

218**ACT**

of April 26, 2002

**on service of public servants in administrative authorities and on remuneration of such servants
and other employees in administrative authorities
(the Service Act)**

The Parliament has passed the following Act of the Czech Republic:

PART ONE**GENERAL PROVISIONS****CHAPTER I****SUBJECT AND SCOPE OF THE REGULATION****§ 1**

This Act provides for the legal relationships of employees performing state administration in administrative authorities as a service provided by the Czech Republic to the public (hereinafter "public servants"), organizational aspects of public service (hereinafter "service"), preparation of natural persons for service, service relations of public servants in administrative authorities,¹⁾ remuneration of such persons, unless the special regulation lays down otherwise,²⁾ procedure in service matters, remuneration of other employees in administrative authorities, as well as organizational aspects relating to employment of such employees.

§ 2

(1) This Act shall not apply to the members of the Government and members of the Council for Radio and Television Broadcasting. Rights of the members of the Government pursuant to this Act are specified in v § 9 (5), § 10 (3), § 12 (3) and (4), § 16 (2), § 53 (4), § 68 (1) až (4), § 172 (4), § 173 (7), § 174 (4), § 181 (5), § 182 (2), § 190 and § 196 (4).

(2) This Act shall not apply, with the exception of remuneration and rights specified in paragraph 1 above, to the Head of the Office of the Government of the Czech Republic³⁾ (hereinafter the "Office of the Government").

(3) This Act shall also not apply, with the exception of remuneration and organizational aspects relating to employment, to

- a) the press agent of a member of the Government,

¹⁾ Art. 79 (2) of the Constitution of the Czech Republic.

²⁾ § 25 (2) of Act No. 15/1998 Coll., on the Securities Commission and on amendment to and supplementation of other laws. Act No. 236/1995 Coll., on salaries and other requisites connected with performance of duties by representatives of the state and some state bodies and judges, as amended.

³⁾ § 28 (3) of Act No. 2/1969 Coll., on establishment of Ministries and other central state administration bodies of the Czech Republic, as amended by Act No. 219/2002 Coll.

- b) the head of an organizational department working for a member of the Government, to advisors and employees who carry out further, otherwise designated activities for a member of the Government,
- c) a deputy member of the Government and deputy Head of the Office of the Government,
- d) the head of an organizational department working for the Head of the Office of the Government, to advisors and employees who carry out further, otherwise designated activities for the Head of the Office of the Government,
- e) employees who only carry out auxiliary, maintenance or manual work in administrative authorities, as well as to employees who only direct, organize and control performance of auxiliary, maintenance or manual work.

CHAPTER II

BASIC PROVISIONS

Section 1

Administrative Authority and Service Authority

§ 3

For the purposes of this Act, administrative authorities shall consist in the Ministries,⁴⁾ central administrative authorities⁵⁾ and other administrative authorities⁶⁾ (state administration bodies)⁷⁾ if these have been established by special laws, if they are explicitly designated in such laws as the Ministries or administrative authorities or state administration bodies, and if they perform state administration on the basis of such laws.

§ 4

The administrative authority pursuant to § 3, in which the public servant performs service, shall be the service authority. The place (address) of the registered office of the service authority or a subsidiary of the service authority shall be the place of service of the public servant.

Section 2

The Sphere of Service

§ 5

(1) The sphere of service means the sphere activities of the service authority or part thereof following from the special law laying down jurisdiction thereof.

⁴⁾ § 1 of Act No. 2/1969 Coll., as amended.

⁵⁾ § 2 of Act No. 2/1969 Coll., as amended.

⁶⁾ E.g. § 5 of Act No. 218/1999 Coll., on the scope of conscription and on military administrative authorities (the Conscription Act).

⁷⁾ E.g., § 2 of Act No. 9/1991 Coll., on employment and jurisdiction of the bodies of the Czech Republic in the sphere of employment, as amended by Act No. 167/1999 Coll., §1 of Act No. 64/1986 Coll., on the Czech Trade Inspection, as amended by Act No. 110/1997 Coll.

(2) The public servant shall perform service in the place of service and in the sphere of service to which (s)he has been appointed.

(3) The Government shall lay down in a Regulation the spheres of service following from special laws.

Section 3 Public Servants

§ 6

(1) Unless the service relations of natural persons are governed by special regulations on the service relationship,⁸⁾ the natural persons, who meet the preconditions and requirements laid down by this Act, who have successfully completed preparation for service, who have been appointed to service pursuant to this Act for performance of activities pursuant to paragraph 2 and who have taken the service oath, shall be public servants pursuant to this Act.

(2) Service pursuant to this Act shall include:

- a) preparation of draft legal regulations and providing for legal activities of administrative authorities,
- b) preparation of draft international treaties,
- c) preparation of draft conceptions and programs,
- d) management and directing of activities of subordinate administrative authorities,
- e) establishment and administration of information systems in public administration,
- f) statistical service (state statistics),
- g) administration of the relevant chapter of the state budget in relation to organizational departments of the state and legal entities, with the exception of the service authority in which service is performed,
- h) protection of confidential information,
- i) providing for state defense,
- j) defending of interests of the Czech Republic abroad,
- k) the policy of subsidies,
- l) administration of research and development,
- m) administrative decision-making,
- n) state control, supervision or surveillance,
- o) provision for organizational matters of the service and administration of service relations and remuneration of public servants pursuant to this Act,
- p) management,
- r) preparation and drawing up of expert substantive basic documents for activities as referred to in letters a) to d), g), j), m) and n), with the exception of basic documents consisting in physical measurements, chemical analyses, or control, comparison and determination of technical parameters.

⁸⁾ Act No. 186/1992 Coll., on the service relationship of the members of the Police of the Czech Republic, as amended. Act No. 154/1994 Coll., on the Security Intelligence Service, as amended. Act No. 221/1999 Coll., on professional soldiers, as amended.

§ 7

Required Education and Service Designation of Public Servants

- (1) Public servants shall be awarded a service designation.
- (2) The service position of a public servant with the required
- a) secondary vocational education⁹⁾ shall have the service designation of officer,
 - b) complete secondary-school education⁹⁾ shall have the service designation of professional officer,
 - c) complete secondary-school education shall have the service designation of officer-specialist,
 - d) complete secondary-school education shall have the service designation of higher officer,
 - e) complete secondary-school education shall have the service designation of higher officer-specialist; if the public servant carries out control activities, his(her) service designation shall be inspector,
 - f) higher vocational education⁹⁾ or university education acquired through studies within a bachelor's study program¹⁰⁾, shall have the service designation of senior officer; if the public servant carries out control activities, his(her) service designation shall be senior inspector.
- (3) The service position of a public servant with the required
- a) university education acquired through studies within a bachelor's study program¹⁰⁾ shall have the service designation of counsel,
 - b) university education acquired through studies within a master's study program¹¹⁾ shall have the service designation of professional counsel,
 - c) university education acquired through studies within a master's study program shall have the service designation of senior counsel,
 - d) university education acquired through studies within a master's study program shall have the service designation of ministerial counsel,
 - e) university education acquired through studies within a master's study program shall have the service designation of higher ministerial counsel,
 - f) university education acquired through studies within a master's study program shall have the service designation of senior ministerial counsel.
- (4) Higher education than that required in paragraphs 2 and 3 above shall not be taken into account.
- (5) In central administrative authorities, the service designation of public servants shall be state counsel, higher state counsel and senior state counsel, instead of the service designation of public servants as referred to in paragraph 3 (d) to (f) above. In the Office of the Government, the service designation of public servants shall be government counsel, higher government counsel and senior government counsel, instead of the service designation of public servants as referred to in paragraph 3 (d) to (f) above. In administrative authorities with statewide jurisdiction, the service designation of public servants shall be state counsel, instead of the service designation of public servants referred to in paragraph 3 (d) above.

⁹⁾ Act No. 29/1984 Coll., on the structure of elementary schools, secondary schools and higher vocational schools (the Act on schools), as amended.

¹⁰⁾ § 45 and 98 of Act No. 111/1998 Coll., on universities and on amendment to and supplementation of other laws (Act on universities), as amended by Act No. 147/2001 Coll.

¹¹⁾ § 46 and 98 of Act No. 111/1998 Coll., as amended by Act No. 147/2001 Coll.

(6) The provisions of paragraphs 2, 3 and 5 above shall in no way prejudice the use of professional designation pursuant to the special regulation.¹²⁾

(7) University education for the purposes of this Act shall not consist in education obtained by studies at the Political University of the Central Committee of the Communist Party of Czechoslovakia, at the Klement Gottwald Military Political Academy, at political and security colleges and training institutions in the former Union of Soviet Socialist Republics and at faculties of all these universities and schools.

§ 8

Service Designation of Public Servants in Service Abroad

(1) In addition to the designation pursuant to § 7, public servants in service abroad shall also be granted or conferred a diplomatic title or a consular title.

(2) Diplomatic titles shall be as follows:

- a) attaché,
- b) IIIrd secretary,
- c) IInd secretary,
- d) Ist secretary,
- e) ambassador's counsel,
- f) counsel-envoy,
- g) ambassador.

(3) Consular titles shall be as follows:

- a) consular agent for the attaché,
- b) vice consul for the IIIrd and IInd secretaries,
- c) consul for the Ist secretary and the ambassador's counsel,
- d) general consul for the counsel-envoy and the ambassador.

