

DOI: 10.52363/2414-5866-2021-2-25

УДК 378.14.015.62

*Inozemtseva O., PhD in Public Administration, Head of the of personnel document management department, The State Emergency Service of Ukraine, Kyiv, ORCID: 0000-0003-3764-0389*

## RESEARCH OF NORMATIVE-LEGAL BASE OF PERSONNEL FORMATION POLICY OF CIVIL DEFENSE SERVICE

### ДОСЛІДЖЕННЯ НОРМАТИВНО-ПРАВОВОЇ БАЗИ ФОРМУВАННЯ КАДРОВОЇ ПОЛІТИКИ СЛУЖБИ ЦИВІЛЬНОГО ЗАХИСТУ

*The article investigates the normative-legal base of formation of personnel policy of the civil protection service in the context of creation and development of the civil protection service of Ukraine. It is determined that the initial fundamental issue of systemic targeted reforms and the creation of an effective service to protect the population from emergencies is the introduction of modern methods, norms and requirements in the formation of personnel policy of the service.*

**Ключові слова:** *personnel policy, legal acts, civil defense service, ordinary and management staff of the civil defense service.*

*Досліджено нормативно-правову базу формування кадрової політики служби цивільного захисту в контексті створення та розбудови служби цивільного захисту України. Визначено, що вихідним принциповим питанням здійснення системних цілеспрямованих реформ та створення дієвої служби захисту населення від надзвичайних ситуацій є впровадження сучасних методів, норм та вимог при формуванні кадрової політики служби.*

**Ключові слова:** *кадрова політика, нормативно-правові акти, служба цивільного захисту, особи рядового та начальницького складу служби цивільного захисту.*

**Problem setting.** Given the direction of state development to the European way of life, the transition to qualitatively new, more advanced methods of personnel management, strengthening a single organizational, regulatory, personnel and information principles of civil service, setting new public objectives, the formation of a quality system for overcoming accidents and disasters on the territory of Ukraine is more acute than ever, and primarily depends on the quality of human resources.

**Paper objective.** The Decree of the President of Ukraine "On the strategy of reforming the civil service in Ukraine" [5] for the first time paid attention to the need for constructive changes in the civil service in Ukraine and "creating an effective public administration system that meets the standards of a democratic state governed by the rule of law, creation of a renewed, powerful and capable state apparatus".

**Paper main body.** As stated in the Law of Ukraine "About Civil Service" [2], "civil service is a public, professional, politically impartial activity for the practical implementation of tasks and functions of the state." Social security for civil servants is provided by the state and enshrined in relevant regulations that have the highest legal force. These persons are civil servants and have the appropriate official powers.

According to the "Civil Protection Code" [3] "Operational Rescue Service of Civil Defense - a special non-military association of rescue and other formations, governing bodies of such formations of the central executive body, which ensures the formation and implementation of state policy in the field of civil protection" - therefore, the ordinary and management staff of the civil defense service is a kind of civil servants.

The legal basis for the activities of privates and officers of the Civil Defense Service is the Constitution of Ukraine [1], "Civil Protection Code" [3], "Regulations on the procedure for civil service of the ordinary and management staff of the civil defense service" [4] and other legislation.

Due to the background of economic and social transformations in the country, in accordance with modern requirements and legislation of Ukraine, the main principles of working with civil defense personnel should be to combat random (without rules) selection, appointment, transfer and promotion of senior staff.

The purpose of legal regulation of work with personnel - to achieve compliance between the behavior of privates and officers, the actions of units, the civil defense service in general in the implementation of the functions of the civil defense system. The degree of achievement of this goal determines the degree of effectiveness of legal regulation of work with personnel. In this regard, noteworthy are the proposals set out in many publications on manage-

ment and human resources on the need for comprehensive sociological support of lawmaking, which means the introduction of a system of specific sociological and socio-legal research to be conducted in the preparation of draft regulations to identify the social validity of legal norms and their expected effectiveness.

