

# **LAW OF UKRAINE**

## **On Civil Service**

This Law defines legal and organizational principles of civil service, and conditions and procedures for the exercise of the right to civil service by citizens of Ukraine.

### **SECTION GENERAL PROVISIONS**

#### **Article 1. Terms and definitions**

1. The terms listed below shall have the following meanings herein:

1) civil service shall mean professional activities of civil servants including development of proposals on state policy making, ensuring its implementation, and provision of administrative services;

2) civil servant shall mean a citizen of Ukraine holding a civil service position in any public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats (apparatus); earning a salary paid from the funds of the state budget unless otherwise specified by the law; and exercising the powers specified for that position and directly related to realization of tasks and performance of functions of the public agency of Ukraine or the Autonomous Republic of Crimea as regards:

development of proposals on state policy making;

drafting, examination, and/or editing of draft legal acts;

provision of administrative services;

public monitoring and supervision;

management of state property of Ukraine or the Autonomous Republic of Crimea, including management of state corporate rights;

human resource management in public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats;

realization of other powers (or competence) of the respective public agency;

3) an order shall mean a form of exercise by a manager of his/her powers which includes formulating a specific task, defining its subject matter, an objective, and timeframe, and appointing a person responsible for its implementation;

4) manager of civil service in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall mean an official who holds a high

civil service position in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats and whose job responsibilities include powers concerning civil service in that public agency or its office (secretariats, offices);

5) civil service position shall mean a primary structural unit at a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, specified by the agency's structure and staff schedule and having job duties designated according to legislation within the powers specified in item 2) of this section;

6) job responsibilities shall mean a list of the functions and powers vested in a civil service position, the responsibility for performing which is imposed on the civil servant and which are specified in the servant's job description;

7) professional competence profile for a civil service position shall mean a comprehensive characteristics of a civil service position including a definition of the scope of work at that position and a list of special knowledge, abilities and skills required for a civil servant to perform job responsibilities efficiently;

8) level of professional competence of a civil servant shall mean a personal characteristic including his/her education level and qualifications, work experience, and the level of possession of special knowledge, abilities and skills;

9) civil servant's working hours shall mean the time during which the civil servant shall be required to perform his job responsibilities according to internal service regulations.

10) personnel service of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall mean a separate structural unit or a civil servant within this public agency or its offices that shall: ensure exercise by the manager of civil service in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats of his/her powers; be responsible for documenting of entering, passage and termination of the civil service, for personnel selection, planning and implementing measures for professional competence improvement of civil servants; and perform other functions indicated by this Law and other - legal acts;

11) service discipline of a civil servant shall mean strict compliance with a civil servant's oath and scrupulous performance by the civil servant of his/her official duties;

12) official duties shall mean all duties of a civil servant specified by this Law, internal service regulations of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, and his/her job responsibilities;

13) appointing entity shall mean a public agency of Ukraine or the Autonomous Republic of Crimea or an official authorized by the law to appoint persons to, and release persons from, civil service positions;

14) support functions shall mean activities by employees of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats that do not

suggest exercising of powers directly related to realization of tasks and performance of functions of such agencies specified in item 2) of this section.

2. The terms *related persons*, *a conflict of interests*, *corruption offence*, and *corruption* shall be used herein in the meaning specified in the Law of Ukraine *On the Principles of Prevention and Combating Corruption*.

## **Article 2. Scope of the Law**

1. This Law shall regulate relations arising in connection with entering, doing and terminating civil service, as well as define the legal status of a civil servant.

2. This Law shall not apply to:

1) the President of Ukraine, members of the Cabinet of Ministers of Ukraine, first deputy ministers, and deputy ministers;

2) people's deputies of Ukraine;

3) the Human Rights Commissioner of the Verkhovna Rada of Ukraine;

4) deputies of the Verkhovna Rada of the Autonomous Republic of Crimea except those elected to positions in the Verkhovna Rada of the Autonomous Republic of Crimea that they hold on a permanent basis;

5) judges;

6) public prosecution officials to whom grade ranks are assigned;

7) staff of public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats performing support functions;

8) staff of government enterprises, institutions and organizations as well as other state-owned economic entities; staff of government enterprises, institutions and organizations owned by the Autonomous Republic of Crimea except persons in civil service positions at the employment centers of the State Employment Service, the National Academy of Public Administration under the President of Ukraine, the National Institute for Strategic Studies and the Legislation Institute of the Verkhovna Rada of Ukraine, as specified by the law;

9) military servicemen of the Armed Forces of Ukraine and other armed formations established in accordance with the law, rank and file and command personnel at the agencies of internal affairs and other agencies, to whom special ranks are assigned unless otherwise specified by the law.

3. The list of positions of the staff of public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats performing maintenance functions shall be defined by the civil service manager of that public agency or its offices according to the criteria established by a specially authorized central executive authority for civil service issues.

### **Article 3. Basic principles of civil service**

1. The principles of civil service shall be as follows:

- 1) the rule of law;
- 2) patriotism and service for the people of Ukraine;
- 3) legality;
- 4) equal access to civil service;
- 5) professionalism;
- 6) morality;
- 7) political neutrality;
- 8) transparency of work;
- 9) civil servants' personal responsibility.

### **Article 4. Legal regulation of civil service**

1. Legal regulation of civil service shall be provided by the Constitution of Ukraine, this Law and other laws of Ukraine, acts of the President of Ukraine, of the Cabinet of Ministers of Ukraine, and of the specially authorized central executive authority for civil service issues, and other central executive authorities, issued within their powers specified by the law.

2. Relations arising in connection with entering, doing and terminating civil service in public agencies of Ukraine and the Autonomous Republic of Crimea establishment and operations of which are regulated by special laws as well as their offices shall be regulated by this Law unless otherwise specified by a special law.

3. Provisions of labor legislation shall apply to civil servants to the extent not governed hereby.

### **Article 5. Financing of civil service**

1. Civil service shall be financed from the funds of the state budget unless otherwise specified by the law.

2. Civil service in public agencies of the Autonomous Republic of Crimea and their secretariats shall be financed from the funds of the budget of the Autonomous Republic of Crimea.

### **Article 6. Classification of civil service positions**

1. Civil service positions shall be divided into five groups depending on the nature and scope of job responsibilities:

group I – positions of heads and deputy heads of public agencies, members of state collegial bodies jurisdictions of which apply to the entire territory of

Ukraine, their offices, and public agencies of the Autonomous Republic of Crimea and their secretariats; heads and deputy heads of local state administrations;

group II ó positions of heads and deputy heads of independent structural units of public agencies, jurisdictions of which apply to the entire territory of Ukraine, their offices, public agencies of the Autonomous Republic of Crimea and their secretariats, and local state administrations; positions of heads and deputy heads of public agencies jurisdiction of which applies to the territory of one or more administrative-territorial units, and their secretariats;

group III ó positions of heads and deputy heads of structural units within public agencies jurisdictions of which apply to the entire territory of Ukraine, their offices, public agencies of the Autonomous Republic of Crimea and their secretariats, and local state administrations; positions of heads and deputy heads of structural units of public agencies jurisdictions of which apply to the territory of one or more administrative-territorial units, and their secretariats;

group IV ó positions in public agencies jurisdictions of which apply to the entire territory of Ukraine, public agencies of the Autonomous Republic of Crimea, and their secretariats that develop proposals regarding public policy making, drafting, examination, and/or editing of draft legal acts, but do not involve performance of management functions;

group V ó positions in public agencies jurisdictions of which apply to the entire territory of Ukraine, public agencies of the Autonomous Republic of Crimea, and their secretariats that do not involve performance of management functions or developing proposal regarding public policy making, drafting, examination, and/or editing of draft legal acts.

## 2. Groups of civil service positions shall be divided into subgroups.

Subgroups I-1, II-1, III-1, IV-1, and V-1 shall include civil service positions in the Administration of the President of Ukraine, the Council for National Security and Defence of Ukraine, the Office of the Verkhovna Rada of Ukraine, the Secretariat of the Cabinet of Ministers of Ukraine, Central Election Commission, the Accounting Chamber and the High Council of Justice, positions of representatives of the Human Rights Commissioner of the Verkhovna Rada of Ukraine, civil service positions in the Secretariat of the Human Rights Commissioner of the Verkhovna Rada of Ukraine, as well as civil service positions in the National Institute for Strategic Studies and Administration to Support functioning of the Government as specified by the law.

Subgroups I-2, II-2, III-2, IV-2, and V-2 shall include civil service positions in public agencies jurisdictions of which apply to the entire territory of Ukraine and their secretariats, consultative, advisory, and other auxiliary bodies and services established by the President of Ukraine (except those specified in paragraph 2 of this part of the article), the National Bank of Ukraine as well as civil service positions at the National Academy of Public Administration under the

President of Ukraine and the Legislation Institute of the Verkhovna Rada of Ukraine, as specified by the law.

Subgroups I-3, II-3, III-3, IV-3, and V-3 shall include civil service positions in public agencies of the Autonomous of Republic of Crimea and their secretariats; public agency jurisdictions of which apply to the territory of one or more oblasts, cities of Kyiv or Sevastopol, and its secretariat.

Subgroups I-4, II-4, III-4, IV-4, and V-4 shall include civil service positions in public agencies of the Autonomous of Republic of Crimea public agencies jurisdictions of which apply to the territory of one or more districts, cities of republican status in the Autonomous of Republic of Crimea, or cities of regional status, city districts, towns of district status, and their secretariats.

3. Positions of assistants, advisers, commissioners, and representatives of the President of Ukraine; heads of patronage services of the Chairman of the Verkhovna Rada of Ukraine, the First Deputy Chairman and the Deputy Chairman of the Verkhovna Rada of Ukraine, and the Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, and Vice Prime Ministers of Ukraine shall belong to subgroup I-1.

Positions of assistants and advisers to the Chairman of the Verkhovna Rada of Ukraine, advisers to the First Deputy Chairman and the Deputy Chairman of the Verkhovna Rada of Ukraine, and assistants and advisers to the Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, and Vice Prime Ministers of Ukraine shall belong to subgroup II-1.

