own staff, and be free to appoint men of their own choice to every job from that of treasurer to the office cleaner, and to dismiss them at their pleasure. This was however later found to be impracticable and so there emerged a variety of schemes for 'unified' or 'centralized' local government services which gave governments varying degrees of control over local government staff.

The employment of staff by local authorities, acting as independent employers, gradually gave way to control or even employment by the government, thus creating a centralised or 'unified' local government service. This was found necessary in order to protect local government staff from being victimised by irresponsible councils. The earlier Local Government Ordinances aimed at reproducing the British situation, but it was found that when councils were given this independent status as employers they frequently abused it. As a result of this, men who were performing their duties satisfactorily were dismissed because they were found to belong to a wrong political party, or faction, or family, and were replaced by favourite sons of the party in power or by relatives of influential councillors. This type of behaviour made the situation not only unjust but also

demoralising for the staff of local authorities everywhere such that it became impossible to hold anyone in local government service, let alone attract men of a higher calibre, if governments had not assumed larger measure of control. One other complication was that councils which were free to appoint their own senior employees most frequently did appoint a local man, a 'son of the soil' in preference to a better qualified man from elsewhere. The argument for this goes that a son of the soil might give better service to his council than a 'stranger,' but even in the best circumstances the method has its disadvantages. In the first instance, sons of the soil were often found to be deeply involved in local politics, feuds and personality clashes to stand any chance of being impartial. Secondly, this method prevented any free movement from one place to another, thus denying the senior local government officers the opportunity of gaining both experience and promotion. Accordingly, the different regional governments had, in varying degrees, stepped in both to protect and to control the employees of local authorities.[2]

The first of all the Local Government Ordinances - the Eastern Region of Nigeria Ordinance of 1950 - gave councils a free hand in the appointment of staff who were paid less than (£400.00) four hundred pounds (now ₦800.00) eight hundred naira a year; above that figure the authority of the Government was required, but in all cases the local

2. Wraith, R., Local Administration in West Africa, George Allen and Unwin Limited, Second Edition 1972, Pp. 98 - 99.

authority could itself determine what was a reasonable renumeration for the various posts. The 1955 Ordinance however severely restricted this freedom by decreeing that the appointment of ALL staff, even including daily - rated staff, must be subject to the approval of the Minister. It also stipulated that NO employee was to be dismissed for any reason without the Minister's written approval. What is more, the Minister even assumed the power to determine what was reasonable renumeration for any given post based upon his own discretion. Later on the Minister did in fact lay down comprehensive regulations governing the whole field of appointments to local authority staff, including salaries, grades of employment, qualifications, procedure to be followed in making appointments, and discipline. These constituted major steps in the direction of central control. A significant change can be said to have occurred in "1958 when the Minister assumed the power to transfer an officer or member of the staff of a council within the Region".[3] Since then many of such transfers were made with mixed feelings. In the first instance some people felt happy over such transfers because they were given appropriate responsibilities and they also escaped from the "deadening prospect of life - long employment with one small council - the curse of the 'son of the soil' policy - and corruption was

3. Ibid., P. 100

diminished".[4] Some people felt unhappy because the number of transfers was excessive to the point of having a generally unsettling effect; that men simply moved from one set of local entanglements to another, and as a result constantly moved from place to place. It must however be borne in mind that it is one thing for the Minister to decree that a man shall serve in a given place, but if local government is to mean anything at all he can only do so fruitfully if he is acceptable to a local council and if they make his path easy.

Though the Eastern Region Government had gone so far towards central control, it failed to take the final step (as it did happen in the Western Region in 1957) to formally establish a unified local government service. What happened was that there was a Local Government Service Board whose powers were only advisory and not executive. The councils therefore retained the power to recommend the original appointments, either as a result of advertising for candidates or by choosing someone they wanted to employ.

The Western Region presented a different situation. It created a Unified Local Government Service in the formal sense and established a Local Government Service Board with executive, as distinct from advisory powers. It however failed to bring ALL local council employees within the unified local government system, but only those who were deemed to hold 'superior posts'. The

4. Loc. Cit.

definition of a superior post was however made by the Governor-in-Council and could be extended from time to time as circumstances dictated.

In the former Northern Region there was no Local Government Service Board as there was in the East and West. Here staff were still responsible only to their immediate employers, the Native Authorities. "On the other hand the Minister of Local Government - and indeed the Premier personally - used to pay close attention to their terms and conditions of service. Establishment Committees were set up in most Native Authorities at the Premier's discretion to deal with matters affecting the appointments; discipline and dismissal of permanent staff. The Premier however reserved the right to approve salary scales and certain senior appointments, especially in the emirates".[5]

In the early 1970s changing attitudes towards the old Native Authority (N.A.) concepts gave rise to the question of a 'unified' local government service. Some Northern States, apart from the North - Central State, accepted varying measures of state - wide control with some varying differences.

It was against this administrative background that the Murtala/Obasanjo Military Administration in 1976, conscious of the unpopularity of the former local government system throughout the country, evolved a reformed

5. Wraith, R., Op. Cit., P. 213

local government system in the country. One major innovation in this area was the establishment of the Local Government Service Board/Commission in every state (including Benue State which was also created in 1976) charged with the statutory responsibility of developing and managing human resources at the local level. The Local Government Service Commission was therefore established to perform personnel management functions for the unified Local Government Service of Benue State.

The following conclusions are discernible from the foregoing;

(1) that career in local government had not been attractive because local government staff did not enjoy high social status vis-a-vis their civil service counterparts and they also did not have job security;

(2) that it is in response to these challenges that the Local Government Service Boards/Commissions were established;

(3) that the establishment of the Local Government Service Board/Commission performing functions similar to those of a State Public Service Commission (now Civil Service Commission) is therefore to ensure security of office to local government staff and, to that extent, attract and retain the quality of staff on whom depends the efficiency and effectiveness of the local governments;

(4) that the Local Government Service Boards or Commissions are therefore established to see to the welfare of staff by insulating them from direct party political buffets, making arrangements for their promotions, postings, training and eventual retirement.

Theoretical Orientation

The justification for the establishment of the Local Government Service Board/Commission can be viewed from the background of the essence of its state and federal counterparts - the Federal Public Service Commission (now the Federal Civil Service Commission) and the State Public Service Commission (now the State Civil Service Commission). The Public Service Commissions * were set up in Nigeria on 1 October 1954 after a series of debates between Nigerian nationalists and expatriate civil servants on what was to be their actual roles. At this time the Nigerian leaders assured the expatriate officials that they fully supported the principle that all Public Service questions including appointments, promotions, transfers, postings, dismissals and other disciplinary matters, should be kept completely free and independent of political control, i.e. in the Public Service Commissions.

The Public Service Commissions therefore emerged as a compromise between the politicians who wanted to retain ultimate control over personnel matters and the expatriate

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* When we say "Public Service Commissions" we are referring to the Federal Public Service Commission and the different Regional Public Service Commissions or State Public Service Commissions.

officials, who did not want personnel matters handled by the politicians. The functions which were to be given to the Commissions arose out of the debates that had taken place; the role of the Public Service Commission, if not its proper place, in Government Administration was recognised and accepted; the principle of Nigerian, even majority Nigerian, representation on public personnel agencies was firmly established. The Nigerian leaders of the new Federal and Regional Governments pledged themselves and their Governments to uphold the principles of non-interference in the operations of the Nigerian Public Service Commission.[6]

There has been a very tidy constitutional basis for the Nigerian Public Service Commissions which clearly shows the rightful place of the Commissions in the machinery of government. The independence of the Commissions is constitutionally guaranteed - they are independent of the Legislature, Judiciary and the Executive. Members of the Legislatures are barred from membership of the Commissions, as are those of the judiciary and the Executive. Parliaments could not curtail the powers of the Commissions. The Commissions are never expected to report to Parliaments.

The Public Service Commissions are further empowered to appoint persons to hold or act in offices in the Nigerian Public Services (including power to make appointments on

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6. Murray, D.J. (ed.), Studies in Nigerian Administration, Second Edition, Hutchinson University Library for Africa, 1978, P. 189.

promotion and transfer and to confirm appointments) and to dismiss and exercise disciplinary control over persons holding or acting in such offices, provided that the Commissions may, with the approval of the Heads of Governments, and subject to such conditions as they may think fit, delegate any of these powers to any of their members or to any officers in the Public Services. The Public Service Commissions however did not have jurisdiction over some offices - for example, judicial offices; offices of the Director of Audit except for the purposes of making certain appointments; offices of Nigeria's representatives abroad; offices of the personal staff of Head of state unless approval was received from the Head of state; any office in the Nigeria Police Force.

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By the 1963 constitution, the Public Service Commissions had to be consulted before certain appointments could be made. Thus before advising the Head of State on appointments of Nigeria's representatives abroad the Head of Government must consult the Commissions where the persons to be recommended are from any of the Public Services. Permanent Secretaries were also appointed by the Head of State after due consultations were carried out between the Head of Government and the Public Service Commissions.

The Public Service Commissions, on their own part, also had to consult some other functionaries before carrying out some of their functions. Thus before the

Commissions could appoint the Directors of Audit, they had to consult the Head of Government. In the appointments of the Clerks of the House of Representatives and the Senate, the Speaker and the President respectively of both houses had to be first consulted.

The Public Service Commissions also had powers in relation to the grant under any Acts of Parliament of Pensions, gratuities or compensations to persons who were, or had been, members of the Nigerian Public Service or the former Public Service of Nigeria. If such benefits were to be withheld, reduced in amount or suspended by any persons or authority under any Act of Parliament, they had to be so done after due approval of the appropriate Public Service Commission.[7]

In addition to all these functions, Parliaments either directly by their Acts, or indirectly through the powers given to the Head of State, could endow the Public Service Commissions with powers or functions. For example, under the Regulations made under an Act of the Federal Parliament the Federal Public Service Commission was given powers to appoint referendum officials in the Mid-Western Region in 1963.[8] By convention the Public Service Commission could have additional functions of their own. This sometimes took the form of conferences held by all the Public Service Commissions in Nigeria.

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7. Ibid., P. 197
8. Elias, T.O., Nigeria: The Development of its Laws and Constitution (London, 1967) P. 281

In comparative terms the Nigerian Public Service Commissions have more functions to perform than their British counterpart, the Civil Service Commission, which only recruits to the permanent posts in the British Home Service and Foreign Service.[9] When compared with the Canadian, New Zealand and Australian Personnel Agencies the Nigerian Public Service could be said to have far fewer functions. For, in addition to performing the functions of the British Civil Service Commission and disciplining civil servants they (Canadian, New Zealand and Australian Personnel Agencies) assume the work of the management of the British Treasury including such important matters as (a) classifications, (b) staff development, training and counselling, (c) establishment and organisation, (d) economy and efficiency in the Public Service, (e) staff participation, (f) superanuation, safety, health, recreation facilities, accommodation and compensation, and (g) renumeration, hours, leave, and allowances.[10] They also conduct research on personnel matters.

Before concluding this section it is pertinent to mention that the authority and responsibility for the overall management of the Nigerian Civil Service is shared between the Head of the Civil Service, the Public Service Commission, the Ministry of Establishments and individual Permanent Secretaries. While the major functions of

9. Murray, D.J. (ed.), Op. cit, 198
10. Loc. cit.

the Public Service Commissions were recruitment, promotion and discipline, the Ministry of of Establishments had responsibility for coordinating, training and staff development as well as for formulating the guidelines and rules for harmonising conditions of service. The Head of Service is responsible for the development of higher level staff and also for the coordination of all activities of ministries and departments of the governments and for ensuring the efficiency of the functioning of the machinery of government. The Permanent Secretary of any Ministry has greater say in determining the organisational structure of his ministry, its recruitment and staff development policies. His role is very important in real management because most of the management is done at his level and so he determines its success or failure. "An independent and impartial Public Service Commission is a sine qua non to the development of an effective service. It is therefore imperative that the Public Service Commission should be aided by the political authorities to enhance these attributes and rights (guaranteed by the constitution) including insulation from political and other extraneous interferences."[11] In conclusion, the effectiveness and success of the Public Service Commissions (Civil Service Commissions as known in the 1979 Nigerian Constitution) greatly depend upon the extent and effectiveness of the cooperation between them and the other agencies that are also involved in the management of the Civil Service. Furthermore, if the Public Service Commissions are to fulfil their

11. Tukur, M. (ed.), Reform of the Nigerian Public Service, Printed by Gaskiya Corporation, Zaria. P.199.

role as central and impartial personnel agencies they have to be composed of men of high academic achievements and experience.

The philosophy behind the establishment of Local Government Service Commission is basically similar to and derives from the one behind the establishment of the Public Service Commission. The Public Service Commissions were established to prevent politicians from interfering in personnel matters. Its establishment aimed at freeing the selection and recruitment of civil servants from any form of patronage. Similarly, the Local Government Service Commissions are established to insulate local government staff from the whims and caprices of politicians. Both share in the ideals of neutrality and impartiality.

It is important to mention that the Local Government Service Commission differs in operation from the Public Service Commission with which it is always compared. While the Public Service Commission is appointed by the Government to cater for a particular service, the Local Government Service Commission is responsible for the services of various local government units which are independent of each other and have a substantial degree of autonomy in the conduct of their affairs.[12] Whereas the powers and functions of the Public Service

12. Adewumi, J.B., "Local Government Service Board and Local Governments: Cooperation or Conflict" in L. Adamolekun and L. Rowland (eds.) The New Local Government System in Nigeria: Problems and Prospects for Implementation (Heinemann Educational Books (Nig.) Limited, 1979), P. 109.

Commissions (now Civil Service Commissions) are entrenched in the constitution, the Local Government Service Commissions are not provided for constitutionally. The non-inclusion of the Local Government Service Commissions in the Nigerian Constitution now raises some questions bordering on the argument against their continuous existence. This is particularly the case with the Benue State Local Government Service Commission.

Purpose and Scope of the Study

This study primarily aims at critically looking at the powers and functions of the Local Government Service Commission and how it performs these functions. The author's interest in this topic was aroused by the debate that generated in the Benue State House of Assembly, by October 1980, over the continuous existence of the Local Government Service Commission. The debate attracted official as well as public interest. But from all that went on it seems very much that most contributors to the debate did not even know exactly the powers and functions of the Local Government Service Commission and how they are performed. No person even cared to look at what was the situation of the local government staff before the existence of the Commission but hurriedly concluded that the Commission should be abolished. However one would have expected such proponents to have been aware of the aim behind the establishment of the Commission and assess how far the Commission has been able or unable to live up to

expectations before recommending for its abolition or otherwise.

The questions to be answered here are whether the problems of the Commission are peculiar to it or they are as a result of the fact that every organisation has its own merits and pathologies. If it is true that every organisation has its own merits and demerits, the abolition of the Commission does not provide the best answer to the problem. At the end of this study, therefore, one should be able to conclude whether or not the Local Government Service Commission should be abolished. However it is this author's contention that if there are pathologies in the operations of the Local Government Service Commission, as it usually applies to any bureaucratic organisation, such pathologies should be remedied rather than recommending outright proscription of the Commission. The secondary purpose of this study is therefore to justify the need for the continuous existence of the Benue State Local Government Service Commission based on the philosophy behind its establishment and also upon the importance of the functions it performs.

The study covers a period of six years; from 1976 when the Local Government Service Commission was established by the Benue State Local Government Edict No. 14 of 1976 to 1982. It was also in 1976 that Benue State was created so this date forms a convenient starting-off point.

Methodology

To carry out the study of the powers and functions of the Local Government Service Commission and its assessment thereupon, the writer has carried out mainly documentary studies which involved the organisation of evidence or facts derived from records and documents. The most important sources of data here include official records like the Benue State Local Government Edict No. 14 of 1976 which establishes the Local Government Service Commission; circulars from both the Local Government Service Commission and other agencies involved in various aspects of personnel management at the local level; annual reports of the Local Government Service Commission which is one of the means of making the activities of the Commission accountable to the people, and other official reports.

Another important method used for the collection of data is the review of already existing literature on personnel management.

Definition of Key Terms

The key words in this topic are "role" and "staffing". It is therefore pertinent to evolve an operational definition of each of these terms.

Role

In its most familiar connotation, a role is a part in a play. The actor has an assigned role and his performance consists of conveying an impression of reality while reading the playwright's lines and following his instructions. In this sense we can say that the role of the Local Government Service Commission in staffing

the Local Governments of Benue State is simply the part the Local Government Service Commission is assigned in staffing the Local Governments of Benue State.

The sociological meaning of role - a pattern of behaviour associated with a status or social position - also suggests acting out. Here the individual does what is called for by the position he occupies. However, he does so not as an actor speaking someone else's lines but as a person responding to genuine expectations and problems.

Role as a pattern of behaviour associated with a social status includes the following elements:

(a) The socially prescribed role or ideal role. The ideal role prescribes the rights and duties belonging to a social position. It tells the individual what is expected of him. Likening an individual to an organisation like the Local Government Service Commission we can say that the powers and functions of the Local Government Service Commission are prescribed in the document that establishes it. This document (the Local Government Edict) spells out what is expected of the Commission.

