

**МЕНЕДЖМЕНТ**

UDC 35.08 (447)

**I. G. Suray**, Doctor in Public Administration,  
Senior Scientific Researcher Associate  
Professor

**COMPETENCY OF STATE SECRETARY OF  
THE MINISTRY IN UKRAINE**

**Urgency of the research** is due to the modernization of public service in modern Ukraine, aimed at ensuring the political neutrality of public servants.

**Target setting.** The problem requires a clear definition of competences of the state Secretary of the Ministry to ensure the political neutrality of the public servants of the Ministry.

**Analysis of recent researches and publications.** V. Averyanov, Y. Bytyak, A. Walevskyi, N. Goncharuk, I. Kolyushko, O. Parkhomenko-Kutsevil, S. Seryogina, V. Tolkovanov shows that the studies do not fully take into account the current situation.

**Uninvestigated parts of general matters defining.** We have identified the issue of competences of the State Secretary of the Ministry in modern Ukraine.

**The research objective** – highlighting of the research competences of the State Secretary of the Ministry in Ukraine according to the existing normative-legal acts and proposals for their improvement.

**The statement of basic materials** Today in Ukraine State Secretary of the Ministry is the highest office of public service in a State body.

It is proved that the Law of Ukraine “On civil service” emphasizes the competences of the State Secretary of the Ministry, which reflect the functions of personnel management of the Ministry. The Law of Ukraine “On Central Executive authorities” focuses on competencies that reflect organizational roles in relation to the work of the Ministry; as well as the management staff of the Ministry and territorial bodies of the Ministry, enterprises, institutions and organizations belonging to the sphere of management of the Ministry.

In our opinion, the competence of the State Secretary of the Ministry should be restricted to functions concerning personnel management of the office of the Ministry and general organizational duties.

**Conclusions.** Thus, the competence of the State Secretary of the Ministry, reflecting the staff management of the Ministry arising out of the law of Ukraine “On civil service”; organizational functions in relation to the work of the Ministry should be reflected in the Law of Ukraine “On Central Executive Authorities”. For this, you need to make changes to the Law of Ukraine “On Central Executive Authorities” stipulated in the draft law of Ukraine “On amendments to some laws of Ukraine in connection with adoption of law of Ukraine “On civil service” dated July 14, 2016 No. 4526-д.

**Keywords:** competences; functions; powers; State Secretary of the Ministry; public servants; political neutrality.

DOI: 10.25140/2410-9576-2017-2-4(12)-163-169

УДК 35.08 (447)

**I. Г. Сурай**, д. н. держ. упр.,  
ст. н. с., доцент

**КОМПЕТЕНЦІЇ ДЕРЖАВНОГО СЕКРЕТАРЯ  
МІНІСТЕРСТВА В УКРАЇНІ**

**Актуальність теми дослідження** зумовлена модернізацією державної служби в сучасній Україні, яка спрямована на забезпечення політичної нейтральності державних службовців.

**Постановка проблеми.** Проблема потребує чіткого визначення компетенцій держсекретаря міністерства, щоб забезпечити політичну нейтральність державних службовців міністерства.

**Аналіз останніх досліджень і публікацій.** В. Авер'янова, Ю. Битяка, О. Валєєського, Н. Гончарук, І. Коліушка, О. Пархоменко-Кутєвіл, С. Серьогіна, В. Толкованова показав, що дослідження не повною мірою враховують сучасні реалії.

**Виділення недосліджених частин загальної проблеми.** Нами виокремлено питання компетенцій держсекретаря міністерства в сучасній Україні.

**Постановка завдання** - висвітлення дослідження компетенцій держсекретаря міністерства в Україні відповідно до чинних нормативно-правових актів та пропозицій щодо їх удосконалення.

**Виклад основного матеріалу.** Сьогодні в Україні держсекретар міністерства обіймає вищу посаду державної служби в державному органі.