Other staff positions of patronage services of the Chairman of the Verkhovna Rada of Ukraine, the First Deputy Chairman and the Deputy Chairman of the Verkhovna Rada of Ukraine, and the Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, and Vice Prime Ministers of Ukraine shall belong to subgroup III-1.

Positions of advising assistants to people's deputies of Ukraine shall belong to subgroups IV-1 and V-1.

Positions of heads of patronage services of members of the Cabinet of Ministers of Ukraine (except the Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, and Vice Prime Ministers of Ukraine) shall belong to subgroup I-2.

Staff positions in patronage services for members of the Cabinet of Ministers of Ukraine (except the Prime Minister of Ukraine, First Vice Prime Minister of Ukraine, and Vice Prime Ministers of Ukraine) shall belong to subgroup II-2.

## **SECTION II MANAGEMENT OF CIVIL SERVICE**

### **Article 7. Public administration in the field of civil service**

1 Regularion and implementation of state policy in the sphere of civil service shall be carried out by the specially authorized central executive authority for civil service issues.

2. Monitoring of compliance by the public agencies of Ukraine or the Autonomous Republic of Crimea with this Law and other legislative acts on civil service shall be conducted by the specially authorized central executive body for civil service issues within its authority.

### **Article 8. The managers of civil service in public agencies of Ukraine and the Autonomous Republic of Crimea and their secretariats**

1. Management of civil service in a public agency of Ukraine and the Autonomous Republic of Crimea and their secretariats shall be the respective responsibility of the civil service manager in that public agency or its offices.

The civil service manager in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall be the public agency's chief of staff, unless otherwise specified by the law.

The chief of staff shall be accountable to the head of the respective public agency of Ukraine or the Autonomous Republic of Crimea for civil service operating in that authority unless otherwise specified by the law.

The model (typical) professional competence profile for the chief of staff position and minimum requirements to professional competence level of persons aspiring to such a position shall be defined by the specially designated central executive authority for civil service issues, unless otherwise specified by the law.

If a public agency of Ukraine or the Autonomous Republic of Crimea has no chief of staff position, the head of the agency shall be the civil service manager in that agency.

2. Unless otherwise specified by the law, the civil service manager in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall:

1) approve professional competence profiles for civil service positions and requirements for the level of education, qualifications, area of expertise (profession), work experience, and other requirements regarding professional competence level of candidates for respective positions;

2) arrange competitions for vacant civil service positions and ensure transparency and impartiality of such competitions according to requirements hereof;

- 3) appoint persons to civil service positions and dismiss them from positions;
- 4) assign ranks to civil servants holding civil service positions;
- 5) serve as an employer for employees of public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats who are not civil servants;
- 6) arrange in-service training of civil servants;
- 7) ensure efficient functioning of a system of civil servant performance appraisal;
- 8) ensure compliance of civil servants with office discipline;
- 9) within his powers, make decisions on rewarding civil servants and holding them disciplinarily liable;
- 10) ensure provision of proper conditions and logistic support of civil servants to perform their official duties;
- 11) exercise other powers according hereto and pursuant to other regulatory legal acts.

### **Article 9. Personnel service in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats**

1. A personnel service shall be established in every public agency of Ukraine or the Autonomous Republic of Crimea and their secretariats.

A personnel service of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats (hereinafter – personnel service) shall have the right to process personal data of natural persons, according to the legislation on protection of personal data, to exercise powers assigned to that service.

2. Model regulations on the personnel service shall be approved by the specially authorised central executive authority for civil service.

## **SECTION I LEGAL STATUS OF A CIVIL SERVANT**

### **Article 10. Rights of a civil servant**

1. A civil servant shall have the right to:

- 1) respect for his/her personality and dignity, fair and respectful treatment on the part of managers, co-employees, and other persons;
- 2) clear definition of the scope of his/her job responsibilities and logistic support of their performance;
- 3) access to necessary information for performance of job responsibilities;

- 4) remuneration depending on the civil service position held, performance of official activities, length of work in civil service, and the civil servant rank;
- 5) professional competence development at the public expense;
- 6) job promotion;
- 7) vacation leaves, social and pension provisions according to the Law;
- 8) safe working conditions;
- 9) internal investigation at his request to withdraw groundless (in his opinion) accusations or suspicions;
- 10) unobstructed familiarization with documents regarding his/her performance of civil service work.

### **Article 11. Responsibilities of a civil servant**

- 1. A civil servant shall be required to:
  - 1) act solely on the ground of the Constitution and laws of Ukraine, within the powers and in the way stipulated by it;
  - 2) adhere to the principles of civil service;
  - 3) hold the state symbols of Ukraine in respect;
  - 4) scrupulously perform his/her job responsibilities;
  - 5) within the scope of his job responsibilities, implement decisions of public agencies of Ukraine or the Autonomous Republic of Crimea, as well as orders, directions, and instructions of managers issued within their powers;
  - 6) observe legislative requirements on preventing and countering corruption;
  - 7) observe rules of civil servant's professional ethics as specified by the law;
  - 8) prevent any conflict of interests while performing civil service work;
  - 9) adhere to internal service regulations of respective public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats;
  - 10) constantly improve his/her professional competence level.

### **Article 12. Execution of orders by a civil servant**

- 1. When fulfilling their job responsibilities, civil servants shall act within the powers specified by legislation and according to their job descriptions.
- 2. Orders by managers of all levels given within their powers shall be binding on their subordinated civil servants.
- 3. If a civil servant has any doubt as to lawfulness of an order given by his superior, the civil servant shall have the right to request a written confirmation thereof and, upon obtaining the confirmation, shall be required to execute the order. In this case the civil servant shall be exempted from liability if the order has

been declared unlawful in due course, except for execution of a manifestly criminal order.

If a manager receives a civil servant's request for a written confirmation of an order, the manager shall be required to give a written confirmation or cancel the order in question.

### **Article 13. Requirements regarding political neutrality of a civil servant**

1. A civil servant shall be required to perform his/her official duties in an unbiased manner irrespective of his/her party affiliation and political views.

2. A civil servant shall have no right to organize or take part in strikes.

3. When performing his/her official job duties, a civil servant shall have no right to take any actions that manifest his/her political views or indicate his/her personal attitude towards certain political parties.

### **Article 14. Protection of the right of access to civil service and of the civil servant's rights**

1. If the rights granted hereby are infringed or if any obstacle for their exercise arises, the following persons shall have the right to submit a relevant written complaint (application) to the civil service manager in respective public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats:

1) persons aspiring to civil service positions and willing to take part in a competition for vacant civil service positions;

2) candidates for civil service positions who have taken part in a competition for vacant civil service positions;

3) civil servants;

4) persons dismissed from civil service positions.

2. A substantiated reply from the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats to a complaint (application) shall be given to the applicant in written form within ten calendar days from the day of registration of the complaint (application).

3. The decision made by the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats concerning a complaint (application) of the person mentioned in part one of this article can be appealed against with the specially authorized central executive authority for civil service within ten calendar days from the day of receipt of a reply to the complaint (application).

In case of such appeal, the specially designated central executive authority for civil service shall carry out an internal investigation in due course as specified by the law to establish the fact of infringement of the person's rights granted

hereby or to establish absence of such a fact and to take appropriate measures within its powers.

## **SECTION IV**

### **ENTRY INTO CIVIL SERVICE AND PERFORMING CIVIL SERVICE WORK**

#### **Chapter 1. General conditions for entering into civil service**

##### **Article 15. The right to civil service and restrictions as to entry into civil service**

1. Ukrainian citizens aged 18 and over and having a good command of the official language, regardless of their race, color, political, religious or other beliefs, sex, ethnical and social origin, property status, and place of residence, shall have the right to enter into civil service, subject to requirements to professional competence level, area of expertise (specialization) and restrictions specified herein.

2. The following persons may not enter into civil service:

- 1) a person declared incapable by court or whose capability is limited;
- 2) a person who has had a conviction for an intentional crime unless such a conviction has been cancelled or expunged in accordance with the procedures established by the law;
- 3) a person with a court ruling divesting him of the right to engage in activities related to performance of state functions or to hold respective positions;
- 4) a person subjected to an administrative sanction for a corruption offence ó within a year from the day of entry into force of the court ruling;
- 5) a person holding citizenship of another country.

3. A person may not be appointed to a civil service position in which he/she would be subordinated to a related person.

4. A person entering into civil service shall be required, prior to appointment to a civil service position, to withdraw from a position in the executive authority or supervisory board of a profit-making enterprise or organization except cases when the person is responsible for management of stocks, shares, or equities owned by the state or territorial community and represents the state or territorial community in a company's board (supervisory board) or an audit committee of a business company; and stop performing any other paid or income generating activities except for teaching, scientific and creative activities, medical practice, and sports coaching and refereeing.

A civil servant shall be subject to other requirements and restrictions as specified by the Law of Ukraine *On the Principles of Prevention and Combating Corruption*.

