

## **CIVIL SERVANTS ACT**

### **PART ONE**

#### **Chapter I INTRODUCTORY PROVISIONS**

##### Article 1 (Civil servants)

- 1) Civil servants shall be individuals employed in the public sector.
- 2) For the purposes of this Act, the public sector shall be comprised of:
  - state bodies and the administrations of self-governing local communities,
  - public agencies, public funds, public institutions, and public commercial institutions
  - other entities of public law that indirectly use state or local budgetary funds.
- 3) Public companies and commercial companies, where the state or local communities are controlling shareholders or have prevailing influence, shall not be a part of the public sector under this Act.
- 4) Functionaries in state bodies and local community bodies shall not be deemed as civil servants.
- 5) The terms "official", "servant", "principal" and other terms written in masculine grammatical form are used neutrally for both, men and women.

##### Article 2 (Scope and purpose)

- 1) This Act governs common principles and other common issues relating to the civil servants system.
- 2) This Act comprehensively governs the civil servants system in state bodies and in local community administrations, and the particularities of civil servants employment in state bodies and in local community administrations.

##### Article 3 (Employer)

- 1) An employer shall be a legal entity with which a civil servant has entered into employment relationship.
- 2) The employer in state bodies shall be the Republic of Slovenia. The employer in local community administrations shall be the local community.
- 3) Provision may be made by law for the Government of the Republic of Slovenia (hereinafter: the Government) to exercise certain rights of the employer in relation to civil servants who enter into employment with entities of public law.

Article 4

(Exercising the rights and duties of the employer)

- 1) The rights and duties of the employer shall be exercised by the principals of state bodies and the principals of local community administrations.
- 2) The rights and duties of the employer in entities of public law shall be exercised by the management. The management may in writing authorise a civil servant having at least a higher professional education and no less than five years of working experience to exercise certain rights and duties of the employer.

Article 5

(Civil servants employment and salaries in the public sector)

- 1) Civil servants' employment, and the rights and duties arising thereof, shall be governed by regulations governing employment and by collective labour agreements, unless otherwise provided by this Act or other particular law.
- 2) Salaries in the public sector shall be governed by a particular law.

Article 6

(Definition of terms)

For purposes of this Act:

1. "state body" means a public administration body or other state body;
2. "public administration body" means a Ministry, a Body within Ministry, a Government Office or an Administrative Unit;
3. "other state body" means the National Assembly, the National Council, the Constitutional Court, the Court of Audit, the Ombudsman, a judiciary body, or other state body that is not a public administration body.
4. "judiciary body" means the courts, the state prosecutor's office, the state attorney's office, and an independent body competent for violations;
5. "local community" means a municipality or a region;
6. "jobs systematisation" means an act determining the work posts required for the performance of the tasks of state bodies, local community administrations, or the tasks of entities of public law, providing for the description of the conditions and tasks relating to individual work posts;
7. "work post" means the smallest organisational unit in a state body, local community administration or in an entity of public law;
8. "position" means a work post carrying managerial authorisations and responsibilities;
9. "principal" means a person managing the work of a state body or a local community administration; the mayor shall be the principal of municipal administration;
10. "years of employment" means the period spent in employment relationships;

11. "years of service" means the years of employment as a civil servant in state bodies or local community administrations;
12. "education" means the education publicly recognised;
13. "working experience" means the years of employment at work posts demanding the same level of education, and the period of apprenticeship demanding the same level of education, regardless of whether a person entered into employment or apprenticeship with the same employer; working experience shall also include the working experience that a civil servant has gained by working at work posts demanding a one-degree lesser level of education in the same line of profession or the same occupation, not including the period of apprenticeship at one-degree lesser level of education;
14. "expert knowledge" means education and other functional and special learning;
15. "professional qualification" means expert knowledge and personal skills relating to its application;
16. "public tasks" means tasks falling within the field of activity of state bodies or local community administrations, or tasks carried out by entities of public law established for such purposes;
17. "ancillary work" means work in the field of personnel and in the field of material and financial management, technical and similar services, and other work required to secure uninterrupted performance of public tasks by bodies or entities of public law.

## **Chapter II COMMON PRINCIPLES OF THE CIVIL SERVANTS SYSTEM**

### Article 7 (Principle of equal access)

The employment of civil servants shall be implemented so as to guarantee equal access to work posts for all interested candidates under equal conditions, and to guarantee the selection of candidates most professionally qualified for the performance of tasks in the respective work post.

### Article 8 (Principle of legality)

Civil servants shall perform public tasks on the basis and within the framework of the constitution, ratified and published international treaties, laws and executive regulations.

### Article 9 (Principle of professional conduct)

Civil servants shall perform public tasks with due expertise, and in a timely and conscientious manner. At their work, civil servants shall act in line with the rules of the profession, and shall to this end receive constant training and additional qualifications, the conditions of which shall be provided by the employer.

Article 10  
(Principle of honourable conduct)

In the performance of public tasks, civil servants shall act honourably and in line with the rules of professional ethics.

Article 11  
(Restrictions and duties in respect of the acceptance of gifts)

1) Civil servants performing public tasks may not accept gifts relating to their work, with the exception of protocol and occasional gifts of lower value. Gifts not exceeding the value of 15.000 tolar, or gifts received from the same person not exceeding the total value of 30.000 tolar in a given year, shall be deemed as gifts of lower value. Gifts received from functionaries or civil servants of other states or international organisations, given during visits, guest appearances or on other occasions, and other gifts given in similar circumstances, shall be deemed as protocol gifts.

2) The prohibition and the restriction pursuant to paragraph 1 of this Article shall also apply to the spouses of civil servants, to persons living with civil servants in extramarital communities their children, parents, and persons living with civil servants in joint housekeeping.

3) Civil servants shall be obliged to warn donors that gifts exceeding the value set in paragraph 1 of this Article shall become the property of the employer. In case the donor insists on presenting the gift, civil servants or persons pursuant to paragraph 2 of this Article shall be obliged to deliver the gift to the employer or to the body of the employer authorised to dispose of the gifts.

4) Data on the accepted gifts, their value, the donors and other circumstances shall be entered in a list of gifts. Civil servants accepting the gifts shall be obliged to report the data subject to entry. Civil servants shall also be obliged to report the relevant data in cases under paragraph 2 of this Article.

5) The manner of disposing of the gifts under paragraph 3 of this Article, the manner of managing the list under paragraph 4 of this Article, and other issues relating to the implementation of the restrictions and duties under this Article, with respect to public administration bodies, judiciary bodies, local community administrations and entities of public law, shall be governed by regulation adopted by the Government. The regulation may provide that gifts not exceeding certain value are not subject to entry in the list.

Article 12  
(Principle of confidentiality)

Civil servants must protect secret information regardless of how they learned of such data. The duty of protecting secret information shall continue to apply after the termination of employment. The duty of protecting secret information shall continue to apply until civil servants are released of such duty by their employer.

Article 13  
(Principle of responsibility for results)

Civil servants shall be held responsible for the quality, speedy and efficient performance of public tasks entrusted upon them.

Article 14  
(Diligence of a good manager)

Civil servants must use public funds in an economic and efficient manner, in pursuit of the best results possible at the same cost, or in pursuit of the same results at the minimum cost possible.

Article 15  
(Protection of professional interests)

The employer must provide for paid legal assistance to civil servants or to a former civil servants, against whom criminal proceedings or action for damages have been instituted in relation to performance of public tasks, if the employer holds the public tasks to be performed lawfully and in conformity with the rights and obligations arising out of employment relationship.

**Chapter III**  
**OTHER COMMON ISSUES OF THE CIVIL SERVANTS SYSTEM**

Article 16  
(Determining the rights and obligations)

1) The rights and obligations of civil servants arising out of employment relationship shall be governed by regulations on employment, collective labour agreements, this Act and other laws, and by executive regulations adopted on their basis.

2) Unless otherwise provided by law, employment relationship shall be concluded and the rights and obligations arising thereof shall be determined by a contract of employment.

3) The employer may not secure to civil servants rights to an extent greater than that provided by law, executive regulations or collective labour agreement, if public funds are to be burdened therewith.

4) The Government may, in conformity with the laws and collective labour agreements concluded by the Government, by regulation make, in respect of the rights and obligations of civil servants, provisions for uniform rules and standards for decision-making in public administration bodies, judiciary bodies and entities of public law established by the state, or entities of public law to which the state provides the funds for salaries. Prior to issuing such a regulation, the Government must enable representative trade unions of activities and professions in the public sector to give their opinion on the issue. In case of a negative opinion, the Government must carry through harmonisation proceedings. Issues that failed to be harmonised shall be specifically explained and the explanations shall be communicated to the trade unions.

5) The regulation adopted pursuant to the preceding paragraph shall not apply to the public institution of the RTV Slovenia.

Article 17  
(Additional conditions for certain work posts)

In case work posts require by virtue of law that languages of a national communities be used, the knowledge of such languages shall be set as a condition for such work posts.

Article 18

(Trade union operations and collective bargaining)

- 1) Civil servants shall have the right to establish and to operate trade unions.
- 2) Civil servants shall have the right to collective bargaining.

Article 19

(Right to strike)

- 1) Civil servants shall have the right to strike.
- 2) The manner in which the right to strike is exercised and restrictions on strikes in the interest of public benefit shall be governed by law.

Article 20

(Personnel records)

Personnel records shall be established for particular fields in the public sector for the purposes of quality personnel resources management and to monitor the situation in this area.

Article 21

(Systematisation)

- 1) Unless otherwise provided by a particular law, each state body, local community administration and entity of public law must have an act on jobs systematisation (hereinafter: the systematisation), determining in accordance with the internal organisation the work posts required for the performance of tasks. With each work post, the systematisation shall at least include the description of tasks and the conditions for the specific work post.
- 2) Each state body, local community administration and entity of public law shall keep a record on the actual occupation of work posts; state bodies, local community administrations and entities of public law in the field of public sector where a system of titles has been established shall also keep a record on the structure of civil servants according to title.

**PART TWO - SPECIAL PROVISIONS RELATING TO CIVIL SERVANTS IN STATE BODIES AND LOCAL COMMUNITY ADMINISTRATIONS**

**Chapter IV**

**BASIC PROVISIONS AND PRINCIPLES**

Article 22

(Applying Part Two of this Act)

- 1) Part Two of this Act shall apply to civil servants in state bodies and local community administrations (hereinafter: the bodies).
- 2) Particular issues relating to judicial personnel, personnel in state prosecutor's office, state attorney's office and in independent bodies competent for violations, diplomats,

professional members of the Slovenian Army, civil servants in the field of defence, civil protection and rescue, police officers, inspectors, employees in the customs and tax administration, personnel in the service for execution of sentences, authorised public officers in security services and other public officers with special authorisations, may be governed by law in a manner different in respect of the provisions of this Act, if so necessary due to the specific nature of the tasks or the performance of special duties and authorisations.

3) The Government may, in respect of issues governed by this Act, by regulation make detailed provisions for public administration and judiciary bodies.

4) Other state bodies and local communities may by their general acts make detailed provisions in respect of issues governed by this Act.

5) Bodies under paragraph 3 of this Article may by their general acts make detailed provisions in respect of issues governed by this Act. General acts adopted pursuant to this paragraph must be in conformity with the regulation adopted pursuant to paragraph 3 of this Act. General acts shall be issued by the principals.

6) Where so provided by law, the Government may by regulation also make detailed provisions for local community administrations in respect of issues governed by this Act. Prior to the adoption of such a regulation, the Government must enable the associations of local communities to communicate their opinion, and carry through a harmonisation procedure. Issues that failed to be harmonised must be given special explanation by the Government.

7) Issues pursuant to paragraphs 3 to 6 of this Article may be settled in a collective labour agreement; issues settled in a collective labour agreement may not be governed in a different manner by acts under paragraphs 3 to 6 of this Article.

#### Article 23

(Officials and other civil servants)

1) Officials shall be civil servants that perform public tasks in the bodies, and civil servants that perform exacting ancillary work requiring the knowledge of the body's public tasks.

2) Work posts where tasks pursuant to paragraph 1 of this Article are performed shall be official work posts.

3) Civil servants performing other ancillary work in the bodies shall be the professional-technical civil servants.

4) Work posts where work pursuant to paragraph 3 of this Article is performed shall be professional-technical work posts.

5) Officials may, in conformity with this Act, be transferred to professional-technical work posts, whereas they shall keep the status of an official and the rights and obligations arising thereof, including the right to promotion.

#### Article 24

(Legal protection and arbitration dispute resolution)

1) Decisions on the rights and obligations of civil servants, with the exception of instructions in respect of work falling within the description of the work post tasks, and decisions on requests to remedy the violations of rights arising out of employment

relationship shall be taken by a written order [SKLEP] stating the grounds for the decision and served on the civil servant. The provisions of the law governing civil procedure shall reasonably apply to the service of such decisions.

2) In case civil servant is of the opinion that the employer failed to meet its obligations or has violated any of his rights arising out of employment relationship, the civil servant shall have the right to request that violations be remedied and that the employer's obligations are met. The employer must meet its obligations or remedy the violations within 15 days.

3) Appeal shall be allowed against the decision on the rights and obligations arising out of civil servant's employment relationship, and against the violations of rights arising out of employment relationship, unless otherwise provided by law. Appeal shall suspend the execution of the decision on the rights and obligations arising out of civil servant's employment relationship, unless otherwise provided by law.

4) Judicial review of the decision on the rights and obligations arising out of employment relationship shall be allowed in the labour court provided that the civil servant has exhausted the right to appeal.

5) In cases where an administrative decision is taken on the rights and obligations pursuant to this Act, appeal shall be allowed in conformity with the law governing general administrative procedure, unless otherwise provided by this Act; judicial review of the final decision shall be allowed in an administrative dispute.

6) In cases where collective labour agreement provides for the resolution of individual labour disputes by arbitration, the employee and the employer may reach an agreement on submitting the resolution of the dispute to arbitration within 15 days after the decision on appeal was taken or after the deadline for issuing the decision on appeal has expired.

#### Article 25

(Exercising legal protection)

1) Civil servant may file an appeal within 8 days after being served with the written order on the rights and obligations arising out of employment relationship, or within 15 days after the deadline under paragraph 2 of Article 24 of this Act has expired.

2) Civil servant may request judicial review in a competent labour court within 30 days after being served with the order of the appellate commission or within 30 days after the deadline for issuing the order of the appellate commission has expired. In case no appeal is allowed, the periods under this paragraph shall begin with the service of the first-instance order.

3) Civil servant may request judicial review in an administrative dispute within the period of time determined by the law governing administrative disputes.

#### Article 26

(Social partnership)

1) A standing body shall be established for the implementation of social partnership in the field of employment in state bodies and local community bodies.

2) A collective labour agreement shall settle the composition and the manner of operation of the standing body under the preceding paragraph. In the standing body, the representatives of public administration bodies, other state bodies and local communities shall participate on the part of the employer, and the representatives of representative



trade unions of activities and professions shall participate on the part of civil servants.

3) The Government or the competent Minister must enable the representative trade unions of activities and professions in state bodies and local community administrations to give their opinion prior to adopting regulations affecting employment relationships or the status of civil servants in state bodies and local community administrations.

4) The principal must enable the representative trade union operating within the body to give its opinion prior to adopting general acts affecting the rights and obligations of civil servants. Representative trade unions in the body, or representative trade unions of activities and professions in state bodies and local community administrations, shall be considered as representative trade unions operating within the body, if it has a confidant appointed in the body (hereinafter: representative trade unions in the body).

5) In cases under paragraphs 3 and 4 of this Article, the draft act or draft decision must be passed on to the representative trade union in the body, and a reasonable deadline for formation of the opinion must be set. In cases where the representative trade union in the body gives its opinion within the set deadline, the proposer of the draft must take the opinion into consideration or invite the representative trade union in the body to harmonise the drafts. In case the proposer fails to harmonise the draft act or the draft decision with the opinion of the representative trade union in the body, the non-harmonised act or decision may be adopted. The reasons for not taking into consideration the opinion of the representative trade unions in the body shall be given written explanation and submitted to the representative trade unions in the body whose opinions were not considered.

#### Article 27

(Principle of open competition)

1) Officials shall be selected on the basis of open competition, unless otherwise provided by law.

2) In the open competition proceedings, candidates shall be treated equally; the selection shall be made on the basis of best-demonstrated professional qualifications.

#### Article 28

(Principle of political neutrality and impartiality)

Official shall perform public tasks for the public benefit in a politically neutral and impartial manner.

#### Article 29

(Career principle)

Officials shall by promotion be enabled to pursue a career. Pursuing a career shall depend on professional qualifications, other work and professional qualities and work results.

#### Article 30

(Principle of transferability)

Civil servants may be transferred to another work post within the bodies, under the conditions laid down by this Act.