Legal regulation of personnel processes, as a type of management activity, is divided into lawmaking in the development of regulations and the implementation of legal norms in their implementation. As the most necessary components of the management system, the two functions of law are the most essential.

The first function is manifested in the fact that the law is a normative, public official means of expressing and consolidating the general programs of management and giving it universal significance.

The second function is manifested in the fact that all institutions of law, "legal mechanisms", provide operational management.

The legal norms that regulate the work with the personnel of the civil protection service are a management decision of a general nature, the basis and prerequisite for the activities of the subjects of personnel management. An important feature of these norms is their informational nature, full of directive information, supported by the power of the state [6].

The implementation of the law in the subsystem "personnel" is a management activity that involves the adoption of specific management decisions within the legal norm. However, managerial decisions in the field of human resources are influenced by such social factors as group and personal value orientations, professional orientation and existing stereotypes of managers and employees of human resources.

The effectiveness of legal regulation of work with personnel can be defined as a set of effectiveness of legal regulations, and the effectiveness of its implementation by management entities. The introduction of the scientific component in the management of human resources as a separate area should be based on streamlining the relationship of degrees of legal regulation in order to ensure the proper functioning of the civil protection system [8].

As for the set of regulations on work with the staff of the civil protection service, the legal norms should be divided into the following groups:

a) those that determine the legal status of heads of bodies and departments of the civil defense service and personnel;

b) which specify and detail the constitutionally defined right to work in the field of socially useful activities (legal status of ordinary and management staff of the civil defense service);

c) which regulate the relationship between the subjects and objects of management (heads and employees of bodies and departments of the civil protection service) and closely related relationships in the functioning of the subsystem "personnel".

The first group includes such a rule as the nomenclature of positions. According to its legal essence, the nomenclature of positions is the distribution of managerial competencies when working with staff (nomenclature of the Head of the SESU, nomenclature of heads of structural units directly subordinated to the SESU, etc.). The nomenclature of any manager specifies and details the managerial powers of the subject of work with personnel, clearly defines the powers of certain managers when working with subjects of management in the field of personnel work. In view of the above, it can be noted that the legal norms of the first group are specialized norms, and regulate, depending on the competence of the head, the procedure for exercising powers in the exercise of public administration functions.

The norms of the second group include such legal acts as "Regulations on the procedure for civil service of the ordinary and management staff of the civil defense service", which, in fact, enshrine the legal status of ordinary and senior staff of civil defense bodies and units as a sub objects and objects of a particular type of labor relations - service.

The socially useful work of the personnel services of the civil protection service is that component of the whole system, thanks to which the ordinary and management staff of the civil defense service are endowed with a specifically defined administrative legal personality.

In contrast to the general system of civil service, which provides only certain types of employment (additional reasons for termination of employment contract, a separate procedure for disciplinary action, etc.), from the moment of enrollment in the SESU, a citizen becomes a subject of special administrative and labor relations. Moreover, it should be noted that according to the methods of legal regulation, the legal personality of privates and officers of the civil protection service differs from the legal personality of the personnel of internal affairs bodies and servicemen.

The degree of qualitative separation of labor relations of the personnel of the civil protection service from the labor relations of employees and employees determines a special way of legal regulation. The content of labor relations of employees is influenced, in particular, "the participation of trade unions in the development and adoption of labor regulations, in resolving labor disputes, concluding collective agreements, in monitoring compliance with labor legislation" [7].

The content of managerial relations is a special kind of human activity, which manifests itself in the form of interaction of certain areas of such relations (relations of subjects and objects of management). Legal norms, which regulate the relationship between managers (staff) and units (rank and file and senior staff of the Civil Defense Service), indirectly mean the relationship and its individual components and are the dynamics of work with personnel.

By the nature of legal regulations, the norms for working with the personnel of the civil protection service are the material norms of administrative law, administrative-procedural, organizational-technical. The leading role is played by substantive legal norms, in respect of which administrative-procedural and organizational-technical norms are auxiliary. It should be noted that the unity of the content of the procedure and technique of personnel relations is a theoretical and practical problem.