**Article 16. Requirements to the professional competence level of a person aspiring to a civil service position**

1. Unless otherwise stipulated by the law, a person aspiring to a civil service position shall be required to comply with the following minimum general requirements regarding education, qualifications, and work experience:

1) for subgroup I-2 positions ó complete higher education, at least seven years of work experience, at least five years of professional experience in managerial positions or in civil service positions of subgroup I-3 or II-2 or corresponding positions in local self-government;

2) for subgroup I-3 positions ó complete higher education, at least seven years of seniority, at least five years of working experience in managerial positions or in civil service positions of subgroup I-4 or II-3 or corresponding positions in local self-government;

3) for subgroup I-4 positions ó complete higher education, at least seven years of seniority, at least five years of working experience in managerial positions or in civil service positions of subgroup II-4 or III-3 or corresponding positions in local self-government;

4) for subgroup II-1 positions ó complete higher education, at least seven years of seniority, at least five years of working experience in managerial positions or in civil service positions of subgroup II-2 or III-1 or corresponding positions in local self-government;

5) for subgroup II-2 positions ó complete higher education, at least seven years of seniority, at least five years of working experience in managerial positions or in civil service positions of subgroup II-3 or III-2 or corresponding positions in local self-government;

6) for subgroup II-3 positions ó complete higher education, at least five years of seniority, at least three years of working experience in managerial positions or in civil service positions of subgroup II-4 or III-3 or corresponding positions in local self-government;

7) for subgroup II-4 positions ó complete higher education, at least five years of seniority, at least three years of working experience in managerial positions or in civil service positions of subgroup III-4, IV-2 or V-4 or corresponding positions in local self-government;

8) for subgroup III-1 positions ó complete higher education, at least five years of seniority, at least three years of working experience in civil service positions of subgroup III-2, IV-1 or V-1 or corresponding positions in local self-government;

9) for subgroup III-2 positions ó complete higher education, at least five years of seniority, at least three years of working experience in civil service

positions of subgroup III-3, IV-2 or V-2 or corresponding positions in local self-government;

10) for subgroup III-3 positions ó complete higher education, at least five years of seniority, at least three years of working experience in civil service positions of subgroup III-4, IV-2 or V-3 or corresponding positions in local self-government;

11) for subgroup III-4 positions ó complete higher education, at least three years of seniority or at least one year working experience in civil service positions or in local self-government;

12) for subgroup IV-1 positions ó complete higher education, at least three years of seniority, at least two years of working experience in civil service positions or in local self-government;

13) for subgroup IV-2, IV-3, and V-1 positions ó complete higher education, at least two years of seniority or at least one year of working experience in civil service positions or in local self-government;

14) for subgroup V-2 positions ó basic higher education;

15) for subgroup V-3 and V-4 positions ó undergraduate education.

2. Requirements regarding professional competence level of persons aspiring to group I-1 civil service positions as well as special requirements for working experience, requirements regarding area of expertise (person's specialization) and other requirements for professional competence level of persons aspiring to civil service positions of other subgroups of group I shall be defined by the appointing entity for those positions in accordance with the professional competence profiles approved by the appointing entity unless otherwise specified by the law.

Special requirements for working experience, requirements regarding area of expertise (person's specialization) and other requirements for professional competence level of persons aspiring to civil service positions of groups II, III, IV, and V shall be defined by the civil service manager in a respective public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats according to the procedure specified by the specially authorized central executive authority for civil service issues.

3. Requirements regarding professional competence level of persons aspiring to civil service positions may not be revised more than once a year.

## **Article 17. Entry into civil service**

1. A person shall enter into civil service by means of appointment:

1) to a civil service position in group I ó according to the procedure specified by the Constitution and laws of Ukraine, without a mandatory competition for vacant civil service positions;

2) to a civil service position in groups II, III, IV, and V ó based on results of a competition for vacant civil service positions according to the procedure specified herein, unless otherwise specified by the law.

2. The appointment to civil service positions listed in article 6, p. 3 herein shall not require a competition for vacant civil service positions.

### **Article 18. The civil servant's oath**

1. A person appointed to a civil service position for the first time shall be required to take the following oath in public:

õConscious of my high responsibility, I solemnly swear that I will serve the Ukrainian nation truly, abide by the Constitution and laws of Ukraine, implement them, respect and protect human and citizen's rights, freedoms and lawful interests, and the honor of the State, be worthy of my dignified status of a civil servant, and carry out my official duties in good faith.

2. A person appointed to a civil service position for the first time shall take the oath in the presence of civil servants of the independent structural unit that he/she is appointed to, representatives of personnel service of a respective public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, and the civil service manager of that agency or his/her authorized representative; sign the text of the oath, and put down the date.

The signed text of the oath shall be part of the civil servant's personal file. An appropriate entry on the taking of the oath shall be made in the civil servant's work book.

3. In case a person refuses to take the civil servant's oath the person shall be considered to have refused to take a civil service position, and the certificate of his/her appointment to a civil service position shall be accordingly abrogated by the appointing entity.

### **Article 19. Commencement of official relations**

1. Official relations of a person entering civil service for the first time shall commence on the day of the oath or, if a person is not appointed to a civil service position for the first time, on the day of appointment.

## **Chapter 2. Competition for vacant civil service positions**

### **Article 20. The competition commission and the procedure of a competition for vacant civil service positions**

1. A competition for vacant civil service positions in groups II, III, IV and V (hereinafter referred to as the competition) shall be held by a competition commission established by the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats and consisting of at least five persons.

2. The competition commission may include civil servants, among them persons from other public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats, as well as experts in a relevant field.

3. A meeting of the competition commission shall be legitimate if the majority of its members are present.

A decision of the competition commission shall be deemed as approved if the majority of its members have voted for it.

4. The competition shall include examination (test) and an interview with a person aspiring to a civil service position.

The examination (test) program shall be approved by the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats once every two years.

5. The Model regulation on competition shall be approved by the specially authorized central executive authority for civil service issues.

## **Article 21. Publication of information on vacant civil service positions and the competition announcement**

1. Information on vacant civil service positions in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall be published by the authority in accordance with the law and Model Regulation on Competition.

2. A competition announcement shall be published by the appointing entity in accordance with the law and Standard Competition Regulations.

3. The competition announcement shall indicate:

1) name and location of a public agency of Ukraine or the Autonomous Republic of Crimea;

2) the civil service position title and subgroup;

3) job responsibilities;

4) labor remuneration conditions;

5) requirements regarding education level, qualifications, area of expertise (specialization) and working experience of the candidate for the civil service position according to the professional competence profile for that position;

6) information on whether the competition winner shall be appointed to a civil service position on the fixed-term or indefinite-term basis;

7) a list of documents required for participation in the competition and their submission deadline;

8) the competition date and venue;

9) name, telephone number, and email address of the person providing additional information on the competition.

4. Time limit for submission of documents for taking part in the competition may not be shorter than 20 and longer than 30 calendar days from the competition announcement date.

## **Article 22. Documents required to take part in the competition**

1. A person wishing to take part in the competition shall submit the following documents to the competition commission in due course:

1) an application for taking part in the competition including consent to special inspection according to the Law of Ukraine *On the Principles of Prevention and Combating Corruption* as well as to processing of personal data according to the Law of Ukraine *On Protection of Personal Data*;

2) a copy of the higher education certificate;

3) a standard personal card and pictures of a person of the size and in numbers specified by Model Regulation on Competition;

4) declaration of property, income, expenditures and financial liabilities as specified by the Law of Ukraine *On the Principles of Prevention and Combating Corruption*;

5) a copy of the work (employment) book.

A person willing to participate in the competition shall, prior to the competition, provide an identification of the citizen of Ukraine to the personnel service of a respective public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats.

2. It shall be prohibited to demand from the person aspiring to a civil service position other documents not specified herein.

3. A person wishing to take part in the competition shall have the right to append other documents to his/her application for taking part in the competition in addition to those specified in part one of this article.

4. A civil servant who is working in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats where the competition for vacant civil service positions is held, and wishing to take part in it, shall submit an application. In this case, a civil servant shall not submit documents to the competition commission referred to in the part 1 of this article.

5. The competition winner's documents specified in part one of this article shall become part of that individual's personal file in case of his/her appointment to a civil service position.

**Article 23. Competition results**

1. A decision of the competition commission shall be entered into the minutes which shall be signed by the commission members present at the meeting, no later than three days after the commission meeting, and kept with the public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats in which the competition was held for the following five years, after which it shall be transferred to archives for storage.

2. Information on the competition winner shall be promulgated no later than three days after signing of the minutes of the competition commission's meeting, according to Standard Competition Regulations.

3. An excerpt from the minutes of the competition commission's meeting shall be part of the personal file of the civil servant appointed to a civil service position based on the competition results.

**Article 24. A repeated competition for vacant civil service positions**

1. A repeated competition for vacant civil service positions shall be held in the following cases:

- 1) if violations of the competition procedures have been found;
- 2) if none of the competition participants has passed competitive selection;
- 3) if no applications have been submitted for taking part in the competition;
- 4) if only one person has submitted an application for the competition
- 5) if special inspection has revealed restrictions on the competition winner's possibility of entering into civil service.

2. In the case specified in part 1, item 1 of this article, the competition commission's decision shall be cancelled by the appointing entity and a repeated competition shall be announced no later than ten working days after the day of cancellation of the competition commission's decision.

In the case specified in part 1, item 4 of this article, if only one person has submitted an application for the repeated competition as well, the appointing entity shall make a decision on expediency of holding the competition.

If it has been decided that the competition is inexpedient, the person who submitted an application for the repeated competition shall pass examinations (tests) and an interview, and results thereof shall serve as a basis for making a decision on the appointment or refusal to appoint the person to a civil service position.

### **Chapter 3. Appointment to a civil service position**

#### **Article 25. The procedure for appointment to a civil service position**

1. An appointment decision shall be made:

1) for a civil service position of group I ó by the appointing entity specified by the Constitution and laws of Ukraine according to the procedures stipulated by the Constitution of Ukraine, this and other laws of Ukraine;

2) for a civil service position of groups II, III, IV and V ó by the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea and their secretariats, based on competition results, no later than 30 calendar days after the publication of information about the competition winner based on the minutes of the competition commission's meeting unless otherwise specified by the law.

2. In the case of special inspection carried out in accordance with the Law of Ukraine *On the Principles of Prevention and Combating Corruption*, the decision on appointment or rejection of appointment to a civil service position shall be made after the completion of the said inspection within the time period specified in part 1 of this article.

3. On the day of the person's appointment to a position, the personnel service in the public agency of Ukraine or the Autonomous Republic of Crimea or its secretariat shall be required to arrange the oath procedure if the person is being appointed to a civil service position for the first time, and notify the civil servant, against his signature, of the public agency's internal service regulations and the job description.