Article 31  
(Protection of professional interests)

- 1) The employer must offer protection to officials against harassment, threats and similar conduct that threaten performance of their work.
- 2) The employer must provide officials or former officials with paid legal assistance in judicial proceedings instituted against individuals that committed acts at, or relating to, the work of the officials, causing harm to the officials or to their immediate family; the employer may refuse to pay for legal assistance, if it holds that the grounds for the institution of the proceedings are not justified. In case the judicial proceedings result in reimbursement of the cost of legal assistance to the official, the official shall repay the employer.

Article 32  
(Principle of publicity)

Bodies shall keep the public informed of their service and of the results of work performed by officials, in a manner provided by law and executive regulations.

## **Chapter V**

### **DECIDING ON RIGHTS AND OBLIGATIONS**

Article 33  
(The principal)

- 1) The rights and duties of the employer in public administration bodies and in local community administrations shall be exercised by the principal.
- 2) In other state bodies, the rights and duties of the employer shall be exercised by the principal, unless otherwise provided by law, other regulations or general acts of the body.
- 3) In cases where the principal holds the status of an official, the decisions on his rights and obligations arising out of employment relationship shall be taken by the person to whom the principal is held responsible. The provision of this paragraph shall also apply to the decision on the selection of the official for the position, and to the conclusion of the contract of employment and of the annex to such a contract.

Article 34  
(Head of personnel management)

- 1) The principal may grant authorisation for exercising the rights and duties of the employer to an official with a university education or a higher professional education holding a specialist or a master's degree and with no less than five years of service (hereinafter: the head of personnel management). The authorisation shall be published within the body in an appropriate manner; representative trade union in the body shall be specifically notified of the authorisation. The head of the personnel management may be granted full authorisation held by the principal under this Act.
- 2) The authorisation under the preceding paragraph may be granted to no more than one person. Notwithstanding the authorisation granted, the principal shall retain full authority with respect to the exercising of the rights and obligations of the employer.
- 3) The principal may also authorise other persons for the performance of individual tasks

in the field of personnel resources management, if so specifically provided by law.

#### Article 35

(Employment appellate commission)

1) The competent employment appellate commission (hereinafter: the appellate commission) shall decide on appeals against decisions on the rights and obligations arising out of civil servant's employment relationship, on appeals against the violations of rights arising out of employment relationship, and take decisions on other issues where so provided by law.

2) The following appellate commissions shall be competent to decide on the issues under the preceding paragraph:

1. the appellate commission with the Government, on issues relating to civil servants in public administration bodies and judiciary bodies;

2, appellate commissions with other state bodies, on issues relating to civil servants in other state bodies,

3. appellate commissions with the representative associations of local communities, on issues relating to civil servants in local community administrations; in case no such commission is established, appeals shall be decided by the commission under the subsection 1 of this paragraph.

3) Appellate commissions shall be composed of a chairman and three members.

#### Article 36

(Appointment and dismissal of the chairman and the members of the appellate commission)

1) The chairman and the members of the appellate commission under subsection 1 in paragraph 2 of Article 35 of this Act shall be appointed by the Government, on proposal by the minister competent for the administration and by the bodies for which it operates. The chairman and the members of the appellate commission under subsection 2 in paragraph 2 of Article 35 of this Act shall be appointed by the state body within which the commission operates. The chairman and the members of the appellate commission under subsection 3 in paragraph 2 of Article 35 of this Act shall be appointed by the competent bodies of the representative associations of local communities.

2) In composing of the appellate commission under subsection 1 in paragraph 2 of Article 35 of this Act, the Government must assure proportional representation of candidates proposed by other state bodies, taking into consideration the ratio between the number of civil servants employed in such bodies, and the number of civil servants employed in public administration bodies. Proposals shall be submitted by:

1. the Supreme Court of the Republic of Slovenia, on the part of courts and bodies competent for violations;

2. the State Prosecutor's Office of the Republic of Slovenia, on the part of state prosecutor's office;

3. the State Attorney's Office of the Republic of Slovenia, on the part of state attorney's office.

3) Provisions pursuant to the preceding paragraph shall reasonably apply in cases where

the appellate commission under subsection 1 in paragraph 2 of Article 35 of this Act operates also for civil servants in local community administrations. In this case, the members of the commission shall be proposed by local communities or associations thereof.

#### Article 37

(Conditions for appointment and dismissal of the chairman and the members of the appellate commission)

- 1) The chairmen and the members of appellate commissions shall be appointed by a decision for a term of five years and may be re-appointed.
- 2) The chairmen and the members of appellate commissions shall perform their tasks in appellate commissions either non-professionally wherein they shall be entitled to receive suitable monetary compensation, or professionally holding the status of an official.
- 3) The chairman of an appellate commission must be a university graduate lawyer with no less than five years of working experience. The members of appellate commissions must have a university education or a higher professional education holding a specialist or a master's degree with no less than five years of working experience.
- 4) The chairman or the members of appellate commissions may be prematurely dismissed by administrative decision upon their own request, upon failure to perform their tasks or upon performing their tasks contrary to the standing orders of the appellate commission, or where they were issued with a final decision on any disciplinary measure whatsoever during their service in the appellate commission. The body competent for the appointment of the chairman and the members of appellate commissions shall decide on the issue of dismissal. No appeal shall be allowed against the decision on dismissal; judicial review of the decision in an administrative dispute shall, however, be allowed.

#### Article 38

(Appellate commission operation)

- 1) Appellate commissions shall operate in the senates of three. The chairman of a senate must be a university graduate lawyer.
- 2) Appellate commissions shall be independent in their work. Appellate commissions shall perform their work in conformity with the standing orders that commissions themselves shall adopt.
- 3) Representative trade unions under paragraph 3 of Article 26 of this Act shall be invited to attend to general sessions of the appellate commission and to attend to the passing of rulings on legal issues under paragraph 4 of Article 39 of this Act.
- 4) The tasks of professional-technical and clerical nature shall, for the appellate commission under subsection 1 in paragraph 2 of Article 35 of this Act, be performed by the public administration body competent for personnel issues (hereinafter: the body competent for the personnel issues). Funds for the work of the appellate commission shall be provided within this body.

#### Article 39

(Appellate commission rules of decision-making)

- 1) In deciding on appeals against administrative acts, appellate commissions shall apply

the provisions of law governing general administrative procedure.

2) In deciding on appeals against orders on the rights and obligations of civil servants, and in deciding on appeals in the event of other violations of rights, appellate commissions shall reasonably apply the provisions of the law governing civil procedure.

3) Notwithstanding the provisions of the law governing general administrative procedure, appellate commissions must decide on appeals within 30 days. After the expiry of this deadline, civil servants may request judicial review in the competent court.

4) Upon the request of representative trade union of activities and professions, appellate commissions must pass a ruling on a legal issue affecting the decisions on the rights and duties of a larger number of civil servants in the bodies.

## **Chapter VI ORGANISATIONAL PROVISIONS**

### **1. Jobs systematisation**

Article 40  
(Defining the systematisation)

1) The systematisation in public administration bodies and local community administrations shall be determined by the principal. The systematisation in the Bodies within Ministries shall be determined by the minister on proposal by the principal of the body concerned.

2) The systematisation in other state bodies shall be determined by the principal unless otherwise provided by law or general act of the state body.

Article 41  
(Common grounds for the systematisation and the approval of the systematisation)

1) The Government shall by regulation make provision for the common grounds of the systematisation in public administration bodies and local community administrations.

2) The systematisation in public administration bodies shall require the approval of the Government.

### **2. Personnel plan**

Article 42  
(Personnel plan)

1) Bodies shall conclude employment relationships and shall manage personnel resources in conformity with personnel plans.

2) Personnel plans shall show the actual state of employment with respect to work posts, and determine in accordance with the field of activity and a two-year action programme of the body the anticipated target state of employment as to work posts requiring permanent employment, and the anticipated fixed-term employment.

3) Personnel plans shall also show the anticipated reduction in the number of work posts or the restructuring of work posts.

4) Personnel plans shall also determine the maximum possible number of apprentices, trainees, pupils and students having practice lessons or receiving similar theoretical or practical training for the period under paragraph 2 of this Article.

5) The planning of additional permanent and fixed-term employment shall be possible in case of a permanent or temporary increase in workload that cannot be handled with the existent number of civil servants.

#### Article 43

##### (Personnel plan proposal)

1) The principal shall make the proposal of the personnel plan during drafting of the budget. The proposal of the personnel plan must be harmonised with the proposed budget.

2) Personnel plans for the Administrative Units shall be proposed by the minister competent for the administration, on the proposal by the principals of the Administrative Units. Personnel plans for Bodies within Ministries shall be proposed by the minister.

3) Joint personnel plans shall be proposed for public administration bodies, courts, state prosecutor's office, state attorney's office and for independent state bodies competent for violations, on the basis of proposals by their principals.

4) Joint personnel plan shall be proposed by:

1. the body competent for personnel issues, for public administration bodies;
2. the Supreme Court of the Republic of Slovenia, for courts and bodies competent for violations;
3. the State Prosecutor's Office of the Republic of Slovenia, for state prosecutor's office;
4. the State Attorney's Office of the Republic of Slovenia, for state attorney's office.

5) The provisions of Public Finance Act governing the harmonisation of proposals during the preparation of the budget shall reasonably apply to the harmonisation of proposed personnel plans.

6) The proposer must enable representative trade unions to give their opinion regarding proposed personnel plans and regarding proposed joint personnel plans. Representative trade unions of activities and professions shall give the opinion regarding proposed joint personnel plans under paragraph 4 of this Article.

7) Minister competent for the administration shall make provisions relating to the manner of the preparation and the submission of proposed personnel plans for state bodies.

#### Article 44

##### (Adopting the personnel plan)

1) Bodies shall adopt personnel plans harmonised with the adopted budget within 60 days after the budget takes effect.

2) The principals shall adopt the personnel plan in state bodies and local community administrations.

3) A joint personnel plan shall be adopted for bodies under paragraph 3 of Article 43 of this Act. Joint personnel plan for public administration bodies shall be adopted by the Government, whereas joint personnel plans for other bodies under paragraph 3 of Article 43 of this Act shall be adopted by bodies under paragraph 4 of Article 43 of this Act. Joint personnel plans shall consist of overall data (joint quotas) and of the plans of individual bodies.

#### Article 45

(Amendments to personnel plans)

1) During the budget period, personnel plans may be amended in the case of permanent or temporary increase in workload that cannot be handled with the existent number of civil servants provided that funding for new employment has been secured.

2) The provisions of Articles 43 and 44 of this Act shall apply in respect of the procedure for amending the personnel plan.

### 3. Personnel records

#### Article 46

(Central personnel records of the public administration)

1) The central personnel records of the public administration (hereinafter: the central personnel records) shall be established for the purposes of implementing personnel management policies in public administration bodies, keeping the account of salaries, for the implementation of other obligations of the employer, and for the purpose of taking decisions on the rights and obligations arising out of employment relationship.

2) The central personnel records shall be managed by the body competent for personnel issues.

3) The central personnel records shall be kept as an information database.

#### Article 47

(Data in the central personnel records)

1) The following data regarding civil servants shall be kept in the central personnel records:

1. identification data (name, surname, the address of residence, and EMŠO);
2. data on employment (type of employment - permanent or fixed-term; the date of the conclusion of employment relationship);
3. data on current work post or position, and on previous work posts or positions in the bodies;
4. data on appointments, promotions and currently valid title
5. data on the level of education, data on other functional or special learning, attendance at different forms of training and additional qualifications, and the

passing of professional examinations and other tests, and on other data regarding their professional qualifications;

6. data on professional qualifications and experience in the field of European affairs;

7. data on previous employment, the years of employment, retirement period and the years of service;

8. data on the performance of office, on participation in project groups, and on the performance of other work in the interest of the employer;

9. data on annual assessments;

10. data on acknowledgments and rewards;

11. data on finally determined disciplinary responsibility or liability for damages;

12. data on the final determination of incompetence;

13. data on the termination of employment;

14. a brief curriculum vitae, if so desired or approved by the civil servant;

15. data on permitted access to secret information;

16. data required to keep the account of salaries;

17. other data in conformity with the law.

2) In the central personnel records, a collection of documents relating to the data under the preceding paragraph shall be kept. Instead of being kept in the central personnel records, the collection of documents may be kept in the body where the civil servant works.

#### Article 48

(Records of internal labour market)

1) The body competent for personnel issues shall manage the records of internal labour market in public administration. In these records, the following data shall be kept: data on vacant work posts, data on work requirements in project groups and similar personnel requirements, and data on civil servants that request permanent or temporary transfer or whose principals propose such transfers. The records shall keep the data on civil servants from the central personnel records, and, at civil servant's request, other data relevant to decisions on personnel management.

2) Larger bodies shall keep records of internal labour market as well.

#### Article 49

(Acquiring data)

1) The principal must provide the data subject to entry in the central personnel records and the records of internal labour market within 8 days of the occurrence of the circumstances to which such data is referring. Data on the possibilities of transfers shall also be acquired from civil servants that wish to be transferred to another work post.



2) Data under subsection 1 in paragraph 1 of Article 47 of this Act may also be acquired from the central population registry.

Article 50  
(Use of data)

1) For the purposes under paragraph 1 of Article 46 of this Act, the data from the central personnel records may be accessed by principals, the heads of personnel management, other persons deciding on the rights and obligations of civil servants, and inspectors.

2) Civil servants may access from the central personnel records the data pertaining to their own person. Civil servants may access from the records of internal labour market the data on personnel requirements.

Article 51  
(Personnel records of other bodies)

1) Other state bodies and local community administrations may keep personnel records for their own needs. In the personnel records, the data under Article 47 of this Act shall be kept.

2) The provisions of this Act relating to the central personnel records shall reasonably apply for personnel records.

3) Personnel records may be integrated, if so agreed by state bodies and local communities. The agreement on the integration of the central personnel records of the public administration with other personnel records shall be concluded by the Government.

4) In the case of integrated personnel records, any person entitled to access the data in one of the integrated personnel records, shall also be entitled to access the data from other integrated personnel records.

5) The Ministry competent for the judiciary shall keep personnel records containing the data under Article 47 and the records of the internal labour market for courts, independent bodies competent for violations, state prosecutor's office and state attorney's office.

6) In case the personnel records of bodies are integrated, unified records of internal labour market shall be established for the respective bodies.

## **Chapter VII SCHOLARSHIPS**

Article 52  
(Granting scholarships)

1) Scholarships shall be granted to pupils and students.

2) Scholarship-holders shall be selected on the basis of open competition. The selection shall be made by an administrative decision served on all those participating in the competition. Appeal shall be allowed against the decision and shall be decided by an appellate commission.

3) Upon the finality of the decision on selection, a contract shall be concluded with the scholarship-holder.

## **Chapter VII**

### **ENTERING INTO EMPLOYMENT**

#### Article 53

(Manner of entering into employment)

- 1) Civil servants shall enter into employment with a contract of employment.
- 2) The provisions of general regulations on employment shall not apply to the content of the contract of employment. The contract of employment shall state the following:
  1. the names of the contracting parties;
  2. the body in which the civil servant will work;
  3. the duration of employment;
  4. the work post or the position, in which the civil servant will work, or the data on the type of work with a brief description of work;
  5. the date of the commencement of work;
  6. the place of work;
  7. clause on full-time or part-time working hours
  8. other data stipulated by this Act or by a particular law governing the status of civil servants in the bodies;
  9. clause on basic salary and possible supplements related to the work post;
  10. clause on annual leave;
  11. clause on working hours;
  12. clause on the period of notice;
  13. statement that the employer may unilaterally amend specific provisions of the contract in conformity with the law.
- 3) With respect to the elements of the contract under subsections 10, 11 and 12 in paragraph 2 of this Article, the contract of employment shall refer to the regulations in force, to collective labour agreements and to the general acts of the employer. The contract of employment must explicitly state the acts under this paragraph, including the manner and the date of their publication.
- 4) The employer shall issue an order on the rights and obligations of civil servants, in conformity with the law, executive regulations, collective labour agreement and the

contract of employment. The order determining the rights and obligations of civil servants may be replaced by the employer with a new order issued in conformity with the law, executive regulations, collective labour agreement and the contract of employment.

5) Upon appointment to another title, upon promotion to a higher payment class and upon transfer to another work post, an order shall be issued on the affected rights and obligations. The order shall replace the provisions of the contract of employment and the preceding orders.

6) Amendments to laws, executive regulations, collective labour agreements or to the general acts of the employer shall not affect the rights and obligations of civil servants determined in the contract of employment or the orders, unless the contract of employment is amended.

#### Article 54

(Duration of employment)

1) Civil servants shall enter into permanent employment, with the exception of cases provided by this Act or other law governing the employment of civil servants in the bodies competent for specific areas.

2) The provisions in the contract of employment laying down restrictions on the duration of employment contrary to the law shall be void.

#### Article 55

(Entering into employment and the systematisation)

1) Employment relationships shall be concluded for work posts included in the systematisation.

