

[Government of Afghanistan's emblem]

# **Official Gazette**

## **Special Issue**

- Adjustments, omissions, and additions to some articles of Civil Servants Code
- The requirement of civil services inherent issues
- The requirement of civil services retirement

Date of issue: (26) August 09

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## **Order**

### **The Islamic Republic of Afghanistan President's order regarding signing the adjustments, omissions, and additions to some of articles of Civil Servants Code**

No. (98)

Date: 8/3/2009

#### **Article One:**

In accordance with the order contained in Section 16 of Article Sixty Four of Afghanistan Constitution, I hereby sign the adjustments, omissions, and additions to some articles of Civil Servants Code issued in the Official Gazette No. 951 dated 7/6/2008 ratified based on ratification No. 141 dated 6/3/2009 Lower House as well as ratification No. 125 ratified at 6/7/2009 Upper House of National Assembly.

#### **Article Two:**

This order shall go into effect on the signing date and, along with the National Assembly's ratifications contained in Article One of this order as well as adjustments, omissions, and additions to some articles of Civil Servants Code, should be issued in the [Afghan] Official Gazette.

**Hamid Karzai**  
**Islamic Republic of Afghanistan**  
**President**

**Islamic Republic of Afghanistan National Assembly**  
**Lower House**  
**Ratification**

In regard to adjustments, omissions, and additions to some articles of Civil Servants Code issued in the Official Gazette, No. 951, dated 7/6/2008, No. 141, dated 6/3/2009; In accordance with Article Ninety Seven of Afghanistan Constitution, in its general meeting on Wednesday 6/3/2009, the Lower House ratified adjustments, omissions, and additions to some articles of Civil Servants Code.

Respectfully,  
Abdul Sattar khawasi  
Lower House Secretary

**Islamic Republic of Afghanistan National assembly**  
**Upper House**  
**Secretarial**

**The Upper House ratification**

In regards to adjustments, omissions, and additions to some articles of Civil Servants Code issued in the Official Gazette No. 951 dated 7/6/2008, No. 125, Dated 6/7/2009; In accordance with Article Ninety Seven of Afghanistan Constitution, adjustments, omissions, and additions to some articles of Civil Servants Code were ratified in the Upper House general meeting dated 6/7/2009.

Respectfully,  
Syed Hamid Gillani  
Upper House First Deputy

*In the name of God, the Compassionate, the Merciful*

**Adjustments, omissions, and additions to some articles of Civil Servants Code**

**Article One:**

The recent paragraph of Article Four, Sections (2 and 3) of Article Seven, Section (2) of Article Ten, Section (2) of Article Fourteen, and subsection (2) of section (3) Article Sixteen of Civil Servants Code issued at the Official Gazette No. 951 dated 7/6/2009 is hereby adjusted:

**1. The recent Paragraph of Article Four:**

The embassies' military attachés, independent general directors, as well as members of the scientific boards of higher education institutes and Islamic Republic of Afghanistan's Academy of Sciences are exempted from this order.

**Sections of (2 and 3) Article Seven:**

(2) Members of Scientific Board of Legislation Affairs and Scientific-Legal Research Institute as well as civil members of *Loy Kharnwali* and Department of Education, in addition to having the conditions contained in Subsections (1, 2, 3, and 5) Section (1) of this Article are also subject to the related legislative documents as well.

(3) During the implementation of administrative reforms, the employees with education less than the twelfth grade who have been employed by the departments and governmental offices before the ratification of this law, if complete the other criterion of Positions Six, Five, and Four contained in Article Eight of this law, regardless to the educational grade, would be able to competitively gain the abovementioned positions.

**2. Section (2) Article Ten:**

No discrimination is allowed in hiring of the employees and independent contractors based on sex, ethnicity, religion, and physical disability.