#### **Article 26. Trial period in appointment to a civil service position**

1. When appointing to a civil service position in groups II, III, IV and V, the appointing entity may, upon recommendation of the competition committee entered into the minutes, set a trial period for a civil servant to verify compliance of his/her professional competence level with professional competence profile requirements for relevant civil service position. The trial period shall be between 60 and 120 calendar days.

If the person objects to the decision about his/her trial, he/she shall be deemed to have refused to take a civil service position.

2. If at any time during the trial period the civil servant was absent from work due to temporary incapacity, extra study leave, or for any other valid reason, the trial period may be extended for the corresponding number of working days during which the civil servant did not actually perform the job responsibilities.

3. The appointing entity shall have the right to dismiss a civil servant from a civil service position prior to expiration of the trial period pursuant to Article 41, part 1, item 4 of this Law.

In this case the appointing entity shall give the servant a written dismissal notice no later than seven days prior to dismissal specifying grounds for declaring the civil servant as having failed to pass the trial.

4. If the trial period has expired and the civil servant has not received an order of dismissal from a civil service position he/she shall be deemed as having passed the trial.

## **Chapter 4. Performance of civil service work**

### **Article 27. Civil servant ranks**

1. Nine civil servant ranks shall be established. The procedure of assigning civil servant ranks and the relationship between civil servant ranks and local self-government official ranks, military ranks, diplomatic ranks, and other special ranks shall be specified by the Cabinet of Ministers of Ukraine.

2. The following ranks shall be assigned:

rank 1 ó to civil servants holding civil service positions in subgroup I-1;

rank 1, 2 ó to civil servants holding civil service positions in subgroups I-2, II-1;

rank 1, 2, 3 ó to civil servants holding civil service positions in subgroup I-3;

rank 2, 3, 4 ó to civil servants holding civil service positions in subgroups I-4, II-2, B1;

rank 3, 4, 5 ó to civil servants holding civil service positions in subgroups II-3, B2, IV-1;

rank 4, 5, 6 ó to civil servants holding civil service positions in subgroups II-4, B3, IV-2, V-1;

rank 5, 6, 7 ó to civil servants holding civil service positions in subgroups B4, IV-3, V-2;

rank 6, 7, 8 ó to civil servants holding civil service positions in subgroups IV-4, V-3;

rank 7, 8, 9 ó to civil servants holding civil service positions in subgroup V-4.

3. Civil servant ranks shall be assigned by the appointing entity unless otherwise specified by the law.

Civil servant rank 1 shall be assigned by the President of Ukraine.

4. Civil servant ranks shall be assigned simultaneously with appointment to civil service positions (or after completion of a trial period if such a period has been imposed).

5. Should a civil servant be appointed to a civil service position of a subgroup corresponding to a lower rank, he/she shall retain the rank assigned thereto.

6. A civil servant appointed to a civil service position for the first time shall be assigned the lowest rank within the relevant subgroup of civil service positions.

7. The next rank within a respective subgroup of civil service positions shall be assigned to a civil servant after every two years based on the results of appraisal of his/her performance of official duties.

A civil servant shall not be assigned the next rank for the length of disciplinary sanctions, as well as during six months after the day when a civil servant receives a negative assessment of his/her performance. These periods shall not be included in the period specified in paragraph 1 of this part of the article.

8. For outstanding achievements or performance of particularly demanding tasks, a civil servant may be awarded early the next rank within a relevant subgroup of positions. An early promotion to the next rank may be made no earlier than one year after the awarding of a previous rank.

9. The awarding or change of a civil service rank is noted in the civil servant's personal file and work (employment) book

## **Article 28. Internal service regulations**

1. Internal service regulations of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall be approved by the civil service manager of that public agency or its secretariat in consultation with an elected unit of a primary trade union organization, if any.

2. Model internal service regulations shall be approved by the specially authorized central executive authority for civil service issues.

3. Internal service regulations shall be communicated to all civil servants who will sign for it.

4. Internal service regulations of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall specify the following:

- 1) the beginning and end of civil servant's daily work and rest pauses;
- 2) the terms and procedures governing a civil servant's presence in a public agency or that of the Autonomous Republic of Crimea or their divisions on weekends, holidays and days off, and after official hours;
- 3) the procedure of informing civil servants of regulations, orders, instructions and arrangements on work-related issues;
- 4) general rules of labour protection and fire safety instructions;
- 5) the procedure to be followed by civil servants notifying their absence from work;
- 6) the procedure to be followed by civil servants when handing and taking over documents and assets;
- 7) other provisions without prejudice to this Law and other legislative acts on civil service.

## **Article 29. Assessment of a civil servant's performance of official duties**

1. To determine the quality of performance of job responsibilities, service productivity and efficiency, as well as to plan a career and identify the need to improve the level of professional competence, assessment of civil servant's performance of official activities shall be carried out.

Assessment of performance of official activities of civil servants holding civil service positions in groups II, III, IV, and V (hereinafter - appraisal) shall be carried out every year by the civil servant's direct supervisor.

Assessment results shall be signed by the civil servant's direct supervisor and given to the civil servant for review against his signature no later than within five working days. Approval of the assessment results is made by the head of the relevant head of structural unit.

2. The results of the assessment may consist of a negative, positive, or excellent rating along with an explanation thereof.

3. In case of a negative assessment of performance of official activities of a civil servant, the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall identify the measures to improve the civil servant's performance on recommendations of the manager of a respective independent structural unit. The next assessment of the civil servant's official activities shall be carried out in six months, and if the result is again negative, the civil servant shall be subject to dismissal in pursuance of Article 41, part 1, item 3 of this Law.

Assessment results containing a negative rating may be appealed within ten working days from the moment when it was notified to a civil servant according to the procedure indicated in Article 14 hereof.

4. An excellent rating received by a civil servant for performance of official activities may entail a reward.

5. The Model procedure for assessment of performance of the civil servant's official activities shall be approved by the specially authorized central executive authority for civil service issues.

6. Provisions of this Article shall not apply to civil service positions specified in Article 6, part 3, of this Law.

## **Article 30. Improvement of professional competence level of civil servants**

1. Improvement of professional competence level of civil servants shall be conducted at the expense of the state budget and other sources not prohibited by the law in the form of occupational programs, special training courses, workshops, trainings, internship, and other activities in accordance with the procedures established by the specially authorized central executive authority for civil service issues, as well as by means of studying, including training, re-training, and in-

service training at relevant higher education institutions in accordance with the legislation.

2. The principal higher education institution for training, re-training, and in-service training of experts in the area of public administration shall be the National Academy of Public Administration under the President of Ukraine.

3. The civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall, within the limits of expenses provided for maintenance of the public agency, make arrangements for improvement of professional competence level of civil servants.

4. Improvement of professional competence level of civil servants shall be carried out as necessary but at least once in every three years.

The need for improvement of professional competence level of a civil servant shall be identified by his/her direct supervisor and personnel service of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats based on the results of performance appraisal of his/her official activities.

5. The manager of civil service in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall make provisions for improvement of professional competence level of civil servants appointed to civil service positions for the first time within a year from the day of their appointment.

6. In order to improve his/her professional competence level, a civil servant may undertake an internship on the off-the-job basis for a period from one month to six months in a different civil service position in the same or other public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats where the servant is performing civil service work.

A civil servant shall retain his/her position and salary for the period of internship.

A civil servants internship procedure shall be determined by the specially authorized central executive authority on civil service issues.

7. Internship of young experts who do not hold civil service positions for up to ten months may be undertaken in public agencies of Ukraine and the Autonomous Republic of Crimea and their secretariats in the manner prescribed by the head of the respective agency or its secretariat.

### **Article 31. Career promotion of a civil servant**

1. Career promotion of a civil servant shall involve:

1) appointment to a higher civil service position as a result of transfer in accordance with Article 32, part 2 of this Law;

2) awarding a civil servant the next higher civil servant rank.

2. Promotion of a civil servant shall not be available during the period of disciplinary sanctions imposed on a civil servant.

### **Article 32. Transfer of a civil servant**

1. Should a valid need arise, the appointing entity may transfer a civil servant, with his/her written consent, to a different vacant civil service position of the same civil service position subgroup, including one in a different location, provided that professional competence level of the civil servant complies with the professional competence profile for the civil service position to which he/she is being transferred, based on the decision made by the civil service manager of the public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats from which the civil servant is being transferred and the civil service manager of the public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats to which the civil servant is being transferred.

2. With a view to promotion, a civil servant may be transferred, by decision of the head of civil service department of a public agency, an authority of the Autonomous Republic of Crimea or their secretariats, to a higher vacant position of civil service within the same group of civil service positions, or the one immediately preceding it in numeration, in the same public agency or that of the Autonomous Republic of Crimea or their secretariat, upon his written application.

3. A civil servant holding a group II, III, IV or V civil service position may be transferred to another civil service position only on condition that he has been appointed to his present civil service position upon competitive selection.

Provisions of the first subparagraph of this paragraph shall not apply for transferring of a civil servant in cases related to circumstances referred in subparagraph 1 of Article 41 paragraph 1 of this Law.

4. In the event that a relation of direct subordination arises between persons near of kin within the duration of civil service, or civil servants one of whom is subordinate to the other become near of kin within said duration, they shall immediately notify the civil service manager of their public agency, or the government of the Autonomous Republic of Crimea or its secretariat, and initiate measures to eliminate such circumstances within fifteen days. Where, within such time, the above circumstance is not eliminated of their own accord, such persons shall be transferred to other vacant positions that exclude their direct subordination to each other, within one month, subject to the provisions of the first paragraph of this Article.

Where transfer is impossible, the person who is in a position of direct subordination shall be subject to dismissal pursuant to paragraph 5 of Article 38 of this Law.

5. To prevent or eliminate consequences of a natural calamity, epidemics, epizootics or industrial accidents as well as to remove any other circumstances that have led or can lead to a threat to people's life or vital activities, provided that

performance of relevant job responsibilities is not contraindicated to a civil servant by health reasons, the civil servant may be temporarily transferred to another vacant civil service position, including a transfer to a different location, without the civil servant's consent for the period of no longer than one year, and the servant's labor remuneration for the performed work shall not be lower than the average earnings in the previous position for the same period.