2) Notwithstanding the systematisation, a fixed-term employment relationship may be concluded for the purposes of apprenticeship or other similar forms of theoretical and practical training.

#### Article 56

(Employment)

1) The decision on employment shall be taken by the principal. The decision shall be taken when the following conditions are satisfied:

- that there is a permanent or temporary increase in workload that cannot be handled with the existent number of civil servants, or where there is a vacant work post without a change in the workload;

- that the body has secured funding for the employment;

- that the work post is included in the systematisation, with the exceptions laid down in paragraph 2 of Article 55 of this Act;

- that the work post is vacant;

- that new employment is in accordance with the personnel plan.

## Article 57

(Procedure prior to new employment)

- 1) Prior to taking a decision on new employment, the principal shall verify whether it is possible to fill the vacant work post by transferring civil servants from within the same body.
- 2) In case the vacant work post cannot be filled in a manner pursuant to the preceding paragraph, the work post may be filled by transferring civil servants from another body; an internal competition may be held for this purpose.
- 3) The internal competition in public administration bodies shall be held so as to include other state bodies and local community administrations as well; on this issue, state bodies and local communities shall enter a special agreement. The Government shall enter the agreements on the part of public administration bodies.
- 4) Pursuant to conditions set out in the preceding paragraph, the internal competition may also be held in other state bodies and local community administrations so as to include several bodies and local community administrations.
- 5) Provisions on the procedure for the implementation of the internal competition shall be laid down for all bodies by government regulation.
- 6) In case no civil servant from within the same body or from another body is transferred to the vacant work post, proceedings for new employment shall be initiated.
- 7) The proceedings for new employment of an official shall be conducted as an open competition, whereas the proceedings for new employment for a professional-technical work post shall be conducted in conformity with the regulations governing employment and in conformity with the collective labour agreement.

## Article 58

(Publication of open competitions)

- 1) Open competitions shall be published in the Official Gazette of the Republic of Slovenia or in daily newspapers, and with the Employment Service of Slovenia.
- 2) The deadline for the submission of applications to open competitions must be no shorter than 8 days after the date of the publication of open competition.

## Article 59

(Contents of the publication of open competition)

The publication of open competition must contain the following data:

1. the body and the place of work;
2. the type of the official work post;
3. titles that may be held when working at the official work post;
4. the working conditions;
5. the evidence that must be enclosed with the application;
6. the deadline and the address for submitting applications, and the scheduled

notification on selection;

7. the contact person providing the information on the implementation of open competition.

#### Article 60

(Implementation of open competition)

1) Of the applicants, the candidates, who on the basis of the evidence submitted satisfy the competition conditions, shall be chosen and thereby included in the selection procedure.

2) Within a Ministry and upon authorisation by the principal, selection procedures for work posts within the organisational units may be conducted by directors-general and secretaries-general heading the respective organisational units. For the purpose of conducting the selection procedure, persons running the selection procedure shall appoint competition commissions and may be members of the competition commissions themselves; the official heading the organisational unit that includes the vacant work post for which a candidate is being selected, must be a member of the competition commission.

3) In case a competition commission cannot be appointed due to a small number of civil servants, the selection procedure may be conducted by the principal alone.

4) Open competitions for positions of directors-general, secretaries-general, the principals of Bodies within Ministries, the principals of Government Offices and the principals of Administrative Units shall be run by a special competition commission, appointed by the Officials Council in each particular instance.

5) The special competition commission under the preceding paragraph shall also run internal competitions for the positions under the preceding paragraph.

6) In other state bodies, open competitions shall be run in conformity with the law and the general acts of state bodies.

#### Article 61

(Selection procedure)

1) Candidates shall be selected in a selection procedure in which the qualifications of the candidates for the performance of tasks in the official work posts are tested.

2) The selection procedure shall include candidates that, on the basis of the evidence submitted, satisfy the competition conditions.

3) The selection procedure may be conducted in several phases so that the candidates are gradually eliminated. The selection procedure shall be conducted in the form of testing the professional qualifications on the basis of the documentation submitted by the candidate, written tests of qualifications, oral discussions, and other forms.

#### Article 62

(Selection of a candidate)

The candidate who demonstrated in the selection procedure to be the most professionally qualified for the official work post shall be selected. In case all of the candidates who applied fail to be sufficiently professionally qualified for the official work post according to

the criteria of the selection procedure, open competition may be held again and the candidates are served with a notice on the failure of open competition.

#### Article 63

(Decision on selection)

- 1) An administrative decision shall be issued on the selection of an official.
- 2) The decision on selection shall be served on the select candidate, whereas other candidates shall be served with an order informing them that they were not selected.
- 3) After the decision on selection is issued, the candidates participating in the selection procedure may, under the supervision of a public officer of the body, inspect all the data included by the select candidate in the application to the open competition that show that competition conditions have been met, and also other materials of the selection procedure.

#### Article 64

(Special open competitions)

- 1) The competition commission under paragraph 4 of Article 60 of this Act shall determine which of the candidates satisfy the conditions for the position and which of the candidates are suitable for this position in view of their professional qualifications. The competition commission shall issue a decision determining the candidates that satisfy the conditions and are suitable for the position in view of their professional qualifications, whereas those candidates who have failed to be placed on the list shall be issued with a special order. The competition commission shall submit the list of candidates that are held to be suitable for the position in view of their professional qualifications to the functionary to whom the official in the position is held responsible. The functionary to whom the official in the position is held responsible shall among these candidates select the candidate that he believes to be the most suitable. The functionary under this paragraph shall not be obliged to state the grounds for the decision. No decision shall be issued on the selection; the select candidate and candidates not selected shall be notified of the decision.
- 2) In case where the functionary to whom the official in the position is held responsible finds that none of the candidates from the submitted list are suitable, the functionary may request that the Officials Council conducts the procedure again, or may himself appoint a competition commission to conduct the procedure. The provisions of Article 178 of this Act shall apply to the composition of the competition commission under this paragraph. The functionary shall be obliged to state to the Officials Council in writing the grounds for such a decision.

#### Article 65

(Rights of candidates not selected)

- 1) Candidates that applied to the open competition and were not selected, shall have the right to appeal against the order to the competent appellate commission, if they believe:
  1. that the select candidate failed to satisfy the competition conditions;
  2. that they satisfy the competition conditions, but were not given the opportunity to participate in the selection procedure;
  3. that the select candidate manifestly failed to achieve the best results according

to the criteria in the selection procedure;

4. that material violations of open competition procedure or of the selection procedure have occurred.

2) Notwithstanding the provisions of the law governing general administrative procedure, candidates not selected may file an appeal within 8 days after being served with the order.

3) No appeal shall be allowed for candidates that have not participated in the individual procedural acts of the selection procedure and have failed to excuse their absence in spite of being regularly summoned.

4) Appeals shall suspend the appointment of the select candidate to title and the conclusion of the contract of employment.

5) Judicial review of the decision of the appellate commission in an administrative dispute shall be allowed. In case where the administrative court finds for the plaintiff, the aggrieved party may be awarded damages in the amount of no less than one and no more than three minimum gross monthly salaries for the work post for which the aggrieved party applied; in case pursuant subsection 1 in paragraph 1 of this Article, the administrative court may annul the decision on selection. The court shall award the damages with due consideration of the seriousness of violations and the consequences suffered by the plaintiff. In the case of the annulment of the decision on selection, the competent appellate commission shall out of official duty annul the act on appointment and the contract of employment.

6) No appeal shall be allowed against the decisions and the orders of the special competition commission under paragraphs 4 and 5 of Article 60 of this Act; judicial review in an administrative dispute shall, however, be allowed. Candidates not selected may file a petition in an administrative dispute on the grounds stated in subsections 1, 2 and 4 in paragraph 1 of this Article, and also in case the competition commission held the candidate to be unsuitable for the position in view of his or her professional qualifications and the candidate believes otherwise.

#### Article 66

(Appointment to title and the offer of the contract of employment)

1) The select candidate shall be appointed to title within 8 days after the finality of the decision on selection and shall be offered the contract of employment within the next 8 days.

2) In case no contract of employment is concluded within 30 days after the appointment to title for reasons on the part of the official, the person or the body that issued the decision on the appointment to title shall annul such a decision ab initio.

#### Article 67

(Probationary work and prior test of qualifications)

1) Before entering into employment for the professional-technical work posts, a prior test of qualifications may be conducted.

2) The principal may decide that the civil servant shall enter into employment on the condition of successful completion of probationary work, unless the civil servant already passed the prior test of qualifications. Probationary work period may last no longer than 6 months.

3) The condition set out in the preceding paragraph may also be stipulated in the annex to the contract of employment in the case of transfer to another work post. In the event of unsuccessful completion of probationary work, the provisions of this Act relating to the consequences of the determination of incompetence shall apply.

## **Chapter IX**

### **FIXED-TERM EMPLOYMENT**

#### Article 68

(When can fixed-term employment relationship be concluded)

- 1) A fixed-term contract of employment may be concluded:
  1. for work posts carrying the personal trust of functionaries (work posts in the cabinet);
  2. in order to substitute for temporarily absent civil servants;
  3. to perform work requiring expertise, organised as projects with limited duration, and to perform public tasks in case of a temporary increase in workload that by its very nature lasts for a limited period of time and cannot be handled with the existent number of civil servants;
  4. in the event of apprenticeship or other similar forms of theoretical and practical training;
  5. for the positions of director-general, secretary-general, the principal of Body within Ministry, the principal of Government Office, the principal of Administrative Unit, and the director of municipal administration (municipal secretary).
- 2) No fixed-term contracts of employment may be concluded in any other cases, regardless of the provisions of the law governing employment.
- 3) The provisions of the law governing employment shall apply to the restrictions on consecutive conclusions of fixed-term contracts of employment, and to consequences for violating the provisions of paragraph 1 of this Article.
- 4) Provisions on work posts in the cabinet shall reasonably apply to work posts in the Office of the Prime Minister, including the director of the Office, and for work posts in the National Assembly and the National Council, where work for parliamentary groups and the groups of councillors is performed.
- 5) Fixed-term contracts of employment may be concluded provided that funding has been secured.

#### Article 69

(Duration of fixed-term employment)

- 1) Fixed-term employment under subsection 1 in paragraph 1 of Article 68 of this Act shall be concluded no longer than for the duration of the term of office of the functionary.
- 2) Fixed-term employment under subsection 2 in paragraph 1 of Article 68 of this Act shall be concluded for the time the civil servant is absent.
- 3) Fixed-term employment under subsection 3 in paragraph 1 of Article 68 of this Act



shall be concluded for the time of duration of the project or for the time of the temporary increase in workload.

4) Fixed-term employment under subsection 4 in paragraph 1 of Article 68 of this Act shall be concluded for the time of apprenticeship or other form of theoretical and practical training.

5) Fixed-term employment under subsection 5 in paragraph 1 of Article 68 of this Act shall be concluded for a term of five years.

6) The duration of the employment relationship must be determined in the contract of employment in years, months or days respectively, with the exception of work posts in the cabinet.

#### Article 70

##### (Exceptions)

1) Fixed-term employment, with the exception under subsection 5 in paragraph 1 of Article 68 of this Act, may be concluded without open competition and regardless of whether the individual passed a professional examination.

2) Employment relationship for the performance of apprenticeship shall be concluded on the basis of open competition and regardless of whether the individual passed a professional examination.

3) In cases under subsections 2 and 3 in paragraph 1 of Article 68 of this Act, employment relationship shall be concluded in accordance with the procedure determined by the law governing employment (publication), whereas no such procedure shall be required in cases under subsection 1 in paragraph 1 of Article 68 of this Act.

#### Article 71

##### (Prohibition of transfer and conclusion of permanent employment)

No permanent contract of employment may be concluded without open competition with civil servants that entered into fixed-term employment relationship, with the exception of apprentices selected on the basis of open competition and in case under subsection 5 in paragraph 1 of Article 68 of this Act.

#### Article 72

##### (Number of work posts in the cabinet)

For the bodies, the number and types of work posts in the cabinet for a fixed term shall be determined by the Government within the personnel plan, whereas for other state bodies and local community bodies, the number and types of work posts in the cabinet for a fixed term shall be determined by state bodies and representative bodies of local communities respectively.

#### Article 73

##### (Rights and obligations of civil servants entering into fixed-term employment)

1) The provisions of this Act governing the rights and obligations of civil servants that entered into permanent employment shall reasonably apply to the rights and obligations arising out of fixed-term employment relationships. Officials that entered into fixed-term

employment shall not be appointed to title; the contract of employment shall determine the official title relevant for determining the rights and obligations of the official.

2) Notwithstanding the provision of the preceding paragraph, the contract of employment may for work posts under subsection 1, 3 and 5 in paragraph 1 of Article 68 of this Act provide for basic salary up to 20 per cent higher than provided by regulations for an official holding a particular title, provided that funding is secured. The Government shall give approval to provisions determining higher basic salary in public administration bodies, whereas approval in other state bodies shall be given by the state body itself and by the representative body of local community for local community administrations.

3) Notwithstanding the provisions of paragraph 1 of this Article, the contract of employment may for work posts under subsection 1 of paragraph 1 of Article 68 of this Act (the cabinet) provide for the right to dismissal compensation in the amount of three basis salaries received for such work post.

## **Chapter X**

### **SANCTIONS IN THE EVENT OF UNLAWFUL CONDUCT**

#### Article 74 (Cases of annulment)

1) The contract of employment shall be annulled in case where the civil servant failed to satisfy the conditions for the work post for which the contract was concluded, or in case where prior to the conclusion of the contract contrary to regulations no open competition procedure was carried through. The contract shall be annulled by issuing an order.

2) The decision on appointment to title shall be also annulled under the conditions set out in the preceding paragraph.

3) An annex to the contract of employment or an order on transfer shall be annulled in case the person failed to satisfy the conditions for the work post or the position to which the person was transferred. The annex or the order shall be annulled by issuing an order.

#### Article 75 (Partial annulment)

The contract of employment may be partially annulled in the case of individual provisions of the contract that are contrary to public interest and in non-conformity with the law, executive regulations and collective labour agreements, and may be replaced with provisions in conformity with the law, executive regulations and collective labour agreements.

2) The provisions of this Act on the annulment of the contract of employment shall not affect the validity of the provisions of the law governing employment on sanctions in the event of the non-conformity of contractual provisions with regulations or contract labour agreements.

#### Article 76 (Deciding on the annulment)

1) The decision on the annulment shall be taken by appellate commission on its own initiative or on the initiative of the civil servant himself, the Officials Council, the principal, the Court of Audit or the inspector.

- 2) The initiative for the annulment may also be given by the representative trade union in the body.
- 3) Appeal to the appellate commission shall be allowed against the order on annulment.

#### Article 77

(Limitations on annulment and damages)

- 1) The order on annulment pursuant to the provisions of this Chapter may be issued within three years after the contract or the annex to the contract was concluded, or within three years after the decision or the order was issued.
- 2) Civil servants shall have the right to claim damages from the employer in conformity with the general rules on liability for damages.

## **Chapter XI WORK POSTS, POSITIONS AND TITLES**

### **1. Work posts**

- 1) Official work posts and professional-technical work posts shall be classified with regard to:
  1. difficulty of the work post, having regard to the difficulty of work and the difficulty of working conditions;
  2. other circumstances regarding working conditions.
- 2) Official work posts in public administration bodies, judiciary bodies and local administration bodies shall be classified by government regulation. Other bodies shall by their general acts make provisions on this issue. Official work posts may be classified in a collective labour agreement.
- 3) Professional-technical work posts shall be classified for all bodies by a government regulation. Professional-technical work posts may be classified in a collective labour agreement.

#### Article 79

(Work posts conditions)

- 1) In addition to general conditions laid down by regulations governing labour law, the following shall be set as conditions for official work posts: title, the course of education or vocational qualifications, functional and special learning and special skills, as well as other conditions laid down by law. Work at individual official work posts and positions may, as a rule, be performed holding three titles.
- 2) In the case of official work posts in bodies required by law to use as official languages also the languages of national communities, the knowledge of such languages shall also be set as a condition for such work posts.
- 3) In addition to general conditions laid down by regulations governing labour law, the

following shall be set as conditions for professional-technical work posts: the level and the course of education or vocational qualifications and working experience, as well as active knowledge of the official language, functional and special learning and special skills, and other conditions laid down by law.

4) The criteria for determining the conditions for work posts in public administration bodies, other state bodies, judiciary bodies and local administrative administrations shall be laid down in acts under paragraphs 2 and 3 of Article 78 of this Act.

## 2. Positions

### Article 80

(Types of positions)

1) A position shall be an official work post, where authorisations relating to management, coordination and the organisation of working process in the body are exercised.

2) The following shall be the positions:

1. in Ministries: director-general, secretary-general and the heads of organisational units;
2. in the Bodies within Ministries: the director and the heads of organisational units;
3. in Administrative Units: the principal of Administrative Unit and the heads of organisational units;
4. in Government Offices: the director and the heads of organisational units;
5. in local community administrations: the director and the heads of organisational units.

