

UDC 343.83

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UNDERSTANDING OF PERSONNEL CERTIFICATION OF PENAL BODIES AND ESTABLISHMENTS IS THE KEY TO PROFESSIONAL GROWTH OF EMPLOYEES

In this article own definition of «certification of the personnel of penal bodies and establishments» is formulated, the purpose and basic features of the employees certification of penitentiary establishments are described, the main factors affecting the necessity of penal bodies and establishments employees certification in Ukraine are determined. The regulatory acts concerning the activity of different public authorities containing the concept «certification» are presented. It is stressed that violating or improper performance of staff selection may cause decrease the professionalism and competency of these employees and so of the whole body in general.

Keywords: certification; personnel; penal bodies and establishments.

The efficiency of the penal bodies and establishments activity quite often depends on the effectiveness of staff policy, because exactly the personal of such establishments is an indicator of the human rights respect to persons serving sentences. Training of highly qualified personnel for the work in penal bodies and establishments is necessary for improvement of work efficiency in these bodies. Non abidance or improper implementation of procedural staff

selection may lead to a decrease in the professionalism and competence of these employees and consequently of the whole body in general. The majority of employees of penal bodies and establishments are civil servants and therefore according to current legislation they should constantly increase their level of knowledge, improve their skills using various kinds of evaluation of their activities.

Some issues of penal bodies and establishments personnel certification were covered in the works of such scholars as K. Gylenko, A. Dmytrenko, A. Zhyrov, A. Kolot, M. Lesechko, V. Krasnoshapka, V. Malinovskyi, D. McGrath, N. Medvid, A. Parkhomenko-Kutsevil, S. Studenykyn, P. Tymoshchuk, A. Rachynskyi, T. Shatun, O. Finenko etc. But now it is not enough researched the essentiality of certification as the most common estimation form of efficiency of the penal bodies and establishments activity.

Thus, the purpose of the article is to formulate own definition of «penal bodies and establishments personnel certification», to characterize the purpose and basic features of employees certification of penal establishments, to determine the main factors affecting the necessity of penal bodies and establishments employees certification.

The evaluation of the personnel activity is a complex process, as aimed at the research of professional, moral, psychological qualities of a person, his abilities, skills etc. The approach of A. Kolot is constructive, it is noted that personnel evaluation is a purposeful process of establishing the conformity of staff qualitative characteristics (abilities, motivation, features and qualities of personality etc.) to the requirements of the post or workplace. The problem of staff evaluation has a legal, economic, psychological, socio-psychological and sociological aspects [1, p. 96]. In the scientific literature on personnel management evaluation (assessment) is defined as: 1) a purposeful process of determining the conformity of staff qualitative characteristics (abilities, skills, motives) to the post or work place requirements [2, p. 224]. Thus, the evaluation of employees work is aimed to identify some specific psychological, professional, physical capacities and abilities to carry out the work mentioned in employment treaty or contract.

And therefore, the staff evaluation process needs to perform certain tasks and to pursue a specific goal. It is necessary to agree with the opinion of D. Makgreta, who was noted that the staff evaluation should be provided with 1) informative goal, which means the provision of different levels managers with the necessary data about work of their subordinates and also about their individual achievements and shortcomings; 2) a motivational goal, which involves the connection of the material rewards and moral incentives with work behavior and job results and so the staff is oriented on activity improvement, acquirement of new professional skills necessary to better performance of the social protection tasks; 3) an administrative goal that is constantly being implemented in the process of staff decisions making: increase (decrease) in the service, transfer to another job, retraining and requalification, promotion or punishment, the termination of the employment contract [3, p. 129]. Indeed, evaluation of the staff of any public authority including personnel of the penal bodies and establishments should be carried out comprehensively taking into account all important factors relating not only abilities and professional skills, but also a large number of other psychological, moral, business, and other human qualities. A comprehensive evaluation of the individual employee activity is usually carried out by his leadership, who provides the legal characteristic of the actions and professional qualities of the individual employee.

One of the most common forms of assessment of efficiency activity of penal bodies and establishments is certification. Providing of certification is an important and necessary step for establishment of normal professional work of exactly highly skilled employees who honestly and efficiently perform their rights and obligations. The scientific literature contains quite a lot of scientific definitions of «certification». So, S. Studenykyn believes that certification is the definition of business and political qualifications of the employee, characteristics of his personal qualities, evaluation of the results of his performance [4]. A. Zhyrov offers to consider certification as «established by the state form of periodic check of special labor of

legal capacity of certain categories of workers and the quality of performance of their employment functions with the aim of establishing their qualification, improving of professional, business and moral level, and also assisting to the administration in improving of staff selection and placement» [5, p. 7]. Describing the certification, A. Kolot said that it is a special method of staff assessment, which consists in comprehensive assessment of the employee's activities in the period between regulars certifications. Its specialty is in using of different assessment methods or other person characteristics, it is expected to draw the staff to direct certification performance [6, p. 324].