In this case:

the civil servant may be transferred to a different location only on condition receiving appropriate service housing or reimbursement for living expenses with account of the servant's marital status and reimbursement for other expenses related to resettlement to a different location, according to the procedures established by the Cabinet of Ministers of Ukraine;

the civil service position from which the civil servant has been transferred shall be retained for the transferee for the entire transfer period and shall not be deemed vacant. Another person may be appointed to that position for a certain period of time according to the procedures specified hereby.

The transfer on the grounds specified in this part of a pregnant woman, a civil servant raising alone a child under 14 or a child with disabilities, or a civil servant who has been pronounced legally disabled, shall not be allowed without their consent.

6. Rotation of civil servants in civil service positions of group I may be undertaken upon the decision of the appointing entity and in accordance with the procedure established by it by means of periodic pre-arranged transfers of civil servants from one civil service position to another civil service position within the same subgroup of positions unless otherwise specified by the law.

### **Article 33. A civil servant's mission trips**

1. A civil servant may be sent on a mission trip to perform tasks related to the servant's official activities.

2. The length of a civil servant's mission trip may not exceed sixty calendar days except for cases specified by the Cabinet of Ministers of Ukraine. Sending a civil servant on a mission trip for a longer period can be possible with the person's written consent.

A civil servant on a mission trip shall be required to also perform official duties on weekends, holidays and non-business days if the task assigned to the servant so requires and be reimbursed for his/her work on such days in accordance with the law.

3. A civil servant shall be reimbursed for expenses and provided with other compensation for being sent on a mission trip according to the procedures specified by the Cabinet of Ministers of Ukraine.

In the case of official mission trip, a civil servant shall be provided with other benefits and compensation according to labor legislation.

### **Article 34. Changes in essential service conditions**

1. Changes in essential service conditions can be the changes of:
  - 1) a civil service position falling into a different group of positions;
  - 2) job responsibilities;
  - 3) requirements regarding education level, qualifications, area of expertise (specialization) and/or work experience;
  - 4) terms of labor remuneration and social welfare support;
  - 5) working hours, and introduction or cancellation of part-time work;
  - 6) location of a public agency of Ukraine or the Autonomous Republic of Ukraine or their secretariats.
2. A change in essential service conditions shall take place on the basis of an appropriate act.
3. The appointing entity shall notify a civil servant of any change in essential service conditions except salary increase in written form.

If a civil servant refuses to continue working in a civil service position due to a change in essential service conditions he/she shall submit an appropriate application to the civil service manager of the public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats within sixty calendar days after the day he/she was notified of the change in essential service conditions.

In this case a civil servant shall be dismissed from the civil service position based on Article 37, part 1, item 6, of this Law.

If no application as specified in paragraph three of this part has been received from the civil servant within sixty calendar days after the day he/she was notified of the change in essential service conditions, the civil servant shall be deemed to have agreed with the change in essential service conditions.

### **Article 35. Civil service seniority**

1. A length of civil service shall entitle a civil servant to a longevity pay, an extra paid vacation, a pension, a severance payment and a lump sum financial assistance.
2. The length of service includes:
  - 1) tenure in civil service positions pursuant to this Law,
  - 2) tenure in local self-government positions as provided for by the Law of Ukraine On Service in Local self- Government;
  - 3) tenure in political positions as defined by the Laws of Ukraine On the

Cabinet of Ministers of Ukraine, and On Central Executive Authorities,

- 4) tenure in the Parliament of Ukraine;
  - 5) tenure in judicial positions,
  - 6) tenure in positions of prosecutors to whom class ranks are attached;
  - 7) tenure in positions for which given special titles are conferred;
  - 8) term of service in the Armed Forces of Ukraine and other legally established military formations, police force and other bodies service in which is associated with the awarding of special ranks;
  - 9) time spent to attend off-the-job civil servant professional skills upgrades, if the person concerned returns to civil service not later than 75 days after its completion;
  - 10) period when the civil servant did not work for valid reasons, but remained in official relations with the public agency or that of the Autonomous Republic of Crimea or their secretariat;
  - 11) duration of civil servant's period of parental leave granted until the child is three years of age and, where the child needs home care, also unpaid leave the duration of which is specified in the medical opinion, but not longer than until the child is six years of age;
  - 12) other periods warranted by the law.
3. The procedure for calculation of the length of service shall be determined by the Cabinet of Ministers of Ukraine.

### **Article 36. A civil servant's personal file**

1. A civil servant's personal file shall be started simultaneously with the person's entry into civil service and terminated in the case of his/her death.
2. The procedures for keeping and storing the civil servant's personal files shall be specified by the specially authorized central executive authority for civil service issues.

## **SECTION V TERMINATION OF CIVIL SERVICE**

### **Article 37. Grounds for termination of civil service**

1. Grounds for termination of civil service shall be:
  - 1) loss or restriction of the right to civil service (Article 38 of this Law);
  - 2) expiration of the appointment period (Article 39 of this Law);
  - 3) a civil servant's own initiative (Article 40 of this Law);
  - 4) the appointing entity's initiative (Article 41 of this Law);

5) changes in circumstances beyond control of the parties (Article 42 of this Law);

6) a civil servant's refusal to continue working in a civil service position due to a change in essential service conditions (Article 34 of this Law);

7) a civil servant reaching the age of sixty-five;

8) a civil servant is declared missing or dead by a court decision that takes legal effect;

9) death of a civil servant.

2. The appointing entity may decide to extend the civil service passage of civil servant at positions of subgroups I-1, I-2, I-3, I-4, after reaching him/her the age of 65 with his consent in connection with the needs of the civil service, unless otherwise provided by the Law.

3. Civil service shall also be terminated on other grounds as specified by the law.

4. Persons specified in Article 6, part 3, of this Law may be dismissed on the grounds specified in parts 1 and 3 of this Article, and if a civil servant works in a patronage service of an official who is being dismissed.

### **Article 38. Termination of civil service due to a civil servant losing the right to civil service or its restriction**

1. Grounds for termination of civil service in the case of loss of the right to civil service shall include:

1) renunciation of Ukrainian citizenship;

2) acquisition of citizenship of another country;

3) entry into legal force of a court decision on holding the civil servant administratively liable for a corruption offence involving a breach of restrictions specified by the Law of Ukraine *On the Principles of Prevention and Combating Corruption*;

4) entry into legal force of a guilty court verdict on the civil servant for having committed an intentional crime, and/or imposition of a prohibition on engaging in any activity related to performance of government work.

5) relations of direct subordination between related persons.

2. In the cases specified in part 1 of this article, the appointing entity shall be required to dismiss the civil servant within three days from the day of the occurrence or exposure of the facts specified by this article unless otherwise provided by the law.

**Article 39. Termination of civil service due to expiration of the appointment period for civil service position**

1. A civil servant appointed to a civil service position for a certain period of time shall be dismissed on the last day of that period.

2. A civil servant appointed to a civil service position to substitute a temporarily absent civil servant for whom the civil service position is retained, shall be dismissed from the position on the last working day preceding the day of temporarily absent civil servant's return to service.

In this case, a civil servant who is temporarily absent from work shall serve a 7 days' notice of his resuming service upon the civil service manager of the relevant public agency, government of the Autonomous Republic of Crimea or their secretariat.

**Article 40. Termination of civil service on the civil servant's initiative**

1. In addition to the grounds provided under the labour laws, civil service of a civil servant may also be terminated if he/she is unable to continue to perform his/her official duties and come to civil service due to:

- 1) his/her appointment to a political position;
- 2) impediments in the exercise of the rights vested in the civil servant by this Law or an established violation of such rights.

The appointing authority must dismiss the civil servant from his civil service position on such grounds within the period specified in his letter.

**Article 41. Termination of civil service on the appointing entity's initiative**

1. Reasons for termination of civil service on the appointing entity's initiative are the following:

1) downsizing or staff reduction, reorganization or liquidation of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats;

2) failure to report for service for more than 120 consecutive working days due to temporary incapacity for work (not including the maternity leave period) unless the specifies a longer period for retaining a job (position) in case of a certain disease. The position of a civil servant who has suffered disablement while performing official duties shall be reserved until completion of his rehabilitation or assessment of disability;

3) a repeated negative official performance assessment of a civil servant as provided in Article 29 of this Law;

4) finding of a civil servant's inaptitude during the trial period;

5) a breach of discipline specified in subparagraphs 2, 3, 4 of Article 52 of this Law by a civil servant, if such civil servant has been disciplined before and the

penalty has not been remitted under the procedure provided in Article 55 of this Law;

6) a breach of discipline specified in subparagraphs 1, 5, 6, 9 and 10 of Article 52 of this Law.

2. If, upon the appointing entity's initiative, an act on dismissal of a civil servant is issued during the period of the servant's temporary incapacity for work or leave, such act shall take effect on the next working day after expiration of the period of temporary incapacity for work or leave.

#### **Article 42. Termination of civil service due to circumstances beyond control of the parties**

1. Reasons for termination of civil service due to circumstances beyond control of the parties shall be the following:

1) reinstatement of a civil servant who held a civil service position before in that position pursuant to a judicial decision that takes legal effect;

2) a civil servant's inability to perform official duties because of health issues confirmed with a medical opinion, the procedure of issuing which shall be specified by the specially authorized central executive agency for civil service issues jointly with the central executive agency for health care;

3) if a court decision takes legal effect declaring a person incapable or with limited capability.

#### **Article 43. Social guarantees at dismissal of civil servants**

1. Dismissal from a civil service position under subparagraph 1 of Article 41 or subparagraph 1 of Article 42 of this Law shall be allowed only where it is impossible to transfer the civil servant to another civil service position while his level of professional competence matches the profile of such position.

