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PROBLEMS OF THE ORGANIZATION AND FUNCTIONING OF A PERSONNEL MANAGEMENT SYSTEM OF PUBLIC SERVICE: FOREIGN EXPERIENCE

Abstract. In article the modern principles of the organization and function-
ing of a personnel management system of public service in the foreign countries,
the carried-out analysis of system of public authorities of the power which direct
public service are analyzed.

Keywords: public service, a personnel management system, bodies which
operate public service.

ПРОБЛЕМИ ОРГАНІЗАЦІЇ ТА ФУНКЦІОНУВАННЯ СИСТЕМИ УПРАВЛІННЯ ПЕРСОНАЛОМ ДЕРЖАВНОЇ СЛУЖБИ: ЗАРУБІЖНИЙ ДОСВІД

Анотація. У статті аналізуються сучасні засади організації та функціону-
вання системи управління персоналом державної служби в зарубіжних кра-

їнах, а також система державних органів влади, які управляють державною службою.

Ключові слова: державна служба, система управління персоналом, органи, які управляють державною службою.

ПРОБЛЕМЫ ОРГАНИЗАЦИИ И ФУНКЦИОНИРОВАНИЯ СИСТЕМЫ УПРАВЛЕНИЯ ПЕРСОНАЛОМ ГОСУДАРСТВЕННОЙ СЛУЖБЫ: ЗАРУБЕЖНЫЙ ОПЫТ

Аннотация. В статье анализируются современные принципы организации и функционирования системы управления персоналом государственной службы в зарубежных странах, а также система государственных органов власти, управляющие государственной службой.

Ключевые слова: государственная служба, система управления персоналом, органы, управляющие государственной службой.

Target setting. The modern control system of public service of Ukraine endures crisis. Yes, it, first, substantially also became conceptually outdated (mechanisms and methods of work with personnel are typical which do not consider change in modern activity of society); secondly, has no system character (in particular, it concerns adoption of many normative legal acts of rather public service); besides, the modern personnel management system cannot satisfy requirement of society, in particular, quickly to create new generation of managers. Similar system crises endured other countries and found the solutions of problems.

Analysis of the last researches and publications. Analysis of the last researches and publications. Unseemly attention is paid to problems of system consideration of system of public authorities of the power which direct public service. Yes, in some textbooks (in particular, “Administrative law of the foreign countries” [1], “Administrative public administration in the

countries : USA, Great Britain, France, Germany” [2], “Public administration of the foreign countries” [8], “Public service. Foreign experience and offers for Ukraine” [9], “Human resource management” [10]) and also scientists A. Esimovoy [4], G. Lelikovim [5], I. Ninyuk [6], V. Oluykom [7], only certain aspects of management of public service of the abroad are considered.

However, *among unresolved before a part of a common problem* – there is a system analysis of modern control systems of public service and definitions of innovative ways of reforming of the Ukrainian control system of public service.

Therefore, **the purpose of the article** is implementation of the thorough analysis of modern practices on a problem of reforming of control systems of public service in the foreign countries and on the basis of such analysis of justification of innovative ways of reforming of the Ukrainian control system of public service.

The statement of basic materials.

For the purpose of definition of optimum ways of reforming of a personnel management system of public service of Ukraine feasible thorough analysis of foreign experiment on noted problem.

The analysis of literature from problems of formation of a control system of a personnel of public service gives the grounds to note that at world level

there is no general system of the organization of institutions, what responsible for public service. In the different countries public service and therefore structure of the organization state service different is differently organized.

For the purpose of simplification information the system of governing bodies of public service can be provided according to the following classification [4, p. 89].