Доведено, що у Законі України “Про державну службу” акцент зроблено на компетенціях держсекретаря міністерства, які відображають функції з управління персоналом міністерства. У Законі України “Про центральні органи виконавчої влади” акцент зміщено на компетенції, які відображають організаційні функції стосовно роботи апарату міністерства; а також функції з управління персоналом міністерства та територіальних органів міністерства, підприємств, установ, організацій, що належать до сфери управління міністерства.

На нашу думку, компетенції держсекретаря міністерства слід обмежити функціями щодо управління персоналом апарату міністерства та загально-організаційними.

**Висновки.** Отже, компетенції держсекретаря міністерства, що відображають: функції з управління персоналом міністерства випливають із Закону України “Про державну службу”; організаційні функції щодо роботи апарату міністерства мають бути відображені у Законі України “Про центральні органи виконавчої влади”. Для цього, необхідно внести зміни до Закону України “Про центральні органи виконавчої влади”, відображені у проекті Закону України “Про внесення змін до деяких законів України у зв'язку з прийняттям Закону України “Про державну службу” від 14 липня 2016 р. № 4526-д.

**Ключові слова:** компетенції; функції; повноваження; державний секретар міністерства; державні службовці; політична нейтральність

---

**МЕНЕДЖМЕНТ**

---

**Urgency of the research.** Modernization of the civil service in Ukraine today aims to ensure political neutrality of public servants. This is especially true of the higher and central levels of governance in the state. One of the tools to ensure political neutrality of public servants is the introduction of secretaries of state (hereinafter – secretaries of state). In particular, in the ministries headed by the Minister – a politician, a member of the government, and the office of the Ministry of public servants, it is logical to introduce the position of State Secretary of the Ministry.

It should be noted that Ukraine has already had experience of administration in the ministries of the secretaries of state in 2001 [1] – 2003 [2], after which the ministries headed by the heads of staff (First Deputy Minister - Chief of Staff of the Ministry [3], and from May 1 2016, once again we returned to the position of “State Secretary” [4]. Thus, with the entry into force of the Law of Ukraine “On Civil Service” [4] in the text of the law of Ukraine “On Central Bodies of Executive Power” [5] the words “Deputy Minister-Head of the Administration” are replaced by the words “State Secretary”.

**The research objective.** The problem lies in the clear definition of competences of the State Secretary of the Ministry (on the basis of delimitation of political and administrative functions) that will ensure the political neutrality of the public service, particularly civil servants of the Ministry.

**Actual scientific researches and issues analysis** showed that during the period of formation of public service in Ukraine, these issues were explored by V. Averyanov, Yu. Bytyak, A. Walevskiy, N. Goncharuk, I. Koliushko, O. Parkhomenko-Kutsevil, S. Seriohina, V. Tolkovyanov etc. In publications, the authors point to the necessity of separating political and administrative positions, revealing the foreign experience of functioning of state secretaries, but the majority of scholars cover the practice of functioning of state secretaries in Ukraine in the period 2001– 2003. The majority of studies were conducted up to 2016 and do not take into account modern realities.

**Uninvestigated parts of general matters defining.** Among the unexplored part of the General problem of ensuring the political neutrality of public servants we have identified the issue of competences of the State Secretary of the Ministry in modern Ukraine.

**The research objective.** Therefore, the goal of this article is a to highlight the study of the competences of the State Secretary of the Ministry in Ukraine according to the existing normative-legal acts and proposals for their improvement.

**The statement of basic materials.** Given the complexity and ambiguity of the perception of modern researchers of the concept of “competence”, for a better understanding of the author's text, we note that we will use the term “competence” (from the Latin – Competentia – responsibility, consistency) as the set of powers (rights and obligations) of any authority, officers, which determine the ability of this body or official to make binding decisions, to organize and control their implementation, to take appropriate measures of responsibility and so forth [6, P. 221]. At the same time we agree that the competence of the management body (as well as officials – auth.) is legal reflection (aid) of the assigned to the respective body functions in a special, so-called competency (or status) of normative legal acts by reinforcing the goals, objectives and necessary set of rights and duties, that is, of public authority. The main form of implementation by the state authorities of their competence is their issuance of legal (normative and individual) acts and officials implement organizational and administrative actions against their subordinate entities [6, P. 221–222].