2. In the case of dismissal under subparagraph 1 of Article 41 or subparagraphs 1 and 2 of Article 42 of this Law the civil servant shall be paid a severance out of the payroll fund of the public agency or government of the Autonomous Republic of Crimea or their secretariat in which he served, based on the size of his average salary over the last six months, subject to the following length of civil service:

1) up to ten years – in the amount of one average salary;

2) over ten years – in the amount of two average wages.

#### **Article 44. Transfer of documentation and property**

1. Prior to dismissal from a civil service position or transfer to another civil service position, a civil servant shall be required to transfer documentation and any property entrusted to the civil servant in connection with performance of his job

responsibilities (hereinafter referred to as the property) to the person authorized by the appointing entity in a relevant public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats. The authorized person shall be required to take over the documentation and property.

The fact of transfer of the documentation and property shall be certified by an act that shall be executed in two originals and signed by the authorized person of the relevant public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, by the manager of that agency's personnel service, and by the civil servant being dismissed. One original of the act shall be handed to the civil servant being dismissed whereas another original or its copy shall be placed into the civil servant's personal file.

#### **Article 45. Legalization of civil service termination**

1. Termination of civil service shall be legalized with an appropriate act issued by the appointing entity concerning the civil servant's dismissal from the civil service position indicating the reason for termination of civil service and the date of dismissal.

In the case of death of a civil servant, the appointing entity shall issue an act on termination of civil service from the date of death.

2. Information on dismissal from the civil service position (termination of civil service) based on an act specified in part 1 of this Article shall be entered into the civil servant's personal file and work (employment) book indicating reasons for termination of civil service and the date of dismissal from the civil service position (termination of civil service).

3. The personnel service of the public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall be required to hand over to the dismissed person a copy of the act on dismissal and a properly drawn-up work (employment) book on the day of dismissal.

A settlement of accounts shall be performed with the civil servant on the day of dismissal.

### **SECTION V LABOUR REMUNERATION, INCENTIVES, AND SOCIAL GUARANTEES FOR A CIVIL SERVANT**

#### **Article 46. Labour remuneration of a civil servant**

1. A civil servant's pay consists of an basic salary, salary increments, and bonuses provided for by this Law.

The civil servant also has the right to other benefits and compensations in the area of pay remuneration, specified by the law.

2. A table of basic salaries in civil service positions shall be developed by the Cabinet of Ministers of Ukraine annually within a month following the adoption of the Law of Ukraine *On the State Budget of Ukraine* for the next year by means of fixing the minimum and maximum basic salary rates for each civil service position subgroup, based on the following principles:

the minimum official salary rate for subgroup V-4 civil service positions shall be established at the rate of at least 2 minimum wages;

the minimum official salary rate for subgroup I-1 civil service positions shall not exceed 10 minimum official salary rates for subgroup V-4 civil service positions;

for each civil service position subgroup, the difference between the maximum and minimum official salary rates shall be at least 30 percent;

the minimum official salary for each subgroup of civil service positions must exceed 1 per cent, but not more than 5 per cent, the maximum official salary for the same numeration subgroup of the following numeration group of positions;

the minimum official salary rate for subgroup V-3 civil service positions shall be at least 1.2 minimum official salary rate for subgroup V-4 civil service positions;

the minimum official salary rate for subgroup V-2 civil service positions shall be at least 2 minimum official salary rate for subgroup V-4 civil service positions;

the minimum official salary rate for subgroup V-1 civil service positions shall be at least 2.5 minimum official salary rate for subgroup V-4 civil service positions.

3. The seniority pay in the civil service shall be established as a proportion of the minimum wage and relates to the length of service in the following manner: over 1 year ó 0.2; over 5 years ó 0.4; over 10 years ó 0.6; over 15 years ó 0.8, and over 20 years ó 1.0.

4. A civil servant shall be entitled to a bonus related to his rank as the following fraction of the minimum wage and the rank assigned to him: Rank 9 ó 0.10, Rank 8 ó 0.15, Rank 7 ó 0.20, Rank 6 ó 0.25, Rank 5 ó 0.30; Rank 4 ó 0.35 Rank 3 ó 0.40, Rank 2 ó 0.45, Rank 1 ó 0.50.

5. The appointing authority of the civil servants whose job responsibilities include provision of legal, financial, economic or specialist expertise and/or drafting or editing proposals as regards public policy, draft regulations and/or laws adopted by the Verkhovna Rada of Ukraine, submitted for signature to the President Ukraine, if they work in the Administration of the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine or any Ministry, and have within their remit provision of support to the development and implementation of public legal, financial and budgetary policies, shall award them a bonus of up to 100 percent of their basic salary.

6. No reduction of budget appropriations may be a reason for reduction of basic salaries, allowances, bonuses or other sources of guarantees and compensation of civil servants as provided for by the law.

#### **Article 47. Bonuses and other incentives for civil servants**

1. Payment of bonuses to civil servants who hold civil service group II, III, IV, V positions shall be performed by the civil service manager of the public agency, government of the Autonomous Republic of Crimea or their secretariat, within the limits of the bonus fund established in the amount of not less than 10 per cent of basic salaries and savings on payroll

monthly, according to their personal contribution to the overall results,

annually, based on the performance evaluation at the rate of up to 100 per cent of basic salary, subject to receipt of ~~Excellent~~ grade.

Payment of bonuses to civil servants who hold positions listed in Article 6 of this Law shall be effected, in accordance with the established procedure, within the limits established by this Law, by decision of the relevant supervisor.

2. Payment of bonuses to civil servants who hold civil service Group I positions shall be effected within the limits of the bonus fund referred to in the first paragraph of this article, in accordance with the procedure defined by the appointing authority.

3. The specific conditions, procedure and size of bonuses to civil servants shall be determined by the provisions on awarding bonuses by the relevant public agency, government of the Autonomous Republic of Crimea or their secretariats.

4. The following rewards for a civil servant may be used for special official achievements:

- 1) early assignment of a rank according to the procedures specified hereby;
- 2) nomination for an award of public agency of Ukraine or the Autonomous Republic of Crimea (commendation, honorary certificate, etc.);
- 3) nomination for a governmental award (commendation, honorary certificate, etc.);
- 4) nomination for a national award.

5. Rewarding measures shall not be applied to a civil servant during the period of validity of a disciplinary sanction imposed upon the civil servant.

#### **Article 48. Social welfare support of a civil servant**

1. If a civil servant needs to improve his housing conditions he may be provided with an official accommodation in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

2. A civil servant and his family members living therewith shall use standard medical services in state-owned and municipal health care facilities. Such a

procedure of medical services shall be retained for the civil servant and his family members after the civil servant's retirement.

#### **Article 49. Pension provision for civil servants**

1. Persons entitled to a civil service pension are men who have reached the age of 62 and women who have reached the retirement age specified by Article 26 of the Law of Ukraine *On General Mandatory State Pension Insurance*, with pensionable service required for the assignment of minimum old age pension specified by Article 28, part 1, para. 1 of the Law of Ukraine *On General Mandatory State Pension Insurance* including at least ten years of civil service seniority, and who on the day of reaching the specified age were working in civil service positions, as well as persons having at least 20 years of civil service which include working time (period) specified by Article 35, part 2, items 1-7 and 9-11 of this Law, regardless of their place of employment at the moment of reaching the specified age.

2. A pension shall be assigned to civil servants in the amount of 80 percent of their wage that include all kinds of labour remuneration on which a single contribution to general mandatory state social insurance is charged, and before January 1, 2011 - insurance contribution to general mandatory state social insurance. Persons who are entitled, at the moment of applying for pension, to a civil servant pension but are not civil servants shall be assigned a pension in the amount of 80 percent of the wage of a civil servant who holds a civil service position in a corresponding civil service position subgroup and according to a rank in the civil servant's most recent civil service position.

3. The procedures and conditions for determining the wage for a civil servant's pension calculation shall be specified by the Cabinet of Ministers of Ukraine.

In all cases, the wage rate used for pension calculation shall be accounted for within the limits of the maximum value of the base of a single contribution for the general mandatory state social insurance as specified by the law as of the pension assignment (recalculation) date.

4. Pension assigned in accordance with this Article during the period of work on positions that give right for entitlement to a pension in the procedure and conditions specified by this Law, the laws of Ukraine *On Status of People's Deputy of Ukraine* (2790-12), *On Public Prosecution Office* (1789-12), *On Scientific and Technological Research* (1977-12), is paid in the amount calculated in accordance with the Law of Ukraine *On General Mandatory State Pension Insurance* (1058-15), and after termination from such positions - in the amount calculated in accordance with this Law.

The maximum pension (including bonuses, increases, additional pension, target benefits, pensions for special services to Ukraine, indexing and other additional payments to the pension established by the legislation, except for additional payments to bonuses of certain categories of persons who have rendered

special services to the country) shall not exceed amount of ten living wages established for disabled persons. In case of the change of a living wage for disabled persons a relevant recalculation of the maximum pension is conducted.

Advanced pension taking into account subparagraph "d" of the part 1 of paragraph 1 of Article 26 of the Law of Ukraine *On Employment* (803-12) and Article 21 of the Law of Ukraine *On main principles of social protection of labor veterans and other elderly people in Ukraine* (3721 -12) in the period before reaching the age specified in part one of this article, shall not be assigned to the working pensioners.

5. The civil servants who are registered as disabled persons of group I or II during their civil service period shall be assigned a disability pension in the order and amount specified in parts 2-4 of this article, with at least ten years of civil service seniority and a pensionable service specified for assignment of disability pensions according to the Law of Ukraine *On General Mandatory State Pension Insurance*.

Civil servants declared disabled persons of group I or II, regardless of the time for declaring them disabled, and having at least ten years of civil service position seniority shall be assigned a disability pension on the terms specified in paragraph 1 of this part, provided that they worked in civil service positions immediately prior to applying for such a pension.

According to this Law in case of civil service termination a disability pension shall be assigned regardless of the disability causes.

