

LEGAL BASES OF PUBLIC ADMINISTRATION IN THE CONTEXT OF EUROPEAN INTEGRATION OF UKRAINE: QUESTIONS OF FORMATION OF A PERSONNEL RESERVE

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Abstract: Taking into account the realities of the context of Ukraine's European integration, the article emphasizes that the world practice of reforming the public administration system is based on the concept of New Public Management (NPM). It is based on the conditions for maintaining transparency in the activities of public services, restructuring their work to increase efficiency and reduce costs. The purpose of this study is to show the features of the formation of human resources, knowledge, and competence management in the public service of Ukraine. Among the tasks of the study, the following were identified and solved: to analyze the current situation in managing the development of the competence potential of civil service employees in the legal and social aspect, to identify existing problems and shortcomings in this area, to substantiate the role of the competence-based approach as an integral part of the civil service (public administration) personnel management system.

Keywords: Competency approach, European integration of Ukraine, New Public Management, Personnel reserve, Public administration.

1 Introduction

The relevance of the research problem is due to the fact that European integration is the implementation of the generally recognized concepts of governance within the EU – “a single European home”, “economic integration”, “sustainable development”, and others. In these circumstances, Ukraine as a democratic, social, legal state needs such organizational forms, means, institutions, and mechanisms for organizing public administration, which generally meet the basic characteristics of management. At the same time, such organizational structures should correspond to national traditions of public administration, receive public recognition, be regulated by constant legal norms and develop in the context of the general civilization process of humanizing power relations.

In addition, the relevance of the study is determined by the fact that the reform of public administration requires a combination of general processes to optimize the activities of government bodies: improving the institution of civil service, service in local government and specialized service activities of government bodies employees (in accordance with the concept of “public service”); the formation of a new integrative regional policy of the country through the decentralization of managerial relations, the development of the political system of Ukraine [17, 44]. That is, in accordance with the strategy of sustainable development of Ukraine, the deepening of research on reforming the public administration system in the context of integration processes in the following areas is being updated: public administration as a system of public relations; ensuring human rights and freedoms as a dimension of the humanization of governance; political and administrative aspects of public administration; constitutional and legal foundations of public administration in the context of supranational integration processes; analysis and adaptation of foreign experience in the transformation of public administration; development of regional and sectoral management in accordance with the requirements of EU legislation.

Actual studies of the basic principles of public administration in the system of domestic and foreign policy of Ukraine, foreign experience in the constitution of management activities in the system of integration processes and the determination of ways of its implementation in Ukraine give grounds to assert that participation in integration processes is the main factor in the formation of new economic relations in the country, the formation of democratic institutions, ensuring human rights and freedoms. That is why the goal and priority areas of research on public administration reform is to define the concept and content of public administration in the system of supranational integration processes, to establish constant dynamic trends in the development of the national state in the context of integration processes. This goal is achieved taking into account the development of the science of public administration, law, political science, which, as a result, formalizes the renewal of the democratic concept of management, the adaptation of such a concept in the conditions of a transitional society so that it can be used as a theoretical basis in the preparation of new one and clarification of the provisions of the current legislation.

The level of professionalism of civil servants is of great importance. In this regard, the following questions can be asked: is the current quality of education systems and professional training of specialists for civil service high enough to meet the challenges of a rapidly developing modern society? Is there an opportunity for public administration specialists to successfully adapt to the new conditions of globalization and the information society? More importantly, will they be able to have a positive impact on further social, economic and technological development and independently program new, progressive, qualitative changes in society?

Trying to answer the questions posed above, we are faced with a serious and intractable scientific problem: modern science and practice do not have criteria and principles that would lead to the formulation of sufficiently substantiated requirements for the training of specialists in the field of public administration, demands, the fulfillment of which could contribute to optimization of training systems for such specialists.

The complexity of this scientific problem is predetermined by the fact that its recognition and the search for possible ways to solve it require the combined efforts of scientists in various fields of knowledge, the synthesis of theoretical assumptions with practical actions and solutions, i.e., an integrated approach is needed, empirical testing of various theoretical models. The processes of formation and training of personnel reserves in the public sector, in principle, should be based on strategic decisions that are designed to implement the standards typical for the European Union and the conditions for joining it.