(b) The perceived role. What the individual believes he should do in a particular position - how he defines the position - may not fully coincide with the conventional image or ideal.

Similarly the specific people with whom he interacts may have divergent ideas. The interactional perspective on roles does not take for granted that social norms are accepted or perceived by everyone in the same way. By the same analogy the perceived role of the Local Government Service Commission by its own members may differ from what other people in other organisations expect of it.

(c) The performed role. What the individual or an organisation actually does in the role - his practical course of conduct - depends on more than beliefs, expectations and perceptions.

Actual role behaviour is always subject to the pressures and opportunities of a specific social setting at a specific time. It is also conditioned by the individual's personality and past experience. The performance of an organisation, like the Commission, will therefore depend on one, the forces within the organisation and two, on the forces in the situation. To a degree, these two sets of influences are interactive. The organisation is influenced by the situations to which it is exposed. The situation in its turn depends to a degree on the type of organisation involved.

Conventional or prescribed roles are so numerous and so important that they dominate the social landscape. A great many roles are informal and new ones are always

emerging. Emergent roles are not necessarily based on clearly defined expectations. They may cut across or be independent of formally defined positions; they tend to be expressive of personality and of rather immediate group or interactional needs; and there is often no conventional name for the role. Emergent roles are in no way restricted to the micro-order. They may be found at every level of social structure. A large organisation may have a problem deciding how to conceive its own role. This leads to what is known as role ambiguity. Role ambiguity results when there is some uncertainty in the minds, either of the focal person or of the members of his role set, as to precisely what his role is at any given time. This can be remedied by what we can term role clarification; i.e. clear definition of role.[13]

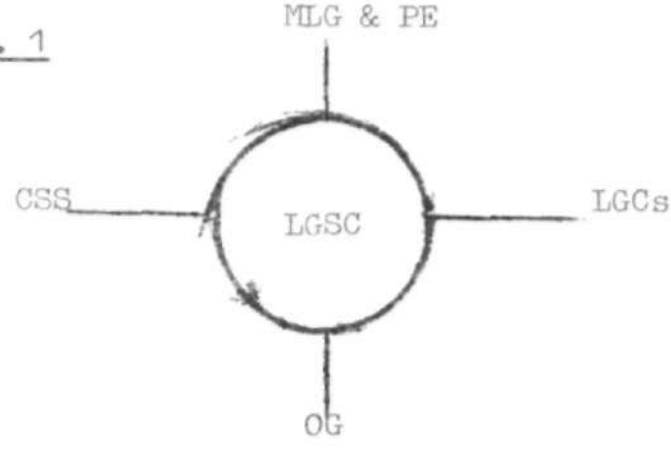
The concept of role - set suggests the complex nature of roles and recognises that a given status generates more than one role. A single status, such as husband, involves what R. K. Merton terms "an array of associated roles".[14] Merton defines role-set as "a complement of role - relationships in which persons are

13. Handy, C.B., Understanding Organisations, Penguin Books Limited, 1976, P. 56.

14. Merton, R. K. Social Theory and Social Structure, Glencoe, Illinois: The Free Press, 1968, P. 423.

involved by virtue of occupying a particular status".[15] Employing this concept, we can say that a particular organisation can be regarded as a focal person in a role - set sitting in the middle of a group of organisations, with which it interacts in some way in that situation. For instance, the Local Government Service Commission's role - set might be diagrammatically represented thus;

Fig. 1



LGSC	=	Local Government Service Commission
MLG & PE	=	Ministry for Local Government and Primary Education
LGCs	=	Local Government Councils
CSS	=	Civil Service Secretariat (Head of Service Office)
OG	=	Office of the Governor.

15. Ibid.

This role - set includes all those agencies with which the Local Government Service Commission has some major interactions. It must be noted however that there are more organisations involved in any role - set than one initially expects.

Our application of the role theory helps very much in explaining the operation of the Commission. Explanations do lead to our understanding of the actual operation of the Local Government Service Commission. Many of the problems in organisations arise from role strain, misconceptions about role, role underload, role overload, or bad communications because of false role expectations. Our discussion of the problem in terms of role theory clarifies it out of existence.

Staffing

Staffing or manning is one of the important subsystems in manpower management; the other sub-systems being policy, programmes, practices, and procedures. The staffing function has been the setting in which most modern personnel divisions began. It is a universal function because every working organisation has to face and solve staffing problems. Staffing is therefore a process which involves recruitment, selection, training and developing of manpower to provide effective incentives.

The staffing process includes a number of steps or stages. A preliminary step involves the determination

and indentification of present and prospective needs. Next, adequate numbers and types of manpower must be discovered and recruited. For those available, the right numbers and types must be selected. Those chosen must be hired and placed in the positions for which they are qualified. They must be informed or oriented with respect to the part they are to play in the total operation of the organisation. Therefore, they must be promoted, transferred, or, in the case of employees who find working relationships unsatisfactory or who are no longer needed, terminated. Under some circumstances they may be demoted. The staffing process generally includes these seven personnel actions - determination of personnel requirements, recruitment, selection, placement, orientation, promotion or demotion, and transfer. The process ends with retirement or termination of employment.[16] In this study therefore we shall be examining the extent to which the Local Government Service Commission carries out these personnel functions.

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16. Yoder, D., Personnel Management and Industrial Relations, 6th Edition, Prentice - Hall of India Private Limited, New Delhi, 1979, Pp. 197 - 224.

C H A P T E R 2

ORGANISATIONAL STRUCTURE AND FUNCTIONS OF THE LOCAL GOVERNMENT SERVICE COMMISSION

With the carving out of Benue State in 1976 from the defunct Benue-Plateau State, Benue State inherited the Local Administration Law (Amendment) Edict No. 1 of 1973 which was deemed to have come into operation on 1 April, 1972 establishing the Local Administration Service Board. The 1976 Local Government Edict further legalised the existence of this institution under Sections 83 - 88 with the new nomencleture of Local Government Service Board. At the inception of the civilian administration the name "Board" was changed to "Commission" by Executive Council's approval on a Memorandum submitted by the Board.

The 1976 Local Government Edict provides that the Commission "shall consist of a Chairman and not more than five other members who shall be appointed by the Military Governor"[17] (now the Governor). By 1976 however the Commission had a membership of three; the Chairman and two permanent members. This situation existed until 1979 when the present Civilian Administration came to power and caused the membership of the Commission to be enlarged by one. The Commission therefore has a membership of four - the Chairman and

17. Benue State of Nigeria Gazette No. 37, Vol.I 23 December, 1976: The Benue State Local Government Edict, No. 14 of 1976; Section 83 (1).

three permanent members (known as Commissioners I, II and III). Section 83 (2) states that "A member of the Board (Commission) shall, unless he resigns or is removed, hold office for a period of five years from the date of his appointment and shall be eligible for a re-appointment for a second term of five years but shall vacate his office at the expiration of a period of ten years".

The Commission is supported by a group of staff who are posted from the state civil service by the Establishments Division of the Civil Service Secretariat ranging from the rank of Senior Clerical Officer and above. Members of staff who are direct employees of the Commission are those on Grade Level 04 and below. The Secretary to the Commission is the Chief Executive but not a member of the Commission. He carries out the day-to-day administration of the Commission and performs any other functions which may, from time to time be assigned to him by the Commission.[18]

The major functions of the Local Government Service Commission are recruitment, promotion and discipline. In performing these functions the confidence of the service in the Commission itself is very crucial to the morale of the Local Government staff concerned and one has to look at the composition of the Local Government Service Commission and see whether it

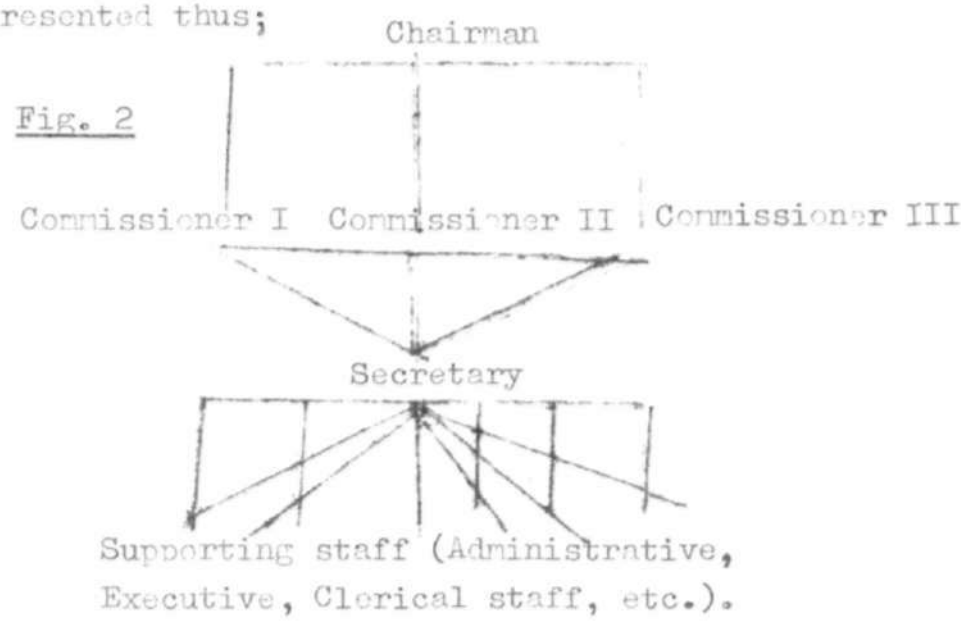
18. Ibid, Section 84 (1) (2).

inspires that confidence. Then one has to see if the Commission has clear - cut rules for performing its functions of recruitment, promotion and discipline because if there are no such rules, then trouble is bound to crop up.

In effect, the first part of this chapter deals with the structure of the Local Government Service Commission while the second section is devoted to examination of the statutory functions allocated to the Commission. The third part of this chapter deals with the ways and manner in which these functions are carried out. The last Section of the chapter takes stock of actual activities carried out by the Commission in terms of number of cases treated from 1976 to 1982.

The organisational set - up of the Benue State Local Government Service Commission can be diagrammatically represented thus;

Fig. 2



The Organisational Chart of the Local Government Service Commission

The statutory functions of the Local Government Service Commission are exemplified in Part IX of the Benue State Local Government Law (1976).

These are:-

(a) Appointment and Promotion of the Unified Local Government staff;

(b) Transfer, posting, discipline, including dismissal and termination;

(c) Retirement and withdrawal of service;

(d) Harmonisation of conditions of local government service with the State's Civil Service.

The Commission operates both unified and non-unified services. In exercise of the powers conferred upon it by Section 85, sub-section (1) of the Benue State Local Government Edict, 1976 and of all powers enabling it on that behalf, the State Local Government Service Commission with effect from 1 April, 1977 delegated the following powers to the Local Governments:

(1) The power to appoint (including appointment on promotion or transfer), dismiss or exercise disciplinary control over daily-rated employees and officers on Grade Levels 01 - 03;

(2) The power to confirm the probationary appointment of all officers on salary grade levels 01 - 03; provided that the returns on the confirmation of

such officers are submitted to the Commission in every quarter of the year;

(3) The power to exercise disciplinary control over officers on Salary Grade Levels 01 - 03; provided that any disciplinary action which entails termination of appointment or dismissal from the Local Government Service is referred to the Commission;

(4) The power to appoint an officer to act on salary grade level 06 and below; provided that returns on any such acting appointment on salary grade level 04 -or 05, 06 is submitted to the Commission;

(5) "Where powers are not delegated the Local Government concerned shall be required to refer to the Benue State Local Government Service Board (now Commission) whose decision shall be notified to and acted upon by the said Local Government".[19] The Secretary and his heads of department form the Establishment Committee to perform these delegated functions.

In our definition of Staffing in the preceding chapter, we said that the staffing process includes the determination of personnel requirements, recruitment,

19. The Benue State Local Government Edict, 1977; (Delegation of powers) Notice 6, 1977.

selection, placement, orientation, promotion or demotion, and transfer. We also concluded that the whole process ends with retirement or termination of employment. After having stated the statutory functions of the Benue State Local Government Service Commission, we shall now go into the detail of how the Commission carries out these functions. We shall however restrict our discussions to only few salient functions, namely:- Recruitment and Selection; Promotions; Postings and Transfers; and Discipline.

Recruitment and Selection

A logical approach to staffing begins with a careful assessment of current and future personnel requirements. These personnel requirements are stated in terms of quantities and qualifications - so many people to fill a variety of more or less detailed job specifications at present, with others scheduled for specified future dates; recruitment being the development and maintenance of adequate manpower sources. It involves the creation of a pool of available labour force from which the organisation can draw when it needs additional employees. Whereas the goal of recruitment is to create a large pool of persons who are available and willing to work in an organisation, the selection process has as its objective the sorting out or elimination of those considered unqualified to meet job and organisation requirements. Whereas recruitment tends to be positive

in that it seeks to persuade people to apply for work, selection tends to be somewhat negative for it rejects a good portion of those who apply.[20]

The Local Government Service Commission is responsible for the recruitment and selection of Local Government staff for the various local governments within Benue State. To facilitate efficiency, however, appointments for the posts on Grade Level 01 - 03 are delegated to the various local governments within the state. Each Local Government has an Establishment Committee which is made up of all the heads of department with the Secretary to the Local Government as the Chairman. This Committee interviews and selects applicants on Grade Level 01 - 03.

Vacancies are provided for in the Local Government annual Estimates which are screened by the Ministry for Local Government and approved by the Governor. After the approval of the Estimates, each Local Government makes its returns to the Local Government Service Commission. It is after the approval of the Estimates that each Local Government knows exactly what vacancies

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20. For detailed discussions on this topic, see (1) Beach, Dale S., Personnel: The Management of People at Work, 3rd Edition: (Collier Macmillan International Editions; 1975). Pp. 219 - 250.

(2) Pigors, P., and Myers, Charles A., Personnel Administration: A Point of View and a Method. 8th Edition. (International Student Edition, 1977). Pp. 245 - 259.

(3) Yoder, D., Personnel Management and Industrial Relations, 6th Edition, Prentice - Hall of India Private Limited, New Delhi, 1979, Pp. 260 - 326.

it is to fill. It however does not mean that all the vacancies provided for in the Estimates must be filled. The filling of vacancies is dependent upon availability of funds and also on the necessary requirements of the Local Governments.

Each Local Government puts up internal advertisements for the filling up of vacancies on grade levels 01 - 03. In most cases vacancies are filled from within the existing staff of the Local Government especially by appointment on promotion of some Secondary School failures who have been serving as clerical assistants but have been able to pass the Confirmation Test. Some Messengers with First School Leaving Certificate who show great skills and aptitudes are sometimes upgraded to Clerical Assistants while some Cleaners are moved to the level of Messengers. This policy fosters high morale because most people expect to advance to position of higher pay and status during their work careers. In this case one opening in a higher - level position may cause a succession of individual advancements and people each in turn move up. By this "fill vacancies from within" policy recruitment and selection is simplified because there are only a few entry jobs, and the formal education, skill, and knowledge requirements for those are relatively modest. A Local Government could also go outside to employ some people as general labourers who do not necessarily

require any specific skills. The Local Government Service Commission is given a feedback on all appointments made by each Local Government for record purposes.

The Local Government Service Commission concerns itself mainly with the recruitment and selection of Local Government Staff on grade Level 04 and above. While the posts on grade level 01 - 03 are advertised through personal contacts, political speeches, internal advertisements in form of bulletins; posts on Grade Level 04 - 13 are advertised over radios, televisions, the press by the Local Government Service Commission.

Applicants for posts on Grade Level 04 - 13 are interviewed and appointed by the Local Government Service Commission. Each Secretary to the Local Government submits his Local Government's vacancy returns to the Commission once the Estimates are approved. When the returns are rendered the Commission then advertises the vacancies in the Nigerian Dailies or Gazettes. If the returns are not submitted in time it becomes impossible to advertise the posts to get the vacancies filled within the financial year. Direct applications to the Commission for employment are made on a standard application form (See Appendix I; LGSB (BS) I).

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ZARIA, NIGERIA.

The staff function of the Commission in personnel management is to do the preliminary screening of the

applicants. For example, when applications come to the Commission, it is the function of the Secretariat Staff to compare the information received with the job specification. After this is done the Commission fixes interview sessions with the applicants. The purpose of the interview is to decide the candidate's suitability, to give the candidate an accurate picture of the job and what the organisation expects of him and also to give the candidate a feeling that he has been given a fair chance. It is most unusual for candidates to be employed on the authority of one person. Therefore another purpose of interviewing is to increase objectivity and reduce bias in selection.

The Local Government Service Commission employs basically two methods for interviewing the candidates depending upon the nature of job a candidate is applying for. The individual method of interviewing is employed mostly in interviewing candidates looking for jobs between grade level 04 - 06. Such jobs are relatively less demanding. Here one member of the Commission is assigned some candidates to interview and he interviews one candidate after another. This method has the advantage of establishing a rapport between the interviewee and the interviewer. It is however faced with serious risk of bias which can only be reduced by having individual interviewees successively.