(4) The Ministry of Foreign Affairs shall lay down in a Decree the procedure for granting and lending diplomatic or consular titles.

(5) The Government shall lay down in a Regulation the amount of extra pay for the granted diplomatic or consular titles.

§ 9

Principals, Service Bodies, Service Designation and Required Education

(1) The senior public servants who are authorized to direct subordinate public servants at the individual levels of management of the administrative authority, to impose service tasks thereon, to organize, direct and control performance of service thereof and to give binding orders thereto, shall be principals. The natural persons who are in a service relationship pursuant to the special legal regulation⁸⁾ may also be principals.

¹²⁾ E.g. § 18 and 19 of Act No. 564/1990 Coll., on the state administration and self-administration in the school system, as amended.

(2) The required education of the principal shall be derived from the most demanding activity, the performance of which (s)he professionally directs. In addition to the service designation pursuant to § 7 and/or in addition to the service designation pursuant to § 8, as appropriate, the principal shall also have the service designation of a principal.

(3) The service positions intended for principals and the service designation thereof shall be as follows:

- a) head of a department and deputy head of a department,
- b) head of a representation abroad,
- c) director of a division and deputy director of a department,
- d) director of a section and deputy director of a section,
- e) state secretary and deputy state secretary,
- f) head of a service authority and deputy head of a service authority.

(4) The service positions intended for principals, whose jurisdiction covers organizational aspects of service and service relations of public servants, and the service designation thereof shall be as follows:

- a) personnel director and deputy personnel director,
- b) General Director for Public Service and Deputy General Director for Public Service (hereinafter the "General Director" and "Deputy General Director").

(5) The service position of a state secretary shall be established within Ministries and the Office of the Government. The state secretary shall direct, coordinate and control fulfillment of service or working tasks, as appropriate, by the directors of sections, by the personnel director or other principals directed thereby, as appropriate, and by senior employees. The Minister, within the service authority consisting in a Ministry, and the Head of the Office of the Government, within the service authority consisting in the Office of the Government, shall impose service tasks on the state secretary.

(6) For the purposes of this Act, the head of a service authority, excluding service authorities consisting in Ministries and the Office of the Government, shall head the given administrative authority and shall be authorized to direct such authority pursuant to the special regulation. The head of the service authority shall be the highest principal within the administrative authority.

(7) The heads of central administrative authorities and heads of administrative authorities shall have the service designation of the head of a service authority; this shall not apply to the Head of the Office of the Government. This shall in no way prejudice the designation of service bodies pursuant to the special regulation.

(8) The service position of a personnel director shall be established in service authorities consisting in Ministries and in the service authority consisting in the Office of the Government.

(9) Only a public servant may be appointed to the position of a principal, with the exception of a principal performing fixed-term service abroad, the principal performing fixed-term service as the Chairman of the Securities Commission or as a member of the Board of the Securities Commission. There shall be no right to appointment to the position of a principal.

(10) A head of a service authority, deputy head of a service authority, personnel director, deputy personnel director, General Director and Deputy General Director shall be service bodies. Service bodies shall provide for activities pursuant to § 6 (2) (o).

Section 4 Service Regulations

§ 10

(1) A service regulation shall lay down, in particular, the scope of authorization of principals to impose binding orders on public servants in relation to performance of service. Service regulations may only be issued in writing.

(2) Service bodies shall be authorized to issue service regulations [§ 9 (10)].

(3) Service regulations laying down the scope of authorization of principals or the designated public servants [§ 68 (1)], as appropriate, to impose binding orders on public servants in relation to performance of service in service authorities consisting in Ministries shall be issued in agreement with the member of the Government, who directs the Ministry, and with the state secretary. In the service authority consisting in the Office of the Government, service regulations pursuant to the first sentence shall be issued in agreement with the Head of the Office of the Government and the state secretary.

(4) Service regulations may not be mutually in contradiction. If there is a contradiction between service regulations, the service regulation issued by the superior service body shall prevail.

(5) A service regulation that is in contradiction with legal regulations shall be void. The superior service body shall cancel a service regulation issued by a subordinate service body that is in contradiction with legal regulations. The General Director shall cancel a service regulation issued by a service body that is in contradiction with legal regulations. The Government, on the basis of a proposal by the Prime Minister, shall cancel a service regulation pursuant to paragraph 3 above that is in contradiction with legal regulations.

(6) Service bodies shall be obliged to provide for keeping records of the valid service regulations and to update the records.

(7) Service regulations shall be binding for the public servants; if laid down by this Act, service regulations shall also be binding for natural persons preparing for service and employees in administrative authorities. A service authority shall be obliged to ensure that public servants have been properly acquainted with the service regulations and that they are allowed to peruse them, and, if necessary, it shall also be obliged to provide them, at its own cost, with the wording of such regulation.

CHAPTER III

ORGANIZATIONAL ASPECTS OF THE SERVICE AND ADMINISTRATION OF THE SERVICE RELATIONS OF PUBLIC SERVANTS

§ 11

General Directorate for Public Service and the General Director

(1) The General Directorate for Public Service (hereinafter the "General Directorate") shall be an organizational unit of the Office of the Government; it shall act as an organizational, conceptual, coordination, central management, executive and control office in relation to the aspects of service pursuant to this Act.

(2) The tasks referred to in paragraph 1 above shall be performed by the General Directorate through

- a) preparation of a draft personnel plan and control of implementation thereof,

- b) preparation of draft legal regulations concerning service, with the exception of draft regulations on remuneration pursuant to this Act,
- c) preparation of draft service regulations,
- d) ensuring of a uniform approach to execution of this Act, legal regulations issued for implementation thereof and service regulations issued by the General Director,
- e) coordination of education of public servants and coordination of education of natural persons preparing for service,
- f) administration of the Information System for Service and Salaries; this System shall comprise the register of public servants and the register of natural persons preparing for service,
- g) assignment of registration numbers to public servants,
- h) fulfillment of other obligations pursuant to this Act.

(3) The General Director shall be the head of the General Directorate. The General Director shall be represented by the Deputy General Director. The Deputy General Director shall fulfill other obligations laid down in this Act.

(4) The General Director shall

- a) manage the General Directorate,
- b) lay down binding rules for the organization of service authorities and approve their organizational structure,
- c) issue and cancel service regulations,
- d) prepare basic documents for canceling a service regulation pursuant to the fourth sentence of § 10 (5),
- e) perform other tasks laid down in this Act and other laws.

(5) The General Director and public servants designated thereby shall be authorized to carry out control in service authorities in relation to organizational aspects of the service, service relations of public servants and security of public servants pursuant to this Act; in carrying out the control, they shall proceed pursuant to the special legal regulation on state control.¹³⁾ The pertinent service body shall be obliged to allow the control.

(6) The register of public servants shall be kept separately from the register of natural persons preparing for service.

(7) The register of public servants shall include:

- a) the name, surname and academic title,
- b) the birth certificate number,
- c) the registration number of the public servant,
- d) the service designation of the public servant,
- e) the date of arising of the service relationship,
- f) the type of service,
- g) the sphere of service,
- h) the service authority in which the public servant performs service.

(8) The register of natural persons preparing for service shall include

- a) the name, surname and academic title,

¹³⁾ Act No. 552/1991 Coll., on the state control, as amended.

- b) the birth certificate number
- c) the sphere of service for which (s)he is preparing,
- d) the service authority in which (s)he is preparing for performance of service.

§ 12

Personnel Director

(1) The personnel director shall be active in organizational aspects of service and in the field of service relations of public servants assigned to a service authority, including remuneration thereof. The personnel director shall be represented by the deputy personnel director. The personnel director shall be the head of the personnel department. The personnel director shall also manage labor-law relations of other employees in the pertinent administrative authority, including remuneration thereof, and organizational aspects of service and service relations of public servants in a service relationship pursuant to the special legal regulations,⁸⁾ including remuneration thereof, as appropriate. If the head of an administration authority is a natural person that is in service relationship pursuant to the special regulation,⁸⁾ (s)he shall manage organizational aspects of the service and service relationships of the public servants pursuant to this Act who perform service within this authority, including remuneration thereof, and shall be considered a service body [§ 9 (10)].

(2) In organizational aspects of service and service relations of public servants, the personnel director shall be subordinate to the state secretary. (2) In relation to organizational aspects of service and to the service relations of public servants, the head of a service authority consisting in a central administrative authority and the heads of service authorities that do not have a superior service authority shall be subordinate to the General Director. In relation to organizational aspects of service and to the service relations of public servants, the heads of service authorities subordinate to the Ministries shall be subordinate to the personnel director. In relation to organizational aspects of public service and to the service relations of public servants, the heads of service authorities subordinate to central administrative authorities shall be subordinate to the head of the service authority consisting in the head of the competent central administrative authority. In relation to organizational aspects of public service and to the service relations of public servants, the heads of other service authorities shall be subordinate to the head of the service authority superior to the given service authority.

(3) In relation to the service relations concerning changes in service pursuant to § 37 (e), (f) and (h) and termination of service, in a service authority consisting in a Ministry, the personnel director shall proceed in agreement with the member of the Government who directs the relevant Ministry. In relation to the matters referred to in the first sentence, in the service authority consisting in the Office of the Government, the personnel director shall proceed in agreement with the Head of the Office of the Government.