**3. Section (2) Article Fourteen:**

Whenever an employee or independent contractor recognizes the order of his/her boss as contrary to the law or regulations, he/she is required to inform the boss about the issue in writing. In case the boss, after being informed, asserts the execution of his/her order in writing, the consequences would not be with the employee or the independent contractor; rather, the responsibility lies with the boss.

**4. Subsection (2) Section (3) Article Sixteen:**

2. Continuation of his/her work at the previous position without promotion for one year. In case that as a result of the evaluation of the second year performance he/she would not be able to complete the specified criterion, his/her position will be advertised as a vacant one.

**Article Two:**

Subsection (1) of Section (4) of Article Eight of Civil Servants Code is eliminated, and subsections (2, 3, 4, and 5) of the abovementioned section are corrected as subsections (1, 2, 3, and 4), respectively.

**Article Three:**

Section (2) of Article Nine of Civil Servants Code shall be eliminated.

**Article Four:**

The following text shall be added as Section (4) of Article Seven of Civil Servants Code, and Sections (4 and 5) are corrected as Sections (5 and 6), respectively:

(4) The employees who have a degree less than a B.A. and have been competitively employed in the departments and governmental offices before the ratification of this law, in case their positions would be in accordance with performance criterion of the positions contained in Article Eight of this law, would gain the abovementioned positions regardless their degree.

**Article Five:**

The following text shall be added as Article Thirty Five of Civil Servants Code, and Article Thirty Five shall be corrected as Article Thirty Seven:

**Article Thirty five:**

(1) For the purpose of better execution of professorial and occupational duties as well as absorption and preservation of cadres having high administrative skills, taking into

account the government's financial resources, based on the criterion and limits contained in the Appendix 4 of this law, exceptional financial advantages for a number of employees could be determined.

(2) The advantage contained in Section (1) of this Article, in addition to the salary contained in Appendix 1 of this law or additional salary, is temporarily the quantity of which would be determined by the Independent Commission of Administrative Reforms and Civil Services as well as the representative of the concerned offices in accordance with the related guidance.

**Article Six:**

The following text is added as Article Thirty Six of Civil Servants Code.

**Article Thirty Six:**

Performance of duty in the National Assembly is counted as part of the professional history.

**Article Seven:**

This adjustment, omission, and addition shall be executed by the enactment date and shall be issued in the Official Gazette. By its enactment, the Legislative Order No. (42) of Islamic Republic of Afghanistan President dated 7/5/2009 in regard to enactment of ratification No. (16) of the Islamic Republic of Afghanistan Cabinet dated 6/30/2009 issued at the Official Gazette No. (951) dated 7/6/2009 will be nullified.

## Appendix (4) Services Employees' Code

### Exceptional criterion and limits of financial advantages

Position	1			2			3				4					Notes
Criteria	PhD	M.A.	B.A.	PhD	M.A.	B.A.	PhD	M.A.	B.A.	B.S.	PhD	M.A.	B.A.	B.S.	HS.D	
Education																
Minimum professional experience	3	4	5	2	3	4	1	1	2	3	1	1	1	2	2	
Administrative skills	Administration and management of affairs															
Enough proficiency in the country's official languages	Dari or Pashtu															
Familiarity with foreign languages (at least one language)	English, German, French, Russian, or Arabic															
Computer and the Internet	Office programs and the Internet															
Exceptional limits and advantages (equal to US dollar)	1400 1500	1300 1400	1200 1300	1100 1200	1000 1100	900 1000	850 900	800 850	750 800	600 750	550 600	500 550	450 500	400 450	300 400	



Note: In the offices where the higher and superior positions are still available, for those who are eligible for those positions, exceptional financial limits and advantages of the first position; and for those who are professionally eligible for the fifth and sixth positions, the financial advantages of the fourth position will be determined.

**The percentage of each criterion out of the position's total advantage:**

1. Educational degree:	30%
2. Professional experience:	20%
3. Administrative skills:	20%
4. Dari or Pashtu languages:	10%
5. Foreign languages: English, French, German, Russian, and Arabic	10%
6. Computer programs and internet	10%