The second method employed by the Local Government Service Commission is the Panel Method. It applies mostly in cases of senior staff who have to be vigorously interviewed because their tasks in the Local Government Service are more demanding e.g. administrative officers and senior professional officers. By this method, a group of interviewers - the Chairman of the Commission, the three Permanent Commissioners with the Secretary constitute an interview panel - simultaneously interview the candidate. This method saves the candidate's time. It also enables the members of the panel to ask any special questions. Because it is a joint assessment, it increases objectivity. The disadvantages of this method are that there is less rapport and there can be an element of disorganisation among the interviewers.

Having recruited and selected the new staff the Local Government Service Commission posts them to each Local Government in accordance with the needs of the latter. Each newly employed staff is to first report to the Secretary to the Local Government. It is the Secretary that places the newly recruited staff in the department that he/she is best fitted. Orientation of the new employees is done by their heads of department and sectional heads of department on the one hand and through concerted efforts of individual employees, on the other.

Promotion

"Promotion is defined as a movement to a position in which responsibilities and, presumably, prestige are increased. Conversely, demotion is a shift to a position in which responsibilities are decreased."[21] Promotion involves an increase in rank, and demotion is a decrease in rank. Usually, but not always, when a person is promoted his pay is raised. Very often attached to promotion are symbols of higher status, such as a more important job title, more authority, a bigger desk, greater freedom of movement within the organisation, and less close supervision of one's activities.

We can treat the promotion of local government staff under two categories:- promotion of junior staff by the individual local governments and promotion of the senior staff by the Local Government Service Commission itself. Before we go further, we can initially identify one area of commonality between the two and this is that, both the promotion of the junior and senior staff originate from the Local Government Establishment Committee. In both cases, the Establishment Committee of a Local Government

21. Yoder, D. Personnel Management and Industrial Relations, 6th Edition, Prentice - Hall of India Private Limited, New Delhi, P. 268.

receives promotion proposals from each head of department in form of items on agenda sent to the Secretary who scrutinises all of them and brings them up to the Establishment Committee meeting which is chairmaned by the Secretary. Each head of department is allowed ample opportunity to defend his request for the promotion of his own staff with his recommendations based on concrete grounds. The criteria usually taken into consideration when recommending any officer for promotion are seniority and ability.

Promotions are decided upon the basis of merit in one's present position and ability and potential to assume the responsibilities of higher-level positions. The Commission places very much emphasis (sometimes undue emphasis) on seniority when selecting candidates for promotion. Simply defined, seniority is length of service. When candidates are recommended for promotion care is usually taken so that no junior officer supersedes his senior and if this occurs there has to be enough explanation to the effect.

The Establishment Committee therefore considers every promotion case sent to it by the various heads of department at the Local Government level taking into consideration the criteria earlier enumerated above; i.e. Seniority, merit and/or ability. In considering the recommendation from each head of department particular

attention is paid to the officer's annual performance appraisal (Form LGS 4 - Annual Confidential Report on Local Government Authority Staff - See Appendix II of this work) which takes account of the officer's personal records; his character and responsibility; and his general performance. The normally accepted promotion period of two years is also taken into consideration. It is after all these factors have been carefully examined that the Establishment Committee can resolve whether or not the recommended officer is suitable for promotion.

For the junior staff on salary grade level 01 - 03, once the Establishment Committee considers a staff suitable for promotion he is automatically considered promoted and the Secretary to the Local Government is to issue him a promotion letter accordingly.

Suitable senior staff considered by the Establishment Committee of a Local Government are however recommended to the Local Government Service Commission for promotion including those junior staff who are on salary grade level 03 and are to join the unified service structure on grade level 04.

All recommendations for promotion sent to the Local Government Service Commission must be accompanied by the minutes of the meeting of the Establishment

Committee (Extracts of the Minutes) and the officer's most recent two years' Annual Confidential Reports. Recommendation of a staff for promotion is made on a Recommendation for promotion Form; LGSB (BS) I - shown in Appendix III of this thesis.

It is pertinent to observe here that the Local Government Service Commission has no laid down promotion policy which is made known to all the staff to understand and therefore be able to plan their future. There are many irregularities with the Commission when it comes to the issue of promotion. This author's researches reveal that many Local Government staff do not know the criteria used by the Commission for promoting them. The criterion of seniority seems to be the most ambiguous of all the criteria. To the young university graduates who had been attracted to the Local Government Service by the promising rewards of the 1976 Local Government Reforms, the Commission construes seniority in terms of age differential. The young graduates assert that the Commission interprets seniority in terms of how old a Local Government staff is, coupled with how long he has been in the Local Government. For example one wonders why an old Local Government staff with long years of experience who has just Higher Diploma in Local Government could be appointed a Secretary to the Local Government on Grade Level 12 straight - away

when before the time of acquisition of such qualification he was on Grade Level 08 while a young graduate who had entered the service straight from the National Youth Service Corps on Grade Level 08 four years ago is still on salary grade level 09.

In other words, the Local Government Service Commission has failed to establish a clear - cut programme for the promotion of the young degree holders who have chosen voluntarily to work in the local government service. Controls must be built into the system to ensure that deserving candidates are not overlooked when it comes to promotions especially when one bears in mind the fact that one of the problems of the local government over a long period of time has been how to attract and retain qualified staff. Second, continual bypassing of these aspiring young persons can undermine their morale and their performance and they may be forced to untimely leave the system for those who claim to really belong to it - the original "Native Authority" staff.

Another policy question to consider here is whether to grant an increase in pay at the time of promotion, and if so how much? Let us consider a case like this. An old, experienced Local Government Staff employed during the colonial days worked until he obtained his Higher Diploma in Local Government in 1975. He

came back and was an Executive Officer (Accounts) on salary grade level 07. In 1976 the Local Government Reforms came and he was catapulted to the post of Secretary to the Local Government on grade level 12 which was before 1982 the ceiling salary for Secretaries in Benue State. Another person, a young university graduate of Political Science graduated with a second class Honours (Upper Division) and joined the Local Government Service in 1977 after completing his one year National Service. He is employed as Assistant Secretary II on salry grade level 08. He has been sent to relieve substantive secretaries on two different occasions and he performed very satisfactorily. He even received the public's commendation as well as that of the Commission. In the fourth year of his experience he is sent to a Local Government as Acting Secretary and said to be promoted to salary grade level 09. He performs the same duties and functions as the catapulted Grade Level 12 Secretary and yet he is said to be promoted to the post of Secretary on Grade Level 09. This hypothetical case is to bring out the following facts. One, that pay is the value of a job according to its level of responsibility the degree of its difficulty and its worth. The purpose of job evaluation is to ensure that the employee feels that his pay is fair. The pay is attached to the job but not to the employee

himself. Two, it is therefore sound to grant a significant increase in pay at the time a man is promoted. Otherwise, the promotion is hollow, and the individual resents management for being "cheap". If promotions are to be incentive for improved performance on present assignments, there must be some financial reward to deserving individuals. Thirdly, workload, the pay received for the particular work done and the capacity for performing that particular job should be equally related to each other in such a way that there will be a feeling of fairness and mental stability. According to Jacques, (1970), this situation produces maximum psychological equilibrium. The employee has intuitive, subconscious feeling of satisfaction. He can now make realistic plans for the future as he has known the rate of increase in his earning power.[22]

At this point let us consider the issue of promotion grievances faced by the Commission and how it has dealt with them. The case of promotion of Secretaries and the Local Government Treasurers provides a very good example for illustration.

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22. Jacques, E., Equitable Payment - A General Theory of Work, Differential Payment and Individual Progress. Heinemann. 1970

In October, 1980 *seven most 'senior' Secretaries out of a total number of thirteen Secretaries in Benue State were upgraded from Grade Level 12, which they had earned by 1976 through the Local Government Reforms, to Grade Level 13. The Treasurers were also upgraded from Grade Level 09 to Grade Level 12. Later in December 1980 a letter came from the Commission again (Ref. No. S/ADM/OFF/42/VOL.I/20 dated 3 December, 1980) suspending all the promotions of the Secretaries and the Treasurers. On 29 December, 1980, all the Secretaries and the Treasurers collectively and jointly wrote a protest letter to the Chairman of the Local Government Service Commission. The Secretaries and Treasurers argued:

> we very much wonder the reason behind this type of action when we look round and hardly see any of the Commissions, Federal and State, making promotions and within such short intervals reverting them. We very much think that before you made such promotions you had earlier on taken all factors into consideration; ie. experience, educational qualification (for all of us hold at least Higher Diploma in Local Government), productivity, etc.

They further argued that apart from their long experience, for most of them started performing the duties of Secretaries and Treasurers before 1978, they were all well -

* By October 1980, Benue State had a total of thirteen local Governments only. It was in 1981 that this number increased to twenty-three; namely; Ador, Ambighir, Ankpa, Apa, Bassa, Dekina, Gboko, Gwer, Guma, Idah, Katsina-Ala, Konshisha, Kwande, Makurdi, Nagi, Omalla, Ofu, Otukpo, Oju, Okpokwu, Ushongo, Ukum, Vandeikya.

trained to fit into their jobs. They therefore appealed to the Commission to rescind her decision on the suspension on their promotion. They called for an explanation for such an action and posed the question:

> what are reasons behind such an abrupt change of mind; promoting a group of people by October ending and suspending the promotions by the beginning of December? In the first instance, were we not qualified and therefore did not merit the promotions? If we were not, why did you decide to deceive us by sending us promotion letters? If we were, why do you suspend the promotion without telling us why you have taken this particular line of action? We believe that you do not intend to toss us about simply because we are in the Local Government Service. We can hardly recall a situation where the Federal Civil Service Commission and the Benue State Civil Service Commission have promoted their staff and within less than two months suspended the promotions. This can be very frustrating. Unless there are clear explanations, we cannot interpret this action as nothing other than a calculated attempt to frustrate the Secretaries and the Treasurers. We do not think that there could be any subterranean powers to render the Commission insensitive to the yearnings of its staff.

They all called on the Commission to restore their promotions without any further delay. Their letter was copied to the Governor of Benue State, the Speaker of the Benue State House of Assembly and the Commissioner for Local Government, Primary Education, Youth and Sports" for information and any necessary action." The Commission replied the Secretaries and the Treasurers that they should be patient and their case "would be looked into very soon".

What were the causes of this type of situation? The Commission suspended the promotions by orders from the Governor. Why did the Governor choose to do so? It is believed that it is only one civil servant in the office of the Governor who advised the Governor to kick against the promotion of these Secretaries and the Treasurers. The main reason for this being that these local government staff are not university degree graduates and that before the 1976 reforms they were simply on salary grade level 07 and cannot just jump to Grade Level 12 in spite of their "low educational level". Personality clashes (considerations) also played a role to create this situation. In some quarters it was argued that it would be improper to have the Local Government Secretaries on Grade Level 13 since the incumbents of the post of Secretary to the Commission itself have been officers on Grade Level 13.

It was after a series of consultations were held between the Commission, the Ministry for Local Government and the Governor on one hand and between the Commission and the Nigerian Union of Local Government Employees on the other that in May 1982, the Secretaries were re-upgraded to grade level 13. The case of the Local Government Treasurers was however not resolved in this way. For Treasurers provision is made that

they should be on salary grade level 12 and a decision was earlier taken that "the present incumbents of the office should not move straight into that Grade Level. Instead, the resultant vacancies should be advertised and the present Local Government Treasurers could freely apply and attend a competitive interview."[23]

The case outlined above clearly shows that the Local Government Service Commission has not well established channels of promotion for its staff. There is absence of adequate plans for administering promotions and therefore the whole process is haphazard and this tends to result in hasty and poorly considered decisions. What is very important is that the selection procedures the Commission adopt should be so arranged that the best people are selected for promotion. Linking education, qualifications, ability and seniority, and matching these with the job requirements, should ensure that a fair and effective promotion policy is followed. The Local Government Service Commission should always maintain a comprehensive seniority list of all the Senior Staff and the selection of individuals for promotion should be closely related to performance appraisal. The education, experience, skills, abilities, and evaluations of all the Senior Staff from individual local

23. Minutes of the Meeting between the Ministry for Local Government, Primary Education, Youth and Sports and the Local Government Service Commission held on 16 June, 1980.

governments should be maintained in central files in the Commission. It is from this pool that the Commission should select those staff that it considers suitable for promotion. This method will reduce the problem of supersession. A situation whereby each local government is allowed to recommend her own staff separately at different times to the Commission for promotion only encourages disparity and unequal treatment of staff.

Postings and Transfers

When candidates are employed into the unified local government service it is the Commission that posts them out to the different Local Government Councils as may be determined by the candidate's own choice, subject however to the needs of a local government as indicated by its vacancy returns. No Council is given any choice to select a particular candidate to be sent to it. This situation sometimes leads to some conflict between the Council and the Commission especially when the cnadidate posted to the Council is not acceptable. The Councils are however made to understand that since the Commission operates a unified service for senior staff, they (the Councils) should be ready to work with any staff sent to them. It is this point of common understanding that has made it possible for the Commission to continue posting of local government staff on salary grade level 04 and above to the local govern-

ment councils without much problem. Where problems do arise however they are usually amicably resolved after due consultations.

Just as the Local Government Service Commission can post to any Local Government Council any newly recruited staff on salary grade 04 and above, it is also given responsibility for the transfer of local employees between the Councils in the State. Generally, transfer is defined as re-assignment of an employee to another job of similar pay, status, and responsibility. It involves movement from one local government to another. This may also include movement from one job in a particular local government to another job in a different Local Government or simply a change in workplaces only. It may however involve a slight change in level of responsibility and status, because ranks and grade levels are usually broadly defined.

Local Government employees are transferred either because of the needs of the Local Government Councils themselves or at their own request because they feel they should be happier in a particular place. Sometimes it is the Commission that initiates the transfers of staff. At any time that some staff are sent on courses transfers are made so that their vacant places can be filled. Quite often the Commission makes a remedial

transfer when it feels that an individual is not performing adequately on his present assignment, and an analysis of his qualifications causes the Commission to feel that he would be more suitable in a different spot.

Sometimes the local employees themselves may request a transfer because they do not like their present work situation or because they feel that opportunity for advancement is better in some other department. This is termed inter - departmental transfer. It could be an inter-cadre transfer if say an executive officer wants to change cadre from Exeucitve cadre to Administrative cadre because of better job prospects in the latter. The typical procedure for this is that the employee will first discuss the issue with the Secretary of the Local Government under whom he works. The applicant will complete an appropriate application form and the Secretary will recommend him to the Commission. It is when the latter approves the recommendation that a departmental transfer or inter-cadre transfer could be effected.

It is generally said that transfer is not a punitive measure but recent developments in the local government service point to the contrary. The activities of the Commission in this respect point to the fact that

transfer is now often used as an indirect way of punishing some seemingly erring local government staff. This point is borne out by the frequent transfers of the Local Government Secretaries. Postings of Local Government Secretaries are now done purely at the whims and caprices of the local councillors. Whereever you find disagreements between the Secretary and the Chairman of a local council, the next thing is for the Chairman to request for the transfer of such a Secretary. The punitive undertones of such erratic postings whose timings are unpredictable now rear their ugly heads more than ever before, such that in less than a period of twelve months, one local government Secretary was posted to three different stations. This situation is detrimental to the efficiency of the Local Government Service. No one who is constantly on the move and never able to find his feet can be expected to offer useful advice or assist in the formulation of policy. The Commission should therefore evolve a clear transfer policy which should be made known to all the employees so that the latter can be in a better position to plan their future taking into account their own personal family obligations. Transfers should be limited to two tours of at least between eighteen and twenty-four months per tour. This type of arrangement will allow for stability and continu-

ity in the formulation and execution of programmes. It will also afford the officers the opportunity of thoroughly familiarising themselves with the peculiar nature of their new stations and of knowing how to tackle such peculiar problems before they are posted away to other stations.

Just as frequent postings are bad, the situation where some local government officers are allowed to over-stay in one station is detrimental to the service. Though the Local Government Service Commission operates a unified service some local government staff have never moved on transfer from their own local government of origin since they started their life career in the local government service. Such senior local government staff tend to personalise their offices so that they militate against any innovation. They are the "sons of the soil" who must be heard, for failure to do so would court their non-cooperation which can seriously block any prospects for progress. The Commission should therefore include within an evolved transfer policy a policy that no staff should over-stay in one station. Transfer of staff from one council to another helps such staff to acquire more experience on their job. A transfer policy which leaves room for frequent postings of a particular group of officers but allows others (or some individuals) to remain in one station

for too long a time is not just and fair.

Discipline

"Discipline in the broad sense means orderliness - the opposite of confusion. It is a fundamental requirement for the people working in a plant just as it is for other segments of society ... Shop discipline, as we use the term, does not mean strict and technical observance of rigid rules and regulations. It simply means working, cooperating, and behaving in a normal and orderly way, as any reasonable person would expect an employee to do".[24]

The Udoji Public Service Review Commission discovered that all senior officers complained that there was lack of discipline and low productivity in the public service. The Senior Officers accused the juniors of being indisciplined. They blamed the Public Service Commission for lack of delegation so that they (the Senior Officers) can hire and fire. In other words, the Public Service Commission was preventing them from disciplining the junior staff.[25] In a similar way, indiscipline in the local government service is mostly

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24. Earl R. Bramblett, "Maintenance of Discipline", Management of Personnel Quarterly, Vol.I, No. 1 P. 10, Autumn, 1961 (Quoted in Paul Pigors and Charles A. Myers, Personnel Administration: A Point of View and a method, 8th edition, McGraw-Hill Kogakusha, Ltd., International Student Edition, 1977, P. 299).