Today in Ukraine State Secretary of the Ministry is the highest position of the state service in a public body whose official duties include the exercise of powers of the public service and the organization of the work of other servants in this body [4, article 2]. The competence of the State Secretary of the Ministry is determined primarily by the laws of Ukraine: “On State service” [4], “On Central Bodies of Executive Power” [5, P. 10], and also by other normative-legal acts, in particular orders of the Cabinet of Ministers of Ukraine.

For clarity and ease the comparison of the positions concerning the competence of the State Secretary of the Ministry in accordance with the legal acts of Ukraine are presented in table 1 (the numbering of the paragraphs is saved in accordance with the regulatory legal act).

In our opinion, the Law of Ukraine “On civil service” [4] focuses on the competence of the State Secretary of the Ministry, reflecting the *staff management* of the Ministry.

**МЕНЕДЖМЕНТ**

Table 1

**Competency of the state secretary of the ministry in Ukraine**

<p>The law of Ukraine "On civil service" [4]</p>	<p>The Order of the Cabinet of Ministers of Ukraine of October 11, 2016 No. 732-r [7]</p>	<p>The law of Ukraine "On Executive Central bodies" [5, p. 10]</p>	<p>the draft Law dated 14 July, 2016 No. 4526-d concerning the Law of Ukraine "On Central Executive authorities" [8, p. 10]</p>
<p>1) organizes the planning of work with personnel of the public authority, including organized competitions for vacant positions of the civil service of categories "B" and "B", ensures the transparency and objectivity of competitions in accordance with the requirements;</p>			
<p>2) provides career planning, planned replacement of posts of public service by trained professionals in accordance with the requirements of professional competence, and stimulates growth and promotion;</p>			
<p>3) ensures timely notification and transfer of the Central Executive body which provides forming and implements the state policy in the sphere of civil service, posts of public service with the aim of forming a single list of vacant posts in the public service;</p>			
<p>4) appoints citizens of Ukraine, who passed the competitive selection for vacant positions in civil service of categories "B" and "B", fires from such positions;</p>	<p>6) appoints and dismisses in accordance with the civil service legislation, civil servants of the Ministry, assigns ranks of public servants, ...;</p>	<p>8) appoints and dismisses in accordance with the civil service legislation, civil servants of the Ministry, assigns ranks of public servants, ...;</p>	
<p>5) assigns ranks of public servants of the public authority who hold positions of public service categories "B" and "B";</p>	<p>10) provides in the prescribed manner the organization of training, retraining and advanced training of civil servants and other employees of the Ministry;</p>	<p>14) provides in the prescribed manner the organization of training, retraining and advanced training of civil servants and other employees of the Ministry;</p>	
<p>6) is the professional development of civil servants of the public authority;</p>			
<p>7) carries out the planning of training of the personnel of the state authority with the aim of improving the level of knowledge of civil servants of the state language, regional language or minority language defined in accordance with the law, and also a foreign language, which is one of the official languages of the Council of Europe, in cases where knowledge of such a language is mandatory;</p>			