(4) If a member of the Government, who directs the relevant Ministry, or the Head of the Office of the Government requests information on other matters than that referred to in paragraph 3 above, the Personnel director shall be obliged to provide such information.

§ 13

Personnel Department

(1) A personnel department shall be an organizational unit of the service authority in which the public servant performs service; it shall provide for organizational aspects of service, service relations of public servants pursuant to this Act, including remuneration thereof, and labor-law relations of other employees in the given administrative authority, including remuneration thereof, and, as appropriate, organizational aspects of service and service relations of public servants in a service relationship pursuant to special legal regulations⁸⁾, including remuneration thereof.

(2) In the scope laid down in the personnel plan, a personnel department shall be established in service authorities where at least 25 natural persons perform service or work in a labor relationship. A personnel department shall not be established in District mining authorities,¹⁴⁾ in financial authorities and in customs authorities.¹⁵⁾ A personnel department shall not be established in a service authority if activities that are to be carried out by this department can be provided for by a service authority with on the basis of less than 5 positions pursuant to the personnel plan.

(3) If a personnel department or positions pursuant to the personnel plan intended for performance of its activities (paragraph 2) have not been established in a service authority, the tasks of the personnel department shall be performed by the personnel department of the superior service authority. If the service authority has no superior service authority, the tasks of the personnel department shall be performed by the General Directorate.

(4) The General Directorate shall be the personnel department for the head of the service authority in a central administrative authority. The General Directorate shall be the personnel department for the personnel director, deputy personnel director, General Director and Deputy General Director.

CHAPTER IV PERSONNEL PLAN

§ 14

(1) The personnel plan for service and preparation for service is based on the binding rules for organization of service authorities and on the factors of effective performance of tasks in the individual spheres of service; it lays down

- a) the number of service positions of line public servants classified by the pay grades [§ 136 (1)],
- b) the number of service positions of principals pursuant to § 9 (3) and (4) classified by the pay grades [§ 136 (1)],
- c) the amount of funds allocated for salaries of public servants in service authorities,
- d) the number of positions intended for natural persons preparing for service in service authorities, classified pursuant to pay grades,
- e) the amount of funds for salaries of natural persons preparing for service in service authorities.

(2) The General Directorate shall prepare a draft personnel plan for the given calendar year during the previous year in cooperation with the Ministry of Finance. In preparation of the draft personnel plan, the General Directorate shall base its work on proposals by service bodies, submitted through superior service bodies. If a service body has no superior service body, it shall submit the draft and proposal, as appropriate, directly to the General Directorate. The General Directorate shall discuss the draft personnel plan with the superior service bodies; if a service authority has no superior service body, the General Directorate shall discuss the draft personnel plan directly with the relevant service body.

(3) The draft personnel plan shall include summary information pursuant to paragraph 1 above for central administrative authorities and summary information for administrative authorities subordinate thereto and summary information for administrative authorities that have no superior administrative authority.

¹⁴⁾ § 38 (6) of Act No. 61/1988 Coll., on mining activities, explosives and the state mining administration.

¹⁵⁾ § 10 (1) of Act No. 531/1990 Coll., on territorial financial bodies. § 5 (2) of Act No. 13/1993 Coll., the Customs Act, as amended by Act No. 113/1997 Coll.

(4) The personnel plan for the given calendar year shall be approved by the Government during the previous year. In connection with approval of the personnel plan, the Government shall be authorized to lay down the organizational structure of service authorities [§ 11 (4) (b)]. The Prime Minister shall submit the draft personnel plan to the Government.

(5) Pursuant to the personnel plan approved by the Government (paragraph 4 above) and pursuant to the binding rules for organization of service authorities [§ 11 (4) (b)], the service bodies shall draw up proposals for organizational structure of service authorities and the service body shall submit such proposals to the General Director through the superior service bodies.

(6) The service positions and funds for salaries of public servants, and positions and funds for salaries of natural persons preparing for service pursuant to the approved personnel plan may not be used for other than the specified purpose.

(7) The General Director shall forward the approved personnel plan to the Ministry of Finance within the set deadline related to the schedule for preparing the draft state budget.

§ 15

An amendment to the personnel plan implying a change in the number of service positions or a change in the pay grade of a public servant shall only be admissible if there has been a change in jurisdiction of the relevant service authority on the basis of a special law or a substantial change in the conditions under which the plan was approved. The Government shall approve amendments to the personnel plan.

§ 16

(1) The service bodies shall submit the draft personnel plan [§ 14 (1)] and a proposal for organizational structure of service authorities to the General Directorate, through superior service bodies, on the basis of the binding rules for organization of service authorities and within the deadline laid down by the General Directorate. If a service body has no superior service body, it shall submit the draft and proposal, as appropriate, directly to the General Directorate.

(2) The draft personnel plan and proposals for organizational structure of service authorities consisting in Ministries or the Office of the Government, shall be prepared in cooperation with the member of the Government, who directs the pertinent Ministry, or the Head of the Office of the Government, as appropriate.

(3) The General Directorate shall be authorized to review a proposal pursuant to paragraph 1 above and to request its supplementation or revision.

(4) The service bodies shall be obliged to comply with a request pursuant to paragraph 3 above.

PART TWO

PREPARATION FOR SERVICE

CHAPTER I

PRECONDITIONS FOR ADMISSION TO PREPARATION FOR SERVICE

§ 17

(1) A natural person, who applies in writing to the service authority for admission to preparation for service (hereinafter the "applicant"), must meet the following preconditions:

- a) be a citizen of the Czech Republic,¹⁶⁾
- b) be at least 18 years of age,
- c) enjoy full legal capacity,
- d) have no criminal record; this precondition shall not be met in case of valid conviction of a willful offense or of the negligent offense of obstructing a public officer, unless the conviction has been annulled or the offender is considered as not convicted pursuant to the law,
- e) to have completed the basic military or alternative service or civil service, if applicable to the applicant,
- f) to have completed education required by this Act for the sphere of service, including the professional orientation of the education, or the requirement of knowledge of a foreign language or other justified professional requirement laid down by the service body as necessary for performance of service, as appropriate,
- g) to be in the required state of health.

(2) The requirement pursuant to paragraph 1 (g) above shall be subject to the special regulation.¹⁷⁾ The applicant shall be obliged to undergo examination of his(her) state of health.

CHAPTER II

TENDER FOR PREPARATION FOR SERVICE

§ 18

(1) The applicant may be admitted to preparation for service only if (s)he has undergone a tender through which the position for preparation for service was to be filled and has succeeded in the tender.

(2) The announcement of the tender for preparation for service must be public. The announcement of the tender must include the following information:

- a) preconditions pursuant to § 17 (1),
- b) the sphere of service for which the preparation is to take place,

¹⁶⁾ Act No. 40/1993 Coll., on the state citizenship of the Czech Republic, as amended.

¹⁷⁾ Directive of the Ministry of Health No. 49/1967 of the Journal of the Ministry of Health, on evaluation of health qualification for work (registered in Volume 2/1968 Coll.), as amended.

- c) whether the capacity for being acquainted with confidential information pursuant to the legal regulations on confidential information will be necessary for a service position in the sphere of service for which the preparation is to take place,¹⁸⁾
- d) the assignment to pay grade and the expected salary during preparation for service,
- e) the expected assignment of the applicant to a pay grade, should (s)he be appointed to service,
- f) the date by which the application for admission to preparation for service is to be submitted to the service authority.

The tender shall be announced by the service body.

(3) The applicant shall be obliged to prove the preconditions pursuant to § 17 (1) to the service authority through relevant documents or validated counterparts thereof,¹⁹⁾ upon submitting the application for admission to preparation for service. The precondition of no criminal record [§ 17 (1) (d)] shall be proven through an extract from the Criminal Records²⁰⁾ that must not be older than 3 months.

§ 19

(1) The service authority shall notify the applicants, who failed to meet the preconditions pursuant to § 17 (1), promptly of this fact in writing and, simultaneously, it shall inform them that they may not participate in the tender for this reason.

(2) The selection committee shall interview the applicants who meet the preconditions pursuant to § 17 (1). The interview shall concentrate on issues related to the sphere of service, for which the preparation is to take place, and on knowledge of a foreign language, if required.

(3) The interview pursuant to paragraph 2 above may be replaced or supplemented by a written examination; the General Director shall lay down in a service regulation the content of the general part of this examination and the service body shall lay down in a service regulation the content of the special part thereof.

(4) The selection committee shall consist of 3 members who shall be appointed and recalled by the service body from amongst the public servants performing service in the service authority that announced the tender. Public servants performing service in the personnel department shall usually be members of the selection committee.

(5) After completion of interviews, the selection committee shall draw up a list of the applicants in the order in which they completed the tender; the service authority shall promptly inform the applicants in writing of this list.

(6) The position achieved in the tender shall give the applicant the right to be admitted to preparation for service. If the applicant with a better position demonstrably shows no interest in admission to preparation for service, such right shall pass to the next applicants according to the respective positions in which they completed the tender.

(7) The selection committee may also conclude by the tender by stating that no applicant is suitable for admission to preparation for service; in such case, a new tender shall be announced.

¹⁸⁾ Act No. 148/1998 Coll., on protection of confidential facts and on amendment to some laws, as amended.

¹⁹⁾ Act No. 358/1992 Coll., on notaries and their activities (the Notarial Code), as amended. Act No. 41/1993 Coll., on verification of identity of counterparts or copies with a document and on verification of authenticity of signatures by District and Municipal Authorities and on issue of certificates by the bodies of municipalities and District Authorities, as amended.