25. Public Service Commission, Main Report, (Printed by Federal Ministry of Information, Printing Division, Lagos, September, 1974), Para. 171 - 180.

attributed to the fact that the Local Government Service Commission does not allow the councils to hire and fire their own staff. The argument goes that - if a Local Government Council has the powers to appoint and dismiss her own staff, local government employees will learn to conform to rules and regulations. It is said that the lower cadre staff particularly display no zeal and enthusiasm for their work and that they usually wear sullen and funeral look. At least, this lower category of local staff who are employed by the councils themselves should be allowed to stay at the wish of the Councils; so it is argued. Many people, especially top bureaucrats, believe that there is more discipline in the private sector where you can easily hire and fire. Fear of disciplinary action is therefore a major factor accounting for higher productivity in the private sector.

Udoji's opinion is that the attitude to discipline in the public sector is negative, punitive and vindictive. This concept of discipline emphasises punishing misconduct. This is what is known as the negative view of discipline.

There is an alternative approach to discipline. This is the positive approach which is the preventive type. It recognises dismissal as the final punishment

before this certain procedures have to be followed. The policy is that of detecting the early sickness in the staff and correcting them promptly. The positive approach aims at encouraging a climate in which the employees themselves become interested in work from their own view by self-discipline and self-direction. Discipline is what leaders make it. Workers respect positive leadership and the leader who cannot discipline himself cannot discipline others.

In any organisation, the disciplinary procedure should be agreed upon by management and workers' representatives. Workers will normally insist that every possible fair chance is given to their colleague and that both management and workers follow agreed sets of principles including right of appeal. The procedure must be widely known by management and workers. You cannot blame a worker for doing something wrong when he has not been taught the rules. The Benue State Civil Service Rules together with policy circulars from the office of Head of Service guide the activities of the local government staff just as they are applicable to the state civil servants. They form the basis for disciplinary procedures to be followed when dealing with the local government staff. While the Local Government Councils employ the Civil Service Rules and establishment circulars to deal with junior staff on

salary grade levels 01 - 03; the Local Government Service Commission employs same in dealing with senior staff. It must be borne in mind that all disciplinary cases are initiated at the local government council level (from the erring officer's head of department to the Establishment Committee) before they are finally brought to the Commission for final consideration. Each Local Government has the power to exercise disciplinary control over officers on salary grade levels 01 -03 "provided that any disciplinary action which entails a termination of appointment or dismissal from the local government service shall be referred to the Local Government Service Commission" for approval.

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Recommendations for disciplinary action against officers on salary grade levels 04 and above are sent to the Commission by the Secretary to the Local Government for consideration and necessary action. Such recommendation forms are accompanied by Extracts of Minutes of the meeting of the Establishment Committee and other relevant records showing previous disciplinary actions earlier on taken against such officers. The Commission sits, deliberates upon such recommended disciplinary action, and makes a decision and communicates such a decision to the affected local government for implementation. After the decision must have been

implemented by the Local Government a feedback is sent to the Commission. Disciplinary action may include any of the followings; Warning; reprimand; interdiction; suspension; demotion; termination; dismissal, etc., (see Appendix IV - Recommendation for Disciplinary Action Form LGSC (BNS) 13).

Overall Activities Performed Between the Period 1976 and 1982

We have just seen how the Local Government Service Commission concerns itself with its statutory functions of appointment of all local government staff on salary grade level 04 and above (whether on permanent, contract, probationary or temporary basis); promotion; discipline e.g. reduction in rank, termination of appointment, warning, reprimand or dismissal. Under the unified service system, the Commission can also transfer staff on salary grade level 06 and above from one Local Government to the other as the need may arise.

In this concluding section, we shall concern ourselves with the actual performance of the Commission in terms of number of cases it has treated since its inception in 1976. This can best be shown in a tabular form; thus:-

TABLE 2: 1. Benue State Local Government Service Commission's Major Activities Between 1977 and 1982

YEAR 1	RECRUITMENT (Appointment) 2	ACTING/ APPOINTMENT 3	TRANSFERS/ SECONDMENT 4	RE-ENGAGEMENT (Reabsorption) 5	POSTINGS 6	PROMOTION 7	DEMOTION (reduction in rank) 8	RETIREMENT 9	WITHDRAWAL 10	RESIGNATION 11	WARNING 12	INTERDICTION 13	SUSPENSION 14	DEFERMENT OF INCREMENT 15	TERMINATION 16	DISMISSAL 17	DEATH 18	CONTRACT APPT. 19	REMARKS 20
APRIL '77/ MARCH '78	82	3	1	2	-	258	1	2	4	-	3	4	1	1	1	2			Item 2 includes appointment of 8 Secretaries
APRIL '78/ MARCH '79	48	6	11	2	-	147	2	15	12	-	3	-	-	1	-	9	-	-	
1980	4158	12	58	-	4158	560	-	7	-	2	10	6	1	-	3	1	2	2	
1981	4945	5	184	1	680	1077	-	1	3	13	19	10	5	1	8	13	7	2	Items 2,4 & 7 include Primary School Teachers
1982	40*	6	173	-	42	1582	1	8	6	14	20	-	8	1	2	24	6	4	Item 2 does not include Teachers but 5 does
TOTAL:-	9273	34	427	5	4880	3624	4	33	25	29	55	16	14	4	14	49	15	8	

(1) Figures have not been laid hands on for the year 1976. Absence of the figures may be attributed to the fact that the State itself started in 1976 so the task of settling down militated against compilation of such records.

* (2) Recruitment of teachers has been transferred to the newly established Teaching Service Commission which is also to take care of teachers' promotions.

Sources of Information: The information contained in this table is compiled from the following sources:

(a) Second Report of the Benue State Local Government Service Board for the Period 1 April, 1977 to 31 March, 1978 (Government Printer, Makurdi) P.1

(b) Local Government Service Commission Annual Report for the Period 1 April, 1978 to 31 March, 1979 (Government Printer, Makurdi), P. 2

(c) Local Government Service Commission's File No. S/ADM/OFF/58/VOL.II/107 -

(d) Appendix I to a letter from the LGSC to the Permanent Secretary (Political) Office of the Governor, Makurdi, Ref. No. ADM/OFF/VOL.III/361 of 4 October, 1982.

In summary, the Local Government Service Commission is a personnel agency for dealing with local government staff matters. Between 1976 and 1979 membership of the Commission consisted of the Chairman and two other Permanent members only. With the coming in of a civilian regime in 1979 this situation changed such that the Commission is now made up of the Chairman and three other Permanent Members. To carry out their functions, without favour or fear, the members of the Commission have immunity for all their actions in office just as the immunities granted to a Judge of the High Court of the State. The Secretariat of the Commission is manned by officials from the State Civil Service. The Secretary to the Commission is appointed by the Governor of the State himself and he is charged with the responsibility of day - to - day administration of the Commission. The Secretary is assisted by some administrative, executive and clerical staff as well as other supporting staff. Members of staff from the rank of Senior Clerical Officer and above are on posting from the State Civil Service to the Commission. Direct employees of the Commission are those staff on Grade Level 04 and below.

The Commission meets weekly to consider applications for appointment, recommendations for promotion, disciplinary actions and other related matters from various local governments in the state. The activities of the Commission increased greatly when in 1980 the affairs of primary school teachers in the State were transferred to it (the Commission). Since then the Commission has been concerned with the appointment, promotion and discipline of Primary School Teachers. The Commission also posts on appointment some newly recruited staff to the local governments according to their needs but depending upon availability of required manpower. Transfers of staff between one local government council and another are carried out by the Commission. Such transfers sometimes help the staff for acquiring some wealth of experience by being exposed to different places with their own peculiarities. At times however transfers are used as punitive measures.

Given the enormous functions allocated to the Commission, it should have adequate manpower to perform all the jobs assigned to it. Regrettably the major problem confronting the Benue State Local Government Service Commission is shortage of manpower. To make the work of the Commission a success, the Secretariat needs to be made up of experienced and efficient staff. The Secretary of the Commission should be a

person of higher status; preferably a person of the rank of Permanent Secretary and all the supporting staff should be of relatively high status. The situation which you now have a person on the rank of under - Secretary directing the affairs of the Commission does not augur well for the performances of the Commission for such incumbents tend to lack self-confidence and are not firm in their decisions. Such low rank Secretaries at times tend to bring in personal considerations when dealing with the local government staff especially when they view the fact that they are also on Grade Level 13 just as the post of Secretary is 13. In fact, the failure of the Commission to appoint substantive Local Government Secretaries who will be on Grade Level 13, apart from the ones earlier appointed following the 1976 Reforms, is partly attributed to this factor. The Local Government Service Commission should therefore be adequately staffed as its state's counterpart with the Secretary being a person on the rank of Permanent Secretary who must have at one time or the other worked in administrative capacity at the local government level.

Furthermore, the effectiveness and efficiency of the Local Government Service Commission in carrying out these functions is very much dependent upon its

good working relationships with the Local Government Councils with which it significantly interacts; the Ministry for Local Government and Primary Education; the office of the Governor as well as the office of Head of Service. Judged from the importance of the above functions and activities, the relationship between the Commission and these other agencies should be clearly defined. If the role of each agency within the organisation - set is not clearly defined there will be conflict and confusion and this will militate against the proper functioning of the focal organisation. In the same vein, where there is greater similarity of goals and functions between the other agencies that interact with the Local Government Service Commission and the Commission itself, there tends to be greater competition between them and this brings about a lower degree of decision - making autonomy of the Commission. For instance, situations of conflict are bound to arise where there are attempts to subjugate the Local Government Service Commission to the authority of the Ministry for Local Government. In this case areas of overlapping functions may produce

tensions. In the same way, the Local Government Councils are constitutionally autonomous bodies being recognised as the third-tier of government. But if this autonomy has been total, there would probably have been no need for the Local Government Service Commission and Ministry for Local Government. In conclusion, the Local Government Service Commission as the personnel agency of the state government has to maintain cordial relationships with the Local Governments, the Ministry for Local Government, the Office of the Governor as well as the Office of Head of State Civil Service in order to properly perform its assigned personnel functions of recruitment, promotion, postings and discipline.

CHAPTER 3

INTER - AGENCY RELATIONSHIPS

According to William M. Evan,

> all organisations are embedded in an environment of other organisations as well as in a complex of norms, values, and collectivities of the society at large. Inherent in the relationship between any formal organisation and its environment is the fact that it is to some degree dependent upon its environment; in other words, it is a subsystem of the more inclusive social system of society. As distinct from a society, which in some respects is relatively self-sufficient in that it runs the gamut of all human institutions, a formal organisation is a partial social system in as much as it defines only a specific set of goals and statuses as relevant to its functioning.[26]

In the first chapter of this work we said that we shall be examining the utility of the concept of "role-set", developed by Merton,[27] for analysing "role relationships"[28] between the Local Government Service Commission and other agencies like the Local Govern-

26. Evan, W.M. "The Organisation-Set:Toward a Theory of Interorganisational Relations" Reprinted in Maurer, J.G. (ed.), Readings in Organisation Theory: Open-System Approaches, Radium House, New York, 1971, P. 33.

27. Merton, R. K. Social Theory and Social Structure rev.ed. Glencoe, Ill.: Press Press, 1968, Pp. 368 - 380.

28. Gross, N., Mason, W.S., and McEachern, A.W., Explorations in Role Analysis: Studies of the School Superintendency Role, New York: Wiley, 1958, Pp. 48 - 74.

ment Councils, the Ministry for Local Government and primary Education, Office of the Governor and the Office of the Head of Civil Service. We defined a "role-set" as consisting of the complex of roles and role relationships that the occupant of a given status has by virtue of occupying that status. A professor, for example, interacts not only with students but also with other professors, with the dean of his faculty, and occasionally with the vice-chancellor or with the members of the Governing Council.

Again, according to William M. Evan, "in all organisations the occupants of some statuses perform a liaison function with other organisations."[29] For example, executives in industrial organisations frequently confer with government officials, with executives of other firms within and without the industry, with members of trade associations, with officials in a local community. As guardians of the "public image" of the organisation they are probably wary of delegating to subordinates contacts with representatives of other organisations that might have critical significance for the welfare of their own organisations.

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29. Evan, W.M., op.cit., 34

Analogous to the role - set concept is what Evan calls the "organisation - set".[30] Instead of taking a particular status as the unit of analysis as Merton does in his role-set analysis, Evan takes as the unit of analysis an organisation or a class of organisations, and traces its interactions with the network of organisations in its environment, i.e. with elements of its organisation-set. In analysing a particular organisation-set, we shall refer to the organisation that is the point of reference (in this case the Local Government Service Commission) as the "focal organisation".

> In order to avoid the danger of reifying interorganisational relations, the relations between the focal organisation and its organisation-set are conceived as mediated by (a) the role-sets of its boundary personnel, (b) the flow of information, (c) the flow of products or services, and (d) the flow of personnel.[31]

As in the case of the role-set, conflicting demands by members of the organisation-set may be handled by the focal organisation with the help of mechanisms analogous to those described by Merton (1968), e.g., by preventing observation of behaviour and by concerted action to counter the demands of other organisations.

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30. Ibid, P. 35

31. Ibid.

An analysis of the organisation-set of a focal organisation (or of a class of focal organisations) could explain: (a) the internal structure of the focal orvanisation; (b) its degree of autonomy in decision-making; (c) its degree of effectiveness or "goal attainment"; (d) its identity, i.e. its public ima-e and self-image (e) the flow of information from the focal organisation to the elements of its organisation-set and vice-versa; (f) the flow of personnel from the focal organisation to the elements of its organisation-set and vice versa; and (g) the forces impelling the focal organisation to cooperate or compete with elements of its organisation-set, to coordinate its activities, to merge with other organisations, or to dissolve. In this chapter we shall employ the explanatory utility of the organisation-set concept in looking at the relationships between the Benue Local Government Service Commission and other major agencies with which it interacts significantly. These agencies are the Local Government Councils, the Ministry for Local Government and Primary Education, the Office of the Governor and the Office of Head of Civil Service.

The Relationship Between the Local Government Service Commission And the Local Government Councils

In the Foreword to the 1976 Guidelines for Local Government Reform, the former Chief of Staff, Supreme Headquarters, Brigadier Shehu M. Yar - Adua, among other things, said;

> ... Local Governments have, over the years, suffered from the continuous whittling down of their powers. The State Governments have continued to encroach upon what would normally have been the exclusive preserves of Local Government. Lack of adequate funds and appropriate institutions had continued to make local government ineffective and ineffectual. Moreover the staffing arrangements to ensure a virile local government system had been inadequate. Excessive politicking had made even modest progress impossible. Consequently, there has been a divorce between the people and government institutions at their most basic levels.[32]

By the 1976 Reforms, the Federal Military Government recognised "Local Governments as the third tier of governmental activity in the nation". By this,

> Local Government should do precisely what the word government implies i.e. governing at the grass roots or local level.

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32. Federal Republic of Nigeria, Guidelines for Local Government Reform (Kaduna, Government Printer, 1976).

Before this time there had not been any commonly accepted definition of local government. The Guidelines however gave a full definition of local government in Nigerian context as;

> Government at the local level exercised through representative councils established by law to exercise specific powers within defined areas. These powers should give the council substantial control over local affairs as well as the STAFF (emphasis mine) and institutional and financial powers to initiate and direct the provision of services and to determine and implement projects so as to complement the activities of the State and Federal Governments in their areas, and to ensure, through devolution of functions to these councils and through the active participation of the people and their traditional institutions, that local initiative and response to local needs and conditions are maximised.33

This means that the new system guarantees a local government manned by representatives of the local people within specific areas to exercise specific powers. The autonomy of the local government councils is therefore guaranteed.

The 1979 Nigerian Constitution further recognises the existence of Local Governments. In fact, under Section 7 (1) of the 1979 constitution, there is provision that:

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33. Federal Republic of Nigeria, Guidelines for Local Government Reform (Kaduna, Government Printer, 1976) P. 1.

> The system of Local Government by democrat - ically elected Local Governments Councils is under this constitution guaranteed; and accordingly, the Government of every state shall ensure their existence under a law which provides for the establishment, structure, composition, finance and functi - ons of such councils[34].

Over and above this, the functions and responsibilities of Local Governments are clearly stated under the Fourth Schedule to the Constitution (See Appendix V while provisions are also made for the statutory allocation of public revenue to Local Governments.

One major dichotomy in the provisions of the Constitution is that while the States are empowered to create Local Governments, the existence of Local Governments can be perceived as autonomous bodies from the provisions of the Constitution. The question then arises; if the constitution makers conceived the Local Governments as autonomous bodies and effective third-tier government, why then were provisions not made in the same Constitution for the auxiliary agencies that would sustain that autonomy and hence the effectiveness of Local Governments? The mere existence of the Benue State Local Government Service Commission, which is not constitutionally provided for, is a great

34. The Constitution of the Federal Republic of Nigeria; 1979 Federal Ministry of Information, Printing Division, Lagos.

erosion on the autonomy of the Local Governments.