T. Shatun provides in his research rather wide definition of «certification», he notes that under the certification of civil servants is understood the activity in which process the certification commission within prescribed scientifically based procedure with the goal of degree detection of employee post compliance that he holds, evaluates the results of his professional activity, professional, personal and moral employee's qualities, contribution of civil servant in the results of division activity in which he works, and the whole body in general, and results will be conclusions and recommendations of certification commission on improving of body organization activity, specific structural division, working conditions of certified employee, compliance of an employee to the post and proposals on the planning career of this civil servant [7, p. 118–119]. Considering the concept of «certification», P. Rachynskyi sees it as one of the possible ways of promotion, the implementation of a professional career. Under the certification of civil servants he understands the activities in which process the certification commission within the framework of established scientifically based procedure reveals the degree of employee's conformity to the post he occupies, so commission evaluates business, personal and moral qualities of the employee, process and results of his activity. The results of certification are conclusions and recommendations of the evaluation commission on improvement of labor of certified employee and the apparatus of the whole state body [8].

The term «certification» is contained in legal acts concerning the activities of the different public authorities. So, in the Law of Ukraine «On the professional development of employees», is stated that certification of employees is the procedure of the assessment of employees professional level to qualification requirements and official duties, the assessment of their professional level [9]. One of the definitions of the certification is contained in the order of the General Prosecutor of Ukraine from 12.09.2005 № 2058 С «On approval of the Regulations on the procedure for certification of prosecutorial and investigative personnel of the internal affairs bodies», according to which certification is an administrative personnel procedure aimed at assessment of the trainees, prosecutors, investigators and employees skills, and also Academy of prosecution of Ukraine employees, whom were assigned ranks for the purpose of: 1) determination of compliance of prosecutor employees and educational establishments according to their posts, condition of their professional training; 2) assessment of training and the suitability of interns for the business and moral qualities to work independently on a position of the Prosecutor of the Prosecutor or investigator; 3) formation of personnel reserve for promotion; 4) improvement of professional skills; 5) determination of directions improvement of qualification, training and retraining; 6) introduction and rationale of the proposals on the appointment and movement of personnel [10]. Another regulatory legal act which establishes the legal basis of «certification» is a special legal act «The order of certification of persons of ordinary and commanding staff of the State Criminal-Executive Service». According to this act, certification of persons of ordinary and commanding staff of the State Criminal-Executive Service of Ukraine is carried out with the aim of improvement of their service activity, recruitment improvement, placement and training of personnel, promotion of qualification, initiative, creative activity and responsibility for assigned work. The main objectives of certification are: 1) assessment of business, professional, personal qualities, educational and qualification levels, status of physical training; 2) determination of the compliance to the posts they

occupy; 3) stimulation of creative activity and responsibility for assigned work; 4) definition of service career perspectives, prevention illegal activities; 5) identification those persons who are unable to perform their tasks [11].

Let's consider scientific approaches of the purpose of certification. Employees certification of penal bodies and establishments is a quite important activity caused by specific work of such persons: constant communication and interaction with individuals committed various crimes, the need to carry out their activity in compliance with the fundamental human and citizen rights and using their behavior to contribute to prisoners resocialization. The approach of O. Finenko is constructive in this, he notes that the importance of personnel certification in the organization increases when in society the control over observance of human rights, social guarantees in work relations is strengthened and conversely, is decreased in the case of the weakening of social guarantees in the sphere of labor relations, labor law violations, as occurs, in particular, in the modern Ukrainian small business. Also the big significance of the certification is for the motivation work system. An objective assessment of a subordinate employee by his chief is a moral stimulus for improvement, knowledge, skills and abilities enrichment, and it increases the employee's interest in achieving the final results of work [12, p. 892]. Considering this, we emphasize the need of effective employees certification of penal bodies and establishments in order to provide real observation of constitutional and legal norms, rights and legal interests of convicted person.

Note that a significant number of legal positions regarding the interpretation of the term «certification» have almost no effect on the definition of the main purpose of the certifications. Using foreign experience of certification, foreign researchers note in the scientific literature the purpose of certification as:

- identification of professional competence of civil servants;
- determination of needs for additional preparing (training) of a persons who has passed the certification;

improvement of understanding between leaders and subordinates, it is believed that during the certification interview internal cooperation within the organization is improving:

following making the decision on the further course of a career employee: abandonment of office, promotion or dismissal;

following bonuses of the public servant or some fines based on certification [13, p. 95]. A few other characteristics of the certification purpose is provided by V. Malynovskiy, he notes that in the broad sense, certification is a process which helps in solving such tasks: 1) formation of a highly professional civil servants staff corps; 2) stability; 3) identification of potential public servants possibilities for the most efficient using; 4) stimulation of professional competence and qualification of employees; 5) strengthening of good organization, responsibility and discipline of the state apparatus. Certification performs the functions of assessment, control, political, improvement of work with personnel, organizational, communicative, information, stimulation [14].

The purpose of certification at the level of individual legal act determining the procedure of employees certification of internal affairs bodies is the assessment of the business, professional, personal qualities of the personnel of internal affairs bodies divisions, educational and qualification level of physical training base don a deep and comprehensive study in compliance with posts, promotion of creative activity and responsibility for the condition of fighting crime, strengthening the rule of law, determination of prospects of their career, prevention of committing unlawful acts by law enforcement officers, and also detection of those officers who are unable to perform their tasks [15].