3) A position shall also be an official work post, where the tasks of substitution and direct assistance to officials in the positions of secretary-general and director-general in Ministries, officials in positions of the director of the Body within Ministry and officials in positions of the director of Government Office (deputies) are performed.

4) Positions in other state bodies shall be determined by such bodies by their general acts.

### Article 81

(Conditions for positions)

1) In addition to conditions for official work posts (Article 79), functional knowledge of administrative management and of personnel resources management, and other special learning, may be set as conditions for the acquisition of a position.

2) Conditions for the acquisition of a position and of the title in which the position may be held shall be laid down in the act on systematisation in accordance with the criteria provided in the act under paragraphs 2 and 3 of Article 78 of this Act.

3) The position of the director of municipal administration (municipal secretary) in urban municipalities shall carry the title of the first career class, whereas the position of the director of municipal administration (municipal secretary) in other municipalities shall

carry at least the title of the ninth grade.

#### Article 82

##### (Acquisition of a position)

- 1) The provision of this Act governing the acquisition of work posts shall apply to the acquisition of positions, unless otherwise stipulated.
- 2) Notwithstanding the provision of Article 81 of this Act, the position of secretary-general and director-general in Ministries, the position of the director of the Body within Ministry and the position of the director of Government Office, the position of the principal of Administrative Unit and the positions of the director of local community administration shall be acquired by a decision on appointment. The director of local community administration shall be appointed by the person to whom the director is directly held responsible. The principal of Administrative Unit shall be appointed by the minister competent for the administration. Secretaries-general and directors-general in Ministries, the directors of the Bodies within Ministries and Government Offices shall be appointed by the Government on proposal by the minister or by the functionary to whom the director of Government Office is held responsible.
- 3) The position under paragraph 2 of this Article shall be acquired for a term of five years.
- 4) Officials for the positions under paragraph 2 of this Article shall be selected on the basis of internal competition or on the basis of open competition. The proceedings of the internal competition or the procedure of the open competition for the position must be concluded no later than 3 months prior to the expiry of the period of appointment. Within the same period of time, the functionary or the body competent for appointments may reappoint the official to the same position without an internal or open competition.
- 5) A contract of employment for a term of five years shall be concluded with a person that was selected on the basis of open competition for a position under paragraph 2 of this Article and did not previously hold the status of an official.
- 6) In the contract of employment, in the annex to the contract or in the order on transfer, the supplement for the position and other rights in conformity with the law, executive regulations and collective labour agreement may be stipulated.

#### Article 83

##### (Termination of position)

- 1) The provisions of this Act governing the termination of employment in work posts shall apply to the termination of position, unless otherwise stipulated.
- 2) Officials under paragraph 2 of Article 82 of this Act shall by a decision be dismissed from positions:
  1. upon their own request;
  2. where no contract of employment or annex to the contract of employment is concluded within a month after the appointment;
  3. where it is ascertained by the prescribed procedure that the official is not competent to perform tasks in the position;
  4. pursuant to an order determining the responsibility for a disciplinary violation;

5. in the case of termination of employment pursuant to Article 154 of this Act.
- 3) The position of an official under paragraph 2 of Article 82 of this Act shall be terminated after the expiry of the period of appointment.
- 4) The position of an official shall be terminated in case the body or the organisational unit the official was heading is abolished.
- 5) The functionary or the body competent for appointments may dismiss the director-general in Ministry, the principal of Government Office and the director of municipal administration (municipal secretary) on proposal by the functionary competent to propose appointments, regardless of the reasons under paragraph 2 of this Article, within first 3 months after the functionary competent for appointments or the functionary competent to proposed appointments came to office.
- 6) In cases under subsections 3 and 4 of paragraph 2 of this Article, the provisions of this Act governing procedure on the determining of incompetence of civil servants in work posts shall reasonably apply to the consequences of dismissal from a position.
- 7) In the event of the termination of position pursuant to subsection 1 of paragraph 2, and paragraph 3, 4 and 5, officials already employed as officials in the same or other state body or local community administration prior to the beginning of the performance of position shall be transferred to another work post appropriate to their title and for which they satisfy the work post conditions. In case no such work post exists, the employment relationship shall be terminated, whereas officials shall have the right to dismissal compensation due to the lack of the work requirements, in conformity with regulations governing employment.
- 8) In the event of the termination of position pursuant to subsection 1 of paragraph 4 of this Article or in event of dismissal pursuant to paragraph 5 of this Article, officials that did not hold the status of an official prior to appointment to position shall have the right to dismissal compensation in the amount of one-fifth of average gross monthly salary they received prior to the dismissal, for each full month remaining until the expiry of the period of appointment. Employment relationship shall be terminated with the termination of position.

### **3. Titles**

#### Article 84 (Acquisition of title)

- 1) Officials shall perform public tasks in titles.
- 2) Titles shall be acquired by appointment following the selection of an official on the basis of open competition in conformity with this Act, or by promotion to a higher title.
- 3) Officials shall be appointed to title by a decision determining the title and the date of acquisition.
- 4) After officials are selected on the basis of open competition, they shall be appointed to the lowest title in which the work in the official work post for which they are to conclude a contract of employment is performed.

Article 85  
(Titles)

1) Titles shall be classified into sixteen grades.

2) Titles shall be as follows:

- titles of first career class:

title of first grade: senior secretary;  
title of second grade: secretary;  
title of third grade: undersecretary;

- titles of second career class:

title of fourth grade: senior counsellor I;  
title of fifth grade: senior counsellor II;  
title of sixth grade: senior counsellor III;

- titles of third career class:

title of seventh grade: counsellor I;  
title of eighth grade: counsellor II;  
title of ninth grade: counsellor III;

- titles of fourth career class:

title of tenth grade: senior clerk I;  
title of eleventh grade: senior clerk II;  
title of twelfth grade: senior clerk III;

- titles of fifth career class:

title of thirteenth grade: clerk I;  
title of fourteenth grade: clerk II;  
title of fifteenth grade: clerk III;  
title of sixteenth grade: clerk IV.

3) The nomenclature for the titles of officials in judiciary bodies, the members of the Slovenian Army, diplomats, police officers, prison guards, customs officers, inspectors and other officials with special authorisations and duties shall be determined by a particular law or by a government regulation.

4) The nomenclature of titles in other state bodies may be determined by the acts of state bodies.

5) In determining the nomenclature of titles, the provisions on career classes, the provisions on the maximum total number of titles and the provisions on the maximum total number of titles in individual career classes under paragraph 1 and 2 of this Article must be taken into consideration. The provision of this paragraph shall not apply to the nomenclature of titles in the Slovenian Army.

Article 86  
(Conditions for appointment to title)

1) The following shall be the conditions for appointment to title:

1. minimum prescribed education;
  2. professional examination;
  3. active knowledge of the official language.
- 2) Working experience and other conditions may in conformity with the law also be laid down as conditions for appointment to title.
- 3) Years of service, required for the acquisition of title, must not exceed the required years of working experience.

#### Article 87

(Prescribed level of education for titles)

- 1) For titles in the first career class, the education prescribes shall be university education or higher professional education with a specialisation or master's degree.
- 2) For titles of the second and third career class, the education prescribed shall be at least higher professional education.
- 3) For titles of the fourth career class, the education prescribed shall be at least post-secondary professional education.
- 4) For the titles of the fifth career class, the education prescribed shall be at least general or professional secondary education.

#### Article 88

(Other conditions for appointment to title)

- 1) The Government shall lay down provisions on conditions regarding the required years of working experience for appointment to title upon entering into employment in public administration bodies, judiciary bodies and local administration bodies; for other bodies, such provisions shall be laid down in the general acts of the bodies.
- 2) The following shall also be set as conditions for appointment to title:
  1. citizenship of the Republic of Slovenia;
  2. that the person has not been finally convicted for an intentionally committed criminal offence prosecuted out of official duty, and has not been sentenced to unconditional sentence of imprisonment for a term of more than 6 months;
  3. that no criminal proceeding for the criminal offence under the preceding subsection have been instituted against the person.

#### Article 89

(Disregarding the professional examination for appointment to title)

- 1) Individuals without the required professional examination for appointment to title may exceptionally be appointed to title provided that they pass the required professional examination for appointment to title within a year after the appointment.
- 2) Should official for reasons on their part fail to meet the condition under the preceding paragraph within a year after the appointment to title, the appointment to title shall be



annulled. The provisions of this Act on the determining of incompetence shall reasonably apply to the consequences of the annulment.

3) In state bodies other than public administration bodies, individuals without passed professional examination may be appointed to title provided that they satisfy other conditions laid down in the general act of the body; in this case, they may be transferred to work posts in public administration bodies and local community bodies provided that they pass the professional examination within the period of time set in paragraph 2 of this Article.

#### Article 90

(Competence for appointments to titles)

1) In public administration bodies and in local community administrations, officials shall be appointed to title by the principal. The Government shall appoint officials to the title of senior secretary in public administration bodies.

2) In other state bodies, officials shall be appointed to title by the principal, unless otherwise provided by law, standing orders or other general acts of state bodies.

#### Article 91

(Termination of title)

The acquired title shall be terminated on the date of the termination of employment relationship of the official, upon dismissal and upon promotion to a higher title. Officials shall be dismissed from their title

1. in the event of issuing the disciplinary measure of the dismissal of title;
2. upon determining incompetence in conformity with this Act;
3. in other cases provided by law.

## **Chapter XII RIGHTS AND OBLIGATIONS**

### **1. Rights and obligations of civil servants**

#### Article 92

(Determining the rights and obligations)

1) The rights and obligations of civil servants shall be determined by regulations governing labour law and collective labour agreements, unless otherwise provided by law.

2) The principal may not adopt a decision granting civil servants rights to a lesser or to a greater extent, or more or less favourable working conditions, other than that provided by acts under the preceding paragraph.

Article 93

(Performance of work)

- 1) Civil servant must perform their work in conformity with regulations, collective labour agreement, the contract of employment, general acts of the body and the code of ethics.
- 2) Provisions laid down in the general acts of bodies must be such as to provide the performance of work in conformity with regulations and collective labour agreement, and may not contain any provisions exceeding the specified framework. The provisions of the general acts of bodies that are in non-conformity with regulations and collective labour agreement shall be void.

Article 94

(Performance of work in accordance with instructions and directions)

- 1) In performance of their work, officials must take into consideration the instructions given by their superiors, unless officials are by virtue of law not bound to act according to the instructions of their superiors.
- 2) Civil servants may request for written directions or written instructions, if they hold the contents of oral directions or instructions to be unclear. Civil servants must perform the requested work, or perform the work in the requested manner, according to written directions and instructions.
- 3) Civil servants may request for written directions or written instructions, if they believe that carrying out oral directions or instructions could amount to unlawful conduct or could cause damages.
- 4) Civil servants may refuse to carry out directions or instructions that could amount to unlawful conduct.
- 5) Civil servants may refuse to carry out directions or instruction that could amount to a criminal offence.
- 6) Civil servants shall not be held liable for damages not held disciplinary responsible, if they committed a disciplinary violation or caused damages by carrying out written directions or instructions of their superiors, or by carrying out oral directions in case the superiors failed to issue written directions or instructions despite a written request.

Article 95

(Work not included in work post description)

- 1) Civil servants must upon a written decision of their superior, in place of work included in the description of their work posts, also perform work not included in the description of the work post that does suit their professional qualifications (hereinafter: other work).
- 2) Other work may be directed if necessary due to a temporary increase of workload, or due to substituting for a temporary absent civil servant.
- 3) Act under paragraph 1 of this Article shall also determine the type and the scope of other work, and the duration of such work.

Article 96  
(Increase of workload)

If it is possible to reasonably ensure the performance of body's tasks by means of increasing workload or by placing additional burden on individual civil servants within the framework of full working hours and within the framework of permitted increase of workload in excess of full working hours, the principal may, on the basis of an agreement between the civil servant and the superior, issue a written decision on the increase of workload or on the above-average burden of individual civil servants, and on the payment for the increased workload or for the above-average burden.

Article 97  
(Performance of additional work in the interest of the employer)

- 1) Upon the decision of the principal, civil servants must accept the performance of additional work in the interest of the employer that suits their professional qualifications.
- 2) The scope of additional work under the preceding paragraph shall include mainly the participation in supervisory bodies with the intention of exercising the rights of the employer, and the participation in appellate commissions.
- 3) The provisions of Article 98 of this Act shall apply to the performance of additional work.

Article 98  
(Working in project groups)

- 1) Civil servants must perform work in project groups within the body for which they work upon appointment by the principal.
- 2) Civil servants must perform work in project groups within other bodies upon decision taken by the principal. Civil servants may perform work in project groups within other bodies upon their request and with the approval of the principal.
- 3) Work in project groups must suit the professional qualifications of civil servants. The order on establishment of a project group must include the data on the scope of work and the data on the disburdening of the work performed by civil servants at their work posts in cases where work in project group exceeds the framework of the tasks of the work post.
- 4) The approval of the principal shall not be required in cases where civil servants employed in public administration bodies participate in the project group and the project group is appointed by the Government.
- 5) In the case of an increase in workload, bodies may conclude a written agreement on the manner of the funding of civil servant's work.

Article 99  
(Performance of less demanding work)

- 1) Civil servants must temporarily, but for no longer than 3 months, perform less demanding work, if so directed by the superior in the event of force majeure, natural or other disasters, exceptional increase in workload and in the cases of other unforeseeable circumstances.

2) In the case of performance of less demanding work, civil servants shall receive salary equal to the salary received at their work posts.

#### Article 100

(Performance of other activities and the conflict of interest)

1) Officials may not perform other activities:

1. if the activity violates the prohibition of competition or the competition clause pursuant to the law governing employment;
2. if the performance of activity might affect the impartiality of the performance of work;
3. if the performance of activity might result in the abuse of data accessible at the performance of the tasks at work, that are not accessible to the public;
4. if the performance of activity is harmful to the reputation of the body.

2) Officials must notify the principal of their performance of the activities that they believe is contrary, or could run contrary, to the provisions of paragraph 1 of this Article, prior to the commencement of such activities. The violation of the duty under this paragraph shall constitute a minor disciplinary violation.

3) The principal shall by order prohibit officials from performing activities under paragraph 1 of this Article.

4) The duties of notification and the restrictions under this Article shall not apply to activities relating to scientific and educational work, work in associations and organisations in the field of culture, art, sport, humanitarian activities and other similar associations and organisations, work in the area of journalism, and to membership and activities in political parties.

5) Officials holding the positions of director-general, secretary-general, the principal of Body within Ministry, the principal of a Government Office, the principal of Administrative Unit and the director of municipal administration (municipal secretary), may not perform any profitable activities with the exception of activities in the field of science, research, education, art, journalism and culture.

6) Legal entities in which officials under the preceding paragraph, or their spouses, their lineal relatives or their collateral relatives three times removed, hold a share exceeding 20 per cent, may not enter business relations with bodies in which officials work. Contracts concluded contrary to the provision of this Article shall be null and void.

7) Official that believes a situation has arisen in which his personal interests might affect the impartiality and objectivity of the performance of his tasks, or where the circumstances of the situation might cast doubt as to his impartiality and objectivity, must, immediately or as soon as practical under the circumstances, notify the principal and act in accordance with his instructions. In such cases, the principal must assure that the tasks are performed lawfully, impartially and objectively, or must verify that the tasks were performed in such a manner.

## **CHAPTER XIII**

### **EDUCATION, TRAINING AND ADDITIONAL QUALIFICATIONS**

#### Article 101

(Right to education in the interest of the employer)

- 1) Officials shall have the right to apply to be referred to receive additional education provided in the interest of the employer (hereinafter: further education).
- 2) Referrals to further education shall be carried out on the basis of internal competition published by the principal, provided that funding has been secured. Officials with higher average annual assessment over the last three years shall have priority with respect to referrals to further education.
- 3) The employer shall bear the costs of the further education of officials. The rights and obligations of officials referred to further education shall be determined in a contract concluded by the principal and the official.
- 4) Officials referred to further education must, after the completion of education, remain employed with the same employer at least for a further period of the duration of such education. Otherwise, the employer shall be entitled to receive reimbursement of the proportionate share of the paid costs of education.
- 5) The obligation under the preceding paragraph shall expire in case the employer within 6 months fails to appoint the official to title, or to transfer to the work post, for which the education received by the official is prescribed.

#### Article 102

(Duty of training and additional qualifications)

- 1) Officials shall have the right and the duty to receive further training in respect to official work posts, and to add to their expert knowledge according to the specified programme and upon referral by their superior.
- 2) The employer shall bear the costs of training and additional qualifications in respect to official work posts conducted in accordance with the specified programme.