We had earlier on stated that the Local Government Service Commission is assigned the responsibility for the recruitment, promotion, discipline and posting of all local government staff in Benue State.[35] The objective of this decision is to insulate local government staff matters from politics. The situation that aims at denying the Local Government Councillors any administrative power on personnel matters is strongly criticised by the councillors. The intention of the government however is to guarantee security of tenure to local government staff like their state civil service counterparts. The State Local Government Service Commission is expected to guarantee security of tenure of office to local government staff just as the state Civil Service Commission guarantees tenure to civil servants. It is feared that local politics might be infused into local government service if councillors are allowed to appoint and discipline local government staff. Experience has shown that councillors were a terror to the staff during the Native Authority Administration of the 1960s. Nepotism was also on a very high degree. In realisation of the fact that such

35. Benue State Local Government Edict, No. 14 of 1976, Section 87.

situation would demoralise the staff with a consequential break-down in discipline and poor administration, the setting up of the Local Government Service Commission is considered to be in the best interest of good and orderly local government administration if the fare-reaching objectives of the Reforms are to be achieved.

One of the major reasons for the establishment of the Benue State Local Government Service Commission is to perform personnel management functions for the unified local government service of the state. In performing these functions the Commission delegates powers over staff on salary grade levels 01 - 03 to the Secretaries of Local Governments who perform these functions affecting such staff on behalf of the Commission through the Establishment/Disciplinary Committees.

Disciplinary powers are shared by both the Local Government Service Commission and the Local Governments but the latter are only authorised to exercise minor disciplinary powers. Powers of dismissal and termination of appointment are the exclusive responsibility of the Commission. Discipline has always been a conflict area between the Local Government Councils and the Commission. The Local Governments attribute the cases of indiscipline to the fact that the Commission handles

disciplinary cases and does not allow them greater say in such cases. A survey study carried out in the thirteen Local Governments Councillors expressed utter dismay over their prohibition from participating in staff matters. The situation appeared frustrating to the Councillors as they regarded their authority undermined because some staff showed little or no respect for them.

> Instructions by Councillors were sometimes flouted by the staff. The position was worsened by some Secretaries who, in some remote cases, were reported to have indoctrinated their staff into believing that the Supervisory Councillors are politicians and that staff matters were the prerogative of the Secretaries. Some Secretaries to the Local Governments regard themselves as officials of the Local Government Service Commission and not the Local Governments to which they are appointed.35

Recommendations by the Local Governments on staff appointments and discipline were said to be occassionally turned down by the Commission without satisfactory reasons. The Councillors therefore considered such an attitude on the part of the Commission as demoralising to them.

One important office in all the Local Governments is the post of the Secretary to Local Government. Every Local Government has a Secretary to the Local Government appointed by the Local Government Service Commission who

35. Report Submitted by the Local Government Committee on the Assessment of the Performances of Local Governments in Benue State, July 1978, P. 44

is the Chief Executive Officer of the Local Government. The Secretary is responsible for the execution of the policies of the Local Government and in particular; (a) the supervision and control of all employees of the Local Government; (b) the coordination of all activities of departments of the Local Government. There are principally two main actors in the Local Government; the Secretary and the Chairman of the Local Government Council. The former is the employee of the Local Government Service Commission while the latter is supposed to be an elected representative of the electorate. The working relationship between these two principal actors within a Local Government has direct bearing on the overall relationship between the Local Government and the Local Government Service Commission. A situation whereby the Chairman of the Council is always in conflict with the Secretary to the Local Government is very disturbing to the Commission. When the Chief Executive Officer to the Local Government is at war with the political leader of the Local Government it is the whole local government service that suffers most.

Unfortunately the relationship between the Secretaries to Local Governments and the Chairmen of the Local Government Councils has been far from cordial right from the beginning of the operation of the new local government system in 1976. In his address to a meeting of Chairmen,

Supervisory Councillors and Secretaries of Local Government Councils in Benue State in Makurdi on 28 November, 1977 the Military Governor of the State, Colonel Adbullahi Shelleng had this to say:

> As political heads of your various Councils and Departments, the Chairmen and Supervisory Councillors are responsible for overall policy direction of their Councils and Departments. This should be the normal course of things and may neither need to be demanded nor seen as interference if the position is well understood. On matters which relate to the employees and the internal control of the departments, the professional heads are under the general conduct and direction of the Secretary to the Local Government. These points have been mutually misunderstood resulting in conflicts in various Local Governments, a situation which can hardly be tolerated any further.

He went on to say that complaints had reached him of certain Councillors ganging up to slow down the effective working of the Councils. He therefore warned that:

> this sad development must stop forthwith. You are all elected not on any political platform but on your personal merits and stand. You must therefore avoid division in camps on political basis.

On the relationship between the Secretaries to the Local Governments and Chairmen of Local Government Councils the Military Governor lamented that reports reaching him had shown that the relationship between the Secretaries and Chairmen, had been far from cordial. He said:

> with the limitations of human beings, there are bound to be different views and misunderstandings but there is no reason why there should not be good relationship and cooperation between the two. The Secretary, as a Local Head of Service is to advise his Chairman on operational aspects of the Local Government Service. The Chairman on the other hand, must have confidence and trust in his Secretary at all times. The overall best interest of the people should be uppermost in our minds so that whatever we do, we must always remember that we are serving them. There is the need to work as a team all the time if some meaningful degree of achievement is to be attained.

Such was the relationship between the Council and the career local government staff on the one hand and that between the head of local government service and the political head of the local government on the other even during the military regime. With the introduction of the civilian executive presidential system of government in 1979 the relationship between the Secretary and the Chairman worsened with the latter assuming, overnight and intuitively, some executive powers by comparing himself to the president of the Federation and the governor of the state who head one level of government or the other; each constitutionally having executive powers. The Chairmen argued that since local government is recognised as the third tier of government and they being the political head of that tier of government, they are automatically executive Chairmen. They forget the fact that they are not elected but handpicked by the Governor and even if they are to be elected they

should have the totality of the local government as their constituency before their claim to Executive Chairmanship will be meaningful. So far there has never been any local government elections since the civilian regime started in 1979 and all the Chairmen of the various caretaker committees are personal appointees of the Governor and so they should not lay claim to executive powers. Not only that, the section of the Local Government Edict, 1976 which states that the Secretary to the Local Government is the Chief Executive has not been repealed as such the Chairmen have so legal claim to executive powers. It was in response to this type of conflict between the Secretaries and Chairmen that the Local Government Service Commission wrote all the Local Government Secretaries to clear the air:-

> Following recent developments which have arisen as a result of the dissolution of the former elected councils, and the appointment of Caretaker Committees to man the Councils in place of the elected councils, there have been a lot of misconception as to what role the Caretaker Committees are expected to play in contrast to what was the role of the dissolved elected councils...
>
> In many respects some Caretaker Committees have expressed the wish to assume executive powers, and some have in fact assumed executive powers without receiving a policy statement from the Government spelling out what powers the Caretaker Committees should assume in contrast to what the then elected Councils were granted...

> As a result of the misconception as explained in paragraph two above, some Caretaker Committees have usurped powers which hitherto were exclusively delegated to Secretaries in dealing with staff matters. I have to mention here that all Committees which were lawfully established as provided in the Local Government Edict, 1976 have been dissolved without prior clearance with the Cabinet Office or Ministry for Local Government, whichever is appropriate...
>
> In conclusion, I must make it clear that any recommendation on staff matters submitted by the Caretaker Committee without the knowledge of the Establishment Committee whose duty is to deliberate and submit formal recommendation, will be considered a violation of the accepted policy, and therefore will not be condoned by this Commission.36

Since the introduction of the Local Government Reforms in 1976, there have been role conflicts between Chairmen and Secretaries of most of the Local Governments. These conflicts arose mainly because of personal quest for power. They have however led to unnecessary wrangling between these two top officials of the Local Government with the result that the tempo of rural development in their areas of jurisdiction has been lowered.

In conclusion, let us refer to the point we first started with; i.e. the autonomy of the Local Governments vis-a-vis the existence of the Local Government Service

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36. Letter from the Local Government Service Commission addressed to all Secretaries, Local Governments, Benue State; Ref: No. ADM/CIR/14/VOL.I/73 of 5th February, 1980.

Commission which tends to curtail this autonomy. The formal constitutional recognition of local governments as constituting a third tier of government with specified functions (Fourth Schedule of the 1979 Nigerian Constitution) and a share of the financial resources of the Federal and State Governments amounts to a considerable degree of autonomy. If this autonomy were total, there would probably have been no need for Local Government Service Commission and Ministries of Local Government throughout the country. It is the ability of the State Governments to determine the size of local governments that constitutes a critical derogation of the latter's autonomy. Developments in Benue State since October 1979 show that the Legislative and Executive arms of Government have been willing to push the dictation of size and number of Local Governments to a point that undermines the level of effectiveness necessary for acceptable performance. By October 1980 the Legislature and the Executive had increased the number of local governments in the state from thirteen to twenty-three by seriously causing the decrease in sizes of the former thirteen local governments. At the time of writing, January, 1983, the number of local governments in the State has jumped to thirty-four thus further decreasing in size each local government unit. With regard to personnel, the proliferation of Local Governments has meant high recurrent costs. It

It is therefore important for the Benue State Government to take cognisance of these high costs which inhibit physical development. Besides, while public institutions are increasing the stock of qualified and high level executive capacity cannot match such increase. Yet, without qualified personnel, available funds will be wasted and the constitutionally prescribed functions will not be performed properly. Indeed, the responsibility of the Local Government Service Commission for personnel functions should imply that it needs to be closely associated with matters relating to the size, number, finance and functions of the Local Government themselves.

Allocation of Responsibilities and The Relationship between The Ministry of Local Government and the Local Government Service Commission in Benue State

The statutory functions of the Commissioner and the Ministry of Local Government and Primary Education according to the provisions of the Benue State Local Government Edict No. 14 of 1 September, 1976 include:-

(a) Planning and monitoring of the activities of Local Governments including their functions for the management of primary education;

(b) Ensuring that the quality and quantity of staff available to Local Governments is such that they are able to discharge the functions and provide services for which they have been given responsibilities;

(c) Laying down terms and conditions of service for Local Government staff so as to ensure that these are directly equated to those of the State Civil Service;

(d) Ensuring that financial resources such as grants and other revenues are at the disposal of Local Governments;

(e) Promoting Local Government Training Schemes at various levels;

(f) Promoting and encouraging Local Government development plans;

(g) Ensuring that Local Governments carry out their functions in an efficient manner;

(h) Responsible for payment of Local Government pensions;

(i) Maintain and hold posts from which State Government Officers can be seconded to Local Governments;

(j) Provision of guidelines for the control of finance and budgeting of Local Governments;

(k) Ensuring compliance with the Local Government Edict and other Local Government Reform Guidelines and Regulations;

(l) Local Government Inspectorate Duties;

(m) Relationship with;

(i) The Local Government Service Commission;

(ii) The Local Government Pensions Board;

(iii) Nigerian Union of Local Government Employees;

(n) Serving as the link between the State Government and the Local Governments;

On the other hand, the Statutory functions of the Benue State Local Government Service Commission are clearly stated in Part IX of the Benue State Local Government Law (1976) as;

(a) appointment and promotion of the unified local government staff;

(b) transfer, posting, discipline including dismissal and termination of appointment;

(c) retirement and withdrawal of service;

(d) Harmonisation of conditions of service in the local government service with those in the state's civil service.

Judged from the above functions, the relationship between the Ministry for Local Government and the Local Government Service Commission should be complementary and should therefore be devoid of constant frictions and misunderstandings. Unfortunately the relationship between the Local Government Service Commission and the Ministry

for Local Government and Primary Education has been far from cordial. Situations of conflicts usually do arise in cases where there have been attempts to subjugate the Commission to the authority of the Ministry for Local Government and Primary Education. The area which has generated open conflict between the two bodies has been the question of posting and transfer of Secretaries and Treasurers. The Ministry for Local Government strongly feels that it should be the body responsible for posting and transferring the senior local government staff on the grounds that it is the Ministry that is responsible for preparing and translating schemes of service for all posts in the Local Government service and therefore it knows better the staff position of each local government; the weak local governments requiring more hands and the weak staff who should be replaced. This situation reached a point that by August 1982 there were open exchanges of confrontational letters between the Ministry for Local Government and the Commission. On 2 August, 1982 the Ministry for Local Government wrote the Commission:

> I wish to draw your attention to paragraph 5.2 (A) of the EXCO conclusion No. BEC. 13 (82) of 7th July, 1982 (Extract Attached) and inform you that, the Governor of Benue State, Mr. Aper Aku in exercising the powers vested in him by Section 83 (8) of Local Government Edict No. 14 of 1976 has directed that:-

A. (i) Local Government Service Commission be responsible for recruiting staff for Local Governments as well as promoting and disciplining Local Government Staff;

(ii) The transfer of the power to post and transfer Local Government staff be vested in the Ministry for Local Government and Primary Education. In all other fields, the two bodies should continue to cooperate as directed in the aforementioned Edict.[38]

Since the operation of the two bodies are inseparable this Ministry will continue to liaise with your Commission from time to time on matters affecting the Local Government staff...[39]

The Ministry felt so bad that in spite of this letter the Commission still made some postings on 5 August, 1982 without consulting it. At this time the Ministry wrote to all the Chairmen of the Local Governments and all the Secretaries to the Local Governments showing its displeasure with the Commission's action.[40] In retaliation, the Commission wrote to all the Secretaries that there was "rumour" that the Ministry for Local Government was posting staff. It condemned such postings as "illegal, void and of no effect."

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38. Letter from the Permanent Secretary, Ministry for Local Government to the Secretary to Local Government Service Commission; Ref. No. MLG/S/LGA-19/121 of 2 August, 1982.

39. Ibid

40. Letter Ref. No. MLG/S/LGA-19/127 of 18 August, 1982.

> In the circumstance, therefore, if officers have left their stations on account of postings made by the Ministry for Local Government and Primary Education, they should consider themselves as having deserted their places of work and at the same time absent from duty. The Commission is still the authority responsible for posting and other functions as detailed in Section 87 (h) of the Local Government Edict No. 14 of 1976. 41.

The situation just described above does not augur well for the two bodies that are supposed to ensure the smooth-running of the local government service. From this author's verbal discussions with some local government staff it was discovered that majority of the local government staff prefer the present situation whereby the Commission has responsibility for staff transfer. Allusions were usually made to the previous situation when at one time the Ministry for Local Government used to be responsible for the transfer of local government staff between Local Governments. At that time transfers were said to be used by the Ministry Officials to punish some Local Government Staff especially some of their classmates that were considered to be "enjoying" in the rural areas. It was further asserted that in those days when transfers were in the hands of Ministry Officials (in most cases very junior staff) many local government staff had to make many trips to the State Headquarters; Jos, during the Benue - Plateau State, to bribe to be posted to

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41. Letter Ref. No. S/ADM/OFF/25/VOL.II/449 of 24 September, 1982.

"good places." A re-introduction of this situation is therefore much dreaded and abhorred by the local government staff.

One area that needs a clear role definition is that of training. The Local Government Service Commission which is the personnel directorate of the Local Government Councils should normally be in charge of staff development generally. At present, each Local Government sends its nominations of the people it wants to train in each academic/calender year to the Ministry for Local Government that is charged with the responsibility of training. The Ministry for Local Government sometimes on its own nominates any staff from any Local Government for training. All nominations are sent to the various training institutions. When a person is finally selected for a course, he applies to the Local Government he is currently serving for sponsorship. If his sponsorship is granted by the Local Government Council he has to again apply to the Ministry for Local Government for approval. When the Ministry gives her approval the prospective scholar has to apply to the Local Government Service Commission for release from duty to attend the course. The financial burden of the training is however borne by the Local Government Council.

This clumsy situation is most undesirable and it is bound to create many problems. At one occasion one

local government had to pay two Secretaries at a time when in actual fact there was only one established post. While one was granted in - service for a course, another substantive Secretary was posted to that same Local Government. One snag here is that there is no guarantee that the Secretary on course would come back to the same Local Government. Another problem is that in some situation the Ministry does indicate its approval for an officer to proceed on a course whilst the Commission, for some other reasons, takes a different view. It once occurred in one Local Government that the Ministry went out on its own to nominate some staff for courses for which they were selected but the Local Government Council, for one reason or the other, refused to pay for their training and so they could not attend the courses.

For a permanent solution to all these problems, it is suggested that the training of staff in the Local Government Councils and all that appertains to staff development should be the sole responsibility of the Local Government Service Commission. The training fund should also be made out of a vote from the Local Governments Joint Accounts. The training of the local government staff by the Local Government Service Commission will also avoid the cases of junior officers superseding their seniors in case of training and subsequently seniority since higher qualifications attract

higher positions and salaries for the Ministry for Local Government does not have any comprehensive staff list of the Local Government staff while the Local Government Service Commission has.

