

**PERSONNEL ELECTRONIC DOCUMENT MANAGEMENT****Lunina Evgeniya Yurievna**

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The labor legislation has undergone many changes. In November 2021, three new articles (22.1-22.3) were added to the Labor Code, which regulate the new procedure for conducting personnel EDI and electronic interaction between employers and employees

The legislator pointed out that some of the innovations will come into force from the moment of the law's publication, while the second part will take effect in September 2022.

Thus, the Labour Code has enshrined the concept of «electronic document management in the field of labour relations - the creation, signing, use and storage by the employer, the employee or the person entering employment, documents related to work, drawn up in electronic form without duplication on paper».

Now, according to the law, the employer can transfer 99% of personnel documents into electronic format, without duplication in paper form. These are documents such as: labor contracts, material responsibility contracts, apprenticeship contracts, education contracts (with or without leaving work), disciplinary orders and notices of changes in the terms of the employment contract.

The exceptions to all personnel documents are labor books, information on employment (form STD-P), certificates of accidents at work (form H-1), orders or instructions to dismiss employees, documents on the passage of instructions on labor protection, which must be made out on paper.

But this transition has a number of peculiarities. When introducing EDI, the employer must notify employees and job applicants of the transition to EDI, and take consent from current employees. If the employee does not agree to switch to EDI, the HR department will provide them with paper documents.

At the same time, if an employee joins the workforce after 31 December 2021, no consent is taken from employees, and they are informed when they enter the organization that there is an electronic personnel record-keeping system in operation.

The situation is similar in relation to work record books: for an employee who refuses to keep an electronic work record book, they keep it in paper form, and he can at any time write an application to switch to an electronic work record book. If the employee has written an application for the transition, he will not be able to return to the paper form. If the employee gets employed for the first time since January 1, 2021, that is, until then it had no work record book in any form, the personnel officer makes a work record book in electronic form.

The innovations in the HR electronic document flow also touched on the disability certificate. From 01.01.2022 all certificates of incapacity for work (sick-leave certificates) will be executed by clinics and hospitals exclusively in the electronic form. Sick notes will not be duplicated on paper. The doctor is only obliged to inform the employee of the document number, and the document itself will automatically go to the employer's accounting department through the information interaction

system of the Social Insurance Fund. In this case, the exceptions are persons whose information constitutes state and other secrets protected by law, as well as those in respect of whom state protection measures are implemented - for them there will still be a paper form of the sick leave.

When implementing KEDO in the organization, the employer can use an information system:

- its own, which will ensure the signing of electronic documents, their storage, as well as recording the fact of receipt by the parties to the employment relationship;
- the federal state digital platform "Work in Russia", access to which can be obtained, including the Unified Portal of State and Municipal Services.

Since the implementation of personnel electronic document management does not require the duplication of paper documents, all documents are signed with an electronic signature. The electronic signature depends on the type of document and where the EDI is maintained.

If the employer uses a commercial solution, they will need an enhanced qualified or unqualified signature to sign documents. The employee, however, can use a simple or enhanced signature. Some documents in the commercial EDI system the employer will only be able to sign with an enhanced qualified signature, while the employee can sign with any enhanced signature. Such documents include:

- Employment contract and amendments thereto;
- Material liability agreement and amendments thereto;
- An apprenticeship agreement and amendments to it;
- a contract for in-service or on-the-job training and amendments to it;
- an order (instruction) to impose a disciplinary punishment and notification thereof;
- consent to transfer;
- application for dismissal and its withdrawal.

From all of the above it follows that the emergence of EDI sufficiently optimizes the work of the personnel service, and the legislation in the field of personnel electronic document management, gives the right to employers to switch to EDI, but does not oblige.

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