Public service authorities	Country	The reasons for this type of subordination
Ministry of Finance	Australia, Denmark, Portugal, Finland, Ireland, Switzerland, Sweden, Cyprus	Unlike activity of employees private to the sector, work of public servants is paid from means of the state budget, at the expense of the means received from taxpayers
Ministry of Internal Affairs	Belgium, Germany, the Netherlands, Hungary, Lithuania, Slovenia	Such approach exists generally federal states and also in the countries with decentralization of the power and large powers of local governments
Prime Minister	United Kingdom, Italy, Canada, Switzerland, Japan, Islamic Republic of Iran, Poland, Czech Republic	Management in which public servants are involved is the instrument of implementation of imperious functions of the government where management is financed by the Head of the government
Departments (ministries) for civil service and public administration	Greece, Spain, Turkey, France, Bulgaria, Slovakia	In some countries controls of public service are exercised by the relevant ministries (departments)
The management of the civil service is within the competence of more independent ministries, councils, commissions	Norway, Australia, Luxembourg, China, New Zealand, USA, Yugoslavia, Estonia, Latvia, Romania	In some countries the ministry which is responsible for management of public service uses bigger degree of independence, at the same time it covers also other branches (The Ministry of Sport in Australia, the Ministry of Labour and government administration in Norway, the Ministry of Labour, social solidarity and family in Romania and so forth)

We will in details analyse the system of governing bodies of public service in France, Spain, Germany, Latvia, the USA, Poland and China further.

The analysis of literature from problems of the organization of a personnel management system of public service gives the grounds to claim that the French system of public service is the system of career development. In the center of system of promotion there is a principle of difference between a rank and a type of work. The rank is practically “personal property” of the public servant. Public servants cannot be released (if disciplinary violations or low level of their work are not revealed). The rank gives to the public servant of an opportunity to be engaged in that work which answers the level and qualification of the corresponding rank.

For professionalism development public service provides development of mobility among public servants. To enter comparison elements between different tasks (different types of works) and to help to organize the real career development on the basis of capitalization different professional experience enriched with mobility and also continuous study, it is necessary to create the system of interrelation. It is what in France is called “link” of qualifications and remunerations.

The French system is criticized sometimes for rigidity and solidity, for the fact that too many attention is paid to length of service, for infrequent promotion, for insignificant flexibility. But the reality shows that to public service of France inherent wonderful ability to adaptation; and also the fact that at career development undertake to atten-

tion of a merit and high-quality performance of tasks.

In France bodies which operate public service perform everyone the function. The parliament approves the General provision on public service and defines an order of creation of the budgetary positions. The State Council establishes what positions enter a circle of powers of the president and the government what categories of officials can be appointed by other bodies. The president approves decrees concerning public service, carries out appointment of the highest officials: state councilors, the chief consultants of Audit Chamber, prefects, ambassadors, heads of academies, etc. the Prime minister according to the constitutional norms bears direct responsibility for all work of public service. Within the constitutional powers he prepares and issues bylaws, special regulations on public service for the separate ministries, coordinates activity of the ministries for the benefit of public service, participates in appointment of the highest officials. Behind decisions of the president and prime minister there are appointments of all administrative board of the ministries (to chiefs of departments) [7, p. 37].

The general management (Head department) of public service is the main body that responsible for management of public service. This rather small management (less than 200 public servants) which main tasks are creation and maintenance of legal principles of public service, management of the salaries of public servants, provision of pensions and also development of policy in the sphere of management of human resources (special responsibility —

for the highest case of public servants), reception, study, social dialogue, social sheaves. It is obvious that the General management (Head department) of public service does not operate public servants. Departments (management) of human resources of the ministries, local authorities and the state hospitals bear responsibility for daily human resource management.

The general management (Head department) of public service belongs to the ministry responsible for public service. Till 2007 the Ministry of public service was closely connected with office of the Prime minister (in France, according to the Constitution, the Prime minister is the head of public service, at least public civil service). Since 2007 the Ministry of public service became a part of the Ministry of the budget and public finances, in view of big costs of public service from the budget of the state (44,4 % of the state budget are spent for public service, 6,1 % of GDP) [3, p. 72].

