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CONTEST FOR A VACANT POSITION
AS AN ELEMENT OF PROMOTION

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The article deals with the contest order of filling vacant positions in public civil service. The authors offer a number of organizational and legal measures on elimination of problems arising when organizing of competitive procedures.

Keywords: public civil service, principle of equal access to public service, contest for vacancy, personnel reserve, appointment to office, performance assessment.

Contest, as a personnel technology is a way of solving the issue of staffing in an organization, mechanism of binding professional possibilities of a person with the conditions and means for their implementation [8, 18].

Legal grounds for holding contest are: article 22 of the Federal Law No. 79-FL "On the Public Civil Service of the Russian Federation" [1], Decree of the President of the Russian Federation No. 112 from February 1, 2005 "On the Contest for Vacancy of the Public Civil Service of the Russian Federation" [2], Decree of the Governor of the Omsk region No. 15 from February 7, 2006 (as amended on February 25, 2014) "On Approval a Provision on Personnel Reserve of the Public Civil Service of the Omsk Region" [5], Order of the Ministry of Education of Omsk region No. 8 from June 21, 2007 "On the Competitive Commission of the Ministry of Education

of Omsk Region” (along with “the rules of procedure of the competitive Commission of the Ministry of Education of Omsk region and methodology for holding in the Ministry of Education of the Omsk region of the contest vacancy of the public civil service of Omsk region and inclusion in the personnel reserve of the Ministry of Education of the Omsk region to fill a vacant position of the public civil service of Omsk region”) [6].

Contest for filling a vacant position (hereinafter referred to as the competition) is provided by the constitutional right of citizens of the Russian Federation to equal access to public service, as well as the right to promotion at work on a competitive basis.

The right to participate in the contest is given to citizens of the Russian Federation who have reached the age of 18, speaks the state language of the Russian Federation and corresponds to the established by the legislation of the Russian Federation on public civil service qualification requirements of a vacant civil service post. Employees of the Ministry of Education of Omsk region have the right to participate in the contest on a general basis regardless of what position they occupy for the period of the contest.

The contest is announced by the order of the Ministry of Education of Omsk region, in the presence of a vacant post of the public civil service, the filing of which, in accordance with article 22 of the Federal Law No. 79-FL, can be done on a competitive basis and on the basis of Ministry’s needs in the personnel reserve.

The procedure for entry on the public civil service of the Omsk region duplicates the norm of part 2 article 22 of the Federal Law No. 79-FL on that the contest is not conducted in the following cases:

- a) in appointment to civil service posts relating to junior civil service posts;
- b) in case of conclusion of a fixed-term appointment;
- c) in appointment to positions of the civil service of the Russian Federation in categories “heads” and “assistants (advisers)” filled for a specified term;
- d) in the appointment of a civil servant to another post of the civil service in the cases provided by part 2 article 28, parts 1, 2 and 3 article 31 of the Federal Law No. 79-FL;
- e) in the appointment to the post of the civil service of a civil servant (citizen), who is in personnel reserve formed on a competitive basis.

The contest may be omitted in appointment to certain civil service posts, the performance of the duties on which involves using information constituting a state secret, according to the list of posts approved by the Decree of the President of the Russian Federation.

The contest is held in two stages: preliminary (or preparatory) and main.

The preparatory stage includes the determination of organizational units, rules and procedures for holding, the forming of professional, legal and logistical base. Duration of the stage is from the moment of taking decision on the contest until the announcement of the final list of participants (contenders).

The organization and holding of the contest at the Ministry of Education of Omsk Region is responsibility of the department of personnel management and organizational and documentation support.

For each post the Secretary of the competition commission makes an announcement on holding the contest, which is published in periodic publications, particularly in the newspaper "Omskii vestnik", as well as on the Portal of the Government of Omsk region "Omskaya Guberniya" <http://www.omskportal.ru> in information and telecommunication network of public use on the first day of the contest determined by the order of the Ministry.