**МЕНЕДЖМЕНТ**

*Continuation of Table 1*

8) carries out control over observance of executive and official discipline in a public body;	6) ... takes decisions on their promotion and disciplinary punishments;	8) ... takes decisions on their promotion and disciplinary punishments;
9) considers complaints against actions or omissions of public servants who occupy posts of public service of categories "B" and "B";	6) ... , takes decisions on their promotion and disciplinary punishments;	8) ... takes decisions on their promotion and disciplinary punishments;;
10) takes within his delegated authority the decisions on promoting and disciplining of civil servants who occupy posts of public service of categories "B" and "B";		18) makes a presentation for the submission by the state servants and other employees of the Ministry, its territorial bodies for awarding state awards of Ukraine.
11) performs the functions of the employer concerning employees of the state authority who are not civil servants;	7) employs and dismisses in the manner prescribed by labor legislation, employees of the Ministry, decides on their promotion, disciplinary punishments;	9) employs and dismisses in the manner prescribed by labor legislation, employees of the Ministry, decides on their promotion, disciplinary punishments;
12) creates the proper work environment and logistical support;		
13) exercises other powers in accordance with this law and other laws of Ukraine.	1) organizes the work of the Ministry;	1) organizes the work of the Ministry;
	2) prepares proposals on the implementation of the tasks of the Ministry and submits them for consideration;	2) prepares proposals on the implementation of the tasks of the Ministry and submits them for consideration;
	3) organizes and controls the execution by the Ministry of the Constitution and laws of Ukraine, acts of President of Ukraine, orders of the Cabinet of Ministers of Ukraine, orders of the Ministry and instructions of the Minister, his first Deputy and deputies, reports on their implementation;	3) organizes and controls the execution by the Ministry of the Constitution and laws of Ukraine, acts of President of Ukraine, orders of the Cabinet of Ministers of Ukraine, orders of the Ministry and instructions of the Minister, his first Deputy and deputies, reports on their implementation;
	4) prepares and submits to the Minister for approval the plans of work of the Ministry, reports on their implementation;	4) prepares and submits to the Minister for approval the plans of work of the Ministry, reports on their implementation;
	5) in coordination with the Ministry of Finance approves the staffing table and the budget of the Ministry;	7) in consultation with the Central Executive body, provides forming of the state budget policy, approves the staffing table and the budget of the Ministry;
		2) prepares proposals on the implementation of the tasks of the Ministry and submits them for consideration of the minister <b>2) approves regulations on structural subdivisions of the Ministry;</b>

**МЕНЕДЖМЕНТ**

*Continuation of Table 1*

	<p>8) appoints to positions of heads of territorial bodies of the Ministry and their deputies and fires them from their posts;</p>	<p>10) appoints to positions of heads of territorial bodies of the Ministry and their deputies and fires them from their posts;</p> <p>11) agrees, in cases stipulated by law of the appointment and release from office of the heads of appropriate structural divisions of regional, Kyiv and Sevastopol city state administrations;</p> <p>12) appoints and dismisses heads of enterprises, institutions and organizations belonging to the sphere of management of the Ministry;</p>	
	<p>9) appoints and dismisses heads of enterprises, institutions and organizations belonging to the sphere of management of the Ministry, brings them to disciplinary responsibility;</p>		<p>Needs to be excluded</p>
		<p>13) brings to a disciplinary responsibility of heads of state enterprises, institutions and organizations belonging to the sphere of management of the relevant Ministry;</p>	<p>Needs to be excluded</p>
	<p>11) represents the Ministry as a legal entity in civil and legal relations;</p> <p>12) publishes on issues within his competence orders of organizational and administrative nature and controls their implementation;</p>	<p>15) represents the Ministry as a legal entity in civil and legal relations;</p> <p>17) publishes on issues within his competence orders of organizational and administrative nature and controls their implementation;</p>	
		<p>16) within the powers provided by law, gives mandatory orders for execution by civil servants and other employees of the Ministry;</p>	<p>16) within the powers provided by law, gives mandatory orders for execution by civil servants and other employees of the Ministry;</p>
	<p>13) exercises other powers defined by law.</p>	<p>5) ensures implementation of state policy regarding state secrets, control over its preservation in the apparatus of the Ministry;</p>	<p>ensures the implementation of <b>legislation</b> on state secrets, control over its preservation in the apparatus of the Ministry</p>
		<p>6) within his authority requests and receives when due hereunder from public authorities, authorities of Crimea, local self-government bodies, enterprises, institutions, organizations in Ukraine and abroad free of charge information, documents and materials, and from state statistics bodies - the statistical information necessary to carry out the Ministry tasks;</p>	

## МЕНЕДЖМЕНТ

At the same time, the Law of Ukraine “On Central Bodies of Executive power” [5] focuses on competencies that reflect organizational roles in relation to the work of the Ministry (clauses 1–4,7 in table 1). Also, in addition to *functions for the staff management of the Ministry* there are *functions of the staff management of the territorial bodies of the Ministry, enterprises, institutions and organizations belonging to the sphere of management of the Ministry* (clauses 10–13 Tab. 1).

