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ORGANIZATIONAL AND LEGAL FOUNDATIONS OF PUBLIC CIVIL SERVICE OF A SUBJECT OF THE RUSSIAN FEDERATION

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Essential features of public civil service in the subjects of the Russian Federation (through the example of the Ministry of Education of Omsk region) are considered in the article on the basis of the features of the system of public authorities of the subject and with taking into account the difference of the subjects in respect to ensuring human resources and established national-cultural traditions.

The author examines relevant issues of organization and passing public civil service in the subjects of the Russian Federation.

Keywords: public civil service, public civil service in the subjects of the Russian Federation, organizational and legal foundations of public civil service, posts of public civil service.

Lately, due to the administrative reform in the formation and activities of the institute of civil service, significant changes resulting from the normal historic development of the Russian State have happened.

Paragraph "r" article 71 of the Constitution of the Russian Federation [1] provides that the federal public service is the exclusive jurisdiction of the Russian Federation. The legal regulation of the public civil service of the subjects of the Russian Federation is a subject of the joint competence of the Russian Federation and its subjects.

Organization and functioning of the public civil service of the Russian State is exercised on the basis of the Federal Law No. 79-FL from July 27, 2004 (as amended on April 2, 2014, No. 53-FL), “On the Public Civil Service of the Russian Federation” [3], as well as by the decrees of the President of the Russian Federation, establishing and detailing how to implement its provisions.

Public civil service of the Russian Federation is a type of public service represented by professional service activity by the citizens of the Russian Federation at the posts of the public civil service of the Russian Federation for enforcement the powers of Federal public authorities, public authorities of the subjects of the Russian Federation, persons employed in public positions of the Russian Federation, and persons employed in public positions of the subjects of the Russian Federation (part 1 article 3 of the Federal Law No. 79-FL).

According to part 4 article 2 of the Federal Law No. 58-FL from May 25, 2003 (as amended on July 2, 2013, No. 185-FL) “On the Public Service System of the Russian Federation”, legal regulation and organization of the federal public civil service of a subject of the Russian Federation is jointly administered by the Russian Federation and its subjects, and its organization is referred to the jurisdiction of the subject of the Russian Federation. Article 73 of the RF Constitution establishes that the subjects of the RF shall have full authority, if the subject matters are not assigned to the exclusive competence of the RF or joint jurisdiction.

Some provisions of the legislation of the RF that govern the issues of public civil service of the RF regulate the public-service relations at the level of the subjects of the Russian Federation. At the same time, along with the federal legislation, corresponding social relations are governed by the legislation on the public civil service of a subject of the RF.

It is appropriate to examine the essential features of the public civil service of the subjects of the RF: first, being based on the peculiarities of the system of bodies of state power of a subject; secondly, taking into account the difference of subjects in provision of human resources and established national-cultural traditions [8, 14].

Public civil service of the Russian Federation can be differentiated according to the following criteria:

1. by territorial and national principle: civil services of fifty-five territories and regions, three cities of Federal significance, twenty-two national republics, one autonomous region and four autonomous districts;
2. by levels of state power (vertical): civil services regional and district ones;

3. by branches of state power (horizontal): civil services of legislative, executive, judicial power and other bodies.

Through the example of activity of the Ministry of Education of Omsk region (hereinafter the Ministry) we can reveal characteristics, legal and organizational foundations of passing the public civil service of a subject of the RF.

The structure of the public civil service of Omsk region is built in accordance with the provisions of the Law of Omsk region No. 601-RL from December 22, 2004 (as amended in Law of Omsk region No. 1636-RL from June 2, 2014) "Code on Public Positions of Omsk region and the Public Civil Service of Omsk Region" [4]. Public civil service is the most numerous in the system of executive power bodies (about 82 per cent), both at the level of the subjects of the RF and at the federal level [9].

Among the first, introduction of professional code of ethics, which was adopted by the order of the Governor of Omsk region No. 72-r from May 16, 2011 "On the Code of Ethics and Official Conduct of Public Civil Servants of Omsk Region" [6], was held in Omsk region.

In 2012, the Ministry carried out the work on designing individual plans of professional development, due to this there was formed a clear systematic activity for development of professional skills, retraining and internship of public servants [7].

One of the key institutes of civil service is an institute of post of public civil service. Posts of the Federal public civil service are established by a federal law or by Decree of the President of the RF, posts of the public civil service of the subjects of the RF – by laws and normative legal acts of the subjects of the RF.

Posts of public civil service acquire their legal status from the date of their inclusion in the corresponding list of posts.

In Omsk region the Decree of the Governor of Omsk region No. 49 from March 2, 2004 (as amended on June 9, 2014, No. 72) "On the Register of Posts of the Public Civil Service of Omsk Region" determines the titles of posts that are generalized and used when generating the staffing schedule of departments and ministries. The decision on specification of a post title of the public civil service of Omsk region, on the basis of the direction of activity and level of qualification (economist, lawyer, accountant, etc.), is adopted by the heads of state bodies of Omsk region.

The registry of posts of public civil service of Omsk region determines the following posts:

- public civil service of Omsk region in the Office of the Governor of Omsk region;

- public civil service of Omsk region in executive authorities, their territorial bodies and offices;
- public civil service of Omsk region in the Office of the Legislative Assembly of Omsk region;
- public civil service of Omsk region in the Office of the Court of audit of Omsk region;
- public civil service of Omsk region in the Office of the Electoral Commission of Omsk region;
- public civil service of Omsk region in the Office of the Commissioner of human rights of Omsk region;
- public civil service of Omsk region in the Office of the Justices of Peace of Omsk region;
- public civil service of Omsk region provided for at the expense of subventions from the Federal budget to implement powers of the Russian Federation transferred to the bodies of executive power of Omsk region.

For example, in the Ministry of education of Omsk region in 2013, the order No. 5-DSP from December 17, 2013 "On approval of the structure and staffing schedule of the Ministry of Education of Omsk region" (document is not published) determined the posts of public civil service by categories and groups. The Ministry is headed by the Minister of Education of Omsk region (hereinafter the Minister), who is appointed by the Governor of Omsk region. There are the posts of the first Deputy Minister and four Deputy Ministers, who are appointed and dismissed by the Government of Omsk region in accordance with the regional legislation. Departments, offices, divisions and sectors are established in the Ministry.

In accordance with the order "On approval of the structure and staffing schedule of the Ministry of Education of Omsk region", currently 112 of 152 members of the Ministry hold the posts of the public civil service of Omsk region. As in the rest of Russia, most of the posts (79%) are held by women.

It should be noted that the legal examination of normative legal acts of Omsk region in the sphere of public civil service that was carried out in 2010 by leading specialist-expert of the Department of the Ministry of Justice of Russia in Omsk region N. A. Cherkasov testified that social relations in this sphere were settled in accordance with the powers provided by the Federal legislation to the bodies of state power of the subjects of the RF. Gaps, conflict and problems of law enforcement were not identified at the time of the examination. Public authorities of Omsk region promptly react to changes in the Federal legislation and bring the regional legislation in line with it [10].

The conducted analysis of normative legal acts taken by the public authorities of Omsk region in the sphere of public civil service shows that, in general, they have implemented the powers granted by the Constitution and the current legislation in the considered sphere of social relations.

Thus, the public civil service of the subjects of the RF is a professional activity of citizens holding the posts of public civil service for the enforcement and execution the powers of regional public authorities. A unified system of public civil service, based on the principles of federalism, with signs of a two-tier organization, is being gradually established in the Russian State.

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