At the regional level controls of public service are exercised by prefects. The prefect and the services of prefectures subordinated to him perform two functions: representative of the central government and coordination headquarters of services of the region. The prefect has the right to employ employees of an average and lower link. At the level of local government municipal councils and mayors act as governing bodies. They lock management of public service on a national scale. Besides, for personnel administration of public servants at the regional and local levels the created managements in the form of the state territorial institutes. These managements unite in the national

center which performs management control only of the top management [7, p. 38].

For France signs of self-government in activity of bodies from management of public service which allows active participation in it of trade-union activists, ordinary employees are characteristic. For this purpose the created network of parastatal, semi-public bodies, for example General council, Territorial council, Parity administrative committee for coordination of the adopted acts of rather public service with the interests of public servants, discussion of alternative projects of rather public service and so forth [3, p. 72].

The same scheme of the organization of public service with division into a number of levels works in other countries approximately though in each country there are the specifics.

In the majority of the countries there are specialized governing bodies of public service. Each state seeks to find the most acceptable system of the organization and functioning of public service which in general answers scientific views this problem taking into account national traditions and the culture of the population.

In Germany functions of management of public service are subordinated to the Federal Ministry of Internal Affairs. The general questions are carried to functions of divisions of the Federal Ministry of Internal Affairs: bases of public service, national and international law in the sphere of public service; financial, tariff right and aRight providing, also question of management of modernization and organization of public administration (organization and modernization of

public administration, reduction of bureaucracy, deregulation, prevention of corruption, international cooperation.

The management system of Spain is organized by the principle of the so-called career or closed system which main characteristic feature is a set of personnel to public authorities (the announcement and administrative processes) to a separate position of basic level, within which perhaps career increase (processes of promotion) and salary increase. The law provides the minimum conditions of access to work in the system of administration, besides depending on the level of work the educational level (the master/expert, the diplomat, the Bachelor and so forth) is considered.

Such type of system of public service is very hierarchical and is based on the system of availability of career within official body according to the diploma about the level of educational preparation in the course of employment in administration. However, the management system of Spain which in many respects is based on the French system of public service was changed as a result of reforms 1997–1999 in connection with the termination of use of the elements borrowed from anglosaksky system. The main changes which were entered are such:

- essential changes in a control system of human resources. There of opportunities for carrying out more flexible personnel policy extended. Before a question of advance of public servants decided special bodies, and the personnel policy in general was regulated at the level of the legislation (administrative law). It is more than that, any action taken by the Chairman of division

could be appealed in a judicial proceeding. Thus, heads of divisions were deprived of a real leverage over subordinates [8, p. 350].

The new personnel management system provides that heads division of public service (for example, heads of departments, managements) can act as top managers private to the sector. From them the responsibility and restrictions defined administrative the right, however is relieved they bear personal responsibility for personnel policy. Introduction in public service of the principles of activity private gave to the sector the chance to enter new forms of the organization of work in public service, in particular: urgent contracts, training, interim labor agreements and so forth [8, p. 350].

- administrations are provided the right to make a transfer of employees and their reduction according to requirements of private law;

- input of innovative approach to classification of the state positions, in particular, such approach gives the chance to select office personnel and to appoint the certain worker to a concrete position according to skills of the employee. However, it is rather difficult to combine such system with the system of the power which appoints to some key responsible positions of the person without skills;

- opportunities for input of other types of the professional relations in administrative agencies which differ from classical career of the official, in particular introduction of positions of so-called temporary and permanent employees are created;

- change of system of compensation and taking into account when deter-

mining salary of level of responsibility and professional experience, abilities, skills.

All above-named lines are available in model of public administration of Spain today. It is possible to claim that the system of public administration of Spain should be considered as a peculiar model which combines lines of the closed anglosaksky and open French model of public administration.

The author analysed modern institutions in Latvia. It should be noted that since 1995 the Administration of public service is a responsible institution for formation of policy of public service. This establishment was liquidated at the end of 2008 as a result of reduction employees. Functions of Administration of public service were significantly reduced at the end of 2002, and the Administration functioned only as control body. Since 2003 responsibility for public service and personnel policy was put in public sector was divided into the State office and responsibility for salary policy between the State office and the Ministry of Finance.