The Decree of the Cabinet of Ministers of Ukraine, in particular [7] largely repeats the text of article 10 of the Law of Ukraine “On Central Bodies of Executive Power” [5].

In our opinion, the competence of the State Secretary of the Ministry should be limited to issues concerning staff management of the Ministry and general organizational [9]. We observe the confirmation of this thought in the draft law dated July 14, 2016 No. 4526-d [8] regarding the Law of Ukraine “On Central Executive Authorities” ([5, P. 10]).

It should be noted that clause 13 of the law of Ukraine “On civil service” [4] (the Secretary of State performs other duties in accordance with this law and other laws of Ukraine) confirms the possibility of further competences of the State Secretary of the Ministry of others by the Law of Ukraine.

**Conclusions.** Thus, the competence of the state Secretary of the Ministry, reflecting the *staff management* of the Ministry arising out of the law of Ukraine “On civil service” [4]; *organizational functions* in relation to the work of the Ministry should be reflected in the Law of Ukraine “On Central Executive Authorities”.

For this, it is necessary to make changes to the Law of Ukraine “On Central bodies of Executive Power” [5] stipulated in [8].

### References

1. Ukaz Prezydenta Ukrainy Pro chervohi zakhody shchodo dalshoho zdiisnennia administrativnoi reformy v Ukraini : vid 29 trav. 2001 r. № 345/2001 [Decree of the President of Ukraine On the next steps for the further implementation of administrative reform in Ukraine: from May 29 2001, № 345/2001]. *zakon.rada.gov.ua*. Retrieved from <http://zakon2.rada.gov.ua/laws/show/345/2001> [in Ukrainian].
2. Ukaz Prezydenta Ukrainy Pro deiaki zakhody shchodo optymizatsii kerivnytstva v systemi tsentralnykh orhaniv vykonavchoi vlady : vid 26 trav. 2003 r. № 434/2003 [Decree of the President of Ukraine On Some Measures to Optimize Leadership in the System of Central Executive Bodies: from May 26 2003, № 434/2003]. *zakon.rada.gov.ua*. Retrieved from <http://zakon3.rada.gov.ua/laws/show/434/2003> [in Ukrainian].
3. Ukaz Prezydenta Ukrainy Pro Prymirne polozhennia pro pershoho zastupnyka ministra - kerivnyka aparatu ministerstva : vid 21 serp. 2004 r. № 964/2004 [Decree of the President of Ukraine About the Provisional Provision on the First Deputy Minister - Head of the Ministry's Office: from August 21 2004, № 964/2004]. *zakon.rada.gov.ua*. Retrieved from <http://zakon2.rada.gov.ua/laws/show/964/2004> [in Ukrainian].
4. Zakon Ukrainy Pro derzhavnu sluzhbu : vid 10 hrud. 2015 r. № 889-VIII [Law of Ukraine On the Civil Service: from December 10 2015, № 889-VIII]. *zakon.rada.gov.ua*. Retrieved from <http://zakon5.rada.gov.ua/laws/show/889-19> [in Ukrainian].
5. Zakon Ukrainy Pro tsentralni orhany vykonavchoi vlady : vid 17 berez. 2011 r. № 3166-VI zi zminamy [Law of Ukraine About central executive bodies: from March 17 2011, № 3166-VI]. *zakon.rada.gov.ua*. Retrieved from <http://zakon0.rada.gov.ua/laws/show/3166-17/print1478020568592555> [in Ukrainian].
6. Kovbasiuk, Yu. V., Serohin, S. M., Soroko, V. M. et al. (2011). *Etsyklopediia derzhavnoho upravlinnia [Encyclo-*