#### Article 103

(Programme of education, training and additional qualifications)

- 1) The programmes of education, training and additional qualifications shall determine the contents of education, training and additional qualifications, and also the funds earmarked for further education and for the implementation of training and additional qualifications.
- 2) The general programme of education, training and additional qualifications determining the contents that apply to all bodies shall be determined by the Government. The proposal of the programme shall be drafted by the body competent for personnel issues on the basis of expert analyses; the body shall also manage the implementation of the programme and shall plan the funding required for the programme to be implemented.
- 3) The programme of education, training and additional qualifications shall for particular bodies be determined by their principals.

4) The programme of education, training and additional qualifications must be determined within a month after the state or the respective local budget comes into force.

5) The programme of education, training and additional qualifications must be in line with the financial capabilities of the body.

#### Article 104

(Monitoring the implementation of the programme)

The principal must within 3 months after adopting the programme of education, training and additional qualifications prepare a report on the implementation and effectiveness of the programme adopted for the previous period. The report on the implementation and effectiveness of the general programme shall be adopted by the Government on proposal by the body competent for personnel issues.

#### Article 105

(Monitoring of careers and expertise of the officials)

1) The superior must monitor the work and the careers of officials, and at least once a year conduct an interview with each official.

2) The superior must monitor the professional qualifications of officials and provide for occasional testing of their theoretical and practical knowledge.

### **Chapter XIV APPRENTICESHIP**

#### Article 106

(Apprentice)

1) A person that has commenced work for the first time and is being trained in order to pass the prescribed professional examination shall be taken in as an apprentice. An apprentice shall enter into fixed-term employment for the duration of apprenticeship.

2) In case an apprentice is absent for valid reasons for a period longer than a month during the period of apprenticeship, the period shall be prolonged for the period of absence. Cases where the apprentice is entitled to receive salary compensation shall be considered as the valid reasons of absence. The person exercising the rights of the employer shall decide on the prolongation of the period of apprenticeship.

#### Article 107

(Training programme for apprentices)

1) Apprentices shall during the period of apprenticeship receive training in accordance with the specified programme.

2) Mentor and other persons monitoring the work of the apprentice shall be held responsible for the training during the period of apprenticeship.

3) Mentor shall determine the individual programme of training for the apprentice, therewith determining the persons assigned to monitor the work of the apprentice in specified periods. After the expiry of the period of apprenticeship, mentor and the

persons that monitored the work of the apprentice shall prepare written opinions.

#### Article 108

(Period of apprenticeship)

- 1) The period of apprenticeship for the passing of state examination in public administration shall last 10 months, whereas the period for the passing of professional administrative examination shall last 8 months.
- 2) The period of apprenticeship for the passing of professional examination for independent performance of ancillary work shall last 8 months for apprentices with university or higher professional education, 6 months for apprentices with post-secondary and secondary education, and 4 months for apprentices with lower vocational education, basic education or incomplete basic education.
- 3) The principal may, on proposal by the mentor, shorten the period of apprenticeship by no more than a third.

#### Article 109

(Concluding employment relationship for apprentices)

- 1) Apprentices that are to be trained for the passing of state examination in public administration and for the passing of professional administrative examination shall enter into employment on the basis of open competition, with the exception of scholarship-holders selected on the basis of open competition.
- 2) The training programme for apprentices that are to pass the state examination in public administration and the professional administrative examination shall be determined by the minister competent for the administration.
- 3) After the completion of apprenticeship and the passing of the professional examination, the apprentice may enter into permanent employment without open competition.

#### Article 110

(Implementation of practical training)

- 1) The practical training received by trainees, pupils and students shall be carried out under the professional supervision of a mentor appointed by the principal.
- 2) Trainees, pupils and students shall during the practical training be insured against working accidents and occupational diseases.
- 3) Trainees, pupils and students shall be entitled to receive remuneration

### **Chapter XV**

#### **ASSESSMENT OF OFFICIALS**

#### Article 111

(Working and professional qualities)

- 1) The assessments of officials shall be carried out with the purpose of fostering careers and the correctness of the decisions on their promotion.

2) Assessments shall be carried out having regard to the contribution of individual officials to the operations of the body, and through the comparison of working and professional qualities of officials holding comparable titles and work posts.

3) The following shall be included in the assessment:

1. work results;
2. independence, creativity and accuracy in the performance of work;
3. reliability in the performance of work;
4. the quality of cooperation and the organisation of work;
5. other skills in relation to the performance of work.

#### Article 112

(Manner of assessment)

- 1) Work and professional qualities of officials shall be assessed once a year.
- 2) Officials that entered into fixed-term employment shall not be subject to assessment pursuant to the provisions of this Chapter.
- 3) Officials employed for less than 3 months with the employer shall not be subject to individual assessment, if the superior holds such assessment cannot yet be conducted.

#### Article 113

(Evaluation of officials)

Evaluations shall be as follows: work performance is "excellent"; work performance is "good", work performance is "satisfactory", work performance is "unsatisfactory".

#### Article 114

(Determining the evaluation)

- 1) The evaluation shall be determined by the superior.
- 2) The evaluation shall be determined on the basis of substantiated data, provided on the evaluation sheets.
- 3) Evaluation sheets shall be completed by the superior each year. The principal must ensure that the evaluation sheets are completed by the end of January for the previous year.

#### Article 115

(Notification of evaluation)

- 1) Officials shall be notified of their evaluation through an interview with their superior. Officials must be notified of their evaluation within 30 days after the evaluation has been determined.
- 2) The notification shall be entered on the evaluation sheet. Officials shall confirm the notification by their signature on the evaluation sheet. Officials disagreeing with the



evaluation may request within 8 days after the notification that the evaluation be tested.

3) The test of evaluation shall be conducted before a commission composed of the superior and two other officials that did not participate in determining the evaluation of the official and are authorised by the principal. Officials shall be entitled to be present at the test of the evaluation.

4) If the commission under the preceding paragraph cannot be composed due to the number of employees, the principal may appoint to the commission officials from other bodies.

5) The decision of the commission shall be final.

#### Article 116 (Valid evaluations)

The evaluation of which the official was notified and, in the case of the test of evaluation, the evaluation determined by the test of evaluation under paragraph 3 of Article 115 of this Act shall be valid evaluations.

#### Article 117 (Distribution of evaluation)

Acts under paragraphs 3, 4 and 5 of Article 22 of this Act may determine the highest share of "excellent" and "good" evaluations, where the share may vary with respect to bodies. Officials in position may within the specified framework determine such a share with respect to individual organisational units.

### **Chapter XVI PROMOTIONS AND ACKNOWLEDGEMENTS**

#### Article 118 (Promotion)

1) Officials may be promoted to a higher title.

2) Officials and other civil servants may be promoted to a higher payment class in conformity with the law governing the system of salaries in the public sector.

#### Article 119 (Conditions for promotion)

1) Officials shall be promoted to a higher title, provided:

1. that they satisfy the conditions for appointment to a higher title;
2. that the work performed at the official work post where officials work may also be performed holding a higher title;
3. that officials fulfilled all the obligations of training according to the programme;
4. that their evaluations meet the standards prescribed for promotion;

5. that they were not subject to any disciplinary measures.

2) Officials may exceptionally be promoted to a higher title pursuant to the provisions of this Act, if they fail to satisfy the conditions under subsections 1 and 2 of the preceding paragraph (paragraph 3 of Article 120 of this Act).

#### Article 120

(Promotion period and standards of evaluation prescribed for promotion)

1) Officials holding the titles of second to fifth career class shall be promoted to a title one grade higher when they receive on five occasions "good" evaluation at least, or when they receive "excellent" evaluation on three occasions.

2) Officials holding the titles of first career class shall be promoted to a title one grade higher when they receive on six occasions "good" evaluation at least, or when they receive "excellent" evaluation on three occasions. Officials receiving "excellent" evaluation on five occasions shall be promoted to the title of first grade.

3) Notwithstanding the provisions of paragraphs 1 and 2 of this Article, officials may be promoted to a higher title when they receive "excellent" evaluation and their work is of special importance to the body due to their exceptional qualifications, reliability and work results; the principal shall on proposal of the superior decide whether this condition is satisfied. The number of promotions under this paragraph may not exceed the maximum number of 5 per cent of all promotions.

4) Officials that fail to satisfy the condition of prescribed professional education and the condition under subsection 2 in paragraph 1 of Article 119 may exceptionally be promoted to a title one grade higher after holding the same title for seven years, provided that they receive "excellent" evaluation on at least three occasions when holding the same title, and that they never received "satisfactory" or "unsatisfactory" evaluation. Pursuant to this provision, officials may be promoted solely to a title one grade higher than the title determined for their work posts, or to a title one grade higher than the title for which they satisfy the condition of prescribed professional education. No promotions to the title of first career class shall be allowed pursuant to the provisions of this Article.

5) Officials may exceptionally be promoted to a title one or two grades higher in the event of transfer to a more demanding work post, where tasks may only be performed holding a higher title. In this case, officials may only be promoted to the lowest title in which the tasks at such work post may be performed.

6) The superior shall submit to the principal a substantiated proposal for promotion to a higher title; the principal must ascertain within 30 days whether the conditions for promotions are satisfied and decide on the promotion. The rights arising out of higher title shall be conferred on the official on the first day of the month following appointment to a higher title.

## 2. Acknowledgements

#### Article 121

(Conditions for awarding)

Acknowledgement shall be awarded to civil servants for outstanding achievements contributing to the success and efficiency of service and to the reputation of the body, to reducing the costs of service, and to reducing the length of working procedures.

## **Chapter XVII**

### **DISCIPLINARY RESPONSIBILITY**

#### **1. Enforcing disciplinary responsibility**

##### Article 122

(Substance of disciplinary responsibility)

- 1) Civil servants shall be held responsible for disciplinary violations of the obligations arising out of employment.
- 2) There shall be serious and minor disciplinary violations.
- 3) Civil servant shall be held disciplinary responsible upon committing a disciplinary violation with intent or through negligence.

##### Article 123

(Types of disciplinary violations)

- 1) The following shall amount to minor disciplinary violations:
  1. violations of working obligations laid down in regulations, collective labour agreements and the contract of employment, and in general or individual acts of the body;
  2. improper behaviour towards clients or co-employees in the performance of work;
  3. conduct contrary to the code of ethics of civil servants, adopted in conformity with this Act.
- 2) The following shall amount to serious disciplinary violations:
  1. acts committed at work or related to work, amounting to a criminal offence prosecuted out of official duty;
  2. unlawful conduct in performance of work;
  3. unlawful disposal of public funds, or disposal of public funds contrary to their intended usage;
  4. exceeding, ignoring or other abuse of rights, obligations and responsibilities arising out of employment relationship;
  5. violation of the principle of impartiality and political neutrality;
  6. violation of the rights of civil servants;
  7. violation of the principle of the protection of secret information;
  8. violation of duties and restrictions related to the acceptance of gifts;
  9. grossly improper, violent or insulting behaviour towards clients or co-employees in the performance of work;

10. repeated minor disciplinary violations determined by final order;
11. violation of working obligations laid down in regulations, collective labour agreements and the contract of employment, causing serious consequences for clients or for the service of the body;
12. violation of prohibitions under paragraphs 3, 5 and 6 of Article 100 of this Act relating to the restrictions on the performance of other activities and functions, and violation of the duty of notification on the conflict of interest under paragraph 7 of Article 100 of this Act.

3) The existence of the criminal offence under subsection 1 in the preceding paragraph may be determined as a preliminary issue in disciplinary proceedings.

#### Article 124 (Disciplinary measures)

1) The following shall be the disciplinary measures for minor disciplinary violations:

1. an admonition;
2. a fine, not exceeding 15 per cent of full-time salary.

2) The following shall be the disciplinary measures for serious disciplinary violations:

1. a fine, that may amount up to 20 - 30 per cent of full-time salary, received in the month in which the serious violation was committed;
2. divestment of, or dismissal from position;
3. dismissal from title and appointment to a title one grade lower;
4. cancellation of the contract of employment.

3) The disciplinary measure of the cancellation of the contract of employment may be passed only in case the violation was committed with intent or through gross negligence.

#### Article 125 (Consequences of the disciplinary measure of dismissal)

1) In the case of the disciplinary measure of dismissal, the official shall continue to work in the same work post, even when work in such work post cannot be performed holding a lower title.

2) The disciplinary measure of the divestment of position may be passed in the case of officials holding a position, with the exception of positions under paragraph 2 of Article 82 of this Act; the provisions of Articles 142 and 146 shall reasonably apply to the consequences. The disciplinary measure of dismissal from position shall be passed in the case of officials holding positions under paragraph 2 of Article 82 of this Act; the issue of dismissal shall be decided by those appointing the official to the position, on proposal of the person deciding on disciplinary responsibility.

Article 126

(Entry and the cancellation of entry of disciplinary measures in personnel records)

- 1) Final disciplinary measures shall be entered in personnel records.
- 2) The entries of disciplinary measures in personnel records shall be cancelled provided that civil servants, within one year after the date of finality of a disciplinary measure for minor disciplinary violation or within two years after the date of finality of disciplinary measure for serious disciplinary violation, do not commit any disciplinary violations; they shall be regarded as if no disciplinary measure was passed upon them.

Article 127

(Selection of disciplinary measure)

- 1) In the selection of disciplinary measure, the degree of responsibility of civil servants, the degree of guilt, the gravity of consequences, and subjective and objective circumstances in which disciplinary violation was committed shall all be taken into consideration.
- 2) In the selection of disciplinary measure, account shall also be taken of any previous disciplinary measures passed on the civil servant, and the nature of the violation and of the measure passed; only measures entered in the records and not cancelled shall be taken into account.

Article 128

(Limitations period)

- 1) The institution of disciplinary proceedings for minor disciplinary violations shall lapse in one month after the date of discovery of minor disciplinary violation and the perpetrator, or in six months after the date the disciplinary violation was committed.
- 2) The institution of disciplinary proceedings for serious disciplinary violations shall lapse in three months after the date of discovery of serious disciplinary violation and the perpetrator, or in six months after the date the disciplinary violation was committed.
- 3) In the case under subsection 10 of paragraph 2 of Article 123 of this Act, the institution of disciplinary proceedings shall lapse in six months after the date of finality of the last disciplinary order.
- 4) The execution of disciplinary measure for disciplinary violations shall lapse in two months after the date of finality of the order.
- 5) The limitations period shall not run during the period when disciplinary proceedings cannot be instituted or conducted.
- 6) The conduct of disciplinary proceedings shall in all cases lapse after three times of the passing of the time required by law for the lapse of the institution of disciplinary proceedings; in any case, the conduct of disciplinary proceedings shall lapse in a year after the date the disciplinary violation was discovered.
- 7) In case the disciplinary violation amounts to criminal offence, the provisions of the Penal Code shall apply to the absolute period of limitations.

## Article 129

(Deciding on disciplinary responsibility)

- 1) Disciplinary proceedings shall be instituted by the principal on his own initiative or on proposal by the civil servant's superior, by inspectors or by the representative trade unions in the body.
- 2) The proposal under the preceding paragraph must include the description of the alleged disciplinary violation and evidence thereof. The principal shall institute disciplinary proceedings, if he holds that there is probable cause that disciplinary violation was committed.
- 3) Disciplinary proceedings shall be instituted by a written order, served on the civil servant. Representative trade unions in the body shall be notified of the institution of disciplinary proceedings. No special appeal shall be allowed against the order.
- 4) The principal shall conduct the disciplinary proceedings and decide on disciplinary responsibility.
- 5) The principal may appoint a disciplinary commission for the purpose of conducting the disciplinary proceedings and deciding on disciplinary responsibility. The members of disciplinary commission must have at least higher professional education and no less than five years of working experience.
- 6) Disciplinary measures shall be executed by the principal.
- 7) In disciplinary proceedings, no responsibility for disciplinary violations not included in the order on institution of proceedings may be determined.

## Article 130

(Disciplinary procedure)

- 1) A hearing shall be held in the disciplinary proceedings, where civil servants shall have the right to defence. Civil servants may choose to defend themselves, or through an attorney, other representative or a representative of representative trade union in the body; they may also choose not to be present at the hearing and to submit their defence in writing.
- 2) The provisions of Civil Procedure Act on the issuing of summons, service, hearing procedure and the taking of minutes shall apply in disciplinary proceedings.
- 3) In case grounds for suspicion that civil servant committed a criminal offence prosecuted out of official duty have been established in disciplinary proceedings, the person deciding on disciplinary responsibility must without undue delay issue the competent state prosecutor with criminal information.
- 4) The Government may by regulation make uniform provisions for disciplinary procedure for public administration bodies, judiciary bodies and local community administrations.

## **2. Temporary suspension from work**

## Article 131

(Institution of temporary suspension from work)

- 1) Civil servants against whom disciplinary proceedings for serious violations have been

instituted shall be temporarily suspended from work until the end of disciplinary proceedings, if their presence might be harmful to the interests of service or might obstruct the conduct of disciplinary proceedings.