Issues of scheme of service for all cadres of staff in the Local Government Councils are being handled by the Ministry for Local Government many times in conflict with Section 87 (e) and (f) of the Benue State Local Government Law, 1976. For an effective job evaluation and based on job performance and description in relation to overall staff development, this author suggests that the function is better performed by the Local Government Service Commission. Granted that the Local Government Service Commission is reorganised and well-staffed, it is the best equipped, judging from other roles, to superintend this function efficiently. Thus, the Commission which recruits staff, transfers and promotes them is better acquainted with staff problems, performance requirements for motivation and training needs than the Ministry for Local Government which concerns itself with broad policy issues and guidelines of a political nature. A properly reorganized Local Government Service Commission in the State should be empowered to handle all establishment matters including recruitments, postings, promotions/ advancements, schemes and conditions of service and

training as well as pensions. In this way, the Commission can follow the life.career of an individual from the day of recruitment to the person's exit from the service. In this regard, attention is drawn to Section 87 of the Local Government Law (1976) in its entirety which gives powers to Local Government Service Commission on:

(a) the qualifications to be required for appointment;
(b) the method of appointment (including probation and confirmation);
(c) the form of any agreement to be entered into between a Local Government and its employees;
(d) periodical returns and information to be supplied to the Commission by all Local Governments;
(e) ensuring that the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provision of staff quarters, annual or maternity leave, medical and dental treatment) are directly equated with those obtaining for employees in the state's public service;
(f) the procedure and requirments for promotion;
(g) the maintenance of discipline (including dismissal and termination) and the procedure to be followed in disciplinary matters;
(h) the transfer of employees between Councils in the State.

Whatever the case, the sharing of staffing responsibilities between the Ministry for Local Government and the Local Government Service Commission should not create undue difficulties provided a constructive team spirit can be created, coupled with a clear understanding of the precise role to be played by each agency. A mutually complementary relationship between the Ministry for Local Government and the Local Government Service Commission should always be encouraged for the mutual benefit of both agencies and in the ultimate and over-all interst of the Government and the Local communities they both set out to serve.

The Relationship Between the Local Government Service Commission and the Office of the Governor

The statutory functions of the Governor (Military or Civilian) are clearly spelt out in Sections 83 - 87 of the Local Government Law (1976).

These are:

(i) Appointment of all the members of the Commission;

(ii) Removal of any member of the Commission from his office for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour;

(iii) The appointment of a Secretary to the Commission who is the Chief Executive Officer;

(iv) Making regulations governing the terms of service of members of the Commission, and in particular without prejudice to the generality of the foregoing powers, may, by such regulations provide for:-

(a) the organisation of the work of the Commission and the method of consultation between the Commission and any Local Government, and;

(b) consultation by the Commission with the Ministry for Local Government or any person other than a member of the Commission;

(v) Approval of the Commission's delegation of its powers to any of its members or a committee of the Local Government concerned, or to Secretary to the Local Government or to any other officer in the service of the Local Government;

(vi) The Governor may make regulations not inconsistent with the provisions of the Benue State Local Government Edict No. 14 of 1976 with respect to the officers and staff of Local Governments and may by such

regulation provide for:-

(a) the qualifications to be required for appointment;

(b) the method of appointment (including probation and confirmation);

(c) the form of any agreement to be entered into between a Local Government and its employee;

(d) periodical returns and information to be supplied to the Board (now Commission) by all Local Governments;

(e) ensuring that the terms and conditions of service (including, without prejudice to the generality of that expression, the salaries and allowances, the grant of advances, the provision of staff quarters, annual or maternity leave, medical and dental treatment) are directly equated with those obtaining for employees in the state's public service;

(f) the procedure and requirements for promotion;

(g) the maintenance of discipline (including dismissal and termination);

(h) the transfer of employees between councils in the State.

From the foregoing, we can say that the Commission owes its very existence to the office of the Governor. The Governor could therefore determine the functions of the Commission from time to time as he sees fit. In pursuit of its duties, the Commission on its own often refers any case of doubt to the Governor for clarification. For the fact that the Commission is not entrenched in the Nigerian Constitution its very existence depends very much on the will of the Governor of the State.

The relationship between the Local Government Service Commission and the office of the Governor has been very cordial. The Commission constantly consults the Governor on sensitive issues like on the issue of the promotion of Secretaries and Treasurers earlier discussed. From April to July, 1982 when the Benue State wing of the Nigerian Union of Local Government Employees (NULGE) was on an industrial action, the entire process of negotiation with the NULGE executive and the responsibility for solving the problem were thrust upon the Local Government Service Commission and the Ministry for Local Government by the State Governor. This is another step in involving the Commission in wider issues than was the case in the past.

Enormous are the powers of the Governor in relation to the Local Government Service Commission but such powers have to be used discretly especially during

these political days when almost every action of the Governor may be given some political interpretation. The Governor should use his powers with restraint and avoid getting involved in the day-to-day administrative details of the Commission. Minor issues of determining an employee's transfer should not so much concern the Governor as has happened in some instances when the Governor could personally direct the transfer of some employees on the basis of their assumed political inclinations. Unnecessary interference in the detailed operations of the Local Government Service Commission on political grounds will not instil the local government employees' confidence in the Commission.

The Relationship between the Local Government Service Commission and the Office of Head of Civil Service

Legally, there is no clearly stated relationship between the Local Government Service Commission and the Office of Head of Civil Service. However in the actual operations of the agencies there is clear evidence that each relate to one another in one way or the other. Under the military regime the civil service had a Secretary to the Government and Head of Service at the hierarchy. Under this new presidential system of government, the political - cum - civil service role of the persons at the helm of the civil service is dichotomised and we now have a Secretary to the Government who is a political office holder and a head of civil

service who is a tenured civil servant. All civil servants are appointees of the State Civil Service Commission. The Civil Service Commission is primarily concerned with the appointment, promotion, discipline and welfare of civil servants.

The 1974 Udoji Public Service Review Commission advocated unified service and grade structure which the Government accepted. The National Council on Establishments exists to ensure that service conditions and rules are uniform throughout the country. This Council is responsible for the formulation of policy relating to fringe benefits, and other service conditions and circulars resulting from the Council's deliberations are circulated to all states in the federation to note and adopt.

The 1976 Local Government Reform Guidelines provided that "all posts in Local Governments should be graded using the same criteria as used in Udoji to ensure that equivalent posts (in terms of responsibility and of qualifications required) in the State Civil Service and Local Government are similarly graded."[42] The Benue State Local Government Edict of 1976 provides that the Local Government Service Commission should, among other

42. Federal Republic of Nigeria, Guidelines for Local Government Reform (Kaduna, Government Printer, 1976) P. 11.

things, ensure that the terms and conditions of service of the local government employees are harmonised with those obtaining in the state civil service. The relationship between the Commission and the office of Head of Civil Service therefore principally stems from the fact that the conditions of service of staff in both the state civil service and the local government service are harmonised. In effect, establishment circulars are issued essentially on personnel and public management matters. Together with the Civil Service Rules they constitute the major documents governing the progress, welfare and discipline of state civil servants and local government staff.

Since the creation of Benue State in 1976, various Establishments circulars have been issued, first by the former Cabinet Office during the military regime and now by the Establishments Division of the office of the Head of Civil Service. All Establishments circulars emanating from the office of Head of Civil Service are sent to the Secretary of the Local Government Service Commission who in turn endorses them to the Local Governments for information and any necessary action. At times, Establishments circulars are addressed direct to the Local Governments by the Head of Service. Such circulars have great impact on personnel management at the local level. The Establishments Division of the office of Head of Service therefore coordinates and harmonises

establishment matters between the state government and the Local Governments.

Although the appointment of the Secretary to the Local Government Service Commission is done by the Governor of the state, it is the advice of the Head of Civil Service that guides him in making such an appointment. All the staff of the Local Government Service Commission from the rank of senior clerical officer and above are posted from the office of the Head of Civil Service. In this way one can say that the day-to-day administration of the Commission is indirectly influenced by the office of the Head of Civil Service by the type and calibre of staff he sends to man the Local Government Service Commission Secretariat. The performance of the Local Government Service Commission can therefore be greatly determined by the quality of its Secretary and his supporting staff.

Until recently, some civil servants were seconded from the state civil service to various Local Governments to render some services. These were the staff of the Civil Service Commission and therefore came directly under the control of the Head of Civil Service who still kept an eye upon their activities in the Local Governments.

With the creation of more Local Governments in October 1980 a new type of relationship developed between

the office of Head of Civil Service and the Local Government Service Commission on the one hand and between the Local Government Service Commission and the office of the Governor on the other. This relationship developed through the new office of Administrators to the new Local Governments. The Governor on advice of the Head of Service appointed some seasoned civil servants to man the newly created Local Governments and put them on sound footing after which they were withdrawn back to the Civil Service and their places occupied by the Secretaries to the Local Governments. This new development was seriously frowned at by the Local Government staff some of whom felt that they were undermined. The serving local government staff, especially the university graduates who had been Assistant Secretaries for some time and thought it was time for them to be also tried felt so bad about this action and questioned the reasoning behind appointing state civil servants, some of whom had never worked at the local government level before, to head new Local Governments. Some long experienced Secretaries too felt humiliated for they argued that if the new Local Governments were to be well established and put on sound footing to take off, it would have been better done by the "the senior" Secretaries to the Local Governments who had long stayed in the local government service and known almost everything about local government rather than the state civil servants who had never at any time worked

at the local government level. This action was therefore very unpopular with the generality of the Local Government staff. The discontent of the local government staff was expressed and the Local Government Service Commission promised that it would see to it that such a situation was not repeated.

From the foregoing, it is clear that the Local Government Service Commission principally interacts with the Local Governments, the Ministry for Local Government and Primary Education and the office of the Governor. There is indirect relationship between the Commission and the Office of Head of Civil Service which is not clearly spelt out but which is of great importance in personnel management at the local level for what tends to pre-occupy the minds of workers in every organisation is their conditions of service and these for the local government staff as well as the civil servants are determined by the Establishments Division of the office of Head of Civil Service. There should be an effective team spirit amongst all the agencies that interact with one another for carrying out the personnel management functions at the Local Government level. Both the Ministry for Local Government and the Local Government Service Commission should fully appreciate that an essential element in their duties and responsibilities

is the provision of a service to all the Local Governments in the state and through the Local Government to the people themselves. Accordingly, the Ministry for Local Government and the Commission have to develop a very good system of administrative and managerial communication and should avoid friction and overlapping in the discharge of personnel responsibilities. They should also aim at reaching prompt and equitable decisions on staffing matters and, generally, at providing a sound personnel service to the Local Governments.

The Governor who is the Chief Executive of the state should on his own part ensure that there are clearly spelt out roles for all agencies that are involved, in one way or the other, in the management of staff at the local government level. This should be provided in the Local Government Law and there should not be any case of role ambiguity or overlapping of roles.

By far the most sensitive problem facing the Local Government Service Commission is the tendency of politicians to interfere with the exercise of the Commission's powers. This inhibits the Commission in discharging its responsibilities. The remedy to this situation could be the constitutional guarantee of the independence of the Commission. In appointing members of the Commission, the Governor should ensure that outstanding men who inspire confidence are considered. Members of the Commission should be men who, in their private and

public life, have demonstrated the qualities of honesty, integrity and courage to resist pressures from whatever source.

Lastly, in carrying out its responsibilities the Local Government Service Commission should streamline its procedures to ensure that speedy decisions are made concerning appointments, promotions, postings and discipline. Further, in its work the Local Government Service Commission should recognise that its very existence, although justifiable on a number of grounds, nevertheless can impose a considerable constraint on effective and efficient management in the Local Government. This is because such management, unlike that in the private sector does not have full control over the appointment, promotion, discipline, etc., of its staff which is by far the most and important adjustable of the various materials available to it for the achievement of the objectives of Local Government.[43] Accordingly, it is important that the Local Government Service Commission should maintain a cordial and constructive relationship with the Local Governments and endeavour to be of very great help to the Local Government in the field of personnel management.

43. Rowland, L., "The Challenge of Staffing the New Local Governments", in Adamolekun, L. and Rowland, L. (eds.), The New Local Government System in Nigeria: Problems and Prospects for Implementation (Heinemann Educational Books (Nig.) Limited, 1979), P. 94.

CHAPTER 4

THE LOCAL GOVERNMENT SERVICE COMMISSION: TO BE OR NOT TO BE?

In July, 1978 the Local Government Progress Assessment Committee observed that "a majority of the Local Governments have questioned the existence of the Local Government Service Commission. There were complaints of the Commission making appointments into posts in the Local Government Service without due regard to the requirements or needs of the Local Governments concerned. Cases of arbitrary appointments by the Commission of persons not trained for some specific posts were noted. It was also noted that the Commission has not been able to meet up with the staff requirements of the Local Governments."[44]

Some of the critics of the continued existence of the Local Government Service Commission argue that under the Local Government Reforms, the country was supposed to operate a three-tier system of government, for example, the Federal, State, and Local Governments respectively, each of which was supposed to operate as an autonomous entity. Since the Boards and Corporations which are

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44. Report submitted by the Local Government Committee on the Assessment of the Performances of Local Governments in Benue State, July, 1978, P. 49.

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smaller organisations than the Local Government units are empowered to recruit staff exclusively, it was wondered why the Local Governments should not be allowed to appoint their staff. The system whereby Local Governments are prohibited from appointing and disciplining their staff has a serious undermining effect on the authority of councillors because the mentality of the staff is to give loyalty to the employing body. The Local Government Councillors therefore held the view that Local Governments should be allowed to employ staff of all grades as applicable to the Boards and Corporations and particularly the Idah Local Government expressed the view before the Assessment Committee that the Local Government Service Commission should be scrapped outrightly.

With the inception of a civilian regime in 1979 and also the introduction of the presidential system of government in the country the debate for the continuous existence of the Local Government Service Commission in Benue State regenerated and assumed a different dimension and magnitude. Following an observation by an Honourable Member of the Benue State House of Assembly Mr. Augustine Ahile (from Ihugh Constituency), as contained in the House Official Report, Volume 7 of 14 October, 1980 the House of Assembly set up an ad-hoc Committee with four members to study the activities of the Local Government Service Commission and recommend its continuous existence or

otherwise to the House. We shall not bother ourselves with the detailed work of the ad-hoc Committee but we shall in the first instance concern ourselves generally with the different reasons adduced from different quarters for the abolition of the Local Government Service Commission. We shall mostly be concerned with the reasons for the abolition of the Commission because this was what the ad-hoc Committee recommended. The last part of the Chapter will be treated to the need for the continuous stay of the Commission.

Most proponents for the abolition of the Commission advanced the argument that the existence of the Commission constitutes a serious derogation on the autonomy of the Local Government themselves. It is said that since the 1979 Nigerian Constitution has recognised Local Government as the third-tier of government and has also established the presidential system of government, the latter should be allowed to apply to the Local Government level too. In effect since the President of the Federation is the Chief Executive just as the Governor of a State is, it is only logical that the Chairman of a Local Government should be regarded as such. It is therefore not fair for the Chairman of a Local Government Council to wait for someone or a body somewhere to recruit the staff of the Council and promote, transfer or fire these staff as it wants. Presidential system, if whole - heartedly welcomed in Nigeria, should therefore be operated fully

without reservations and the constitutional provisions as regards the presidential system of government should be extended to the grass-root level, i.e. the Local Government Councils which are the No. 3 of the third-tier system of government.

Following from the above argument, it is suggested that the Chairman of a Local Government Council can be regarded as the Chief Executive in his area of jurisdiction and should therefore be allowed a free hand to recruit staff he feels are loyal to him in the process of translating his party promises and programmes into reality. It is suggested that each Local Government Council should have an Establishment Committee with powers to recruit staff on Grade Level 01 - 05 and just report to the Council. The heads of department in the Local Government and any other selected staff and the Secretary to the Council should constitute the members of the Establishment Committee with the Secretary as the Chairman. Staff on Grade Level 06 and above should be recruited by the full Council after the preliminaries have been carried out by the Establishment Committee. The Council should make sure that the appointments do reflect and represent the interests of the various council areas.

One can however argue that the proposed arrangement outlined above is a reversion to what was in operation and was faulty and therefore necessitated for the esta-

blishment of the Local Government Service Commission. A reversion to the status quo would throw the Local Government staff back to the time when their fate was determined by the whims and caprices of the local councillors. This situation will not attract qualified staff and will surely send away the few qualified ones who have decided to join the local government service because of the security of tenure offered by the Commission. Moreover, employment and promotion of local government staff would become adversely politicised and heavily influenced by either nepotism or paternalism. The 'son of the soil' policy will again rear its ugly head and local government service will suffer greatly.

Furthermore, the argument that the Chairman of the Local Government should be regarded as the Chief Executive to hire and fire those he is willing or not willing to work with is not politically expedient. Supposing the twenty-three local governments in Benue State are controlled differently by Chairmen from the different six registered political parties (Great Nigerian People's Party, Nigerian Advance Party, National Party of Nigeria, Nigerian People's Party, People's Redemption Party, Unity Party of Nigeria) and each Chairman wishes to carry out his political programmes which may not be congruent with those of the Governor, the result will be chaos for each Chairman will tend to over-emphasise his executiveness in his

Local Government area. The Governor will therefore find it extremely difficult to implement his own policies and programmes. It is this author's contention that the autonomy of a Local Government derives from the fact that it is a third-tier of government but we should not push the argument about the local government autonomy further to entail granting executive powers to the Chairman of the Local Government Council.