### Література

1. Про чергові заходи щодо дальшого здійснення адміністративної реформи в Україні : Указ Президента України від 29 трав. 2001 р. №345/2001 [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/345/2001>.
2. Про деякі заходи щодо оптимізації керівництва в системі центральних органів виконавчої влади : Указ Президента України 26 трав. 2003 р. №434/2003 [Електронний ресурс]. – Режим доступу : <http://zakon3.rada.gov.ua/laws/show/434/2003>.
3. Про Примірне положення про першого заступника міністра - керівника апарату міністерства : Указ Президента України від 21 серп. 2004 р. №964/2004 [Електронний ресурс]. – Режим доступу : <http://zakon2.rada.gov.ua/laws/show/964/2004>.
4. Про державну службу : Закон України від 10 груд. 2015 р. №889-VIII [Електронний ресурс]. – Режим доступу : <http://zakon5.rada.gov.ua/laws/show/889-19>
5. Про центральні органи виконавчої влади : Закон України від 17 берез. 2011 р. № 3166-VI зі змінами [Електронний ресурс]. – Режим доступу : <http://zakon0.rada.gov.ua/laws/show/3166-17/print1478020568592555>.
6. Енциклопедія державного управління : у 8 т. / Нац. акад. держ. упр. при Президентові України; наук.-ред. колегія : Ю.В. Ковбасюк (голова), [та ін.]. – К. : НАДУ, 2011. – Т. 6 : Державна служба / наук.-ред. колегія : С. М. Сergyogin (співголова), В. М. Сороко (співголова), [та ін.]. – 2011. – 1039 с.
7. Про оголошення конкурсу на зайняття вакантних посад державних секретарів міністерств : Розпорядження Кабінету Міністрів України від 11 жовт. 2016 р. № 732-р [Електронний ресурс]. – Режим доступу : <http://www.kmu.gov.ua/control/uk/cardnpd?docid=249404460>
8. Про внесення змін до деяких законів України у зв'язку з прийняттям Закону України “Про державну службу”: проект Закону від 14 лип. 2016 р. №4526-d [Електронний ресурс]. – Режим доступу

---

**МЕНЕДЖМЕНТ**

---

*pedia of Public Administration*] (Vols. 1-8). Kyiv: NADU [in Ukrainian].

7. Rozporiadzhennia Kabinetu Ministriv Ukrainy Pro oholoshennia konkursu na zajniattia vakantnykh posad derzhavnykh sekretariv ministerstv : vid 11 zhovt. 2016 r. № 732-r [Order of the Cabinet of Ministers of Ukraine About the announcement of the competition for vacancies for state secretaries of ministries: from October 11 2016 № 732-r]. *zakon.rada.gov.ua*. Retrieved from <http://www.kmu.gov.ua/control/uk/cardnpd?docid=249404460> [in Ukrainian].

8. Proekt Zakonu Pro vnesennia zmin do deiakykh zakoniv Ukrainy u zviazku z pryiniattiam Zakonu Ukrainy "Pro derzhavnu sluzhbu": vid 14 lyp. 2016 r. #4526-d [Draft Law On amendments to some laws of Ukraine in connection with the adoption of the Law of Ukraine "On Civil Service": dated July 14 2016, № 4526-d]. *zakon.rada.gov.ua*. Retrieved from [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=59725](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59725) [in Ukrainian].

9. Suray, I. G. (2017). Between politics and public service (State secretary of the ministry in Ukraine). *Public management, 1(6)*, 171–177 [in English].

: [http://w1.c1.rada.gov.ua/pls/zweb2/webproc4\\_1?pf3511=59725](http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=59725).

9. Suray, I. G. Between politics and public service (State secretary of the ministry in Ukraine) / Suray Inna Gennadiivna // *Public management – 2017. – № 1 (6) – mach 2017. – P. 171–177.*

Received for publication 01.08.2017

**Бібліографічний опис для цитування :**

Suray, I. G. Competency State secretary of the Ministry in Ukraine / I. G. Suray // Науковий вісник Полісся. – 2017. – № 4 (12). Ч. 2. – С. 163-169.