2) Temporary suspension from work shall be carried out in the following manner:

1. the authorisations of civil servant shall be restricted or withdrawn;
2. the civil servant shall be temporarily transferred to another work post, or
3. the civil servant shall be prohibited from working,

3) From among the measures set out in the preceding paragraph, the measure preventing the risks under paragraph 1 of this Article shall be chosen.

#### Article 132

(Deciding on temporary suspension)

1) The person competent to decide on disciplinary responsibility shall also decide on temporary suspension from work.

2) Civil servant shall have the right to appeal against order on temporary suspension from work within 5 days after being served with the order. The appellate commission shall decide the appeal within 5 days.

3) The order on temporary suspension from work may be revoked.

4) The appeal under paragraph 2 of this Article shall not suspend the execution of the order on temporary suspension from work.

#### Article 133

(Rights in the case of temporary suspension)

1) During the temporary suspension from work pursuant to subsection 3 of paragraph 2 of Article 131, civil servants shall receive 60 per cent of full-time salary received in the previous month, but no less than the minimal wage whereas the remainder shall be withheld.

2) Civil servants shall be entitled to receive full salary from the date of their return to work.

#### Article 134

(Receiving the withheld salary)

Civil servants shall receive the withheld salary together with statutory default interests, if:

1. the disciplinary proceedings have been halted by final order, or if the proceedings lapsed; or
2. a final order has been issued in the disciplinary proceedings determining that the alleged disciplinary violation for which temporary suspension was ordered has not been committed.

## **Chapter XVIII**

### **LIABILITY FOR DAMAGES**

#### Article 135

(Damages liability of civil servants)

- 1) Civil servants shall be liable to the employer for damages unlawfully caused with intent or through gross negligence at, or in relation to, work.
- 2) The employer shall be liable to third parties for damages unlawfully caused by civil servants at, or in relation to, work.
- 3) Third party as the injured party may claim damages directly from the person unlawfully causing the damages, if the damages were caused with intent.

#### Article 136

(Proceedings in case of damages caused to the body)

- 1) In case damages were cause by a disciplinary violation, the issue of compensation for damages shall be decided in the disciplinary proceedings.
- 2) The provisions of this Act on the procedure for determining disciplinary responsibility shall apply to the procedure of determining the damages, with the exception of provisions on limitations period.
- 3) It shall be explicitly written in the order determining liability for damages that the order does not constitute a title of execution the employer may claim damages with the court of general jurisdiction.

#### Article 137

(Written agreement, lump sum damages)

- 1) The principal and the person that caused the damages may agree in writing as to the amount and the manner of compensation for damages caused to the employer.
- 2) The written agreement shall constitute a title of execution.
- 3) If the damages can only be determined at disproportionate costs, they shall be set in a lump sum amount, provided that the damaging events and the lump sum damages are laid down in collective labour agreement.

#### Article 138

(Exemption from liability for damages)

In case civil servant is exempt from liability for damages pursuant to paragraph 6 of Article 94 of this Act, the superior issuing directions or instructions shall be held liable for the damages.

#### Article 139

(Damages caused to third parties)

- 1) For damages caused intentionally by civil servants to third parties at, or in relation to, work and paid by the employer, the employer shall have the right to claim recourse for the entire damages paid.



2) For damages caused by civil servants through gross negligence to third parties at, or in relation to, work and paid by the employer, the employer shall have the right to claim recourse for the entire or a part of the damages paid.

3) The provisions of Articles 136 to 138 of this Act shall apply to the right of claiming recourse.

#### Article 140

(Damages liability of the employer)

1) The employer must compensate for the damages caused to civil servants at, or in relation to, the work in the body, in conformity with the general principles of civil law.

2) The employer shall also be liable for damages caused to civil servants in violation of their rights arising out of employment relationship.

3) The principal and the civil servant suffering damage may agree in writing as to the amount and the manner of compensation of damages. The written agreement shall constitute a title of execution.

4) The provisions on lump sum damages pursuant to Article 137 of this Act shall apply to liability for damages under this Article.

### **Chapter XIX DETERMINING INCOMPETENCE**

#### Article 141

(Incompetence)

1) Civil servants shall be deemed incompetent for their official work post or professional-technical work post, in case they fail to achieve the expected work results that would assure the quality and the efficient service of the body in accordance with the body's action programme.

2) Officials shall be deemed incompetent for their positions:

1. if the body, or organisational unit headed by the official, fails to achieve the expected work results that would assure the quality and the efficient service of the body, or the organisational unit, in accordance with the body's action programme;

2. if recurring errors or a serious fault in the service of the body occur in the field of activity of the body, or of the organisational unit headed by the official.

3) Officials shall not be deemed incompetent if they prove that they acted with the diligence of a good manager and that they undertook every measure within their competence in order to prevent or to avert poor performance or errors in the performance.

4) Civil servants, or bodies or respective organisational units, shall be deemed to fail in achieving the expected work results, if they fail to perform their work within the agreed or specified deadlines, or if they fail to perform in a professional and quality manner.

## Article 142

(Measures in the case of determined incompetence)

- 1) The employer shall, after the expiry of notice period and without a dismissal compensation, terminate the contract of employment concluded with a civil servant that was found incompetent for his position or work post, unless he can be transferred within three months to another suitable work post for which he satisfies the required conditions.
- 2) In the case of transfer, the official shall be dismissed from his title and appointed to the title set for the official work post to which the official is transferred.

## Article 143

(Institution of proceedings)

- 1) The principal shall institute the proceedings by a written order on his own initiative or on proposal by the superior, inspector or representative trade union in the body; civil servants shall be served with the order. Representative trade union in the body must be notified of the instituted proceedings. The principal must institute the proceedings in case a civil servant receives two successive "unsatisfactory" evaluations.
- 2) Proceedings cannot be instituted during parental leave, sick leave, and compulsory training and additional qualifications for the performance of work in the event of transfer for the reasons of service, or six months after transfer to another work post due to work requirements.

## Article 144

(Fact finding competence)

- 1) Facts demonstrating incompetence of a civil servant shall be determined by a commission appointed by the principal. Facts demonstrating incompetence of a principal shall be determined by a commission appointed by the person to whom the principal is held responsible.
- 2) The commission under the preceding paragraph shall be composed of officials with at least the same level of education as the civil servant whose incompetence is being determined, and with no less than five years of service. Officials from other bodies may be appointed to the commission.

## Article 145

(Fact finding procedure)

- 1) The provisions of law governing civil procedure shall reasonably apply to the procedure of determining facts demonstrating incompetence of a civil servant for a work post.
- 2) In case a civil servant is determined to be incompetent for his work post, the principal must within 5 days after the finality of written assessment communicate the data on the civil servant to the body competent for personnel issues for the purpose of entry in the internal market records.
- 3) The Government may by regulation make uniform provisions on the procedure for determining incompetence for public administration bodies, judiciary bodies and local community administrations.

Article 146  
(Impossibility of transfer)

1) The transfer of a civil servant shall be deemed impossible:

1. if no such suitable work post exists within the body where the civil servant is employed, for which the civil servant satisfies the conditions and for which the principal on his own judgement holds the civil servant competent, and if there is no demand for his work within 3 months after the entry of data in the internal market records; or
2. if the civil servant refuses an offer of a transfer.

2) The provisions of Article 163 of this Act shall apply to the transfer and to the termination of the contract of employment in the event of proceedings instituted against a civil servant that was transferred to another work post against his own will.

3) The principal shall be obliged to notify the representative trade union in the body of the impossibility of transfer pursuant to paragraph 1 of this Article.

## **Chapter XX TRANSFERS**

Article 147  
(Conditions for transfers)

1) Civil servants shall be transferred to another work post for the reasons of work requirements (without consent) or with consent, that is, at their own request. Transfers may be permanent or temporary. Temporary transfers may last no less than a month and no more than a year.

2) Civil servants may be transferred to suitable work posts, for which they satisfy the prescribed conditions and which they are competent to perform. Officials may be permanently transferred only to official work posts that can be held in the title of the official, unless the official is transferred due to incompetence for the official work post or for the reasons of service.

3) Officials may with their consent be exceptionally transferred to a professional-technical work post for a period no longer than two years. Officials shall keep their title, and the period of working in the professional-technical work post to which they were transferred shall be included in the promotion period.

4) Civil servant's consent to the transfer may only be given by concluding of an annex to the contract of employment.

Article 148  
(Restrictions on transfers)

Transfer due to work requirements shall not be allowed during temporary inability for work due to illness, pregnancy, or during parental leave.

## Article 149

(Transfer due to work requirements)

1) Civil servants shall, due to work requirements, be transferred to the available work posts or to a professional-technical work posts within the same or in another body:

1. for the reasons of service;
2. if the civil servant was found incompetent for his work post;
3. if the principal believes that a more effective and expedient performance of the body can be ensured therewith;
4. if there is a permanent change in the workload or the working procedure are being rationalised, and the civil servant no longer bears the full work burden;
5. in other cases provided by law.

2) Transfers due to work requirements shall only be allowed if the location of work in the case of a transfer in no more than 70 km of distance from the current location, or no more than one hour's travel away by public transport.

## Article 150

(Procedure in the case of transfers due to work requirements)

1) In case civil servants do not consent to the transfer, transfers due to work requirements shall be carried out by an order of transfer. The order of transfer due to work requirements within the same body shall be issued by the principal, whereas in the case of transfer to another body, the order shall be issued by the common consent of the bodies' principals.

2) The order of transfer due to work requirements shall contain the location and the date of the commencement of work in another work post, and the rights and obligations related to the new work post.

3) The order of transfer due to work requirements within public administration bodies may also be issued by the Government on proposal by the principal of the body to which the civil servant is to be transferred; account should be taken of the requirements of the service of the body in which the civil servant that is to be transferred works, and a suitable suspensive period for transfer should be set.

## Article 151

(Procedure in case of transfer at request or with consent)

1) Transfers at request or with consent of civil servants shall be carried out by an annex to the contract of employment. In the case of transfers to another body, the annex shall on the part of the employer be concluded by the principals of both bodies. In the case of another employer, transfers shall be carried out by an agreed termination of the contract of employment and a conclusion of a new contract of employment.

2) The Government may decide on the transfer to another body within public administration bodies, at the request of a civil servant, without the consent of the body where the civil servant requesting the transfer works. In this case, the annex to the contract of employment shall on the part of the employer be concluded by the principal of the body to which the civil servant is to be transferred.

## Article 152

(Continuation of employment)

- 1) The employment shall not be terminated in the case of transfer from one body to another, where the employer remains the same.
- 2) On expiry of the period of temporary transfer, civil servants shall be entitled to return to their work posts where they worked prior to the transfer.

**Chapter XXI****TERMINATION OF EMPLOYMENT****1. General provisions on the termination of employment**

## Article 153

(Grounds for the termination of employment)

- 1) The employment relationship of civil servants shall be terminated:
  1. on the expiry of the employment period;
  2. by a written agreement on the annulment of the contract of employment;
  3. by a cancellation of the contract of employment on the part of the civil servant;
  4. by a cancellation of the contract of employment on the part of the employer;
  5. upon the death of the civil servant;
  6. in case the official fails to pass the appropriate professional examination set as a condition in the contract of employment;
  7. in other cases provided by this Act or other law governing the employment of civil servants in bodies.
- 2) On the date of the termination of employment, officials shall cease to hold their titles and their positions.

## Article 154

(Agreement and the cancellation on the part of the civil servant)

The provisions of the law governing employment shall apply to the agreement on the termination of the contract of employment and to the cancellation of the contract of employment on the part of the civil servant.

## Article 155

(Cancellation on the part of the employer)

- 1) The principal may in writing cancel the contract of employment:
  1. if the work of the civil servant is no longer necessary for the reasons of service, and he cannot be transferred in conformity with the law;

2. if the civil servant was by a special proceeding found incompetent for his work post, and he cannot be transferred in conformity with the law;
3. if the civil servant was issued with a disciplinary measure;
4. if the civil servant failed to successfully complete probationary work, and he cannot be transferred in conformity with the law;
5. if the civil servant was absent from work without good cause for five consecutive working days.

2) The contract of employment of an official may be cancelled if the official is lawfully convicted for an intentionally committed criminal offence prosecuted out of official duty and sentenced to unconditional imprisonment for a period of more than six months.

3) In the event of a lawful conviction under the preceding paragraph, the court must out of official duty issue the principal with the final judgement.

#### Article 156

(Contents of a written cancellation by the employer)

1) A written order shall be issued on the cancellation of the contract of employment, stating the grounds for such a decision. In the order, the date of the termination of employment and the rights and obligations relating to the termination of the relationship must be stated.

2) The cancellation shall be issued in writing within 5 days after the grounds for the cancellation are determined.

3) Appeal shall be allowed against the order on the cancellation of the contract of employment.

#### Article 157

(Date of the termination of employment)

1) In the case of a disciplinary measure of the cancellation of the contract of employment, the employment relationship shall be terminated on the day of the finality of the disciplinary measure.

2) In the case of absence from work without good cause for five consecutive working days the employment relationship shall be terminated on the first day of such absence.

## **2. Cancellation of the contract of employment for the reasons of service**

#### Article 158

(Abolishing of the body and the transfer of tasks)

1) If a body is abolished, all civil servants shall be taken on by the body assuming the tasks of the abolished body. Employment relationships of such civil servants shall not be terminated. Civil servants shall be assigned to the same work posts.

2) In case the tasks of the abolished body are not assumed by another body, the employment of a civil servant shall be terminated under the conditions laid down in this Chapter (reasons of service). The body shall be finally abolished only when the principal

manages to conduct the proceedings relating to the termination of employment for the reasons of service.

3) The provisions of paragraph 1 of this Article shall also apply in the case of the transfer of tasks to another body where the body is not abolished.

4) In case the tasks of state bodies are assumed by a local community administrations or vice versa, the employment shall be terminated only to be newly concluded on the following day with the new employer, without publication or open competition. Civil servants shall retain equivalent work posts and all rights acquired by the contract of employment or by a decision.

5) The provisions of this Article shall reasonably apply in the case of transfer of tasks from a body to an entity of public law and vice versa.

#### Article 159

(Termination of employment and transfer for the reasons of service)

1) The employment of civil servants may be terminated and civil servants may be transferred to a work posts that fail to correspond to their titles for reasons of reduction in the scope of public tasks, the privatisation of public tasks, for organisational, structural or financial reasons, and other similar reasons (hereinafter: reasons of service).

2) The grounds for the termination of employment or transfer for the reasons of service shall be determined on the basis of amendments to the internal organisation act and the jobs systematisation (hereinafter: reorganisation).

#### Article 160

(Larger number of employees)

1) The principal must issue a special written order on the institution of reorganisation, if he holds that the reorganisation may cause the termination of employment, or a transfer to a work posts held in a lower title, in such numbers or part of civil servants that the provisions of the Employment Act on compulsory preparation of the dismissal programme of redundant employees apply.

2) The order under the preceding paragraph shall be adopted by the principal:

1. in a public administration body, with the approval of the Government;
2. in a judiciary body, with the approval of the Ministry competent for the judiciary;
3. in other state bodies, with approval of the state body;
4. in a local community administrations, with the approval of the representative body.

3) In the event of the institution of reorganisation, the principal shall appoint a commission to conduct a service analysis.

4) The service analysis shall contain the analysis of working tasks and working procedures, and state the reasons, detailed goals and the purposes of the reorganisation. The principal must notify of the service analysis the representative trade unions in the body that may give their opinion thereof.

5) The Government may adopt the order on the institution of reorganisation for some or for all of the public administration bodies. In this case, the service analysis, the reorganisation and the dismissal programme for redundant employees shall be prepared in a coordinated manner under the supervision and the guidelines of the Government. The body competent for personnel issues shall be responsible for coordination and supervision.

6) The provision of the preceding paragraph shall reasonably apply to the reorganisation in Administrative Units and judiciary bodies, where the order for the Administrative Units shall be adopted by the Minister competent for administration, and the order for judiciary bodies shall be adopted by the coordinating body under paragraph 4 of Article 43 of this Act.

#### Article 161

##### (Implementation of reorganisation)

1) For the purposes of the implementation of reorganisation under Article 159 of this Act, a dismissal programme shall be adopted for civil servants whose work has become permanently unnecessary, and for officials that are to be transferred to work posts held in a lower title (hereinafter: redundant civil servants).

2) The proposals of a new systematisation and of the dismissal programme for redundant civil servants shall be passed by the principal on to the representative trade unions in the body that may give their opinion on the issue. The principal must consider the opinion and, in the case of disagreement consult with the representative trade union in the body. If the proposals fail to be harmonised, a written explanation shall be given of the reasons for not taking the remarks of the trade unions into consideration.

3) The dismissal programme for redundant civil servants shall be prepared with due consideration of the criteria for determining redundant employees laid down by law or collective labour agreement.

4) The provisions of this Act on the procedure for adoption of the systematisation shall apply to the adoption of the dismissal programme for redundant civil servants.