6. In case of return to civil service of a person who was granted a disability pension according hereto, payment of a disability pension to the servant shall be suspended until civil servant termination or reaching him/her the age specified by the first part of this article.

7. If a disability group is changed or capacity for work is restored, payment of a disability pension assigned according hereto shall be made according to the procedures specified by Article 35 of the Law of Ukraine *On General Mandatory State Pension Insurance*.

8. If a disabled person of group I or II is moved to disability group III, then in case of subsequently finding the person to have disability of group I or II, the entitlement to a previously assigned pension on the terms indicated herein shall be renewed on the day of assignment of disability group I or II unless more than five years have passed since the day when the pension payment was stopped. The same procedure shall apply to determination of the entitlement to a disability pension on the terms indicated herein for civil servants to whom such a pension has not been assigned because they continued working in civil service.

9. If a person dies during the civil service period having at least ten years of civil service seniority, incapable members of the late breadwinner's family who were his/her dependents (children - regardless of whether they were the late breadwinner's actual dependents) shall be assigned a pension in the amount of

70 percent of the late breadwinner's wage per one incapable family member on which a single contribution to general mandatory state social insurance is charged, and before January 1, 2011 - insurance contribution to general mandatory state social insurance, or 90 percent per two or more family members.

Incapable family members shall include persons specified in Article 36 of the Law of Ukraine *On General Mandatory State Pension Insurance*.

Incapable members of the family of a late person who received or was entitled to a pension according hereto shall also be entitled to assignment of a survivor's pension on the terms indicated in this part of the Law.

10. A civil servant's pension shall be paid from the Pension Fund of Ukraine in the extent not exceeding a solidarity system pension calculated according to the Law of Ukraine *On General Mandatory State Pension Insurance*. The part of the pension exceeding the above-mentioned amount shall be financed from the funds of the State Budget of Ukraine.

11. A previously assigned pension shall be recalculated:

1) if, according to the decision by the Cabinet of Ministers of Ukraine, wage rates for working civil servants are increased or due to the change of the minimum wage based on the wage amount on which a single contribution for general mandatory state social insurance of a civil servant working in a civil service position of a relevant subgroup and at the emergence of a pension recalculation entitlement according to the procedure established by the Cabinet of Ministers of Ukraine;

2) in connection with dismissal of a civil servant from a civil service position in accordance with the procedure provided for by paragraphs 2-4 of this Article.

12. A pension shall be assigned to a civil servant from the day of application for pension except for cases when a pension shall be assigned from an earlier date, namely:

old age pension ó from the day following attainment of the age specified by the first part of this article if the application for assignment of such pension type has arrived no later than three months after the person's retirement age attainment day;

disability pension ó from the day of disability assignment if the application for assignment of such pension type has arrived no later than three months after the disability assignment, but no earlier than the civil servant's dismissal day;

survivor's pension ó from the day following the breadwinner's death day if the application for assignment of such pension type has arrived no later than 12 months after the breadwinner's death.

13. An application for assessment (recalculation) of a pension together with the necessary documents shall be submitted to the territorial authority of the Pension Fund of Ukraine or its authorized agency or authorized agent, in the

manner defined by the Pension Fund of Ukraine with consent of the specially authorized central executive agency for social policies, directly or through a representative acting under a notarized power of attorney issued to him.

14. In case of death of a pensioner who had received a civil servant's pension, the persons who buried the person shall be paid a funeral benefit amounting to two times the monthly pension received by the pensioner at the time of before death.

15. A civil servant dismissed from civil service because of conviction to deprivation of freedom or imprisonment for an intentional crime committed with abuse of official position shall be deprived of entitlement to a pension indicated by this article.

In case a person, mentioned in paragraph 1 of this part is already assigned to a pension in accordance with this Law or legislation on civil service in force before, the payment of his/her pension shall be terminated on the day of the court verdict taking legal effect.

16. In case of retirement according hereto, including cases of early retirement as specified by this Law, a civil servant shall be paid a lump-sum monetary aid amounting to ten monthly official salaries provided the person has no less than ten years of civil service seniority, whereof an entry in the person's work book shall be made.

## **SECTION VI**

### **A CIVIL SERVANT'S WORKING HOURS, REST TIME, AND LEAVES**

#### **Article 50. Working hours and rest time**

1. A civil servant's work duration and working conditions, as well as working time shall be determined by labour legislation considering the peculiarities provided for hereby.

2. To perform urgent and unforeseen tasks, civil servants may be required to report for service on weekends, holidays and non-business days, as well as at night time according to a written order of the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats. Such work shall be compensated according to the law.

#### **Article 51. A civil servant's vacation leaves**

1. A civil servant shall be granted an annual basic paid leave of 30 calendar days unless for a longer leave is provided by the law, with payment of a monetary aid amounting to the average monthly wage.

2. A civil servant shall be given one calendar day of an additional paid leave for each civil service year upon attainment of five-year civil service seniority, but no more than 15 calendar days.

The procedures and conditions of granting additional paid leaves to civil servants shall be specified by the Cabinet of Ministers of Ukraine.

3. For fulfilment of urgent and unpredictable tasks civil servants may be recalled from their annual basic and additional paid leaves by the appointing entity's decision.

An unused part of the leave shall be granted to the civil servant at any other time in the corresponding year or added to the next year's leave. The civil servant's unforeseen expenses due to being recalled shall be reimbursed.

The procedure for reimbursement of the civil servant's unforeseen expenses due to being recalled from an annual basic or additional paid leave shall be specified by the Cabinet of Ministers of Ukraine.

4. A civil servant shall also be granted additional leaves for education, sabbatical leaves, social leaves, leaves without pay, and other types of leaves according to the law.

## **SECTION VII**

### **A CIVIL SERVANT'S DISCIPLINARY AND PROPERTY LIABILITY**

**Article 52. A civil servant's disciplinary liability and grounds to hold the civil servant to disciplinary liability**

1. Disciplinary liability shall consist of imposing disciplinary sanctions on a civil servant for committing disciplinary offences specified by this Law.

2. A civil servant can be held disciplinarily liable if the civil servant has committed a disciplinary offence.

3. Disciplinary offences shall include:

- 1) expression of disrespect for state symbols of Ukraine;
- 2) failure to fulfil, or improper fulfilment, within the scope of job responsibilities, resolutions of public agencies of Ukraine and/or the Autonomous Republic of Crimea, orders, instructions, and assignments issued by supervisors within their powers;
- 3) failure to fulfil, or improper fulfilment of job responsibilities;
- 4) abuse of official powers provided that elements of crime or disciplinary offence are absent;
- 5) failure to take measures to remove a conflict of interests as specified by the law;
- 6) violation of restrictions on the civil servant's participation in the election process as specified by the election legislation;
- 7) violation of internal service regulations;
- 8) violation of the civil servant's rules of professional ethics;

9) truancy, that is a civil servant's absence from work with no good reasons for more than three consecutive hours during a working day;

10) a civil servant's appearance in the office in a state of alcoholic, narcotic or other intoxication.

### **Article 53. Types and procedures for the application of disciplinary sanctions**

1. The following types of disciplinary sanctions can be applied to civil servant:

- 1) an admonishment;
- 2) a reprimand;
- 3) a severe reprimand;
- 4) a service incompetence note;
- 5) dismissal from a civil service position.

2. One disciplinary sanction shall be imposed for each disciplinary offence.

A disciplinary sanction must correspond to the committed disciplinary offence's character and severity as well as to the degree of the civil servant's fault. When deciding about a disciplinary sanction type, one should consider the nature of the disciplinary offence, circumstances of its having been committed, occurrence of major consequences, voluntary compensation for damage caused, the civil servant's behavior record and attitude to job duties.

A disciplinary sanction shall be imposed on a civil servant no later than within six months after the date of committing a disciplinary offence not including the period of temporary incapacity for work or a paid leave.

3. In the event that a disciplinary punishment is imposed on a civil servant serving another disciplinary punishment, it shall be more severe than the previous one.

4. In the event of a minor breach of internal service regulations or job description the appointing authority may issue admonition.

5. In the event that a civil servant is found in dereliction of job responsibilities, negligence or breach of the rules of internal service regulations or rules of professional ethics of civil servants, other provisions of this Law or other legislative acts on civil service, he may be reprimanded.

6. In the event that a civil servant is found in dereliction of job responsibilities, negligence or breach of the rules of internal service regulations or rules of professional ethics of civil servants, other provisions of this Law or other legislative acts on civil service, and has another disciplinary punishment, he may be severely reprimanded.

7. A service incompetence note may be used for:

1) systematic failure to fulfil, or systematic improper fulfilment of, job responsibilities; acts of public agencies of Ukraine or the Autonomous Republic of Crimea; orders, instructions, and assignments issued by supervisors within their powers; or excess of official powers;

2) systematic violation of internal service regulations or the civil servant's rules of professional ethics.

#### **Article 54. Entities authorized to apply disciplinary sanctions**

1. The right to apply disciplinary sanctions to civil servants shall belong to the appointing entity, unless otherwise specified by the law.

#### **Article 55. The general procedure for holding a civil servant disciplinarily liable**

1. If there is enough data indicating signs of a civil servant's disciplinary offence, the appointing entity shall require a written explanation from the civil servant.

2. If there is a need for an additional investigation of circumstances of a disciplinary offence, including any circumstances mitigating or aggravating liability, as well as of reasons and conditions that contributed to the offence, the appointing entity shall make a decision on conducting an internal investigation.

3. An internal investigation shall be mandatory at the request of a civil servant in order to withdraw groundless (in his/her opinion) accusation or suspicion.

4. To arrange an internal investigation, the appointing entity or the civil service manager of the public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall establish a commission in the number of no less than seven persons.

A commission for internal investigations of cases related to civil servants holding group I civil service positions shall be established by the appointing entity. The commission shall include a representative of the specially designated central executive agency for civil service.

A commission conducting an official investigation by decision of the appointing authority or the head of civil service of the public agency, government of the Autonomous Republic of Crimea or their secretariat may engage other relevant experts.