²⁰⁾ § 11 of Act No. 269/1994 Coll., on the Criminal Records.

CHAPTER III

EXCEPTIONS RELATING TO THE PROVISIONS ON THE TENDER FOR PREPARATION FOR SERVICE

§ 20

(1) A tender shall not be carried out if a natural person, who meets the preconditions pursuant to § 17 (1) and the precondition laid down by the legal regulations on confidential facts,¹⁸⁾ and who has performed the duties of a member of the Government, member of the Assembly of Representatives of the Parliament or senator of the Parliament within the last 4 years, is to be appointed to a service position of a principal for performance of fixed-term service abroad [§ 29 (2)] with the place of service abroad.

(2) A tender shall not be carried out for a service position of a principal in fixed-term service, consisting in the Chairman of the Securities Commission or a member of the Board of the Securities Commission, if the relevant natural person meets the preconditions pursuant to § 17 (1) and the precondition laid down by the legal regulations on confidential facts.¹⁸⁾

CHAPTER IV

THE COURSE OF PREPARATION FOR SERVICE

§ 21

(1) Preparation for service shall take place in a labor relationship pursuant to the labor-law regulations,²¹⁾ unless otherwise laid down in this Act; the preparation shall usually take 12 months. A fixed-term labor relationship shall usually be concluded with the applicant for the purpose of preparation for service. A probationary period of 3 months shall be part of the preparation for service. The period of preparation for service may be shortened or prolonged with the consent of the applicant admitted for preparation for service. The public servant, who has been appointed by the service body as the supervisor, under whose supervision the preparation for service shall take place, shall propose to the service body any shortening or prolonging of the period of preparation for service.

(2) The period of a sick leave shall not be included in the period of preparation for service. Other periods of absence in work shall be included in the period of preparation for service in the maximum extent of 20 working days.

(3) The applicant admitted to preparation for service shall be designated as the candidate for the sphere of service for which (s)he is preparing. The designation of the applicant as the candidate shall constitute the type of work specified in the labor contract.

§ 22

(1) The preparation of the candidate for service shall concentrate on mastering the basics of performance of service in the sphere of service for which the preparation is being carried out.

²¹⁾ The Labor Code.

(2) The preparation of the candidate for service organized by the service authority shall constitute an obligation thereof following from the labor relationship. The preparation for service shall be performance of work for which the candidate is entitled to receive a salary.

§ 23

Preparation for service shall not be carried out in cases specified in § 20. Preparation for service shall also not be carried out in relation to natural persons who have performed public service as employees of the regions or municipalities in a labor relationship for a period of at least 3 years prior to the tender [§ 31 (6)] and their professional qualification has been verified by an examination of special professional qualification pursuant to the special regulation.²²⁾

CHAPTER V

COMPLETION OF PREPARATION FOR SERVICE

§ 24

(1) The candidate and natural persons who have the practical experience in the relevant sphere of public service in the non-governmental or private sector of at least 3 years and meet the preconditions pursuant to § 17, shall have the right to undergo an officer's examination before the examination committee. The purpose of the officer's examination shall be to verify whether the candidate has the necessary knowledge and is sufficiently professionally prepared for the service position of a public servant in the sphere of service for which (s)he has prepared.

(2) The officer's examination shall consist of written and oral parts. Both parts of the officer's examination shall usually be held in one day. The examination committee may decide that the written part and the oral part of the examination will be held in different days.

(3) Prior to expiry of the period of the fixed-term labor relationship, the direct superior of the candidate, in cooperation with the supervisor, shall submit to the service body the appraisal of the candidate that must include a conclusion as to whether the candidate is prepared for service in the sphere of service for which (s)he has prepared. The service body shall be obliged to acquaint the candidate with the appraisal and, on a request thereby, to issue a counterpart of the appraisal thereto. If the candidate intends to undergo an officer's examination, the service body shall also forward a counterpart of the appraisal to the examination committee.

(4) The service authority shall be obliged to allow the candidate to undergo an officer's examination and to lay down the date of holding thereof. If there is an obstacle in work preventing the candidate from undergoing the officer's examination on the set date, the period of his(her) labor relationship shall be prolonged so that it expires upon expiry of one calendar week from the date which has been laid down as the date of the officer's examination after the obstacle in work ceased to exist, however for the maximum of 6 calendar months.

²²⁾ E.g. Decree No. 345/2000 Coll., on verification of special professional qualification of employees of municipalities, regions, the Capital City of Prague, city wards of the Capital City of Prague and District Authorities, persons heading special bodies established on the basis of special laws and chairmen of committees entrusted with performance of delegated competence (Decree on special professional qualification), as amended by Decree No. 427/2000 Coll., Decree No. 51/1998 Coll., laying down the preconditions for performance of duties requiring special professional qualification in District Authorities and in Municipal Authorities (Decree on special professional qualification), as amended by Decree No. 121/1999 Coll.

(5) The service authority shall be obliged to lay down the date, place and hour of the officer's examination, convene the examination committee and invite the candidate in writing thereto. The candidate must be invited at least 3 calendar weeks prior to the date of the officer's examination.

(6) The examination committee shall issue a certificate of passing the officer's examination or part thereof; it shall forward this certificate to the service authority. The service authority shall promptly deliver the certificate into the hands of the candidate.²³⁾

(7) The examination committee shall draw up a written report on failure to pass the officer's examination; it shall forward this report to the service authority. The service authority shall promptly deliver the certificate into the hands of the candidate.²³⁾

§ 25

(1) If the candidate fails to pass the officer's examination or part thereof, the service authority, on the basis of his(her) written request, shall permit repeating of the examination or part thereof. The candidate shall have the right to repeat the officer's examination. The officer's examination may be repeated only once.

(2) The request pursuant to paragraph 1 above must be delivered to the service authority within 5 calendar days of delivery of the report on failure to pass the officer's examination or part thereof; otherwise the right to repeat of this examination or part thereof shall become extinct.

(3) The repeated officer's examination may be held at the earliest 3 calendar months after the failure to pass the officer's examination or part thereof.

(4) The candidate shall undergo the repeated officer's examination before an examination committee composed of different members.

(5) The labor relationship shall not be prolonged in case of repeating the officer's examination.

§ 26

(1) The examination committee shall be established pursuant to the sphere of service within the service authority consisting in a Ministry or central administrative authority. Officer's examinations of candidates preparing for service in subordinate service authorities shall also be held before this committee. (1) For service authorities that do not have a superior service authority and natural persons who have the practical experience in the relevant sphere of public service in the non-governmental or private sector of at least 3 years and meet the preconditions pursuant to § 17, the examination committee shall be established within the General Directorate.

(2) The service body shall appoint and recall the members of the examination committee. The examination committee shall consist of 5 members; the majority of its members shall be public servants from the relevant sphere of service; the public servant holding the highest service position shall be the chair of the committee. If there are more public servants with the same service position in the committee, the chair shall be determined by lot. Two of the members of the examination committee may be appointed, with the prior consent thereof, from amongst natural persons active in science, research or universities; the activities of such persons in the committee shall constitute an activity in general interest²⁴⁾ with the right to leave from work with reimbursement of salary and travel expenses pursuant to the special regulation²⁵⁾ valid for employees in a labor relationship.

²³⁾ § 266a of the Labor Code.

²⁴⁾ § 124 (1) of the Labor Code.

²⁵⁾ Act No. 119/1992 Coll., on travel compensations, as amended.

(3) The examination committee shall decide on the result of the officer's examination by vote; a quorum shall exist if all members of the committee are present; the decision shall be made by a majority of votes. In their activities in the examination committee, the members of the committee shall not follow instructions of the principals. A member of the examination committee may not refrain from voting. The decision of the examination committee shall be either "passed" or "failed".

CHAPTER VI

JOINT PROVISIONS ON PREPARATION FOR SERVICE

§ 27

(1) The candidate must meet the preconditions specified in § 17 (1) (a) to (d), (f) and (g) during the entire period of preparation for service; if (s)he fails to meet such preconditions, (s)he shall be obliged to notify the service authority promptly thereof.

(2) The court which has decided in the first instance on conviction of the candidate of an offense or on limiting his(her) legal capacity shall notify the service authority, in which the candidate is preparing for service, promptly of its decision.

PART THREE

SERVICE RELATIONSHIP

CHAPTER I

SERVICE RELATIONSHIP AND TYPES OF SERVICE

§ 28

Service shall be performed in a service relationship. The service relationship to the Czech Republic shall be established on the basis of appointment to a service position in a certain sphere of service.

§ 29

(1) Temporally unlimited service shall be the basic type of service pursuant to this Act.

(2) Fixed-term service shall represent the temporally limited existence of a service relationship. Fixed-term service may be applied in service with the place of service abroad. The Chairman of the Securities Commission, members of the Board of the Securities Commission, the Chairman of the Office for Protection of Economic Competition, the Chairman of the Energy Regulatory Office and the Chairman of the Czech Telecommunication Office²⁶⁾ shall also perform fixed-term service for the period of their term of office pursuant to the special legal regulation.