5) The provisions of this Act shall not affect the rights of employees, the representatives of civil servants and civil servants in relation to determining and the dismissal of redundant employees laid down by other laws or collective labour agreements. Trade unions shall participate in the procedure for preparing the service analyses and dismissal programmes for redundant civil servants, in conformity with the regulations governing employment and collective labour agreements.

#### Article 162

##### (Implementation of the dismissal programme for redundant civil servants)

1) The principal shall pass the adopted dismissal programme for redundant civil servants in a public administration body on to the body competent for personnel issues.

2) The body competent for personnel issues shall enter the data on redundant civil servants in the internal labour market records and within three months determine the possibilities of the transfer of civil servants included in the reorganisation.



**Article 163**

(Cancellation of the contract of employment)

- 1) Official whose performance at their work post is no longer necessary shall be transferred to work posts held in the same title for which they satisfy the conditions, if such work posts are vacant; professional-technical servants shall be transferred to work posts carrying at least the same basic salary for which they satisfy the conditions, if such work posts are vacant.
- 2) If the transfer of redundant civil servants is not possible pursuant to paragraph 1 of this Article, they shall be provided with vocational re-qualification or additional qualification that is to ensure that they satisfy the conditions or that they are qualified for work posts under the preceding paragraph; civil servants shall then be transferred to such work posts.
- 3) If the transfer of civil servants is not possible pursuant to paragraph 1 and 2 of this Article, they shall have the right to be transferred to work posts corresponding to their level of education for which they satisfy the conditions, or for which they can receive re-qualification or additional qualification. In this case, officials shall be dismissed from title and reappointed to a higher title in which work can be performed at the work posts to which officials are transferred.
- 4) If the transfer of civil servants is not possible even pursuant to paragraph 3 of this Article, the contract of employment shall be cancelled and civil servants shall have the right to dismissal compensation and other rights in conformity with the regulations governing employment and collective labour agreement.
- 5) The availability of vacant work posts shall be determined in the bodies for which a uniform internal labour market has been established, on the basis of the systematisation and the personnel plan.
- 6) Civil servants whose employment was terminated pursuant to this Chapter shall have a priority right to employment at work posts for which they satisfy the conditions, for a period of two years after the contract of employment was cancelled, within all bodies.
- 7) The restriction under paragraph 2 of Article 149 of this Act shall apply to transfers, whereas the employer shall be obliged to offer to civil servants transfers exceeding the mentioned restrictions.

**Chapter XXII****PROFESSIONAL EXAMINATIONS****1. Professional examination for appointment to title****Article 164**

(State examination in public administration and professional administrative examination)

- 1) State examination in public administration shall be taken for the purposes of appointment to titles for which a university or a higher professional education is prescribed, where as professional administrative examination shall be taken for the appointment to other titles.
- 2) Professional examination for appointment to title shall be taken before an examination commission appointed by the minister competent for the administration, from among the experts in particular fields having at least a university education or a higher professional

education with a specialist or a master's degree and no less than 8 years of working experience.

3) The examination commission shall be composed of a chairman and two members. The chairman of the commission shall conduct the examination procedure and provide that examination order is followed.

#### Article 165

(Admittance to professional examination for appointment to title)

1) The following shall be admitted to professional examination at the expense of the body:

1. persons who have completed apprenticeship in the body;
2. officials obliged under a decision on appointment to title to pass the examination within a specified period of time.

2) The principal shall decide on the right to admittance to professional examination at the expense of the body.

#### Article 166

(Contents of professional examination for appointment to title)

1) The state examination in public administration shall primarily cover the following fields of knowledge:

1. constitutional order and the institutions of European Union and its legal system;
2. the system of legislative, executive and judicial powers, and their mutual relationship;
3. local self-government;
4. the system of public finances;
5. the operation of state bodies and the bodies of the local self-governing community administrations;
6. the system of administrative law, administrative procedure and administrative dispute;
7. legislative procedure;
8. the rules of office operation, including electronic operation, the rules of the protection of personal and other data, and the rules of the production of other materials.

2) Professional administrative examinations shall be adapted to the level of education and shall include the general knowledge in the fields under the preceding paragraph.

#### Article 167

(Exemptions)

1) Candidates that passed the state legal examination shall be recognised as having

passed the state examination in public administration.

2) Candidates that passed the professional examination in administrative procedure and the professional examination for the execution of special duties and authorisations shall be recognised as having passed the part of the state examination in public administration corresponding in content to the passed examinations.

3) A university teacher giving lessons in the fields under paragraph 1 of Article 166 of this Act shall be recognised as having passed the corresponding parts of the examination.

4) The minister competent for the administration shall make detailed provisions on the programme of state examination in public administration and professional administrative examination, the examination procedure, entry, examination order, the manner of recognition of examinations and corresponding contents, the documentation for the entry for a professional examination and other issues in relation to the taking of professional examinations.

#### Article 168

(Evaluations and objections to the evaluations)

1) The success of candidates shall be evaluated by examination commissions either as "passed" or "failed".

2) Candidates evaluated as "failed" may object to the given evaluation after the finished professional examination for appointment to title, if they believe that the given evaluation fails to reflect their knowledge demonstrated at the professional examination.

3) In the case of an objection, the evaluation shall be reconsidered in a repeated professional examination for appointment to title, conducted within the next three days before an expanded examination commission having five members appointed by the minister competent for the administration.

4) One of the members of the expanded examination commission shall also be the chairman of the examination commission that evaluated the candidate as having "failed".

5) Appeal shall be allowed against the decision taken after the reconsideration of the evaluation. Appeal shall be decided by the commission under subsection 2 in paragraph 2 of Article 35 of this Act.

## **2. Other professional examinations**

#### Article 169

(Professional examination for the performance of particular public tasks)

1) The professional examination in administrative procedure or the professional examination for the execution of special duties and authorisations may be prescribed for particular titles, official work posts or public tasks by law, executive regulation or general act of the body.

2) The professional examination for the independent performance of professional-technical work may be prescribed by law or executive regulation.

3) Officials cannot perform public tasks for which a professional examination is prescribed under the preceding paragraph, unless they pass the prescribed examination.

## Article 170

(Professional examination in administrative procedure)

1) The professional examination in administrative procedure shall be taken before an examination commission appointed by the minister competent for the administration from among experts in administrative procedure. Members of the examination commission shall have at least a university education or a higher professional education with a specialist or a master's degree; they must be officials with no less than five years of service, university teachers, or judges of the administrative or of the Supreme Court.

2) The minister competent for the administration shall make provisions as to the programme of the professional examination in administrative procedure, the composition and the appointment of the examination commissions, the manner of admittance, duration and the manner of the taking of the examination, and other issues related to the taking of the professional examination in administrative procedure.

## Article 171

(Professional examination for the execution of special duties and authorisations)

1) The professional examination for the execution of special duties and authorisations shall be taken before an examination commission appointed by the minister competent for particular department. Members of the examination commission must have no less than five years of working experience in the execution of special duties and authorisations.

2) The professional examination for the execution of special duties and authorisations may be taken as a part of the professional examination for appointment to title.

3) The minister competent for particular department shall make detailed provisions as to the contents of the programme of the professional examination for the execution of special duties and authorisations. The minister competent for the administration shall make provisions as to the composition and appointment of examination commissions, the manner of admittance, duration and the manner of the taking of the examination and other implementation issues related to the taking of the professional examination for the execution of special duties and authorisations.

## Article 172

(Professional examination for the independent performance of professional-technical work)

1) The professional examination for the independent performance of professional-technical work shall include the test of functional and special learning and special skills for independent performance of professional-technical works, if such learning and skills are laid down as a condition for a work post. The professional examination shall be taken before an examination commission, appointed by the principal from among civil servants.

2) The provisions of paragraph 3 of Article 171 of this Act shall reasonably apply as to detailed arrangements of the professional examination under the preceding paragraph.

## **Chapter XXIII**

### **COMPETENCE IN THE FIELD OF CIVIL SERVANTS SYSTEM**

#### Article 173

(Body of public administration competent for personnel issues)

The body competent for personnel issues shall:

1. supervise the implementation of this Act and the implementation of the regulations issued on its basis, and provide for the regularity of the implementation;
2. keep the central personnel records and the internal labour market records for public administration bodies;
3. coordinate the proposals of work post plans for public administration bodies, in conformity with this Act;
4. provide for a coordinated and supervised implementation of the reorganisation of public administration bodies;
5. assist and advise the bodies in the areas of personnel resources management;
6. perform tasks related to the granting of scholarships in public administration bodies;
7. perform tasks in the areas of training and additional qualifications of civil servants;
8. organise the implementation of state examination in public administration, professional administrative examination, professional examination in administrative procedure and other professional examinations;
9. perform the tasks of professional-technical assistance for the appellate commission working with the Government;
10. perform professional tasks for the decision of the Government in the field of personnel management;
11. coordinate with educational institutions the possibilities of theoretical and practical training of trainees, pupils and students in public administration bodies;
12. perform other tasks in the field of civil servants system in the bodies, or in the field of personnel resources management, in conformity with the law.

## **Chapter XXIV**

### **OFFICIALS COUNCIL**

#### Article 174

(Tasks of the Officials Council)

- 1) The Officials Council is hereby established pursuant to the provisions of this Act.
- 2) The Officials Council shall provide for the implementation of the selection of officials at the positions under paragraph 4 of Article 60 of this Act, and shall give to the

Government and to the National Assembly its opinion as to the regulations governing the officials system and the situation of officials.

3) In cooperation with representative trade unions in the body and professional associations of civil servants in state bodies and local community administrations, the Officials Council shall adopt a code of ethics of civil servants in state bodies and local community administrations.

4) In performance of its work, the Officials Council shall act independently. The members of the Officials Council shall be entitled to an attendance fee set by the Officials Council.

#### Article 175

##### (Composition of the Officials Council)

1) The Officials Council shall have twelve member appointed in the following manner:

1. three members shall be appointed by the President of the Republic from among experts in the field of public sector;
2. three members shall be elected by the officials holding the titles of senior secretary in public administration bodies, from among themselves;
3. two members shall be appointed by representative trade unions of activities and professions in the bodies;
4. four members shall be appointed by the Government on proposal by the minister competent for the administration.

2) Members of the Council shall from among themselves with a majority vote of all members and by secret ballot elect a chairman of the Officials Council.

#### Article 176

##### (Election and dismissal)

1) Members of the Officials Council shall be elected or appointed for a term of six years. A member of the Officials Council appointed or elected in place of a member whose term in office expired prematurely, shall cease to hold office upon the expiry of the term of office of the Officials Council.

2) The chairman or members of the Officials Council shall prematurely cease to hold office in the case of resignation or dismissal.

3) The chairman or members of the Officials Council shall be dismissed by an administrative decision either upon their own request, or in case they fail to perform their tasks, or fails to perform the tasks in a professional manner or perform the tasks contrary to the standing orders of the Officials Council. The body competent for the appointment of the chairman or members of the Officials Council shall decide on their dismissal; the Officials Council shall decide on the dismissal of the chairman or on the dismissal of members under subsection 3 in paragraph 1 of Article 175 of this Act.

4) Notwithstanding the provisions of the preceding paragraph, the Government may dismiss a member of the Officials Council in subsection 4 in paragraph 1 of Article 175 of this Act.

## Article 177

(Elections to the Officials Council)

- 1) The President of the Republic shall call the elections of the members of the Officials Council no less three months prior to the expiry of the term of office of the Official Council.
- 2) If necessary due to a premature expiry of the term of office of a member of the Officials Council, the President of the Republic shall call by-elections no later than a month after the term of office of the member of the Officials Council has expired.
- 3) No less than 50 days must pass from calling the elections and the date of voting.
- 4) The elections of the members of the Officials Council shall be held by a secret ballot. The provisions of the Courts Act on the election to the Judicial Council shall apply to the elections. The electoral commission shall be appointed by the President of the Republic.

## Article 178

(The manner of work)

- 1) The Officials Council shall provide for the selection of officials at the positions under paragraph 4 of Article 60 of this Act by determining the standards of professional qualifications, the criteria for selection and the methods of qualifications testing.
- 2) The Officials Council shall appoint competition commissions for individual open competition procedures. Members of the Officials Council may also be appointed to the competition commission.
- 3) For the selection of officials in public administration bodies, officials may be appointed to the competition commission next to the members of the Officials Council.
- 4) Experts in the fields of public administration, personnel resources management and in the field in which the official shall perform managerial tasks may also be appointed to the competition commission.
- 5) The body competent for personnel issues shall perform professional-technical and clerical tasks for the Officials Council. Funds for the work of the Officials Council shall also be secured within this body.

**Chapter XXV****SUPERVISION OVER THE IMPLEMENTATION OF THIS ACT**

## Article 179

(Inspection for the civil servants system)

Supervision over the implementation of this Act shall be performed by the inspectors for the civil servants system (hereinafter: the inspectors). The provisions of the law governing inspection supervision shall not apply to supervision under this Chapter.

## Article 180

(Performance of supervisions)

- 1) The inspector shall have the right to inspect all of the documentation and the data records related to the employment of civil servants.

- 2) The inspectors shall perform inspections out of official duty.
- 3) In particular, the inspectors shall supervise the following:
  1. the conformity of the acts on the systematisation, with laws and executive regulations;
  2. the conformity of general acts in the field of civil servants system, with laws and executive regulations;
  3. the legality and regularity of providing the central personnel records with the relevant data, and the keeping of the collection of documents related to the personnel records;
  4. that individual acts are issues in a timely and regular manner;
  5. the legality of the contracts of employment;
  6. that employment is in accordance with personnel plans, and that employment is otherwise legally correct;
  7. the conduct of competition procedures;
  8. that the acts on appointment to title or to a position are legal;
  9. the conduct of proceedings for the assessment of working and professional qualities, for promotion and for transfer;
  10. the conduct of reorganisation proceedings;
  11. the conduct of proceedings for determining incompetence of civil servants for the performance of work;
  12. the implementation of the programmes of education, training and additional qualifications.

#### Article 181

(The manner of inspector's work)

- 1) In the conduct of inspection supervision, the inspector shall act independently.
- 2) The authorisation for the performance of supervision shall be demonstrated with an official identity card. The minister competent for the administration shall make provisions as to the form of the identity card and the procedure for the issuing thereof.
- 3) Inspectors must protect the security of personal and other data that they acquire during the conduct of supervision.
- 4) Inspectors shall draw up the minutes on the conducted supervision and within 30 days pass the minutes on to the principal of the body where the supervision was conducted, and to the minister competent for the administration.
- 5) The principal may file an objection with the minister competent for the administration within 8 days after being served with the minutes under the preceding paragraph.



Article 182  
(Measure of the inspectors)

1) In case inspectors determines illegalities or irregularities in the service pursuant to this Act, they may propose:

1. to the principal, that disciplinary proceedings be instituted against the person responsible;
2. to the competent appellate commission, that the illegal act be annulled;
3. to the principal of the body, and to the minister competent for the administration, that the measure necessary for the removal of irregularities be taken.

2) In case the actions found by inspectors amount to a violation under this Act, they must propose that the proceedings for violations be instituted.

3) Inspectors must consider the applications of civil servants and representative trade unions of activities and professions, or representative trade unions in the body, falling within his competence, and notify the applicants of his findings.

**Chapter XXVI**  
**PENALTY PROVISIONS**

Article 183

1) In the case of a violation, a fine in the amount between 100.000 tolar to 150.000 tolar shall be imposed on the principal or the authorised person:

1. that allows for an inspection of the personnel records to a person not entitled to such inspection;
2. that fails to provide a civil servant with an inspection or a copy of the data in the personnel records, contrary to this Act;
3. that places on the list of candidates for selection procedure a person that fails to satisfy the competition conditions according to the submitted evidence;
4. that fails to notify the representative trade union in the body or the body competent for personnel issues of the institution of reorganisation;
5. that is in breach of the rules of social partnership pursuant to Article 26 of this Act;
6. that concludes an employment relationship for an official work post without open competition, contrary to this Act or contrary to the conditions required for the work post;
7. that decides on employment or promotion contrary to the personnel plan;
8. that concludes a contract of employment which the contents of which runs contrary to the law.

## **Chapter XXVII TEMPORARY AND FINAL PROVISIONS**

### Article 184

Laws governing the employment of civil servants in entities of public law shall be harmonised with the provisions of Part One of this Act within a year after Part One begins to apply.

### Article 185

The Government shall within 6 months after the effective date of this Act call on representative trade unions in state bodies and local administration bodies to begin collective bargaining.

### Article 186

Regulations for the implementation of this Act must be issued within 9 months after the effective date of this Act.

### Article 187

The central personnel records pursuant to this Act shall be established within one year after this Act begins to apply.

### Article 188

1) Members of the appellate commission shall be appointed within 6 months after the effective date of this Act.

2) Proposers shall communicate their proposals for the appointment of the chairman and members of appellate commissions within 3 months after the effective date of this Act.