Quite interesting is the position of A. Dmytrenko, the purpose of the certification is determined through its functions it performs. The scientist considers that certification fulfills both explicit and latent (hidden) functions. A clear function is the establishment of employee's conformity to the setting of requirements of the post he occupies. Thus, the purpose of the certification is making of official decision, which saves (confirms) or changes social status (position,

post) of certified employee. The purpose of certification can also be the control over the execution of the task, identification of unused opportunities, decision on the ways, forms of training, retraining [16].

Thus, the abovementioned legal positions of scientists and regulatory consolidation of the certification purposes meet each other and are directed to assessment of knowledge, abilities and skills of employee, identification of real capabilities of the employee regarding the performance of his work, that is necessary for the decision of a question on further career growth of an individual employee.

So, having analyzed scientific and legal positions and legal consolidation of the term «certification», its purpose and objectives, we offer to provide own interpretation of personnel certification of penal bodies and establishments by which we understand the activity of authorized and clearly stipulated on the legislative level public authorities and its authorized persons carried out the activity on the assessment of psychological, moral and physical capabilities of employees of penal bodies and establishments to perform the work defined by regulatory acts carried out in particular legal order in compliance with clear regulatory procedure in determined legal forms and on which basis is taken decision on compliance or not compliance of individual employee with the post he occupies in penal bodies and establishments and the results of which is issued the question of career growth or, on the contrary, of the termination of the employee's career in penal body and establishment.

Considering abovementioned, let's characterize the basic features of employees certification of penitentiary establishments: 1) is performed exclusively by authorized subjects defined at the legislative level; 2) is performed in an order established by regulatory acts in compliance with clear procedures of its performance; 3) is directed to research not only the professional capabilities of the employees of penal body or establishment, but also to identification of certain moral and psychological qualities which should be inherent in employee for effective and efficient performance of his duties; 4) the results of certification are fixed in the corresponding document; 5) fixed results of the employee

certification are the base for the decision on career growth of the employee or his dismissal from the penal body or establishment.

As we have noted above, employees certification of penal bodies and establishments is carried out not only for determination of the professional capabilities of the employee, psychological and moral qualities and for the whole microclimate in the particular body. Given this, we propose to determine the main factors affecting the need of employees certification performance of penal bodies and establishments. Thus, the factors, in our view, should be divided into moral (psychological) and directly professional.

To psychological factors of the need for certification should include the fact that: 1) the process of certification is caused by the special nature of work: care category of persons who have committed crimes; 2) improvement of professional communication with individuals who have a fairly low level of moral consciousness, increased conflict, resentment and hostility of persons serving sentences for the staff of penal institutions and to society as a whole; 3) the special significance of the personnel of penal institutions, which should not only be individuals who provide supervision of inmates and should be a model for their correction and further resocialization;

The professional factors predetermining the need of certification are: 1) assessment of business and professional qualities of the personnel of penal bodies and establishments during hiring and during further his work; 2) assessment of the employee's skills needed for his professional activity; 3) assessment of psychological employee's qualities required for communication with prisoners (stress stability, no conflict etc.), and for work in conditions of irregular working days, and working conditions which are dangerous for life and health of workers, efficiency of work; 4) determination of the level of autonomy of the of penal institutions employee including at the time of making specific operative and right decision including in stress work conditions; 5) identification of opportunities for directions of qualification improvement of individual employees of penal bodies and establishments.

Thus, certification of penal bodies and establishments institutions employees has quite important meaning for the filling penal highly bodies and establishments by qualified personnel, which are able not only professional, but also psychological and moral qualities to perform their functions and release those who has not such qualities.

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Розуміння сутності атестації персоналу органів та установ виконання покарань як чинник професійного зростання працівників

Розкрито поняття «атестація персоналу органів та установ виконання покарань». Охарактеризовано специфіку процесу атестації працівників пенітенціарних установ. Наведено нормативно-правові акти, що стосуються діяльності різних органів державної влади, де визначено категорію «атестація». Аргументовано, що недотримання чи неналежне здійснення процедурного відбору кадрів може спричинити зниження

професійності та компетентності цих працівників, а отже, системи загалом.

Ключові слова: атестація; персонал; органи та установи виконання покарань.

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Понимание сущности аттестации персонала органов и учреждений исполнения наказаний как фактор профессионального роста сотрудников

Раскрыто понятие «аттестация персонала органов и учреждений исполнения наказаний». Охарактеризована специфика процесса аттестации сотрудников пенитенциарных учреждений. Указаны нормативно-правовые акты, касающиеся деятельности различных органов государственной власти, где определено категорию «аттестация». Аргументировано, что несоблюдение или ненадлежащее осуществление процедурного отбора кадров может привести к снижению профессионализма и компетентности этих работников, а следовательно, системы в целом.

Ключевые слова: аттестация; персонал; органы и учреждения исполнения наказаний.