Functions of the State office in management of public service:

- development of personnel policy in public sector, including public service;

- development of the legislation in the sphere of public service and a field of activity of workers state to the sector;

- development and deployment of system: classifications of positions, annual certification, training of public servants and workers at the central level;

- development of an order of passing of study;

- the adoption of classification of jobs at the central public institutions;

- adoption of the provision on the competition of public servants;

- coordination of divisions concerning management of human resources of the Ministries and other bodies of the central administration;

- providing consultation on employment and public service.

Function of management of human resources which are engaged in public sector is carried out by Department of coordination of policy of the State office which is responsible for the general state policy of administration. For this time exists the 12th public servants who work in this division, but they fulfill also other duties put on Department.

On Bureau of human resource management of the USA the put task of ensuring centralization and coordination of personnel work in the device of administrative public administration. Belongs to competence of Bureau: appointment of employees to positions and their promotions; estimation of their work; professional development; encouragement and punishment; development of recommendations concerning improvement of personnel work. Concerning Council for questions of protection of system of merits, it should be noted that ensuring implementation of laws on civil service regarding reception, releases and services according to the principles of “the system of merits” is referred to its powers. For this time nine basic principles of system of merits which are legislatively settled are formulated:

- recruitment of employees from all segments of society with selection

and advance on the basis of abilities, knowledge and abilities when ensuring performance of fair and open competitiveness;

- the fair and impartial relation in the course of human resource management implementation (not dependent on political thoughts, race, skin color, religion, national origin, a floor, marital status, age and disability), with the corresponding respect for confidentiality of private life and constitutional rights;

- equal payment for work of equal value taking into account both national, and the local level of payment of workers private to the sector with a combination of encouragement and recognition of perfect performance of work;

- high standards of honest behavior and concern on public interests;

- effective and effective use of federal labor;

- preservation of professional employees, studies of workers which inadequately work and releases of workers who cannot and do not wish to provide certain standards in work;

- improvement of work by effective study and preparation;

- protection of employees against unreasonable actions, personal favoritism or political coercion;

- protection of employees against punishments for lawful disclosure of information. Punishment cannot be applied to the employee who gave “alarm signal” [2, p. 142].

The organization of public service in Poland has the features. Management of the system of public service consists of the Head of Public service, General to the director of Office, Public service,

Department of public service (office of the Prime minister).

The head of Public service – the central body of government administration competent of questions of public service. The head of Public service directly subordinates to the Prime minister who appoints him and releases. The prime minister appoints the Head of public service from among public servants, having heard a position of Council of public service. The head of Public service performs the tasks behind assistance of the CEOs [6, p. 181].

Belong to fundamental obligations of the Head of Public service:

- ensuring compliance with the legislation on public service;

- management of management of personnel of public service;

- collection of data on personnel of public service;

- preparation of drafts of regulations which concern public service;

- control and supervision of use of resources;

- planning, organization and control of process of study of public servants;

- dissemination of information on public service;

- providing conditions for dissemination of information on vacancies;

- ensuring the international cooperation on questions which concern public service;

- creation and implementation of the project of strategy of management of human resources of public service;

- establishment of standards of management of human resources of public service and the basic principles concerning compliance with the law about public service and the ethical principles of public service.

The position of the CEO exists in office of the Prime minister, at office of the minister, at office of the Chairman of the Committee which is a part of Council of ministers, at office of the central body of government administration, in voivodeships. The CEO submits directly to the head of Office. The CEO carries out the actions provided in the labor legislation concerning persons who work at office and realizes policy of management of human resources. It provides functioning and heredity in work of office, a condition of its functioning and also the organization of work [6, p. 182].