2 Literature Review

The basis of modern research of management reform processes is the work of European researchers. Milward [40] points out that in the process of reforming, it is inappropriate to focus on the state's voluntary transfer of its sovereign powers to the newly formed transnational elite. According to this researcher, integration is beneficial when it comes to pooling resources in order to achieve common goals and solve common problems, which is especially relevant due to the development of modern globalization processes [8]. Back in the late 1960s, Hoffman pointed out that the desire of states to integrate is determined by the desire to function in a situation of as much certainty as possible at the national level without pressure from external structures [14]. Supranational actors can also exert an external influence on the reform processes. Thus, Moravchik believes that the institutional policy of the EU directly determines the impact on the reform process, and, in principle, can change the goals of the reform [43].

Public administration is now going through the next stage of transformation, characterized by both internal characteristics (political, historical, institutional, etc.) and external interaction with the EU, and depending on these processes, we are talking about the transition to a post-industrial society, the formation of transformation factors in the public administration system. In the context of the new paradigm of public relations, the instruments and mechanisms of public (state) administration are changing, and the tasks of such administration are changing [20-23, 55]. The management process is influenced by heightened social risks, unstable social ties, increased social mobility, globalization of the economy, and the need for innovation. This explains the rejection of the established forms of management activities and the development of a new type of management model – New Public Management (NPM); however, the traditional division of the components of the state management mechanism into institutional, administrative, and procedural components remains [36].

However, the traditional mistake of widespread introduction of foreign methods of modernization of such large systems as public administration, local self-government, etc. is a simple copying of the technologies of administrative reforms, the unconditional implementation in the national practice of public administration of such concepts as “political networks”, “Good governance”, etc. [8, 9]. However, the concept of “new public administration” has significant differences, including strengthening the supervisory function of the central level, decentralization and increased mobility of territorial components, ensuring control and accountability, rationalizing human resource management, ensuring competition and selection, and at the same time improving the quality of government regulation, transparency as a key principle in the activities of authorities [48].

The trend of social development of the modern Ukrainian state is the orientation of public administration towards socio-economic efficiency and democratic interaction with society. Since 1997, the thesis of administrative reform as an important condition for economic growth and social development has been updated by numerous regulations governing the development of the civil service system [45]. At the same time, there are numerous challenges to the public administration system inherent in most modern states. First, the system of executive power is still closed to society. Secondly, the involvement of the population and public structures in the process of development, adoption, and implementation of political decisions is not fully implemented by the authorities. That is why the efficiency of public administration and the quality of public services in Ukraine are on a par with countries that are much inferior to it in terms of economic development and quality of human potential.

Comparison of domestic realities with foreign experience will make it possible to better understand the logic of the evolution of the national model of administrative reform and determine the ways of its updating and implementation. The liberal concept of the “new public management” underlying the European administrative reform, as well as the specific reform measures, contradict the nature of the political strategies used by the political authorities [8]. In turn, a successful administrative reform requires, as a condition for the fundamental modernization of public administration, a profound transformation of the political system based on openness and real competition. To do this, it is necessary to identify the most effective and relevant in the conditions of Ukraine theories and concepts of reforming public administration and civil service, to determine the results and prospects of further administrative reform, including in the aspect of the personnel reserve.

Kupriy [24] rightly notes that today, when we observe the processes of globalization, social and economic development, internationalization, network processes, growing competition between countries and the emergence of a society based on knowledge, the issue of human resources management is becoming increasingly important. This is of particular importance for countries whose natural and material resources

are limited, and social and economic development is largely determined by the quality of labor reserves and the growth of their potential [24].

Within NPM, the ability to compete in the global marketplace is determined by human resources and the ability to use them correctly [35]. Consequently, in disputes over various strategic issues of socio-economic development, special attention should be paid to the issues of strategic decision-making, the formation of human resources and personnel management.