Some people have suggested that the Local Government Service Commission should be scrapped and its powers and functions shared between the Local Government Councils and the Ministry for Local Government. Proponents of such view say that the establishment of the Commission has greatly created frustration amongst the Local Governments and the Ministry for Local Government with which she is supposed to work in cooperation. The frustration of the Ministry for Local Government and the Local Government Councils arose principally because of lack of consultation with the Ministry in the recruitment, posting, transfer and promotion of Local Government staff. It is further argued that because the Commission does not consult the Ministry for Local Government on such issues it mostly ends up carrying out its functions in most ineffective manner. A glaring example of this is cited in the case of the posting of Treasurers which have resulted in the messing up of the accounts of most

Local Governments in the state. In fact the Ministry for Local Government had to send out some Local Government Inspectors to rectify the muddled accounts of Otukpo, Okpokwu and Oju Local Governments.

Furthermore, some Local Governments have expressed dismay over the way the Commission has employed some frustrated civil servants to the local government service on enhanced entry points regardless of their past records while on government service. For example, Vandeikya Local Government had been very bitter over the employment of a former Works Superintendent, whose trade was blacksmith with the State Ministry for Works, and put him in charge of buildings, roads, and other civil jobs.

Another complaint against the Commission is the manner in which promotions are being handled. The Ministry for Local Government alleges that since the inception of the Commission, it (the Ministry) has received so many petitions over the inconsistent manner in which the Commission treats issues of promotions. With the unified system of local government service one would feel that the Commission would consider all officials of the Local Government as being in one service. Thus, the Commission when making promotions of officers on the same cadre and grade ought to consider

them at the same time irrespective of the Local Government in which such officers are posted to. However, what the Commission does at present is to take individual Local Governments and consider individuals therein for promotion. This procedure results in some junior officials in one Local Government superseding their senior in the other, not necessarily because they have some special qualities over their counterparts. The Ministry claims that this situation is so because the Commission considers issues of promotion without consulting her (the Ministry).

The Ministry for Local Government looks nostalgically back at the situation that used to prevail in the defunct Benue/Plateau State when it used to handle cases of recruitment, promotion and discipline of the Local Government Heads of Department and senior staff. It therefore feels that at least it should be consulted by the Commission on these matters. It also feels that posting and transfers and confidential reports on local government staff should be left in her hands. The Ministry also suggests that since she is responsible for preparing and translating schemes of service for all posts in the Local Government service there is every need to have the Ministry involved in the Commission's discussions on staff matters.

When the 1980 ad-hoc Committee asked the Ministry for Local Government the question that supposing the Local Government Service Commission were scrapped could

the Ministry absorb the Commission staff and take over the responsibilities of the Commission, the Permanent Secretary answered, "there would be no problem in taking over all the assets, liabilities and responsibilities of the Local Government Service Commission."[45] He however recommended further that "the Local Government Councils be empowered to employ their own staff especially top ones like Secretary and Treasurers so that they might be loyal and responsible to them."[46]

A critical look at the suggestions above reveal that there is uneasy relationship between the Ministry for Local Government and the Local Government Service Commission and what is so much needed is not necessarily the scrapping of the Commission but a fostering of cooperation between the two agencies. Even if one were to accept the view that all the functions of the Local Government Service Commission should be completely taken over by the Ministry for Local Government, there would still exist the problem of derogation of the autonomy of the Local Governments. If the powers of the Commission are however to be shared between the Ministry and the Local Government Councils this will be inconsistent with the principles and practice of the presidential system of government.

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45. Benue State of Nigeria, Proceedings of the House of Assembly, Official Report, Volume IV No. 4 of Wednesday 15th July, 1981 (Printed by the Government Printer, Makurdi), P. 3532.

46. Ibid, P. 3533

In fact, some people rather feel that it is the Ministry for Local Government that should be abolished pointing out that one cannot find at the Federal level a Ministry for state affairs.

The Benue State House of Assembly Ad-Hoc Committee that reviewed the activities of the Local Government Service Commission on her part recommended the abolition of the Commission on the following grounds:-

(1) that the existence and operational style of the Local Government Service Commission interfers with the organisation and functions of the Local Government Councils;

(2) that the Local Government Service Commission has usurped the traditional powers and respect of the Local Government Councils;

(3) that apart from contract awards, the Local Government Council has little role to play in the administration of the Council area because of the domineering powers of the Local Government Service Commission and that even supervisory Councillors that should be supervising the heads of the departments they oversee lost control to the Secretaries to the Local Government Councils because rather than obeying the councillors they take instructions from the Local Government Service Commission;

(4) that Secretaries and Heads of Department have more powers than the Chairmen of Councils because they

employ workers on Grade Level 01 - 03 without reference to the Councils;

(5) that there are no feedbacks from the Secretaries of Local Governments to the Local Government Service Commission;

(6) that there is no consultation between the Commission and the Ministry for Local Government in order to decide the candidates best qualified to be Secretaries and Treasurers in the Local Government Councils and that this leads to inefficiency and embezzlement of public funds;

(7) that the Local Government Service Commission does not keep any seniority list for primary school teachers;

(8) that Local Government Secretaries earn higher salaries than the Local Government Inspectors (who inspect and supervise these Secretaries);

(9) that the Local Government Council staff owe allegiance to a - far - away Local Government Service Commission that employs them, as such the members of the council cannot fire or discipline them;

(10) that the Local Government Service Commission has been abolished in Plateau State and so Benue State too should abolish hers.[47]

The Committee further argued that "since the presidential system of government emphasises a degree of autonomy in each arm of the three-tier system of government, the

47. Ibid, P. 3537

Local Government Councils being the third of this administrative trinity, have to be allowed a certain autonomy in their operations."[48] In this regard the powers of employment of Local Government staff have to be vested in the Local Government Council. It therefore recommended that "the Edict establishing the Local Government Service Commission be repealed in order to effect a properly organised and effective administration at the grass-root."[49] On the Ministry for Local Government, the Committee recommended that it "should hence-forth supervise the activities of the Local Government Councils."[50]

At this point it is proper to make a few observations on the above findings and recommendations. If there are defects in the operational style of the Local Government Service Commission such defects should be remedied rather than recommending outright abolition of the Commission. Any organisation may have its powers and functions well spelt out but usually it is the operation of an organisation that mostly deviates from its set out goals and objectives.

In a way, most of the reasons advanced by the ad-hoc committee for the abolition of the Commission border on the issue of ensuring the autonomy of the Local Governments; the point which we have earlier on argued about. What one can add here is that there is no single organisation that is completely autonomous. The interdependence or inter-

48. Ibid, P. 3537
49. Ibid, P. 3537
50. Ibid, P. 3537

organisational relations that exist amongst organisations tend to limit the autonomy of each of the organisation within the organisation-set. It must also be borne in mind that the creation of Local Governments is a residual function of the state Government and so the idea of Local Government being a third tier of government should not be over-interpreted to mean that it must have the same measure of autonomy as the other levels of government.

The argument that the Commission does not consult the Ministry for Local Government to know the candidates best qualified to be Secretaries and Treasurers in the Local Government Councils and therefore this leads to inefficiency and embezzlement of public funds is not sound. For it is the Commission that employs the Local staff and it is in a better position to know who has what qualification best suited to occupy a particular post. Even if the Ministry were to be consulted it cannot forestall cases of inefficiency and embazzlement for one cannot just observe a fellow human being and detect that this one will be inefficient or will surely be corrupt. It is when a person is given responsibility that he proves out what he really is.

Furthermore, the point that Secretaries to Local Governments earn higher salaries than Local Government Inspectors and yet the latter inspect and supervise the Secretaries borders on the tussle for power and respect between the officials from the Ministry for Local Government and the Local Government Staff. In the first instance,

the Ministry officials attend the same Local Government Courses with the Local Government Staff. Some Local Government Secretaries have their course-mates working in the Ministry for Local Government. The problem arises when the Ministry staff tend to assume an air of superiority over the Local Government Staff when it is even viewed that they have similar qualifications or some in the Local Government Service might have even obtained better passes than their Ministry counterparts. Secondly, it is a person's choice to hold a diploma certificate in Local Government and join the state civil service while some hold the same certificate and join the local government service. It does not mean and should not be made to appear that those who opt for the local government service are inferior to those in the state civil service. It is a question of job preference. Thirdly, most of the inspectors are relatively young in the service when compared to most Local Government Secretaries and Treasurers and so it is meaningless to suggest that because they chose to be in the state civil service and the only job they can be offered there, based on their qualifications (Ordinary Diploma in Local Government or Higher Diploma in Local Government) is Local Government Inspector and so their salaries should be higher than those of the Secretaries and Treasurers. Lastly, some of the Secretaries are

university graduates (degree holders) who have even stayed longer in the service than some Local Government Inspectors. In this case, such Secretaries have higher qualifications and more experience than the Inspectors that inspect and supervise them; are the Inspectors to still earn higher than this category of Secretaries? The whole argument is therefore unreasonable and is not a justifiable attack on the Local Government Service Commission. Furthermore, the reason that Benue State should abolish the Local Government Service Commission simply because Plateau State has abolished it sounds funny. What really happened was that the Plateau State Government abolished the Local Government Service Board but later reconstituted it as a Commission.[51]

From the foregoing one can say that the Ad-Hoc Committee was quite oblivious of the reasons behind the establishment of the Local Government Service Commission and also of the statutory powers assigned to the Local Governments, the Secretaries, the Chairmen and Councillors of the Local Government Councils. The ad-hoc

51. This information is obtained from the circular letter from the Political Department, Executive Office of the President to All Permanent Secretaries, Ministry for Local Government in the Federation; Ref. No. LG/168/VOL.IV/582 of 16 December, 1982.

Committee has demonstrated short - sightedness by recommending the abolition of the Commission without thoroughly examining the conditions that were prevalent in the local government before the establishment of the Local Government Service Commission. Granted that we now abolish the Local Government Service Commission and give out her powers and functions to the Local Government Councils or to the Ministry for Local Government or share her functions amongst these two agencies, won't the same problems that bedevil the Commission confront these other bodies? In other words, are the problems of the Commission peculiar to it or are they as a result that every organisation usually has its own merits and demerits? If it is true that every organisation has its eufunctions as well as its dysfunctions, is the abolition of the Local Government Service Commission the best answer to personnel management problems at the local government level? Considering the philosophy behind the establishment of the Local Government Service Commission and the reasons advanced for its abolition, one will not but conclude that, the Commission should not be abolished. Although the system of having a Local Government Service Commission is good, its actual operation appears defective. However, what is to be done should be a thorough reform of the Commission in terms of its structure, composition, powers and functions, as well as its inter-organisational relationships. Suggestions to this effect come under the concluding chapter of this work.

CHAPTER 5

SUMMARY AND CONCLUSION

In 1976 when Benue State was created it inherited from the defunct Benue/Plateau State the Local Administration Law (Amendment) Edict No. 1 of 1973 which had come into operation on 1 April, 1972 establishing the Local Administration Service Board. The 1976 Local Government Edict further legalised the existence of this institution under Section 83 - 88 with the new nomencleture of Local Government Service Board. It was in 1979 when the civilian administration took over from the military regime that the name "Board" was changed to "Commission".

The philosophy behind the establishment of the Local Government Service Commission lies in the determination by the Government to ensure effective staff management at the local level because the effectiveness of any Local Government depends in a large measure on the quality and adequacy of staff. Before the establishment of the Local Government Service Commission in the country, recruitment into the local government service was based largely on patronage and only persons who were favoured by the ruling class in some parts of the country could enter the service. In other parts of the country, only persons who were related in one way or the other to the political elites, or belonged to the same political

parties with them, had jobs in the Local Governments. In this way, therefore, the recruitment system and the personnel administration method were full of all sorts of political malpractices. The fate of local government staff was mostly determined by the whims and caprices of the local government councillors within that small locality. There was little job security for the Local Government employees. It was against this background that the Local Government Service Commission was established and charged with the statutory responsibility of developing and managing human resources at the local level.

The establishment of this Commission with responsibility for appointments, discipline and promotion of local government staff primarily aimed at freeing the staff from local and political pressure. It aimed at making possible the transfer of an officer to an area where he could be most useful. The establishment of the Commission was also aimed at improving the promotion chances of the staff since an officer could be transferred from a small and poor local government to a bigger and richer one on promotion. With the establishment of the Commission it was thought that competent and qualified officers would be attracted to join the local government service because the Commission could ensure security of office to the local government employees as well as harmonise the conditions of service between the local government service and the state civil

service. Finally, the establishment of the Local Government Service Commission performing similar functions with those of the state Civil Service Commission was therefore aimed at guaranteeing the welfare of local government staff by insulating them from direct party political buffets, making arrangements for their promotions, postings, training and eventual retirement.

In performing these functions - recruitment, promotion and discipline - the Commission delegates powers over staff on salary grade levels 01 - 03 to the Secretaries of Local Governments who perform these functions affecting such staff on behalf of the Commission through the Establishment Committee composed of all Heads of Department with the Secretary as the Chairman. In order to check abuses, the Commission has evolved a monitoring system to supervise the use, by Secretaries, of these delegated powers. In effect, cases of dismissal or termination of appointment of such lower cadre staff have to be referred to the Commission for final decision. The Commission however maintains direct and all-round control of staff on salary grade level 04 - 13. The Commission is also responsible for transferring of staff on salary grade level 06 and above from one Local Government to another.

As clearly depicted in Table 2: 1, between 1977 and 1982 the Local Government Service Commission was able to

make 9273 appointments; 4880 postings; 3624 staff were promoted; 55 were warned; 16 interdicted; 49 dismissed; 14 staff were suspended while 14 staff had their appointments terminated. The functions and activities of the Commission had increased greatly with the creation of more new Local Governments in the State and also when the affairs of the primary school teachers in the State were transferred to the Commission. In fact these high numbers of appointments, promotions and postings recorded over the years included teachers. With the establishment of the Teaching Service Commission to cater for all teachers in the State later in 1982 it was hoped that the workload of the Commission would be considerably reduced.

In carrying out the functions assigned to it, the Local Government Service Commission interacts mainly with the Local Government Councils in that it recruits, posts, promotes and disciplines the senior local government staff who serve in the various Local Government Councils of the state. This relationship has bred conflicts in most cases because the Local Government Councils feel that their autonomy is greatly curtailed since they do not control their staff.

The Commission also maintains major relationships with the Ministry for Local Government and Primary Education while dealing with personnel matters at the local government level. The main function of the Ministry is to formulate and execute local government

policies. This requires that it oversees and coordinates the activities of all the Local Governments in the State. The Ministry has to ensure that the quality and quantity of staff available to Local Governments is such that they are able to discharge the functions and provide the services for which they have been given responsibilities. It also lays down terms and conditions of service for Local Government staff so as to ensure that these are directly equated to those of the state civil service. It also has to ensure that the financial resources, such as grants and other revenues, are at the disposal of Local Governments. The Ministry is also charged with the responsibility of promoting Local Government Training schemes at various levels; promoting and encouraging Local Government development plans; ensuring that Local Governments carry out their functions in an efficient manner. It is also responsible for the payment of Local Government Pensions as well as maintaining and holding posts from which State Government officers can be seconded to Local Governments. A critical look at these functions shows that there are many instances of overlapping of roles between the Ministry for Local Government and the Local Government Service Commission which are bound to generate conflicts. To avoid or minimise conflicts between these two bodies, there should be clear definition of roles. The Ministry for Local

Government and Primary Education and the Commission have to develop a very good system of administrative and managerial communication and should avoid friction and overlapping in the discharge of personnel responsibilities. They should all aim at providing a sound personnel service to the Local Governments. The relationship between the two bodies should be that of mutual interdependence.

Suffice it to say that there are mainly two agencies that seriously compete with the Local Government Service Commission over personnel management of local government staff. These are the Local Government Councils and the Ministry for Local Government and Primary Education. There have been series of debates on which of the three bodies is most appropriate and competent to handle Local Government staff matters. The arguments have been inconclusive. It is however this author's contention that a centralised department is in a better situation to perform activities more economically than decentralised departments. A centralised department provides the benefits of skilled service, adequate attention to service and smoothening out of flunctuating needs. In this way, a situation whereby there is a Local Government Service Commission catering for personnel matters in all the Local Governments is preferable to that in which each Local Government manages its human resources as it likes.

Although there have been series of arguments calling for the abolition of the Local Government Service Commission in Benue State, when viewed from the background to its establishment and the purposes it serves, one would arrive at the conclusion that the Commission should not be abolished. Throughout this piece of work the author has referred to one defect of the Commission or the other and has suggested how it should be remedied. These defects earlier on referred to in this work need not to be restated here. Neither shall we restate the arguments for or against the abolition of the Commission. What is to be done here is to offer only main general suggestions on how the Local Government Service Commission should be reformed in order to be able to effectively and efficiently carry out some personnel functions at the local level.