Council of Public service consists of 15 members and is advisory body of the Prime minister. Council resolves such issues:

- questions of development of public service which are provided by the Prime minister, the Head of Public service or on own initiative;
- project of strategy of management of human resources of public service;
- the bill on the budget and annual implementation of the budget in the part concerning public service;
- a question of increase in expenses from the state budget for public service;
- drafts of regulations about an order of passing of public service;
- program of vocational training of public servants;
- professional ethics of the Case of Public service;
- offers concerning candidates for a position of the Head of Public service according to the requirements established by the current legislation;
- drafts of codes of norms and rules which regulate activity of the Commis-

sion on questions of discipline in public service;

- worlds of the Head of Public service.

The department of public service (office of the Prime minister) performs tasks which are within the competence of the Head of Public service.

The author offers to analyse in details the organization of public service in China, there the only criterion of the truth – “efficiency of your actions race for power and resources” [traditionally is recognized 5, p. 8].

The basic document in the civil service sphere in China are the “Provisional regulations for public servants” which are put into operation by the Resolution of the State Council of the People’s Republic of China № 125 of August 14 in 1993. In November of the same year the State Council published the Directive № 78 “About rules of input of system of government employees”. On the basis of acts of the government the relevant decisions were also made the Org.by Central Committee of the Code of Criminal Procedure (about introduction of system to the government employee in party bodies and devices NPKRK) and the Ministry of shots of the People’s Republic of China [3, p. 75].

The Ministry of shots of the People’s Republic of China is structural division of the State Council of the People’s Republic of China and is responsible for personnel policy and implementation of reform of personnel system in the country. The main functions of the Ministry are:

- implementation of the general management of professional and technical staff in the country;

– assistance to development of professional and technical staff, public servants and administrative personnel at the enterprises [5, p. 10].

The Ministry of Human Resources of the People's Republic of China is responsible for introduction of reform of system of personnel administration and development of human resources in the country. As the Ministry studying and development of curricula and programs of reform of personnel system in governmental and administrative bodies, public institutions and the state enterprises enters; development of policy, legislative base and norms of personnel administration, control of their implementation; forecasting, planning, development, study, distribution and management of human resources.

In the sphere of planning of human resources the Ministry of Human Resources of the People's Republic of China is responsible for development of national programs at the macrolevel of rather structural regulation and distribution of compensations for workers who work in governmental administrative bodies and public institutions; for preparation of plans of turnover of staff for governmental administrative bodies and public institutions; implementation of the general control of full payment of compensations to employees of public authorities and public institutions; implementation of statistical work and the analysis concerning staffing and compensation payments to employees of public authorities and public institutions [5, p. 11].

The Ministry of Human Resources of the People's Republic of China is responsible for management of professional and technical staff in the country. Planning

and training of highly qualified personnel is within the remit of the Ministry; selection and further advance of the most perspective experts of younger and middle age; definition among them such which will receive the specialized help of the government; improvement of quality of management in the system of the higher academic education; employment of shots which returned to the country after study abroad; retraining of professional personnel structure. The Ministry studies and develops the regulatory base concerning employment of persons from among professional personnel structure in the Chinese institutions abroad. The Ministry also handles an issue of improvement of system of retraining for professional personnel structure; improvement of system of examinations and estimates of qualification training of professional personnel structure, general coordination of system of qualification standards of different categories of professional personnel structure.

The Ministry of Human Resources of the People's Republic of China is body which is responsible for planning and the forecast of development of human resources, concentrating attention on more gifted shots. The Ministry the reforming of system of employment which is also involved in process graduate higher educational institutions and the translation of it to an accent on the market principles.

Conclusion. The carried-out analysis gives the grounds to note that in the foreign countries the personnel management system is characterized by such features:

– the personnel management system provides independence and com-

pliance of employees which main criterion is the quality of providing public services to citizens;

– there was a settled system of bodies which operate a personnel of public service;

– the foreign personnel management system is based the principles private to the sector that allows it to be flexible and to adapt quickly to changes in socio-political life of society;

– the personnel management system of public service is abroad subordinated or to the prime minister or the whole ministry which shows its importance in the system of public administration cares for problems of public service.

The prospects of further investigations in this direction the analysis and development of mechanisms of reforming of a personnel management system of Ukraine on the basis of foreign experience.

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