It should be noted that strategic decisions in the field of social and economic development need to be developed and implemented, giving priority to special programs for training labor reserves, which are an integral part of the overall structure of the strategic policy of social and economic development of the country. To implement a strategy, it is necessary to have a system of strategic goals, actions and means: of course, the entire process of its implementation must be monitored and controlled [47]. The results of strategy implementation should be supported by strategic monitoring procedures. Strategic control procedures should create the prerequisites and opportunities to compare incoming information with the implementation of strategic goals and decisions, find deviations from the chosen strategic line, and also identify internal or external factors of deviations. For the successful implementation of strategic objectives and goals, it is necessary to have management adapted to modern conditions in both the private and public sectors [6].

The development of the private and public sectors is closely related to the development of a new quality, for which it is necessary to have integrated and effectively managed systems of central and local government, as well as systems of labor reserves. For this reason, building human resources in the public sector is of particular importance [10].

One of the directions of public administration reform taking place in the countries of Eastern and Central Europe is the process of creating and improving labor resources and staff reserve. In the new EU member states, with a large number of highly educated and qualified specialists, there is no necessary legislation, and the existing education system complicates not only further training of personnel, but also the very development of public administration [27].

Studies show that in most of the new EU member states, there is no connection between the priorities for long-term development of public administration, on the one hand, and the means and measures of their implementation in the field of personnel development, on the other [42]. Meanwhile, in order to create an effective civil service and successfully compete in the global market through internationalization processes, it is necessary to constantly improve the personnel system.

It is necessary to assess the trends in the process of building human resources in the public sector of the countries of Eastern and Central Europe and make methodologically sound proposals for a systematic approach to solving this problem. It is important to create the prerequisites for the formation of an effective civil service so that the country is able to compete in the global market, using its system of professional training and personnel development.

The plethora of methodologies for building human resource capacity shows that there is more than one approach in the public sector in Eastern and Central Europe. It is not easy to choose the most rational option, and yet the experience of various Eastern and Central European countries (for example, Lithuania) suggests that it is always possible to choose and adapt the most suitable method [54].

The second block of goals and objectives is aimed at improving the institutional framework for the functioning of regional authorities. This goal must be achieved through deconcentration and decentralization, for which it is necessary to create an appropriate organizational, economic, and legal environment [29-34, 37]. The central authorities will have to decentralize

some of their functions and share responsibility with local authorities (municipalities), improve territorial governance: a model of regional government should be created that would allow democratizing it in accordance with the requirements of the European Union.

The third group of goals and objectives is aimed at the development of local self-government, which is beneficial to both citizens and the state. It is necessary to ensure effective governance, which creates the preconditions for greater independence of municipalities in terms of both their activities and financing, as well as for better management of them [18, 25, 26]. Municipalities are expected to plan their activities in accordance with a long-term strategy that includes financial and other indicators from all sectors. It is also planned to strengthen the management activities of internal auditors.

Training of public sector employees and upgrading their qualifications in accordance with the new programs could increase the transparency and efficiency of the provision of public services not only at the municipal level, but also at the state level [56-58]. An analysis of the practice of developing and implementing a strategy in the development of public administration shows that the goals and objectives that are being set are similar to the goals and objectives of a similar process in many countries of Central and Eastern Europe. Their goals and objectives of the formation of a personnel reserve of civil servants are more focused on the development of individual components, and not on the creation of an entire system. There is no interaction between the elements of the system and there is no systematic approach to training in the public sector of government.

All of the above blocks of goals and objectives are very important and cover a wide range of aspects, however, they do not represent a formed interconnected multistage system of goals. Each block is directed to separate elements of the personnel reserve training system, there is no horizontal coordination between them [59, 60]. There is also no vertical coordination – the practice of setting tasks for institutions and other executive bodies, i.e., there are no prerequisites for achieving the formulated tasks and goals.

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As practice shows, the inclusion of a civil servant in the personnel reserve does not entail the obligatory appointment of his representative of the employer to the vacant position of the civil service. However, the biggest problem that appears in this case is the assessment of the readiness of reservists to fill a vacant position [4]. As noted, it is a rather difficult process to control the appointment process, since the implementation of the right to equal access to the civil service is one of the principles of personnel policy [5]. Hence, there are risks of a personnel reserve associated with the possibility of the emergence of unprofessionalism, corruption, clan orientation, bureaucracy, etc.