The published announcement on the admission of documents for participation in the contest shall contain:

- a) vacancy name, qualification requirements for applicants on the filling of post, and what duties he has to be able to perform in the course of civil service;
- b) general requirements to contestants;
- c) list of documents required to be submitted to the Ministry:
 - personal application;
 - copy of passport or alternate document (the document shall be presented personally by arrival at the contest);
 - copy of work record card certified notarially or by personnel services at the place of work (service);
 - copies of documents certifying vocational education and, at the wish of the citizen, additional professional education, on academic degrees, academic rank certified notarially or by personnel services at the place of work (service);
 - single-handedly completed and signed application form [3], with an attached color photography 3x4 sm.;
 - document on absence of diseases preventing entry to the civil service (certificate of a medical establishment by form No. 001-GS/u [4]);
 - certificate of income, property and property liabilities of a citizen, wife (husband) and minor children, in the case of the contest for the post included in the list of posts of the public civil service of Omsk region in the Ministry of Education of the Omsk region, the appointment to which and the filling of which requires public civil servants of the Omsk region to submit information about their income,

property and property liabilities, as well as information on income, property and property liabilities of wife (husband) and minor children [7];

d) dates, place and time of submitting the documents and telephone number of an employee of the Ministry, which gives explanations about the announced contest;

e) expected date of carrying out of the contest.

Current normative documents of different levels do not specify personal presence of a citizen at submission of application and documents for the contest. Citizen may send the documents by registered mail, using the services of "Russian Post". In 2013, the Ministry of Labor and Social Protection of the Russian Federation developed a pilot project on the introduction in some federal public authorities a procedure for admission in the electronic form of documents for participation in the contest for vacancy of the public civil service of the Russian Federation and the carrying out of primary qualification for selection of candidates in remote format with the personal identification of a citizen (through automated access to the subsystem "My Account"), who has submitted documents and fulfilled qualification test. 12 Federal state bodies have become participants in this project.

Documents for participation in the contest shall be submitted to the Ministry of Education of the Omsk region within 21 days from the date of the placement of announcement on the site.

Secretary of the competition commission conducts the registration and recording of persons, who submit documents for participation in the contest. Not later than 15 days before the start of the main stage of the contest he shall notify in writing the citizens admitted to participate in the contest about the date, time and place of the contest.

The reliability of any presented information is subject to verification. A contender is not allowed to participate in the contest due to his inconsistency with the qualification requirements for the vacant post of civil service, as well as due to the restrictions on admission to the civil service and its passage established by the legislation of the Russian Federation. In this case, he is informed in writing about the reasons for refusal. A contender for the vacant post of the civil service, who is not admitted to participate in the contest, has the right to appeal against this decision in accordance with the legislation of the Russian Federation.

The main stage directly includes the competitive procedure. It continues from the start of organization of the competitive procedure up to the publication of results in information and telecommunication network of public use.

In the course of the contest the candidates are guaranteed equal rights under the Constitution of the Russian federation and federal laws.

The contest consists in the direct evaluating by the competitive commission of the professional level of candidates, their consistency with the qualification requirements for a vacant post. The holding of the contest is recorded in a protocol that states the time, place, vacant position and methods of assessing the professional and personal qualities of the candidates.

The competitive commission, whose composition is approved by the Ministry of Education of Omsk region, evaluates candidates on the basis of the documents submitted by the candidates and competitive procedures: 1) a written test on the knowledge of the RF Constitution, the legislation on public civil service, legislation in the field of education lasting from 10 to 30 minutes; 2) personal interview on the issues related to the implementation of official duties of the vacant position.

The competition commission session is held with the presence of at least two candidates for the vacant post, it shall be considered eligible if attended by at least two-thirds of the total number of its members. Decision of the competitive commission on the results of the contest is taken by simple majority of votes of its members. In case of equality of votes the Chairman of the competition commission shall have the deciding vote.

The competition commission decision is taken in the absence of the candidate and is a reason for his appointment to the vacant post of civil service or refusal of such appointment.

Based on the results of the contest the competitive commission makes the following decisions:

- on the recognition of one of the participants as the winner of the right to fill the vacancy of the public civil service of the Omsk region in the Ministry or to be included in the personnel reserve of the Ministry;
- on the recognition of the contests invalid;
- on the recognition of all applicants not corresponding to requirements of the vacancy of the public civil service of the Omsk region in the Ministry, the post for inclusion in the personnel reserve of the Ministry.