²⁶⁾ § 23 (3) of Act No. 15/1998 Coll. § 1 (3) and (5) of Act No. 273/1996 Coll., on jurisdiction of the Office for the Protection of Competition, as amended by Act No. 187/1999 Coll. § 3 (5) of Act No. 151/2000 Coll., on telecommunications and on amendment to other laws. § 17 (4) of Act No. 458/2000 Coll., on the conditions for operating business and on performance of state administration in energy sectors and on amendment to some laws (the Energy Act).

(3) Service performed in a service authority in the Czech Republic shall also be part of service pursuant to the second sentence of paragraph 2 above.

(4) There shall be no right to appointment to temporally unlimited service or to fixed-term service, as appropriate.

CHAPTER II

PRECONDITIONS FOR APPOINTMENT TO SERVICE, OBSTACLES TO APPOINTMENT TO SERVICE AND PERFORMANCE OF SERVICE, APPOINTMENT TO SERVICE, THE SERVICE OATH AND ARISING OF A SERVICE RELATIONSHIP

Section 1

Preconditions for Appointment to Service and Meeting Thereof During Service

§ 30

(1) For appointment to service, a natural person must meet the preconditions specified in § 17 (1), must have successfully passed an officer's examination and must have the capacity to be acquainted with confidential information in accordance with the legal regulations on confidential facts¹⁸) if such precondition is required for the given service position. A natural person may not be appointed to service pursuant to the first sentence if it cannot be demonstrably expected that (s)he would comply in service with the democratic principles of the constitutional order of the Czech Republic and that (s)he would properly perform the service.

(2) The natural person appointed to service must meet the preconditions specified in § 17 (1) (a) to (d), (f) and (g) during the entire period of service; if (s)he fails to meet such preconditions, (s)he shall be obliged to notify the service authority promptly thereof.

(3) The court, which has decided in the first instance on conviction of the public servant of an offense or on limiting his(her) legal capacity, shall notify the service authority, in which the public servant has been appointed to service, promptly of its decision.

Section 2

Appointment to Service, Service Oath and Arising of a Service Relationship

§ 31

(1) It shall be possible to appoint a natural person to a service position in the sphere of service only if such position has been created pursuant to the approved personnel plan and if it is vacant. A vacant service position means a position that has been permanently vacated or a newly created position.

(2) A tender shall be carried out for a vacant service position; this shall not apply pursuant to § 52 or to a service position classified in the same pay grade as that from which the public servant was placed off duty. However, a tender shall apply to filling a service position classified in a higher pay grade than that from which the public servant was placed off duty. The provisions of § 18 (2) and § 19 shall apply to the tender *mutatis mutandis*.

(3) Only public servants assigned to a lower pay grade and performing the same sphere of service as the vacant service position, and public servants placed off duty in the given service authority, as well as natural persons who have passed an officer's examination for the sphere of service in which the service position is to be filled, may participate in the first round of the tender.

(4) If the vacant service position has been filled through the procedure pursuant to paragraph 3 above, a natural person who has completed preparation for service may be appointed to the service position which has been vacated by appointing the given public servant.

(5) If the vacant service position cannot be filled even through the procedure pursuant to paragraphs 3 and 4 above, a second round of the tender shall be announced for the vacant service position; public servants from other service authorities, even if they do not perform the same sphere of service as is related to the vacant service position, may participate in this tender.

(5) If the vacant service position cannot be filled through the procedure pursuant to paragraph 5 above, a third round of the tender shall be announced for the vacant service position; public servants from the service authority in which the vacant position exists and public servants from other service authorities, even if they do not perform the same sphere of service as the vacant service position, as well as natural persons who have performed public service as employees of the regions or municipalities in a labor relationship for a period of at least 3 years prior to the tender and their professional qualification has been verified by an examination of special professional qualification pursuant to the special regulation,²²⁾ may participate in this tender.

(7) The competent service body shall carry out the appointment to the service through a decision.

§ 32

(1) The decision on appointment shall include

- a) the name, surname and academic title,
- b) the date and place of birth,
- c) the birth certificate number
- d) the registration number of the public servant,
- e) the service designation of the public servant,
- f) the type of service,
- g) the sphere of service,
- h) the period of duration of fixed-term service,
- i) the service authority in which the public servant will perform service,
- j) the service position and assignment to pay grade,
- k) the duration of a shorter period of service, if permitted.

(2) The commencement of service must not precede taking of the service oath. The date of taking the service oath shall be the day of commencement of service.

§ 33

A service relationship on the basis of appointment shall be created as of the day of taking the service oath.

§ 34

(1) The appointed person shall take the service oath.

(2) The service oath shall have the following wording: "I promise on my honor and conscience that, in performance of service, I will follow constitutional laws, other laws and legal regulations of

the Czech Republic, international treaties binding the Czech Republic and service regulations, and that I will follow the instructions of my principals in accordance therewith. I will perform my duties in a proper, impartial and thorough manner, and I will not abuse the position of a public servant."

(3) The service oath shall be considered to be taken if, following reading of the oath, the given natural person declares "So I promise" and signs the records of taking the service oath. The written records of taking the service oath must include the date and place of taking the service oath.

(4) The service oath shall be taken before a service body.

(5) The service oath shall be taken promptly after delivery of the decision on appointment to service [§ 32 (1)].

(6) Refusal to take the service oath or taking the service oath with reservations shall cause that the service relationship will not arise.

Section 3

Obstacles to Appointment to Service and Performance of Service

§ 35

(1) Obstacles that prevent appointment to service or suspend the performance of service shall consist in cases where the concerned natural person

- a) is a judicial candidate or legal candidate,
- b) is a member of the Assembly of Representatives of the Parliament or a senator of the Parliament,
- c) is the President of the Czech Republic,
- d) is a member of the Government,
- e) is a judge of the Constitutional Court,
- f) is an assistant of a judge of the Constitutional Court,
- g) is the Director of the Security Intelligence Service,
- h) is a member of an elected body of a territorial self-governing unit,
- i) is the President or Vice President of the Supreme Audit Institution,
- j) is the Governor, Vice Governor or a member of the Bank Council of the Czech National Bank,
- k) is attending a military exercise or is performing extraordinary service, or is performing civil service in place of a military exercise,
- l) is the President or an inspector of the Office for Personal Data Protection,
- m) is the Head of the Office of the Government,
- n) is the Ombudsman or Deputy Ombudsman,
- o) is a member of the Council for Radio and Television Broadcasting, or
- p) is carrying out activities specified in § 2 (3).

(2) Obstacles that prevent appointment to service or constitute reasons for termination of the service relationship where service has already been performed shall consist in cases where the concerned natural person

- a) is a judge,
- b) is a state's attorney,

- c) is a professional soldier,
- d) is a member of the Police Force of the Czech Republic,
- e) is a member of the Fire Brigade of the Czech Republic,
- f) is a member of the Security Intelligence Service,
- g) is a member of the Prison Service of the Czech Republic,
- h) is a member of the Customs Administration,
- i) is a higher judicial officer, or
- j) is a member or control officer of the Supreme Audit Institution.

(3) A natural person shall be obliged to notify the service authority promptly of the occurrence of obstacles pursuant to paragraphs 1 and 2 above.

CHAPTER III

CLASSIFICATION OF A PUBLIC SERVANT IN SERVICE WITH REGARD TO HIS(HER) FAMILY AND OTHER SIMILAR RELATIONS

§ 36

(1) Public servants, who are close family members pursuant to the special regulation,²⁷⁾ may not be classified in service so that one of such persons is directly subordinate to another of such persons or that the former is subject to financial or accounting control of the latter. In service abroad with the place of service abroad, public servants pursuant to the first sentence may be directly subordinate to one another.

(2) A natural person shall be obliged to notify the service authority of the circumstances pursuant to paragraph 1 prior to his(her) appointment. A public servant shall be obliged to notify the service authority promptly of the circumstances pursuant to paragraph 1 occurring after the creation of the service relationship in service.

(3) If the circumstances pursuant to paragraph 1 occur after the creation of the service relationship, the service body shall change the subordination of the public servant following from the service regulation [§ 10 (3)]. If the provision of the first sentence cannot be applied, the service body shall transfer the service position held by the concerned public servant, to a different organizational department of the service authority.

CHAPTER IV

CHANGES IN THE SERVICE RELATIONSHIP

Section 1

Types of Changes in Service

§ 37

A change in service of a public servant shall consist in

²⁷⁾ § 116 of the Civil Code.

- a) an official journey,
- b) a transfer to another authority,
- c) dismissal from service for the reason of notification of a criminal charge,
- d) interruption of service for the reason of custody,
- e) appointment to the service position of a principal,
- f) recalling from the service position of a principal,
- g) transfer to another service position,
- h) placing off duty for organizational reasons,
- i) placing off duty for the reason of maternal leave and parental leave,
- j) placing off duty for the reason of performance of duties in a trade-union body,
- k) representation,
- l) placing off duty for the reason of suspending of service [§ 35 (1)],
- m) sending for service abroad and assignment following termination of service abroad, or
- n) shortening of the period of performance of service after the creation of the service relationship.

§ 38

Official Journey

(1) A service authority may send a public servant for the necessary period of time on an official journey, even without his(her) consent. The service authority shall determine the place of departure and the place of destination of the official journey, the period of duration thereof, the manner of transportation and the date of termination thereof; it may also determine further conditions of the official journey. When sending a public servant on an official journey, the service authority must take into account his(her) personal condition, family relations and obligations of the public servant towards his(her) family.