The formation of the personnel reserve of the civil service can be carried out using any methods, the use of which does not contradict the current legislation. At the same time, it is advisable to use not any methods, but those that will allow assessing the candidate's professional qualifications with a high degree of objectivity [50-52]. They should give an idea of the communication skills, psychological compatibility, and other social skills necessary to fulfill the duties of a civil servant.

An important point in conducting an objective assessment of applicants for the talent pool is the development of criteria. At the same time, it is necessary to strive to ensure that they correspond to the activities of the public authority, meet the goals of achieving efficiency in official activities and are focused on the formation and development of human resources in the civil service.

It should be noted that many methods for assessing labor efficiency are based on rating scales. However, as the analysis of the assessment practice shows, in the absence of universal assessment forms, personnel services often use ready-made ones downloaded on the Internet [12]. As a result, it turns out that the assessment criteria do not correspond to the real indicators characterizing the efficiency of labor activity of public administration employees. In addition, patterns of professional behavior that are effective in performing some types of activity may not be required at all in another.

3 Materials and Methods

The management of political processes in the modern world is directly dependent on the actual mechanisms of reproduction of the personnel potential of all authorities. Taking into account the changing external, political, economic conditions of the functioning of state bodies that affect the activities of state structures, the issues of timely renewal of the personnel reserve in the civil service system, stimulating career growth and professional development and training of civil servants are becoming necessary elements of ensuring the development of the civil service system. At the same time, the relevance of these issues determines a qualitative and radical change in the role and place of personnel services in government agencies, enterprises and organizations [1, 11, 13, 15]. In this regard, the development of effective approaches to the implementation of personnel policy, ensuring its connection with the goals and objectives facing each organization and the socio-economic interests of the state and society becomes the priority strategic tasks of personnel services in this regard [28, 38, 39, 49]. The development of scientific views on the issues of public personnel policy and the personnel reserve, the specifics of their development, implementation and regulation took place within the framework of various scientific approaches.

The formation of a personnel reserve is a multifaceted problem that includes legal, organizational, and psychological aspects. Obviously, in the context of the new state management, the formation of a personnel reserve should be carried out according to the principle of corporate talent management [3, 19, 41].

In particular, the method of personnel assessment based on the accounting of competencies (competency based assessment) is already used by many Ukrainian innovative companies, but this method is especially popular abroad. According to this method, competence can be viewed as a sum of knowledge, skills (know how), and behavioral skills (behavior) required “for an excellent quality of work performance” [47]. In European countries, competence management frameworks have long been used to create standards for major professional groups (e.g., National Vocational Qualifications, NVQ) [54]. The competence model combines methods and approaches for assessing professional competencies that are used in the selection of personnel. When implementing personnel training, the professional competence model helps to select the necessary training programs, forms and methods of training, as well as to form the training request itself.

4 Results and Discussion

In Ukrainian practice, at the moment, there is no single approved model of the competencies of civil servants, which would cover several levels of civil service, despite the fact that specific models are developed both at the territorial and departmental levels; one can only find various classifications of competencies. However, periodically assessing an employee according to the competency model, as is done in business companies, the organization forms a clear idea of what position the employee can be hired for, how his work should be paid (if an incentive system is used in the organization) how one can determine the efficiency of an employee's work, what additional training is needed, etc. The use of a competency-based approach allows choosing strategies for personnel management more accurately.

One of the significant problems in the functioning of the personnel reserve is the lack of transparency in the process of its administration and the lack of awareness of the persons in the reserve about their prospects. Obviously, the continuing situation does not allow using the positive potential of this personnel technology in full. In addition, the public's lack of understanding of the mechanisms of admission to the civil service or a skeptical attitude towards their objectivity creates new risks of reducing confidence in the authorities.

Today, the talent pool has become a trivial channel of vertical mobility, allowing in most cases to bypass competitive procedures when filling higher positions or entering the civil service. With this state of affairs, the issues of quality and development of reserve, unfortunately, are practically not raised.

