

CONDUCTION OF COMPETITION FOR VACANT POSITIONS IN PROFESSIONAL PUBLIC SERVICE IN THE LATVIAN REPUBLIC AND IN UKRAINE. COMPARATIVE ANALYSIS

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DOI: https://doi.org/10.30525/978-9934-571-89-3_53

The development of professional public service in Ukraine determines the need for the systematic implementation of complex theoretical and practical measures aimed at the interconnection of the institutional elements of this service, ensuring the unity of all its entities and elements. At the same time, rather significant changes will be required in the procedure for holding a competition for vacancies in the civil service in Ukraine, which can not be achieved without paying attention to foreign experience, in particular the experience of state formation in the Republic of Latvia, taking into account the historical traditions of admission to the civil service in Ukraine.

Enrolling to the civil service in the Republic of Latvia is governed primarily by the Constitution of this country [2], which was adopted in 1922 and is in force today with changes. Article 101 proclaims that every citizen of Latvia has the right to participate in state activities and activities of self-government bodies, as well as to serve in the civil service in accordance with the law.

The procedure for enrollment to the civil service in Latvia is carried out in accordance with the Law of the Republic of Latvia of the State Civil Service Law (adopted on September 7, 2000) [4]. The competition for civil service positions is organized in the cases and in accordance with the procedure established by this Law (Articles 8-10).

Thus, an open competition for a vacancy must be announced by the relevant institution on the vacancy portal of the State Employment Agency. Earlier, an open competition was announced in the official newspaper “Latvian Bulletin”.

During the announcement of the competition the requirements for a candidate for the position of civil service are set in accordance with the job description; the terms of filing applications; the place where statements are accepted; the information that a person applying for a post has reached a certain age and whether he/she can be a candidate for the corresponding position. The deadline for submission of applications by candidates starts with the date of announcement of the competition for the post, and this period can not be less than 10 days and more than 30 days.

After taking statements is checked the suitability of candidates for the civil service. In particular, the eligibility of candidates for vacancies in the civil service is assessed by the relevant The Evaluation Commission for applicants and civil servants, which is established: 1) for the competition for the post of head of the institution (institution) of the public administration – the corresponding minister; 2) for the competition for other positions of the civil service – the head of the relevant institution.

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The eligibility of the candidate for the requirements set forth in the job description regarding the vacancy of the civil service is assessed on the basis of the assessment criteria for a position in the civil service established by: 1) the post of the head of the institution – the minister, who coordinates it with the State Chancellery; 2) for other positions of the civil service – the relevant institution.

A commission for assessment of candidates and civil servants shall select one or more candidates who complies best with the requirements set out in the job description for the vacant civil service position and, giving reasons for their choice, shall recommend them: 1) to the Prime Minister – for an appointment to the position of Director of the State Chancellery; 2) to a minister – for an appointment to a position of head of an institution; and 3) to the head of the relevant institution – for appointments to other civil service positions.

The relevant official (the Prime Minister, the Minister, the Head of the institution) examines the recommendation of the Evaluation Commission and makes a decision on the appointment (or non-appointment) of the appropriate candidate for a vacant post. The relevant institution publishes the decision of this official on the appointment of a candidate to the position on the vacancy portal of the State Employment Agency within five days from the date of such decision.

In case if the candidates have received equal grades in the competition, the preference is granted to a person who was previously dismissed from the civil service because of the liquidation of an institution or civil service. Previously it was also provided that the privilege could be granted to a person who was dismissed from the civil service due to temporary disability (medical condition) for a term exceeding 4 consecutive months, but this provision was repealed in 2008.

The candidate has the right to get acquainted with the recommendations of the commission, with the decisions of the relevant official (the Prime Minister, the Minister, the Head of the institution). The candidate also has the right to appeal the decision of the relevant official to a higher level institution or appeal to a court in accordance with the procedure established by the Administrative Procedure Law of October 25, 2001 [1], if there is no higher level institution or this institution (official) is The Cabinet of Ministers or the Prime Minister.

The Law of the Republic of Latvia of State Civil Service provides for the possibility of conducting repeated competitions of candidates. A repeated candidate competition shall be announced if: 1) no candidate has applied for the competition; 2) according to the decision of the commission for assessment of candidates and civil servants, no candidate has professional training conforming to the requirements determined in the job description for the civil service position; or 3) no candidate, of the candidates recommended by the commission for assessment of candidates and civil servants, is found to be suitable for the relevant position by the relevant official referred to in Section 9, Paragraph three of State Civil Service Law of the Republic of Latvia.

The procedure for conducting a competition for a vacancy in the civil service in Ukraine is governed by Chapter 2 (Articles 22-30) of the Law of Ukraine “On Civil Service” dated December 10, 2015, No. 889-VIII [3]. However, it should be noted

that the Law of Ukraine “On Civil Service” is much more detailed and formalized and suitable for holding a competition for vacant positions of civil servants. In addition, the conduction of such competition is separately regulated by the relevant Procedure, approved by the Resolution of the Cabinet of Ministers of Ukraine dated March 25, 2016, No. 246 [5].

Therefore, without going into a detailed analysis of the competition for a vacancy in the civil service in Ukraine, we will note the common and distinctive features of the respective competitions in the Republic of Latvia and in Ukraine.

Thus, the common features of the competition for vacant positions in the professional public service include the following:

- competition in both countries is carried out taking into account the level of professional competence;
- in both countries, the eligibility of most of the candidates for civil service is verified by the relevant commissions – the Evaluation Commission in the Republic of Latvia and the Competition Commission in Ukraine;
- in both countries, the deadline for submission of documents for participation in the competition can not be more than 30 calendar days from the date of publication of the information on the holding of the competition;
- in both countries for the possibility of a repeat competition is provided.

The distinguishing features of the competition for vacant positions in the professional public service in the Republic of Latvia and in Ukraine include the following:

- in the Republic of Latvia, unlike in Ukraine, the Prime Minister and ministers take part in the evaluation of candidates;
- the deadline for submission of documents for participation in the competition in the Republic of Latvia can not be less than 10 days from the date of publication of the information on the competition, and in Ukraine – at least 15 days;
- in the Republic of Latvia, a person who was previously dismissed from the position of a civil service in connection with the liquidation of an institution or civil service office is preferable, and in Ukraine, in case of reorganization or liquidation of a state institution, a civil servant is offered to apply for an equivalent or lower post (with his consent). In this case, in Ukraine, the appointment is carried out without a competition for the position;
- In Ukraine, some stages and parts of the competition are much more formalized: disclosure of information on the vacancy of the civil service and announcement of the competition; list of documents for participation in the competition; determining the eligibility of the candidates for the terms of the competition; registration and publication of the results of the competition;
- In Ukraine, the deferred right of the second according to the results of the competition for a candidate for employment of a vacant post of civil service is provided.

For perspective ways of borrowing Latvian experience in conducting a competition for vacancies in the professional public service in Ukraine, we can include the experience of involving senior executive officials in the selection process. In

particular, the possibility of strengthening the role of the Prime Minister of Ukraine and the ministers – in terms of selection and competition for heads of central executive bodies and heads of central bodies of executive power with a special status should be further explored.

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