(2) Pregnant public servants and public servants taking care of children under 8 years of age may be sent on an official journey only with their consent.

(3) The provision of paragraph 2 above shall also apply to a single public servant taking care of a child, unless the child has reached 15 years of age.

(4) The public servant on an official journey shall perform his(her) service according to instructions of the principal who has sent him(her) for the journey.

(5) The public servant shall be obliged to carry out an official journey also on non-working days, if necessary for performance of service tasks.

(6) An official journey means the period from departure of the public servant for a journey for the purpose of performance of service in a place other than the place of service of the public servant, including the period of performance of service in the place of destination of the official journey, until the end of the journey.

(7) An official journey abroad means the period of an official journey pursuant to paragraph 6 above from the Czech Republic abroad, from abroad to the Czech Republic and the period of an official journey taking place abroad.

(8) For the purposes of reimbursement of expenses in connection with an official journey, the family of a public servant shall consist of his(her) spouse or partner, natural children, adoptive children, children entrusted to custody of the public servant as a foster parent or entrusted to the care of the public servant for raising thereof, natural parents, adoptive parents, guardians, foster parents, or

other persons living in the household²⁸⁾ with the public servant, as appropriate, provided that the above persons have their permanent residence in the territory of the Czech Republic.

§ 39

Transfer to Another Authority

(1) A public servant may be transferred for the necessary period of time which must be determined in advance, however for the maximum of 180 calendar days during a calendar year, for the purpose of performance of service in the sphere of service performed thereby, to another authority, even without his(her) consent.

(2) The necessity of ensuring performance of service in another service authority must exist during the entire period of transfer. The transfer may not be used for a reason other than ensuring performance of service. When transferring the public servant, the service authority must take into account his(her) personal condition, family relations and obligations of the public servant towards his(her) family. Pregnant public servants and public servants taking care of children under 8 years of age may be transferred only with their consent; this shall also apply to a single public servant taking care of a child, unless the child has reached 15 years of age.

(3) When transferring a public servant into a municipality other than where his(her) place of service (§ 4) or place of permanent residence is located,²⁹⁾ the service authority, to which the public servant has been transferred, shall provide the public servant with accommodation at its own expense and shall provide him(her) with reimbursement of expenses as in case of an official journey (§ 95).

(4) If the salary of a public servant is decreased as a consequence of a transfer to another authority, the public servant shall have the right to a supplementary payment up to the amount of his(her) salary prior to the transfer.

§ 40

Dismissal from Service for the Reason of Notification of a Criminal Charge

(1) If a public servant has been notified of a criminal charge for an offense which (s)he has allegedly committed through breach of service obligations, (s)he shall be dismissed from service until termination of criminal prosecution;³⁰⁾ this shall not apply where the public servant has been put into custody.³¹⁾

(2) As of the day of dismissal from service, the salary of the public servant shall equal 40 % of his(her) monthly salary; such part of salary shall be increased by 10 % of the monthly salary for each person maintained by the public servant, however only up to the amount of 70 % of his(her) monthly salary. A maintained person means a person to whom the public servant provides or is obliged to provide maintenance.

(3) If the reasons for dismissal from service cease to exist, the public servant shall receive the amount by which his(her) salary was reduced; this shall not apply if the public servant has been validly convicted.

²⁸⁾ § 115 of the Civil Code.

²⁹⁾ Act No. 133/2000 Coll., on registration of the population and birth certificate numbers and on amendment to some laws (Act on Registration of the Population), as amended by Act No. 2/2002 Coll.

³⁰⁾ § 12 (10) of the Code of Criminal Procedure.

³¹⁾ § 67 ff. of the Code of Criminal Procedure.

§ 41

Interruption of Service for the Reason of Custody

If a public servant is put into custody,³¹⁾ his(her) service shall be interrupted. The performance of service by a public servant may be interrupted for the maximum of 3 years. During interruption of service, the public servant shall not receive any salary.

§ 42

Appointment to the Service Position of a Principal and Recalling from this Position

(1) A natural person, who has breached human rights and freedoms, may not be appointed to the service position of a principal.

(2) According to the results of the tender, with the exception of cases pursuant to § 20, a public servant, with his(her) consent, may be appointed to the service position of a principal. Public servants, natural persons who have passed an officer's examination and natural persons who have performed state administration as employees of the regions and municipalities in a labor relationship for a period of at least 5 years prior to the tender in the position of the Director of a Regional Authority, Director of the Municipal Authority of the Capital City of Prague, the head of a department of the Municipal Authority of the Capital City of Prague, secretary of a statutory city or secretary of an authorized municipal authority and whose professional qualification has been verified by an examination of special professional qualification pursuant to the special regulation,²²⁾ may participate in this tender. § 18 (2) and § 19 shall apply to the tender *mutatis mutandis*. A natural person, who is not a public servant, may also be appointed to the service position of a principal consisting in the position of the Chairman of the Securities Commission or a member of the Board of the Securities Commission in fixed-term service, provided that such person meets the preconditions pursuant to § 17 (1) and the precondition laid down by the legal regulation on confidential facts.¹⁸⁾

(3) A principal shall be recalled from his(her) service position only on the basis of

- a) organizational changes in the service authority leading to canceling of the service position of a principal,
- b) failure to show proper results in service pursuant to the service appraisal,
- c) the state of health,
- d) loss of capacity to be acquainted with confidential information if required for holding the concerned service position,
- e) a validly imposed disciplinary measure, or
- f) a reason specified in § 41.

(4) A principal shall be recalled from the service position of a principal if (s)he requests the service authority in writing to recall him(her). The recalling shall be carried out so that it occurs within 60 calendar days from delivery of the request for recalling.

(5) A principal, who is a head of a representation abroad, may be recalled from the service position for any reasons or without stating reasons.

(6) The General Director or Deputy General Director may be recalled from the service position of a principal for any reasons or without stating reasons.

(7) The General Director and Deputy General Director shall be recalled from the service position of a principal if (s)he requests the Government in writing to recall him(her). The provision of the second sentence of paragraph 4 above shall also apply in this case.

§ 43

Transfer to Another Service Position

(1) A public servant shall be transferred to another service position, if (s)he cannot perform service in the former service position

- a) for health reasons,
- b) if (s)he has been recalled from the service position of a principal [§ 42 (3) to (7)],
- c) as a consequence of an validly imposed penalty of prohibition of activities,
- d) if (s)he has lost the capacity to be acquainted with confidential information,

even without his(her) consent.

(2) A public servant shall be transferred pursuant to paragraph 1 (a) above to a service position in which service is suitable for him(her)

- a) if, given his(her) state of health, on the basis of medical assessment or decision of a body of the state medical administration, (s)he has lost the ability to perform the former type of service for a long term or if (s)he cannot perform such service because of a professional disease or danger of such disease,
- b) if a pregnant public servant, breastfeeding public servant or a public servant, who is a mother of a child under 9 years of age, performs service in which such public servants may not be employed or which, pursuant to a medical assessment, endangers her pregnancy or motherhood,
- c) if it is necessary pursuant to medical assessment or decision of the competent body for protection of public health in the interest of protection of the health of other natural persons against contagious diseases,
- d) if (s)he has been found incapable of night service,
- e) if so requested by a pregnant public servant, breastfeeding public servant or public servant, who is a mother of a child under 9 years of age, if they perform service at night.

(3) A long-term adverse state of health pursuant to paragraph 2 (a) above shall consist in an adverse state of health which, according to the findings of the medical science, will exist for more than 12 months.

(4) In transferring a public servant pursuant to paragraph 2 above, in addition to medical factors, it shall also be taken into account whether the concerned type of service suits his(her) qualification and abilities.

(5) If the salary of a public servant is decreased as a consequence of a transfer pursuant to paragraph 2 (a) and (c) above, the public servant shall have the right to a supplementary payment up to the amount of his(her) salary prior to the transfer. The public servant shall have the right to the supplementary payment for the maximum of 12 consequent months.

§ 44

Placing Off Duty for Organizational Reasons

If, in cases specified in § 43 (1) (b) to (d) and (2) (a), a public servant cannot be transferred to another service position, because there is no vacant service position, the public servant shall be placed off duty; this placing may not exceed 12 months. As of the day of placing off duty the salary of the public servant shall equal 50 % of his(her) monthly salary; this part of salary shall be increased by 10 % of the monthly salary for each person maintained by the public servant, however only up to the amount of 80 % of his(her) monthly salary.

§ 45

Placing Off Duty for the Reason of Maternal Leave and Parental Leave

A public servant who is taking maternal leave shall be placed off duty. A public servant who is on parental leave shall also be placed off duty. During placing off duty pursuant to the first and second sentences, the public servant shall not receive any salary.

§ 46

Placing Off Duty for the Reason of Performance of Duties in a Trade-Union Body

A public servant, who has been elected to a position in the relevant trade-union body, the performance of which requires his(her) releasing in the extent of the set period of performance of service, shall be placed off duty for the period of performance of such duties. For the period of placing off duty pursuant to the first sentence, the public servant shall not receive his(her) salary.

§ 47

Representation

(1) On the basis of an order [§ 61 (1) (l)], a public servant shall be obliged to represent a principal or a public servant in a service position classified in a higher pay grade than the service position to which the public servant has been appointed. For the period of representation, the public servant shall not perform the former service tasks in full extent.