An internal investigation shall be conducted within 10 working days. This term may be extended as necessary, but no longer than to 20 working days.

Based on results of an internal investigation, a conclusion shall be drawn up as to whether a disciplinary offence is present in the civil servant's actions as well

as whether the civil servant should be held liable, including a recommended disciplinary sanction.

5. A decision on the results of an internal investigation may be appealed by the civil servant according to the procedures indicated by Article 14 hereof.

6. The procedures of an internal investigation shall be approved by the Cabinet of Ministers of Ukraine.

7. If an internal investigation reveals signs of crime or administrative offence, the appointing entity shall be required to submit the materials to a relevant law-enforcement agency within three working days.

#### **Article 56. Suspending a civil servant from job responsibilities**

1. A decision on suspending a civil servant from job responsibilities shall be made by the appointing entity.

2. A civil servant may be suspended from job responsibilities for the duration of an internal investigation, retaining his/her average wage.

The duration of a suspension may not exceed the duration of an internal investigation.

3. During the period of suspension from job responsibilities, a civil servant shall be required to follow internal service regulations, including adhering to working hours, and to assist in the internal investigation.

#### **Article 57. A decision on application of a disciplinary sanction**

1. A decision on the application of a disciplinary sanction shall be made by the appointing entity.

The decision shall specify the name of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, the date of decision, information on the civil servant, and the type of disciplinary offence; contain a brief description of circumstances of the offence and grounds for holding the civil servant liable; and specify what disciplinary sanction shall be applied.

2. The civil servant must personally read and acknowledge the receipt of the decision on imposition of the disciplinary sanction with his signature no later than on the next working day following the adoption of the decision.

Where a civil servant refuses to be informed of the decision on imposition of a disciplinary sanction or there are reasons which prevent him from reading such decision in person, he shall be serviced a written notice of the decision along with its copy no later than three days from the date of the decision.

#### **Article 58. Appealing a decision on application of a disciplinary sanction**

1. A decision on applying a disciplinary sanction may be appealed in court.

### **Article 59. Withdrawal of a disciplinary sanction**

1. If a civil servant has not been subjected to a new disciplinary sanction within a year from imposition of a disciplinary sanction, the civil servant shall be deemed as not having had any disciplinary sanction.

2. If a civil servant has not committed a new violation of service discipline and proved himself as a conscientious worker, the sanction may be cancelled before the term ends but no earlier than six months after the day when the civil servant was held disciplinarily liable.

### **Article 60. Indemnification by a civil servant**

1. Any property and moral damage caused to natural or legal persons by a civil servant's unlawful decisions, acts or omission thereof during the civil servant's performance of job duties shall be indemnified against at the government's expense.

2. The government, represented by the appointing entity, shall have the right of recourse (regress) to the faulty civil servant in the amount and according to the procedure specified by the law.

If recourse (regress) is used, the civil servant shall bear property liability only for damage caused by his/her unlawful actions or omission thereof.

## **SECTION FINAL AND TRANSITIONAL PROVISIONS**

1. This Law shall come into force on January 1, 2013.

2. The following acts shall be deemed to have lost force on January 1, 2013:

the Law of Ukraine on Civil Service (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 52, p. 490; 1995, No. 29, p. 216, No. 34, p. 268; 1996, No. 16, p. 71; 1999, No. 24, p. 208; 2001, No. 33, p. 175; 2003, No. 14, p. 97, No. 30, p. 247; 2005, No. 2, p. 32, No. 10, p. 193, No. 26, p. 346; 2006, No. 1, p. 18, Nos. 9 ó 11, p. 96; 2007, No. 7 ó 8, p. 66, No. 9, p. 69; 2008, Nos. 5 ó 8, p. 78, 2011, No. 10, p. 63, No. 23, p. 160, No. 41, p. 414; as amended by the Law of Ukraine of July 7, 2011 No 3610-VI ( 3610-17 ) and of July 8, 2011 No 3668-VI ( 3668-17 );

the Resolution of the Verkhovna Rada of Ukraine of 16 December 1993 No. 3724-XII *On bringing into force the Law of Ukraine on Civil Service* (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 52, p. 491; 2001, No. 33, p. 175).

3. The following laws of Ukraine shall be amended as follows:

1) to add the words "and civil servants" to the third paragraph of Article 8 of the Law of Ukraine On Labour Remuneration (Vidomosti Verkhovnoi Rady Ukrainy, 1995, No. 17, p. 121; 1997, No. 11, p. 89; 2010, Nos. 41-45, p. 529), after the words "judges";

2) Paragraph 6 of Article 64 of the Law of Ukraine On the National Bank of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 1999, no. 29, p. 238) is to read as follows:

“The ranks shall be conferred upon civil servants of the National Bank of Ukraine by the Governor of the National Bank of Ukraine, except cases as provided by law”;

3) In the Law of Ukraine On Comprehensive State Social Unemployment Insurance (Vidomosti Verkhovnoi Rady Ukrainy, 2000, no. 22, p. 171):

to add the words “and for similar reasons defined by other laws” to the subparagraph 9 of Article 1, second paragraph of Article 22 and subparagraph 2 of Article 31 paragraph 5 after the words “the Labour Code of Ukraine”;

to add the words “and for similar reasons defined by other laws” to the third paragraph of Article 10;

4) In the Law of Ukraine On the Status of People's Deputies of Ukraine (Vidomosti Verkhovnoi Rady Ukrainy, 2001, No. 42, p. 212; 2002, No. 35, p. 264):

to delete the words “first category” in the second subparagraph of Article 20 paragraph 2;

to replace the words “be assigned not higher than Rank VII of Category 4 civil servant” in subparagraph 3 of Article 34 paragraph 3 with the words “their positions belonging to Subgroups IV-1 and V-1”;

5) to replace the words “be assigned not higher than Rank VII of Category 4 civil servant” to subparagraph 8 of Article 10 paragraph 1 of the Law of Ukraine On education (Vidomosti Verkhovnoi Rady Ukrainy, 2002, No. 20, p. 134);

6) In Article 29 of the Law of Ukraine On the Status of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea" (Vidomosti Verkhovnoi Rady Ukrainy, 2007, No. 14, p. 168):

to replace the words “the Cabinet of Ministers of Ukraine” in the second paragraph with the words “the Law of Ukraine On Civil Service”;

to replace the words “seniority, which is calculated” in paragraph 10 with the words “pensionable service, seniority, length of service ”,

7) in paragraph 6 of Article 20 of the Law of Ukraine *On the Cabinet of Ministers of Ukraine* (Vidomosti Verkhovnoi Rady Ukrainy, 2011, No. 9, p. 58, No 38, p. 384):

the first subparagraph is to read as follows:

“6) in the area of improvement of public administration and civil service”;

to add subparagraph 2 reading:

“organizes implementation of an integrated public policy in the domain of civil service”;

8) to delete subparagraph 10 of Article 10 paragraph 4 and subparagraph 21 of Article 19 paragraph 4 of the Law of Ukraine *On central bodies of executive power* (Vidomosti Verkhovnoi Rady Ukrainy, 2011, No 38, p. 385);

4. The payment conditions of the employees of public agencies, government of the Autonomous Republic of Crimea or their secretariat, state enterprises, institutions and organizations, who on the effective date of this law are civil servants and whose positions do not come in the category of civil service positions under this Law, shall be determined by the Cabinet of Ministers of Ukraine and may not lead to reduction of the size of their salary.

5. The length of civil service in any period preceding the effect of this Law shall be calculated in the manner and on conditions stipulated by the earlier legislation while the periods of work in positions within the tenure of civil servants shall be credited to the seniority in the civil service positions.

6. Until reaching the age specified in part one of Article 49 of this Law civil servants have the right to retire by age - men born in 1955 and older when they have reached the following age:

60 years old - born on December 31, 1952;

60 years and 6 months old - born during the period between January 1, 1953 and December 31, 1953;

61 years old - born during the period between January 1, 1954 and December 31, 1954;

61 years and 6 months old - born during the period between 1 January 1955 and 31 December 1955.

7. The employees referred to in subparagraph 4 of this section, who have not less than 10 years of experience in positions within the respective categories of civil service positions as defined in Article 25 of the Law of Ukraine On Civil Service (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 52, p. 490, with amendments) on the effective date of the Law, shall be entitled to a pension under Article 49 of this Law in accordance with the procedure established for persons who have at least 20 years of seniority in civil service positions.

8. Any person who on the effective date of this Law has not less than 20 years of seniority in positions assigned to the respective categories of civil service positions as set out in Article 25 of the Law of Ukraine On Civil Service (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 52, p. 490, with subsequent amendments) shall retain the right to retire under Article 49 of this Law as person having at least 20 years of seniority in civil service positions.

9. Any person for whom a pension has been assigned under Article 37 of the Law of Ukraine On Civil Service (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No. 52, p. 490, with subsequent amendments) shall retain the right to re-calculation of the pension in accordance with subparagraph 1 of Article 49, paragraph 11, of this Law.

Pertinence of positions earlier held by former civil servants to a relevant group and subgroup of civil service positions as indicated by this Law shall be determined by the Cabinet of Ministers of Ukraine.

10. Civil servants, who on the effective date of this Law are retired under Article 31 of the Law of Ukraine *On Civil Service* (3723-12) (Vidomosti Verkhovnoi Rady Ukrainy, 1993, No 52, p. 490 with subsequent amendments), keep the guarantees provided for in this Article.

11. The Cabinet of Ministers of Ukraine shall, within six months upon official publication hereof:

1) draft proposals on amending legislative acts of Ukraine because of adoption hereof, and submit the proposals to the Verkhovna Rada of Ukraine for consideration;

2) bring its regulatory legal acts into conformity herewith, and adopt regulatory legal acts ensuing herefrom;

3) oversee bringing regulatory legal acts of ministries and other central executive agencies into conformity herewith.

**President of Ukraine**

**V.Yanukovich**

Kyiv,  
November 17, 2011  
4050-VI