3) In case the appellate commission under subsection 3 in paragraph 2 of Article 35 of this Act is not appointed within the period of time specified in paragraph 1 of this Article, the additional members of the appellate commission under subsection 1 in paragraph 2 of Article 35 of this Act shall be appointed within the next 3 months.

### Article 189

1) Bodies and organisations must adopt the systematisation in conformity with this Act and executive regulations within 3 months after this Act begins to apply.

2) Civil servants shall be assigned to work posts in accordance with the adopted systematisation by 1st January 2004.

3) An order shall be issued on the assignments under this Article. A contract of employment shall be concluded between the civil servant and the employer on the occasion of the first transfer with the consent of the civil servant; in case no agreement is reached, the principal shall issue an order replacing such contract. The contract of employment may be concluded prior to the transfer.

## Article 190

- 1) The President of the Republic shall call the first elections to the Officials Council no later than 2 months prior to the date this Act begins to apply. The electoral commission shall be appointed by the Government.
- 2) Notwithstanding the provision of subsection 2 in paragraph 1 of Article 175 of this Act, members of the Officials Council elected from among officials shall in the first elections be elected by the officials in public administration bodies holding the work posts of a secretary-general, state undersecretary and of the principal of the Administration Unit.
- 3) Members of the Officials Council pursuant to the provisions of subsections 1, 3 and 4 in paragraph 1 of Article 175 of this Act shall be appointed by the competent body no later than 2 months prior to the date this Act begins to apply.

## Article 191

The principals of the Bodies within Ministries and the principals of Government Offices shall cease to hold office on the date this Act begins to apply; in case they satisfy the prescribed conditions and with their consent, they shall continue with their work as acting principals holding the status of an official until officials are appointed to these positions after the competition proceedings are conducted.

- 2) The competition proceedings for the positions of directors-general in the Ministries, the directors of Bodies within Ministries and the directors of Government Offices in conformity with this Act may begin to be conducted on the date this Act begins to apply, whereas they must be initiated within a month after the Government is formed after the first parliamentary elections, after the date this Act begins to apply.
- 3) An acting director-general may be appointed without a competition for the time between the initiation of competition proceedings until the appointment of a director-general in conformity with this Act. The acting director-general shall not be entitled to dismissal compensation after the expiry of the term of his appointment.
- 4) The deputies of the principals and other persons in public administration bodies holding the status of a functionary shall cease to hold office on the date this Act begins to apply.
- 5) State secretaries, the principals of Bodies within Ministries, the principals of Government Offices and persons under the preceding paragraph shall have the right to be appointed to an official title in conformity with Article 194 with respect to the title held prior to the appointment to office, and shall have the right to be assigned to a work post corresponding to such title. In case no such work post exists, they shall be assigned to a work post corresponding to their education and for which they satisfy the conditions. In case no such work post may be ensured within the body or other bodies, their employment shall be terminated, whereas they shall have the right to dismissal compensation in conformity with the regulations governing employment.

## Article 192

Officials that on the date this Act begins to apply work at work posts translated to the title of clerk IV and hold at least the fourth level of education, shall be deemed to satisfy the conditions regarding professional education for the title of clerk IV.

## Article 193

1) Officials that are employed with state bodies or local community administrations on the date this Act begins to apply, and have acquired the title of senior administrative worker or the title of administrative worker pursuant to the regulations in force prior to the effective date of this Act, and have no less than five years of service, shall be deemed as having satisfied the conditions regarding the professional examination under this Act. Other officials, with the exception of the officials that have passed suitable professional examinations pursuant to the Act on Apprenticeship, Professional Examinations and Improvement of Professional Education of State and Judiciary Employees (The Official Gazette of the Socialist Republic of Slovenia, Nos. 8/80, 27/85, 35/85, 39/85, The Official Gazette of the Republic of Slovenia Nos. 18/93 - ZOdV, and 13/94 - ZPDI), must pass the professional examination within 2 years after the date this Act begins to apply otherwise their employment shall be terminated

2) Officials that have passed the professional examination for post-secondary, higher professional or university education, a part of which is also administrative procedure, and the officials that have passed the test of professional qualifications for the administrative procedure actions pursuant to the Act on Apprenticeship, Professional Examinations and Improvement of Professional Education of State and Judiciary Employees prior to the effective date of the law governing general administrative procedure, shall be deemed to have passed the professional examination in administrative procedure.

3) Officials that are, on the date this Act begins to apply, employed with state bodies or local community administrations, and have acquired the title of senior administrative worker or the title of administrative worker, and have passed the professional examination pursuant to particular regulations, shall be deemed to satisfy the condition relating to the professional examination for the execution of special duties and authorisations.

4) Civil servants employed as apprentices on the date this Act begins to apply shall take the professional examination after the expiry of apprenticeship period in conformity with the regulations in force until the date this Act begins to apply. Passed professional examination shall be deemed to satisfy the condition relating to the prescribed professional examination for appointment to title.

## Article 194

1) The titles of senior administrative workers and administrative workers in bodies, local administration bodies and judiciary bodies shall by 1st January 2004 be translated into new official titles with respect to the starting quotients for determination of basic salaries, provided by law or executive regulation, as follows:

- titles with quotients of 6,36 and above, into the title of secretary;
- titles with quotients from 5,32 to 6,35, into the title of undersecretary;
- titles with quotients from 4,81 to 5,30, into the title of senior counsellor I;
- titles with quotients from 4,41 to 4,80, into the title of senior counsellor II;
- titles with quotients from 4,01 to 4,40, into the title of senior counsellor III;
- titles with quotients from 3,61 to 4,00, into the title of counsellor I;
- titles with quotients from 3,31 to 3,60, into the title of counsellor II;

- titles with quotients from 3,01 to 3,30, into the title of counsellor III;
- titles with quotients from 2,81 to 3,00, into the title of senior clerk I;
- titles with quotients from 2,66 to 2,80, into the title of senior clerk II;
- titles with quotients from 2,51 to 2,65, into the title of senior clerk III;
- titles with quotients from 2,41 to 2,50, into the title of clerk I;
- titles with quotients from 2,31 to 2,40, into the title of clerk II;
- titles with quotients from 2,11 to 2,30, into the title of clerk III;
- titles with quotients from 2,01 to 2,10, into the title of clerk IV;
- titles with quotients from 1,81 to 2,00, into the temporary title of staff I;
- titles with quotients from 1,80, into the temporary title of staff II.

2) The quotient determined by law, executive regulation or by acts issued on their basis, as the quotient for determining the basic salary (the quotient for work post without promotion to a higher payment class) shall be deemed as the starting quotient.

3) Officials shall keep the title acquired under the previous regulations, until the translation.

4) Persons employed with the bodies that perform ancillary work under paragraph 3 of Article 23 of this Act holding the title of senior administrative worker or the title of administrative worker shall not be entitled to the translation of the title, unless they were transferred to such work post from a work post deemed as an official work post under this Act.

5) The provisions of paragraph 1 of this Article shall reasonably apply to the translation of title in the Slovenian Army that shall be laid down in a government regulation.

#### Article 195

1) The following quotients for determining the basic salary shall apply for the official titles until the law governing the system of salaries in the public sector begins to apply:

1. the title of first grade: 8,00;
2. the title of second grade: 6,80;
3. the title of third grade: 6,00;
4. the title of fourth grade: 5,30;
5. the title of fifth grade: 4,80;
6. the title of sixth grade: 4,40;
7. the title of seventh grade: 4,00;

8. the title of eighth grade: 3,60;
9. the title of ninth grade: 3,30;
10. the title of tenth grade: 3,00;
11. the title of eleventh grade: 2,80;
12. the title of twelfth grade: 2,65;
13. the title of thirteenth grade: 2,50;
14. the title of fourteenth grade: 2,40;
15. the title of fifteenth grade: 2,30;
16. the title of sixteenth grade: 2,10;
17. the temporary title of staff I: 2,00;
18. the temporary title of staff II: 1,80;

2) Until the law governing the system of salaries in the public sector begins to apply, the provisions of paragraph 1 of this Article shall reasonably apply to the determining of basic salaries of the members of the Slovenian Army that shall be laid down in a government regulation.

3) The quotient determined by law or executive regulation as the quotient for determination of basic salary (quotient of work post without promotion to higher payment classes) shall be deemed as the starting quotient.

4) Officials shall retain the quotients for determining the basic salaries, acquired by promotion in conformity with the Act Regulating Wage Rates in Public Institutions, State Bodies and Local Community Bodies (The Official Gazette of the Republic of Slovenia, Nos. 18/94, 36/96, 20/97 - ZDPra, 39/99 - ZMPUPR, 86/99 - Constitutional Court decision, and 98/99 - ZZdrS), if these are higher than the quotients determined under the preceding paragraph, and the supplements determined pursuant to law or executive regulation. The validity of quotients determined on the basis of paragraph 1 of Article 65 of State Employees Act (The Official Gazette of the Republic of Slovenia Nos. 15/90, 5(91, 18/91, 22/91, 2/91-I, 4/93, 18/94 - ZRPJZ, 70/97, 87/97 - ZPSDP, and 38/99) shall be verified upon the adoption of the systematisation in conformity with paragraph 11 of Article 189 of this Act.

5) Officials shall retain their right to further promotion in conformity with the Act Regulating Wage Rates in Public Institutions, State Bodies and Local Community Bodies. Notwithstanding the provisions of the Act Regulating Wage Rates in Public Institutions, State Bodies and Local Community Bodies or executive regulations issued on its basis, officials, that with the translation of title acquire a higher starting quotient for determination of basic salary, shall have the right to such number of promotions to higher payment classes that shall enable them to acquire such maximum quotient for determination of basic salary that they would acquire in the case of promotion to the highest payment class of the title they held prior to the translation.

6) Quotients determined in the Act Regulating Wage Rates in Public Institutions, State Bodies and Local Community Bodies shall apply to the professional-technical work posts until the law governing the system of salaries in the public sector begins to apply. In the case of professional-technical work posts in the fields of information science, civil aviation, health-care service, and in the case of other professional-technical work posts

for which no quotient is laid down in the Act Regulating Wage Rates in Public Institutions, State Bodies and Local Community Bodies, the quotient for determination of basic salaries shall be temporarily laid down for all bodies by a government regulation.

7) Payment classes with quotients of 9,50, 10,00 and 10,50 shall be determined for the promotion of officials in first career class to higher payment classes.

8) The Government shall by regulation provide for the supplements for positions in public administration bodies, judiciary bodies and local community administrations.

#### Article 196

1) Officials holding the titles of the first to sixth grade shall be deemed senior administrative workers for purposes of the rights and obligations that are provided by regulations for senior administrative workers.

2) Officials holding other titles shall be deemed administrative workers.

#### Article 197

1) Notwithstanding the provision of paragraph 3 of Article 82, a four-year term of appointment for the principals of Administrative Units, secretaries-general and municipal secretaries (directors of municipal administrations) shall start on the date this Act begins to apply; officials that fail to satisfy the prescribed conditions for the positions shall be transferred to work posts corresponding to their education.

2) The preceding paragraph shall not apply to officials against whom proceedings for determining criminal responsibility related to the performance of work, proceedings for determining disciplinary responsibility or proceedings for determination of incompetence are conducted in conformity with the regulations in force prior to the date this Act begins to apply. The term of appointment of such officials shall be prolonged in the manner prescribed by the preceding paragraph, if no measure of dismissal from position is adopted, or if no employment is terminated in such proceedings. The prolonged term of appointment shall be deemed to start on the date this Act begins to apply.

3) The expiry of the term of the appointment of officials under paragraph 1 of this Act shall not affect permanent employment. Notwithstanding the provisions of paragraph 1 of this Article and paragraph 3 of Article 81 of this Act, the director of municipal administration with a secondary or post-secondary education shall continue to work at the position of the municipal secretary (the director of municipal administration) holding the title translated in conformity with paragraph 1 of Article 194 of this Act, until the expiry of the term of office under paragraph 1 of this Act.

#### Article 198

After the adoption of the budget for the year 2004, the Government shall adopt the first general programme of training and additional qualifications.

#### Article 199

The proceedings on decision-taking on the rights and obligations arising out of employment, the proceedings on disciplinary responsibility and damages liability, and the proceedings on determination of incompetence and dismissal, initiated prior to the date this Act begins to apply, shall proceed pursuant to the provisions of laws in force prior to

the date this Act begins to apply.

#### Article 200

1) Civil servants assigned in conformity with paragraph 1 of Article 9 of the Regulation amending the Regulation on Common Grounds and Criteria for Internal Organisation and Systematisation in Public Administration Bodies (The Official Gazette of the Republic of Slovenia, No. 56/98, hereinafter: the regulation) to work posts for which the prescribed level of education is one-degree higher than the education they have, shall retain their work posts as this Act begins to apply. Officials under this paragraph shall, as this Act begins to apply, also retain their titles.

2) Civil servants assigned to their work posts in conformity with paragraph 2 of Article 9 of the regulation, provided that they acquire the required level of education within a specified period of time yet fail to satisfy the conditions pursuant to paragraph 1 of Article 9 of the regulation, shall retain their title and their work posts as this Act begins to apply, provided that they acquire the required level of education within the period of time laid down in a contract on education, or within two years after the date this Act begins to apply.

3) In case civil servants under paragraph 2 of this Article fail to satisfy the conditions regarding the required level of education within the period specified in a contract on education or within two years after the date this Act begins to apply, they shall be transferred to work posts for which they satisfy the conditions. Officials under this paragraph shall be dismissed from their titles and appointed to titles for which they satisfy the prescribed conditions, and transferred to work posts that are held in such titles. In case no such suitable work posts exist in the body, the employment of civil servants shall be terminated under conditions and in a manner prescribed by this Act in the event of the determination of incompetence.

#### Article 201

The President of the Republic shall by his own act make provisions for the organisation of his office, appoint the secretary-general of his office and other functionaries in the office, and determine salaries, compensations and other incomes.

#### Article 202

Until the formation of a Government after the first elections to the National Assembly after the effective date of this Act, the tasks under subsections 2 to 6 and 9 to 11 of Article 173 of this Act shall be performed by the Personnel department of the Government of the Republic of Slovenia, whereas other tasks under Article 173 of this Act shall be performed by the Ministry competent for the administration.

#### Article 203

1) The following acts shall cease to have effect on the date this Act begins to apply:

1. the following provisions of the Act on State Employees (The Official Gazette of the Republic of Slovenia, Nos. 15/90, 5/91, 18/91, 2/91-I, 4/93, 19/94 - ZRPJZ, 87/97 - ZPSDP, adn 38/99):
  - Chapter I;
  - Chapter II (with the exception of Articles 34 to 42, that shall remain in force until new provisions are laid down in a collective labour agreement);



- paragraph 2 of Article 65,
- Chapters V and VI.

2. the provisions of Article 56, 57 and 59 of the Courts Act (The Official Gazette of the Republic of Slovenia Nos. 19/94, 45/95, 26/99 - ZPP, 38/99, 28/2000 and 26/2001 - PZ);
3. the provisions of Article 58 of the State Prosecutor Act (The Official Gazette of the Republic of Slovenia Nos. 63/94 and 59/99);
4. the provisions of Article 40 of the State Attorney Act (The Official Gazette of the Republic of Slovenia No. 20/97);
5. the provisions of paragraphs 2, 3 and 4 of Article 97, and Article 100 of the Police Act (The Official Gazette of the Republic of Slovenia Nos. 49/98, 66/98 - corrected and 93/2001);
6. the provisions of Article 44 of the Slovene Intelligence and Security Agency Act (The Official Gazette of the Republic of Slovenia No. 23/99);
7. Article 54 of the Human Rights Ombudsman Act (The Official Gazette of the Republic of Slovenia Nos. 71/93 and 15/95 - corrected), in part which provides for reasonable application of the Act on State Employees;
8. the Act on Apprenticeship, Professional Examinations and Improvement of Professional Education of State and Judiciary Employees (The Official Gazette of the Socialist Republic of Slovenia No. 8/80, 27/85, 35/85, 39/85, The Official Gazette of the Republic of Slovenia Nos. 18/93 - ZOdv and 13/94 - ZPDI);
9. Article 24 of the Public Finance Act (The Official Gazette of the Republic of Slovenia 79/99, 124/2000, 79/2001 and 30/2002).

2) Notwithstanding the provisions of particular laws in force on the effective date of this Act governing the status of civil servants in bodies, the provisions of this Act, relating to the classification of work posts, official titles, the manner of decision-taking on the rights and obligations of civil servants and to the entering into employment with a contract of employment, shall apply.

3) Regulations issued for the implementation of laws stated in the previous paragraph shall apply until new regulations are issued.

4) The provisions of laws governing the salaries of civil servants, for which it is stipulated that they shall cease to have effect on the effective date of the Civil Servants Act, shall remain in force.

5) The provisions of the Public Finance Act, related to the work post plans, shall apply to the personnel plans.

#### Article 204

This Act shall take effect on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia, and shall begin to apply one year after its publication.