There are regulatory and legal communities, which regulate the competence of managers and personnel at different levels, according to the organizational structure of the civil protection service and the hierarchical structure of the subjects of personnel management. Clarification of the direction of legal norms that regulate work with personnel, involves the separation of segments of legal norms that regulate certain operations when working with personnel (special examination, medical and psychological examination, certification, etc.).

Normative acts that regulate work with personnel are a subsystem of acts that regulate and coordinate public relations in the field of performing the functions assigned to the civil protection service. It should be noted that the subsystem of regulations in its current form is a certain integrity, which has its own internal structure, the necessary subordination and coordination, which in general ensures the legal effectiveness of personnel regulation.

According to the hierarchy, regulations on work with personnel are divided according to the degree of legal force. It is safe to say that the main codified act in the system of regulations on human resources is the " Regulations on the procedure for civil service of the ordinary and management staff of the civil defense service " [4], but most of the provisions of this Regulation belong to the original rules and are subjected to further specification and details in departmental regulations.

When considering the system of normative acts that regulate work with personnel, the characteristic combination of normative acts of general management, acts of personnel management and acts of management of personnel groups is clearly indicated. As the main personnel function is to ensure the effectiveness of the management of civil defense units, many regulations of a general nature contain rules for working with personnel.

The system of normative acts regulating work with personnel would be incomplete if it did not contain extracts from acts of a general nature. Their place in the system under consideration is determined by the nature of legal orders, sections, paragraphs, parts of certain norms relating to work with personnel. Of the entire system of regulations governing the work with personnel, the main role belongs to the acts, the effect of which extends to all members of the rank and file and senior staff of the civil defense service. Such acts are the core of the relevant institution and form the basis of operational management of the personnel of the civil protection service.

**Conclusions of the research.** As we can see, the main purpose of improving legal regulation can be systematization, detailing and specification of provisions aimed at regulating the legal relations of the entire system of human resources, taking into account the requirements of international legal institutions, and standardizing the status of civil defense personnel.

Thus, the legal component of work with personnel in both the state personnel policy and the personnel policy of the civil protection service should become a catalyst for social-democratic transformations and the center of the entire management process.

#### **References:**

1. Konstytutsiia Ukrainy. K.: Yurinkom, 1996.
2. Zakon Ukrainy "Pro derzhavnu sluzhbu" № 3723 vid 16 hrudnia 1993 r. // VVR Ukrainy 1993. № 52. S. 490.
3. Kodeks tsyvilnoho zakhystu № 1859-4 vid 24 chervnia 2004 r. // VVR Ukrainy. 2004. № 39. S. 488.
4. Postanova Kabinetu Ministriv Ukrainy "Polozhennia pro poriadok prokhozhenia sluzhby tsyvilnoho zakhystu osobamy riadovoho i nachalnytskoho skladu" № 593 vid 11 lypnia 2013 r. // Uriad. kurier. 2005. № 27.
5. Ukaz Prezydenta Ukrainy "Pro stratehiiu reformuvannia systemy derzhavnoi sluzhby v Ukraini № 599/2000 vid 14 kvitnia 2000 r. // Ofits. visn. Ukrainy. 2000. № 24.
6. Hosudarstvennaia kadrovaia politika: kontseptualnyie osnovy, prioritiety, tiekhnolohii rializatsyy / Pod obshch. red. S. V. Pyrohova. M.: Yzd-vo RAHS, 1996. S. 123.
7. Rotan V. H. Naukovo-praktychnyi komentar do zakonodavstva Ukrainy pro pratsiu / V. H. Rotan, I. V. Zub, B. S. Stychynskyi. K.: A.S.K. 2005. S. 976.
8. Tykhomyrov Yu. A. Effektivnost deiatelnosti upravlienchieskikh orhanov // Sov. hosudarstvo i pravo. 1971. № 4. S. 43.