In 2013 there was introduced a new norm that allows the competition commission on the results of the held contest to decide on the inclusion of one of the participants of the contest in the personnel reserve for this post.

Also the competition commission decides on the failure of contests in the following cases:

- 1) lack of the applications of candidates to take part in contests;
- 2) revocation of all the applications of candidates during the contests.

The members of the competition commission, which have not agreed with

the decision of the competition commission, are entitled to express in writing their dissenting opinion (attached to the decision of the competition commission and is its integral part).

If as a result of the contest there have not been determined candidates, who meet the qualification requirements for the vacant post of civil service, the Minister of education of the Omsk region may decide to hold a repeated contest.

Voting results shall be enshrined in a decision, which is signed by the Chairman, Vice-Chairman, Secretary and members of the commission attending the session.

Candidates participating in the contest are informed on its results in writing. The message shall be sent within 7 days from the date of taking the decision by the competition commission. Information on the results of the contest is published on the portal of the Government of Omsk region "Omskaya Guberniya" <http://www.omskportal.ru>.

The appointment of an employee to a position is carried out by the order of the Ministry, on the basis of which a service contract is concluded with him. In the order and service contract the parties may provide a test in order to verify the conformity to the filled post. Probation period is established for a period of 3 to 12 months.

With the consent of a citizen of the Russian Federation (or an employee of the Ministry) the procedure of his admission to the information constituting state secret and other secret protected by the law is performed, if the performance of duties is associated with the use of such information.

Despite the fact that strategically the interests of society, the state and an individual in providing a favorable environment for career development of public servants are the same, nevertheless, in real life on the way of career advancement of many public servants there are a lot of legal and organizational barriers greatly hindering the career growth, reducing interest in achieving the best results of their work. Civil servants has a right to promotion based on qualifications and abilities, diligent performance of his duties, and so on., but there is no legal basis to interpret this right as a subjective right of a public servant, that is, he has no right to demand the promotion because the appointment is within the competence of a state body or official.

In March, 2015 we conducted a straw poll of a hundred public civil servants on the topic: "The right of a public servant to promotion" and:

More than 50 percent of the respondents think that currently it is quite difficult to make a successful career in public service, 25 percent think that is almost impossible.

A large part of officials (67 percent) noted that over the past 2-3 years they had not received a higher or more prestigious post, and there was not any promotion.

The prospect of career growth at the occupied post by more 50 percent of the respondents is rated as virtually impossible.

To the question "What do you do to get a higher or more prestigious position?" 51% of officials responded that they were raising their qualification, visited courses and attended training; 33% of respondents believed that it was enough to work hard; 8% - were getting higher education, another 8% - did not take any steps.

Answers to the question "What are you ready to sacrifice to get a higher or prestigious position?" were as follows:

- 50 percent are ready to spend some time to study;
- 25 percent are ready to relocate;
- 8 percent can donate time, personal life, family.

Thus, the established practice for the selection, evaluation and promotion, imperfect personnel techniques hamper the growth of efficiency of public service.

It should be noted that there are significant shortcomings in the current procedure for competitive selection.

The open method of voting and the presence of the casting vote of the Chairman of the competition commission may affect the objectivity of taken decisions: the Chairman may have an impact on the members of the commission, because he takes a key post with respect to its all or individual members. Therefore, in our view, it is necessary to enshrine an anonymous way of voting and cancel the casting vote of the Chairman of the competition commission. In accordance with the principles of equality, the Chairman should have an ordinary voice as any other member of the commission.

Mechanism for formation of the competition commission is imperfect. Its composition is completely determined by the head of the state body that has the right of appointment to the corresponding post. Typically, the Chairman of the competition commission is an official, who occupies a head position in this body, his vote is crucial. In this scenario, it is difficult to ensure the objectivity of the decision of the competition commission.

To ensure the independence and objectivity of competitive commissions it is necessary: establish secret voting, independent election of their Chairman; limit the possibility of the heads of those bodies or structural units, where the contest takes place, to occupy the position of the Chairman.

All these measures will reduce the influence of subjective factors and make the procedure of personnel selection the most objective and transparent.

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