(2) The period of representation may not exceed 180 calendar days of performance of service in a calendar year; this shall not be valid if the public servant agrees with a longer period of representation.

§ 48

Placing Off Duty for the Reason of Suspending of Service

If obstacles specified in § 35 (1) occur after the creation of the service relationship, the public servant shall be placed off duty. For the period of placing off duty pursuant to the first sentence, the public servant shall not receive his(her) salary.

§ 49

Sending for Service Abroad and Assignment Following Termination of Service Abroad

(1) A public servant, with his(her) prior consent, may be sent to perform service abroad for a set period of time.

(2) In cases pursuant to paragraph 1 above, the service authority may conclude an agreement with the public servant, according to which the public servant agrees to stay in the place of destination abroad for the set period of time or to pay the costs connected with sending for performance of service abroad, should (s)he fail to meet his obligation to stay in the place of destination abroad for the set period of time. The agreement pursuant to the first sentence must be concluded in writing; it shall lay down the type of costs that the public servant shall be obliged to reimburse to the service authority and reasons for which the public servant shall not incur the obligation to pay such costs; otherwise the agreement shall be void.

(3) A public servant, who has returned to the Czech Republic following termination of performance of service abroad may be also assigned, in the sphere of service performed thereby, to a different service authority consisting in a Ministry or central administrative authority, for a maximum period of 2 years, even if (s)he does not agree therewith, and, with his(her) consent, for a longer period of time. A tender shall not be carried out in cases pursuant to the first sentence.

§ 50

Shortening of the Period of Performance of Service after the Creation of the Service Relationship

Shortening of the period of performance of service may be permitted on the basis of a request by the concerned public servant.

Section 2

Joint Provisions on Changes in Service

§ 51

The General Directorate shall keep records of the public servants placed off duty pursuant to § 44 and 46. The service authorities shall be obliged to notify the General Directorate promptly through their superior service authorities of the number, registration numbers, service designation, sphere of service and pay grades of the public servants placed off duty and to update such information.

§ 52

If the reason for the change of service, for which the public servant cannot perform service, ceases to exist, the public servant shall be assigned to performance of service. The vacant service positions shall be filled preferentially by public servants from the pertinent sphere of service who have been placed off duty [§ 31 (2), the first sentence, and (3)].

§ 53

(1) The service body shall carry out the change in the service relationship through a decision, unless laid down otherwise in § 198 (2). The provision of § 32 (1) shall apply to the decision on a change in the service relationship *mutatis mutandis*.

(2) The President of the Republic, on the basis of a proposal by the Government, shall appoint the General Director and Deputy General Director to their service positions and recall them from these positions.

(3) The state secretary shall appoint the personnel director and deputy personnel director to their service positions and recall them from these positions.

(4) The General Director, in agreement with the member of the Government who directs the relevant Ministry, for a service authority consisting in a Ministry, and the General Director, in agreement with the Head of the Office of the Government, for the Office of the Government, shall appoint the state secretary and deputy state secretary to their service positions and recall them from these positions. Only a director of a section may be appointed to the service position of a state secretary and deputy state secretary. The state secretary and deputy state secretary also perform service as directors of sections. The state secretary and deputy state secretary may be recalled from their service positions for any reasons or without stating reasons.

(5) A body that is competent pursuant to the special legal regulation³²⁾ shall appoint the heads of service authorities in central administrative authorities to their service positions and recall them from these positions through a procedure laid down in such special legal regulation; the provisions of § 9 (1) and § 42 (2) shall also apply. The competent service body shall notify the body pursuant to the first sentence that is authorized to carry out the appointment to the service position or the body that has proposed the appointment to the service position, as appropriate, in writing of the list of applicants in the order in which they completed the tender. The heads of other service authorities shall be appointed to and recalled from their positions by the service body that is superior to the service authority, in which the service position is to be filled; if the service authority has no superior service authority, the such head of a service authority shall be appointed to and recalled from his(her) service positions by the General Director. The head of the service authority shall appoint the deputy head of the service authority to his(her) position and recall him(her) from his(her) position. The Deputy General Director shall appoint the principals laid down in a special legal regulation to their positions and recall them from such positions. The appointment and recalling of the General Director of the Prison Service of the Czech Republic and directors of custodial prisons and prisons shall be subject to a special legal regulation.

CHAPTER V

TERMINATION OF THE SERVICE RELATIONSHIP

§ 54

The service relationship shall be terminated in cases laid down in this Act unless it has already been terminated through death of the public servant or declaring thereof dead, or through expiry of the set period for fixed-term service pursuant to § 29 (2).

Section 1

Termination of the Service Relationship by the Service Body

§ 55

(1) The service body shall terminate the service relationship

- a) if the public servant fails to meet the precondition of being a citizen of the Czech Republic¹⁶⁾ [§ 17 (1) (a)],
- b) if the public servant fails to meet the precondition of the required state of health [§ 17 (1) (g)] because, given his(her) state of health, on the basis of medical assessment or decision of a body of the state medical administration, (s)he has lost the ability to perform service in a long term or (s)he may not perform such service because of a professional disease or danger of such disease, if the period specified in the second sentence of § 43 (5) has expired,
- c) for the reason of organizational measures and measures of economy if these lead to a decrease in the number of the public servants;
- d) if the public servant, as follows from the results of two consequent service appraisals, fails to perform service properly,
- e) if the public servant, who is criminally prosecuted, has been taken to custody and the period of custody has exceeded 3 years,

³²⁾ § 2 (3) of Act No. 2/1969 Coll., as amended. § 21 (1) of Act No. 15/1998 Coll.

- f) if the public servant, without fault of the service authority, fails to meet any other justified requirement necessary for performance of service,
- g) after expiry of a period of 12 months, during which the public servant has been placed off duty for organizational reasons, where
 - 1. the public servant has been recalled from the service position of a principal or if the principal has requested his(her) recalling from the service position of a principal, as appropriate,
 - 2. the penalty of prohibition of performance of service has been validly imposed on the public servant,
 - 3. the public servant has lost his(her) capacity to be acquainted with confidential information.

(2) Upon termination of service relationship in temporally unlimited service for the reason specified in paragraph 1 (c) and (g) (1) and (3) above, the public servant shall have the right to obtain a severance pay from the service authority. The amount of the severance pay shall depend on the period of service performed by the public servant. For continuous service

- a) not exceeding 3 years, the amount of the severance pay shall equal three times the amount of the monthly salary,
- b) not exceeding 6 years, but exceeding 3 years, the amount of the severance pay shall equal six times the amount of the monthly salary,
- c) not exceeding 9 years, but exceeding 6 years, the amount of the severance pay shall equal nine times the amount of the monthly salary,
- d) exceeding 9 years, the amount of the severance pay shall equal twelve times the amount of the monthly salary

of the public servant.

(3) If the severance pay pursuant to paragraph 2 above has not been paid to the public servant on the day of termination of the service relationship, it shall be paid on the next payment date specified in the relevant service authority for payment of salaries.

(4) The service relationship shall be terminated upon expiry of the period laid down in the decision; this period shall equal in cases pursuant to

- a) paragraph 1 (a) and (g) above, 10 calendar days,
- b) paragraph 1 (b) to (f) above, 60 calendar days

and shall commence as of the date of delivery of the decision.

Section 2

Termination of the Service Relationship on the Basis of a Request by the Public Servant

§ 56

The service relationship shall be terminated on the basis of a written request by the public servant. The termination shall be carried out so that it occurs within 60 calendar days of delivery of the request to the service authority.

Section 3

Termination of the Service Relationship on the Basis of the Law

§ 57

(1) The service relationship shall be terminated

- a) if the public servant has been validly convicted of a willful offense or has been validly sentenced to imprisonment, as of the day following after the date of delivery of notification pursuant to § 30 (3) to the service authority,
- b) if, on the basis of a valid court decision, the public servant has been deprived of his(her) legal capacity or if his(her) legal capacity has been limited, as of the day following after the date of delivery of notification pursuant to § 30 (3) to the service authority,
- c) if a disciplinary measure of dismissal from the service relationship has been validly imposed on the public servant, as of the day of legal force of such decision,
- d) as of December 31 of the calendar year in which the public servant reaches 65 years of age.

(2) The service relationship shall also be terminated as of the day that is decisive for arising of a duty or an activity, as appropriate, pursuant to § 35 (2).

(3) Upon termination of the service relationship pursuant to paragraphs 1 and 2 above, the service body shall notify the public servant in writing of the date of termination of his(her) service relationship.

Section 4

Decision on Termination of the Service Relationship

§ 58

Termination of the service relationship pursuant to § 55 and § 56 shall be carried out through a decision of the service body.

CHAPTER VI

SERVICE ASSESSMENT, CERTIFICATE OF SERVICE AND INVALID TERMINATION OF THE SERVICE RELATIONSHIP

§ 59

(1) Upon termination of the service relationship, the service body shall be obliged to provide the public servant with a service assessment and confirmation of service; these may not be delivered to a different person.

(2) The service assessment shall follow from the service appraisal of the public servant and may contain only the facts relating to the performance of service.

(3) The certificate of service shall include

- a) the sphere of service performed by the public servant,
- b) the period of duration of service,

- c) the obligations of the public servant towards the service authority,
- d) designation of the order and in whose favor deductions are to be made from the salary of the public servant,
- e) the reason for termination of service,
- f) the facts decisive for assessment of claims for sickness benefits,
- g) the amount of the average salary³³⁾ and other facts decisive for assessment of the claim for material security of applicants for employment.³⁴⁾

(4) Information of the public servant, other than as referred to in paragraph 1 above, may only be provided with the consent thereof, unless laid down otherwise in a special legal regulation.