In the first instance, the membership of the Benue State Local Government Service Commission should be completely drawn up. Representatives from the local community and the local government areas themselves should be members of the Commission so that it will be totally a local government affair rather than a state government institution. Members of the Commission should be people who have already worked in various walks of life and must have retired or reached retiring age. They should be men who, in their private and public life,

have demonstrated the qualities of honesty, integrity and courage to resist pressures from whatever source. The membership of the Commission should itself inspire confidence.

Unlike their Federal and State counterparts, the Local Government Service Commission staff are not local government staff. The Commission's Secretariat is state government property. The suggestion here is that the Commission's Secretariat should be staffed by representatives from the local governments within the State. The method of having the state civil servants manning the Secretariat should therefore give way to the situation where competent, experienced and renowned local government practitioners will be the people running the local government service Commission's Secretariat. The Secretary to the Commission should be a very high local government officer who should be on the same status with a Permanent Secretary of any Ministry. He should be supported by a large number of administrative and professional staff drawn from the local governments themselves. This will in turn serve as a motivator to the local government staff for it is only those who have distinguished themselves in the field that should be promoted to higher posts in the Commission's Secretariat.

Furthermore, the Local Government Service Commission should be seen in a wider focus than even the Establishments

and Training Division of the office of Head of Service. For instance, it performs the functions of several other structures in the Civil Service. Some of these are the Senior Staff Promotions Committee, some functions of the office of the Head of Service and the Civil Service Commission. Therefore all establishment matters including recruitments, postings, promotions/advancements, schemes and conditions of service and training as well as pensions should be handled by the Local Government Service Commission. In this way, the Commission can follow the life career of an individual from the day of recruitment to the person's exit from the service and beyond. There should be a review of the traditional hold on these functions by the Ministry for Local Government. Positive steps should be taken by the State Government to ensure that the Local Government Service Commission is thoroughly involved in the activities that affect the staff of the Local Governments.

Moreover, the Local Government Service Commission is not entrenched in the 1979 Nigerian Constitution and so its very existence is left to the discretion of each State Government. In fact, one of the arguments put forward by proponents of the view that the Benue State Local Government Service Commission should be abolished was that it is an illegal body which is not constitutionally provided for. While the constitution guarantees the existence

of Local Governments, it has failed to provide for the Local Government Service Commission. In fact, under Section 7 (1) of the 1979 constitution, there is provision that;

> The system of Local Government by democratically elected Local Government Councils is under this Constitution guaranteed; and accordingly, the Government of every State shall ensure their existence under a law which provides for the establishment structure, composition, finance and functions of such councils.

Over and above this, the functions and responsibilities of Local Government are clearly stated under the Fourth Schedule to the Constitution while provisions are also made for the statutory allocation of public revenue to Local Governments.

By way of comparison, the following agencies were established under Section 179 of the 1979 Constitution for each of the States of the Federation, namely:

(i) the State Civil Service Commission;
(ii) the State Council of Chiefs;
(iii) the State Judicial Service Commission;
(iv) the State Electoral Commission;

The functions assigned to each of the bodies are set out in Part II of the Third Schedule to the Constitution. The method of appointment of members of the bodies and their tenure are governed by Section 180 of the Constitution. The constitution goes further to stress the

independence of the bodies in Section 183:

> In exercising its power to make appointments or to exercise disciplinary controls over persons, the State Civil Service Commission, the Judicial Service Commission and the State Electoral Commission should not be subject to the direction and control of any other authority or person.

But this is not the case with the Local Government Service Commissions, to the extent that they are not creations of the Constitution. Yet the Local Government Service Commissions are no less important, for example, than the State Civil Service Commission. There is therefore a need for a constitutional amendment to place them on the same footing with other similar Commissions even if such an amendment means some modifications to the autonomy of Local Governments.[52]

In conclusion, the existence of the Local Government Service Commission is not only beneficial to the Local Governments themselves but also to both the State Government and the Federal Government. With the abolition of the Commission staff mobility and promotion prospects would either be obliterated or be very meagre. It will once again become extremely difficult to attract and retain qualified staff and personnel matters in the Local Governments would be adversely politicised and

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52. This suggestion is similar to the consensus opinion of the National Conferences of Local Government Service Commissions over the years, e.g. Communique of the Sixth National Conference of Local Government Service Commissions/Boards held in Sokoto on 29 and 30 June, 1981.

greatly dictated by the whims and caprices of the local politicians. The Local Governments would gradually lose their credibility, and given the acquisitive tendency of the Local Government Councillors and the frustration of Local Government Staff, the environment would be fertile for political instability. The Federal Government and State Governments themselves would increasingly find it discreditable or unwise to make more grants available to such Local Governments. The Benue State Local Government Service Commission must therefore be allowed to exist but its defects should be corrected and its style of operation should be such that it commands respect from the public. There is no organisation in the world that is devoid of any problems. It is man's ability to learn to solve problems and adapt himself or change the circumstances around him to suit him that makes the world a dwelling place for himself. The Local Government Service Commission must be allowed to exist and if there are certain pathologies noticed therein they have to be remedied.

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APPENDIX I

LGSB (BS) 1

(To be completed in duplicate, together with photostat copies of Certificates and Testimonials)

STANDARD APPLICATION FORM FOR LOCAL GOVERNMENT APPOINTMENT.

Parts A and B to be completed in Capital letters by all persons. The form must be completed in the candidate's own handwriting and submitted direct to the Secretary, Local Government Service Board, Benue State. Private Mail Bag No. 2091 Makurdi or through the applicant's own employer (unless the applicant has objection to reference being made to his employer).

PART A

1. (a) Names at birth (in full).
   (b) Names by which otherwise known, if different from (a);
2. Post(s) for which applying in order of preference:
   (a)
   (b)
   (c)
3. Date available for employment:
4. Highest educational/technical certificate obtained:
5. Present employer's name, nature of employment, salary (give details of terms of present employment, i.e. whether contract, temporary, pensionable or bonded, and whether employer is agreeable to release):
6. Permanent Address:
7. Address for correspondence, if different:
8. Last place of residence outside Local Government area:
9. Age last birth - day.
10. Date of birth (Birth Certificate or Statutory Declaration of Age if issued, may be called for at interview).
11. Name and race/tribe of father.

12. Father's present or last occupation.

13. Father's home address.

14. Name and race/tribe of mother.

15. Place of applicant's birth.

..... (Home town or Rural Area).

..... (Division/State).

..... (Country).

16. (a) sex of applicant and whether married or single.

(b) If married or marriage dissolved, race/tribe of wife (Wives)/Husband

(c) Number of dependent children, ages and sexes

17. Tribe of applicant.

18. Religion/Denomination of applicant.

19. Languages understood well (English to be included, if well understood).

20. Physical fitness (any defects to be stated).

PART B

DETAILS OF EDUCATION AND CAREER

1. Schools (Primary and Secondary) attended with dates.

	Date			
	from		to	
	month	year	month	year
(i)				
(ii)				
(iii)				
(iv)				

(a) Examination passed, date and grade of pass and subjects taken

(b) University or any other higher educational Institution attended, if any.

(c) Any special education, physical, etc., achievement or responsible positions held; copies of certificates should be attached; (the original must be brought to any interview to which candidate is summoned).

2. Employment since education completed (excluding military Service) stating names of employers, nature of employment, dates, salary and reason for leaving each post:

3. Have you ever been fined or imprisoned by any Court of Law? If so, give full particulars of Offence and punishment, if never so punished, state "NEVER".

4. If present under consideration for other posts under Nigerian Government as quasi-government institutions give details; if not, state "NONE".

5. State any other relevant information to assist the Local Government Service Board in deciding whether to offer you employment.

6. Names of three persons (not relatives, Ministers/Commissioners, Councillors, Chiefs, or other distinguished public figures) who have consented to report on you to the Local Government Service Board, if nesessary.

Name	Occupation	Address	Period during which he has known applicant
(1)			
(2)			
(3)			

7. Have you any objection to reference being made to your present employer?

8. Why do you wish to leave your present employer.

N.B. 1:- Failure to complete this form in every relevent particulars may delay consideration of the application.

2:- Any false declaration or suppression of relevant particulars may delay consideration of the application.

I, ... declare that the foregoing information is to the best of my knowledge and belief complete and correct, and that I have not suppressed any information about myself, which might influence the Board in considering this application. I understand that any false statement or intentional omission may render me liable to dismissal.

Signature ..... date ....., 19...

Signature of Witness ..... date ....., 19...

Address of Witness .....

.....

APPENDIX II

FORM LGS 4

ANNUAL CONFIDENTIAL REPORT ON LOCAL GOVERNMENT AUTHORITY STAFF

A - PERSONAL PARTICULARS (to be completed by the officer)

Confidential Report of the period .....

1. Name .....

2. State of Origin ..... Division.....Town.....

3. Date of Birth ..... Married/Single .....

4. Date Officer joined Service .....

5. Substantive Rank .....

6. Date promoted to substantive rank .....

7. Salary and scale of salary .....

8. Record of Employment during period covered by Report (Including details of any acting appointment)

(a) Department ..... Date of Entry.....

(b) Division/Section..... Date of Entry.....

(c) Details of acting appointments (if any).....

9. Course attended during period covered by Report and Result (if any):- .....

.....

.....

.....

.....

.....

B - FOR ACTION BY REPORTING OFFICER (Head of Dept./Div./Section)

1. Character and Responsibility of Officer (Tick one box under each item as appropriate).

i. Conduct and intergrity of officer ☐ ☐ ☐ ☐
V.GOOD GOOD AVERAGE BELOW AVERAGE.

ii. Relation with Public ☐ ☐ ☐ ☐
V.GOOD GOOD AVERAGE BELOW AVERAGE

iii. Relation with collegues ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

iv. Leadership of management of staff ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

II PERFORMANCE OF DUTY OF OFFICER (Tick one box under each item as appropriate)

i. Capacity for Work ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

ii. Organisation of Work ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

iii. Quality of Work ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

iv. Expression on Paper ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

v. Sense of Responsibility ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

vi. Initiative or Resourcefulness ☐ ☐ ☐ ☐
V. GOOD GOOD AVERAGE BELOW AVERAGE

C. UNSATISFACTORY REPORT OR CONDEMNATION:
Was he/she ever warned, queried, reprimanded, interdicted or his/her increment deferred or withheld or other punishment
Give details

.....

.....

.....

D. ASSESSMENT

(a) This officer is now capable to performing the duties of the next Higher grade. He is assessed as:-

i. Exceptionally well qualified for Promotion/Upgrading ☐

ii. Well qualified for Promotion/Upgrading ☐

iii. Qualified for Promotion/Upgrading ☐

(b) This officer is not yet qualified for promotion/ Upgrading ☐

i. According to the scheme of service ☐

ii. Lacks ability for the next higher post ☐

iii. Due to circumstances other than official ☐

E. GENERAL REMARKS BY REPORTING OFFICER:-

.....

.....

.....

F. REMARKS BY COUNTERSIGNING OFFICER OR HEAD OF DEPARTMENT

.....

.....

.....

DATE:..... SIGNATURE..... RANK .....

.....

APPENDIX III

LGSC (BS) 1

S E C R E T

Department .....

Ref: No. .....

Date: .....

The Secretary,
Local Government Service
Commission,
P.M.B. 2091,
Makurdi,
Benue State.

RECOMMENDATION FOR PROMOTION

I recommend the promotion of .....

to the post of .....

with effect from .....

2. Particulars of the officer are:-

(a) Name ..... AGE .....

(b) Date of first appointment .....

(c) Present post and salary scale .....

(d) Date of appointment to present post .....

(e) Indigene/Non-Indigene .....

(f) Serving on contract, temporary, month-to-month or pensionable terms .....

(h) Has the officer ever acted in the post he is being recommended? If so, please quote Local Government Service Commission or Ministry for Local Government reference .....

.....

3. I certify that the vancany has existed/will exist with effect from ..... The cause of vacancy is:-

(a) Retirement of former holder ( )

(b) Promotion of former holder ( )

(c) Transfer of former holder ( )

(d) Creation of new post ( )

(Note - Please insert the name of former holder against (a), (b), (c).

4. I attach the recommended officer's confidential report file - (No:.....) Report over the last 3 years are at pages:....., and indicate that

(Note - Please give an assessment of the officer's work and conduct, mentioning any failings as well as good qualities).

5. (a) The question of supersessions has been carefully investigated. Below is a seniority list of all officers eligible for confidential report file of all superseded officers are attached.

(b) I certify that no supersession are involved.

(Note - Delete (a) or (b).

6. This recommendation is based on the advice of a promotion Advisory Committee and copy of the relevant minutes of the Committee is attached.

Head of Department.

SENIORITY LIST

1 Name	2 Date of Appointment to present post	3 Age	4 Justification for supersession

(Note - If supersession of an officer is recommended on the grounds that he is not fully qualified for promotion please give the approved qualifications for the post, showing in Column 4 above in what respect(s) the officer is not qualified.)

ADDENDUM TO FORM

1. The officer whom I recommend for promotion holds the following academic and professional/technical qualification:

.....

.....

.....

2. Extracts from the paragraphs on general remarks and suitability for promotion in his last 3 years read as follows (please show the date of each report and the name and the rank of reporting officer(s)

.....

.....

.....

.....

3. The Officer has had warning or disciplinary action taken against him as follows during the last 3 years.

.....

.....

.....

4. The Officer has/had no warning or disciplinary action taken against him as follows during the last 3 years:-

.....

.....

.....

5. (For Pensionable Officers only:)
The Officer has not given notice of retirement

6. (For contract Officers only)

(a) The Officer is due leave about .....

(b) The officer is on leave and is due back about ...

.....

Date....., 19.....

.....
Secretary to Local Government.

APPENDIX IV

LGSC (BNS) 13

Department:.....

Ref: No. .....

Date: .....

The Secretary,
Local Government Service Commission,
P.M.B. 2091,
Benue State,
Makurdi.

RECOMMENDATION FOR DISCIPLINARY ACTION

I recommend disciplinary action as follows against the officer whose particulars are given in paragraph (2) below:

2. (a) Name ..... Age:.....

(b) Date of first Appointment:.....

(c) Present Post: .....

(d) Date of appointment to it: .....

(e) Present Scale and Salary: .....

(f) Status (whether confirmed, pensionable officer, probation, or contract, on temporary, month-to-month terms, etc.).

3. The disciplinary action which I recommend is as follows:- (i.e. dismissal, termination for general inefficiency, termination of probationary appointment, termination in accordance with terms of a contract, reduction in rank, reprimand, etc.).

4. The grounds on which I recommend disciplinary action are as follows:- (i.e., particulars of misconduct, history of inefficiency, summary of warnings. etc.).

5. The following references relate to previous correspondence with the Commission on disciplinary action:

(Delete this paragraph if inapplicable).

6. I attach the following relevant files:

7. I also attach 6 copies each of the following appendices:-

Appendix A: The letter of charge to the officer, inviting his representation.

Appendix B: The Officer's reply to the charge, with his representations.

Appendix C: The comments on Appendix B of the Officer's superior Officer

Appendix D: My comments on Appendices B and C (further appendices, as appropriate, should be listed and attached in sextuplicate).

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S E C R E T A R Y,
LOCAL GOVERNMENT COUNCIL.

PART II - FOR USE IN LOCAL GOVERNMENT SERVICE COMMISSION ONLY

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S E C R E T A R Y,
LOCAL GOVERNMENT SERVICE COMMISSION,
BENUE STATE.

APPENDIX VI

Section 7. 1979 NIGERIAN CONSTITUTION

FOURTH SCHEDULE
FUNCTIONS OF LOCAL GOVERNMENT COUNCIL

1. The main functions of a local government council are as follows:-

(a) the consideration and the making of recommendations to a state commission on economic planning or any similar body on:-

(i) the economic development of the State, particularly in so far as the areas of authority of the council and of the State are affected, and;

(ii) proposals made by the said commission or body;

(b) collection of rates, radio and television licences;

(c) establishment and maintenance of cemeteries, burial grounds and homes for the destitute or infirm;

(d) licensing of bicycles, trucks (other than mechanically propelled trucks) canoes, wheel barrows and carts;

(e) establishment, maintenance and regulation of markets, motor parks and public conveniences;

(f) construction and maintenance of roads, streets, drains and other public highways, parks, open spaces, or such public facilities as may be prescribed from time to time by the House of Assembly of a State;

(g) naming of roads and streets and numbering of houses;

(h) provision and maintenance of public conveniences and refuse disposal;

(i) registration of all births, deaths and marriages;

(j) assessment of privately owned houses or tenements for the purpose of levying such rates as may be prescribed by the House of Assembly of a State; and

(k) control and regulation of:-

(i) out-door advertising and hoardings,
(ii) movement and keeping of pets of all descriptions,
(iii) shops and kiosks,
(iv) restaurants and other places for sale of food to the public, and;
(v) laundries.

2. The functions of a local government council shall include participation of such council in the Government of a State as respects the following matters, namely:-

(a) the provision and maintenance of primary education;

(b) the development of agriculture and natural resources, other than the exploitation of minerals;

(c) the provision and maintenance of health services; and

(d) such other functions as may be conferred on a local government council by the House of Assembly of the State.