The existing practice of forming a personnel reserve within the framework of the civil service has a number of negative consequences:

- 1) In public opinion, there is a low assessment of the importance of the personnel reserve and staying in it;
- 2) The interest in enrolling in the reserve on the part of persons who are not employees of government bodies is weak;
- 3) The procedure for staying in the reserve and admitting persons in the reserve to the civil service is not clear;
- 4) The practice of planning individual professional development and implementing appropriate development programs for persons in the reserve is extremely limited, and for persons who are not civil servants, it is practically zero;
- 5) There is no real competition among persons in the personnel reserve.

Meanwhile, it is necessary to consider the personnel reserve, first of all, as a mechanism for improving the quality of public administration, increasing the professionalism of employees on the basis of the constant development of their personal and business qualities, allowing them to implement the tasks of public administration [35].

The formation of the personnel reserve is currently carried out on the basis of direct competition, as well as, in some cases, on the basis of the recommendations of the attestation commission of the public authority and the recommendations of the competition commission for competitive replacement of positions in the civil service. If, in the first case, one can talk about the unity of the requirements and selection criteria, the other two procedures are aimed at solving other issues, and the recommendations are a "by-product". However, the selection procedure for the personnel reserve should be single, and the criteria are the same.

So, for example, the input data for the work of the algorithm for assessing the compliance of the competence model of a young specialist with the requirements of the workplace using the Assessment method are as follows: a set of competencies that the applicant possesses (K_1, K_2, \dots, K_m); a set of all disciplines that form one competence (x_1, x_2, \dots, x_n); hours of studying these disciplines ($h_{x1}, h_{x2}, \dots, h_{xn}$); final grades of the applicant by

discipline ($O_{x1}, O_{x2}, \dots, O_{xn}$). Each professional competence is formed on the basis of the studied disciplines as part of the learning process. The contribution of discipline to the formation of each competence is the so-called weighting factor in calculating the assessment of the conformity of the competence model of a young specialist to the requirements of the workplace.

The input data for the work of the algorithm for assessing the conformity of the competence model to the requirements of the workplace for the applicant with work experience are as follows: the set of competencies that the applicant possesses (K_1, K_2, \dots, K_m) identified using test tasks; quantitative assessment of the applicant for each competence he possesses ($S_{K1}, S_{K2}, \dots, S_{Km}$). The result of this stage is a quantitative assessment of the applicant with work experience, characterizing the degree of compliance of his/her competencies with the requirements of the workplace.

Only in this case it is possible to ensure competitiveness when enrolling in the reserve, transparency and publicity of the procedure for forming the reserve. Factor of fundamental importance is the measurability of the criteria used, which excludes subjectivity in assessing the applicant. Likewise, when appointing to a position from the reserve, clear and understandable criteria must be applied to make an objective choice from several applicants. Otherwise, the risk of an increase in subjectivity and protectionism in personnel work in government bodies will remain. In the context of Ukraine's European integration, this issue is becoming critically important.

5 Conclusion

State power should be determined as an instrument of ensuring the existence of the state, achieving its goals. At the same time, state power is able to influence social processes, the behavior of individual social groups with the help of special bodies and institutions as components of a single mechanism of state power, where professionalism of personnel is of crucial importance. The definition of the management complex as a conscious, organized and regulatory impact on social and group life, carried out directly or indirectly allows determining modern public administration as a purposeful, organizational, systemic impact on the life of society. The governing body should be considered the determining subject of public administration within the limits of personal and social relationships.

The purpose of the article was to identify the main tools and methods that make up the platform of the modern practice of forming a personnel reserve for state bodies, which has developed in Ukraine. The achievement of the stated goal was the solution of a number of research tasks:

- 1) The authors have identified the basic factors (prerequisites) for increasing the importance of the personnel reserve in the personnel management system of the modern Ukrainian public administration;
- 2) The key characteristics of the search system for promising youth personnel for managerial positions of state bodies are identified.

On the basis of all the components of the analysis, we can also make a conclusion about the expediency of translating the model of working with the talent pool in the positions of state bodies and EU organizations to the regions of Ukraine.

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Primary Paper Section: A

Secondary Paper Section: AE, AH