§ 60

(1) If termination of the service relationship is invalid pursuant to a valid decision, the service relationship shall continue to exist with all the rights following therefrom, including the right to a salary for the period from invalid termination of the service relationship until assignment of the public servant to service.

(2) If the public servant notifies the service authority, that (s)he does not intend to continue performance of service, termination of the service relationship shall be subject to the provisions of § 56.

PART FOUR

OBLIGATIONS AND BASIC RIGHTS OF PUBLIC SERVANTS, LIMITATION OF CERTAIN RIGHTS OF PUBLIC SERVANTS, ORDERS FOR PERFORMANCE OF SERVICE AND REWARDS FOR EXEMPLARY SERVICE

CHAPTER I

OBLIGATIONS AND BASIC RIGHTS OF PUBLIC SERVANTS, AND LIMITATION OF CERTAIN RIGHTS OF PUBLIC SERVANTS

Section 1

Obligations of Public Servants

§ 61

(1) Public servants shall be obliged

- a) to remain loyal to the Czech Republic in performance of service; loyalty means compliance with the Constitution of the Czech Republic and the legal order thereof, while preserving the rights and freedoms and preserving the interests of the Czech Republic,
- b) to perform service impartially, within limits of their authority, and to refrain in performance of service from any acts that could endanger confidence in impartiality of decision-making,

³³⁾ § 17 of Act No. 1/1992 Coll., on wages, compensation for working readiness and on average salary, as amended.

³⁴⁾ Act No. 1/1991 Coll., on employment, as amended.

- c) to comply in performance of service with the legal regulations relating to performance of service and with service regulations,
- d) to perform service tasks in the service position personally, properly and in timely manner,
- e) to improve their education pursuant to the instructions of the service authority,
- f) to comply with the service discipline,
- g) to provide information on activities of the service authority pursuant to the Act on free access to information³⁵⁾ if this is part of their service tasks,
- h) to maintain confidentiality of facts that they have learned during performance of service and that may not be disclosed to other persons in the interest of the service authority; this shall not be valid if they have been released from such obligation. This shall in no way prejudice the obligation of public servants to maintain confidentiality following from special legal regulations,^{18), 36)}
- i) to refrain from activities that could lead to a conflict of public interest with personal interests, in particular, not to misuse information acquired in connection with performance of service in their own favor or in favor of other persons,
- j) not to accept gifts or other advantages in connection with performance of service, with the exception of gifts or advantages provided by the service authority,
- k) to notify any criminal prosecution against them,
- l) to represent a principal or public servant in a service position classified in a higher pay grade,
- m) to represent the service authority in matters of the service relationship pursuant to this Act,
- n) to carry out activities in a selection committee, examination committee, in conciliation proceedings, in a disciplinary committee and in advisory bodies established by the service body pursuant to this Act or pursuant to the service regulation, as appropriate; the activities in such bodies shall constitute performance of service,
- o) to perform service as the supervisor of a candidate (§ 21),
- p) to train or instruct public servants for the purpose of improving their qualification in the sphere of service performed thereby; the activities in such bodies shall constitute performance of service,
- r) to observe rules of equity in relation to their principals, other public servants and employees in the service authority,
- s) to observe rules of equity in official conduct,
- t) to fully use the service hours for performance of service,
- u) to properly manage funds entrusted thereto by the service authority and to guard and protect property entrusted thereto against damage, loss, destruction and abuse,
- v) in official oral or written dealings with natural or legal persons, to disclose their name, surname, service designation and assignment to the relevant organizational department of the service authority,
- w) to be visibly designated, during performance of service, by a label stating their name, surname, service designation and service authority, in which they perform service; the General Director

³⁵⁾ Act No. 106/1999 Coll., on free access to information, as amended.

³⁶⁾ E.g. § 12 (2) of Act No. 531/1990 Coll., as amended by Act No. 311/1999 Coll., § 17 of Act No. 89/1995 Coll., on the state statistical service, as amended by Act No. 411/2000 Coll., § 57 of Act No. 359/1999 Coll., on social and legal protection of children, as amended by Act No. 272/2001 Coll.

shall lay down in a service regulation in which cases public servants do not have to be designated by a label,

- x) to contribute to avoiding natural disasters or other imminent accidents or to mitigating of their direct consequences; such activity shall constitute performance of service,
- y) to observe the rules of ethics of a public servant laid down by the General Director in a service regulation within the limits of this Act.

(2) The public servant shall be obliged to comply with the obligations pursuant to paragraph 1 (h) to (k) above also if not performing service.

(3) The political or ethical orientation of the public servant must not prejudice his(her) proper and impartial performance of service.

(4) The service body may relieve the public servant of his(her) obligation to maintain confidentiality of service matters. The head of the superior service authority, or the General Director, where there is no such superior service authority, may relieve the head of a service authority from the obligations pursuant to the first sentence. The General Director may relieve the head of a service authority consisting in a central administrative authority, the personnel director and Deputy General Director; the personnel director may relieve the deputy personnel director and the Prime Minister may relieve the General Director from such obligation.

(5) The provisions of paragraph 4 above shall in no way prejudice the special legal regulations.¹⁸⁾

§ 62

In addition to the obligations pursuant to § 61 (1), the principals shall further be obliged

- a) to direct and control performance of service by the subordinate public servants, regularly assess the relation of public servant to service and to participate in service appraisal thereof,
- b) to perform tasks of the service authority pursuant to this Act in relation to the subordinate public servants,
- c) to observe rules of equity in relation to the subordinate public servants and employees,
- d) to act in proceedings on service relations of public servants and to act before courts on behalf of the service authority,
- e) to fulfill the obligations of senior employees pursuant to the special legal regulation³⁷⁾ in relation to the subordinate employees.

Section 2

Basic Rights of Public Servants

§ 63

(1) Public servants, who perform service within the limits of authority laid down in the special legal regulations, this Act and service regulations, shall have the right to be provided support in performance of service by the service authority in which they perform service. If a complaint is lodged according to which public servants have breached obligations following therefor from law, the service authority must deal with such complaint duly and in time.

(2) Public servants have, in particular, the right to

³⁷⁾ E.g. § 74 of the Labor Code.

- a) creation of conditions for proper performance of service,
- b) be provided with texts of legal regulations, international treaties,³⁸⁾ service regulations, collections of court decisions and, in the appropriate extent, also professional journals and professional literature, the orientation of which is related to the performance of their service; the General Director shall lay down in a service regulation the group of public servants, who shall be provided with the above materials,
- c) use in public the service designation of a public servant, including the service designation of a principal,
- d) improving of education,
- e) salary and salary promotion pursuant to this Act; the pay grade of the public servant shall correspond to the service position in the sphere of service, to which the public servant has been appointed. A change in the service position connected with a decrease in the pay grade or extra pay for service may be carried out without the consent of the public servant only in cases laid down in this Act or on the basis of a law changing jurisdiction of the service authority,
- f) refuse to perform service tasks in relation to third parties if such tasks do not fall within the jurisdiction of the service authority, in which they perform service, or if such tasks do not fall within the sphere of service, in which they perform service,
- g) refuse to perform a service task that is supposed to be personally fulfilled by a principal pursuant to a special legal regulation, service regulation or order; this shall not apply to representation,
- h) submit requests or complaints in relation to the performance of service and in matters of service relations pursuant to this Act,
- i) assert their rights following from the service relationship in a legal manner.

Section 3

Limitation of Certain Rights of Public Servants

§ 64

During the term of the service relationship, a principal may not hold any position in a political party or political movement.³⁹⁾

§ 65

(1) Public servants may not be members of management or control bodies of legal entities carrying out business activities, with the exception of cases where they have been appointed to such bodies by the service authority; in such cases, the appointed public servants act within the above bodies as representatives of the Czech Republic, they shall be obliged to promote its interests and may not receive remuneration from the relevant legal entity, unless otherwise laid down in a special legal regulation. Public servant also may not be members of special bodies performing state administration pursuant to special legal regulations.

(2) Public servants may not carry out any gainful activities other than service pursuant to this Act; this limitation shall not apply in cases specified in § 46 and § 48, during custody³¹⁾ and,

³⁸⁾ Act No. 309/1999 Coll., on the Collection of Laws and the Collection of International Treaties.

³⁹⁾ Act No. 424/1991 Coll., on association in political parties and in political movements, as amended.

furthermore, it shall not apply to scientific, pedagogical, publishing, literary or artistic activities, to expert or interpreting activities carried out pursuant to the special legal regulation⁴⁰⁾ for the courts or administrative authorities, to activities in advisory bodies of the Government and to administration of one's own property.

(3) Remuneration pursuant to the first sentence of paragraph 1 above may not be paid to the concerned natural person even after termination of his(her) service relationship.

§ 66

(1) The principals shall not have the right to strike.⁴¹⁾

(2) The requirements relating to service relations of public servants pursuant to this Act as applied by the principals must be promptly and expeditiously discussed within conciliation proceedings. The principals or representatives thereof, the service body on behalf of the service authority, and the designated public servant or representative thereof shall take part in the conciliation proceedings.

§ 67

(1) A principal, who has performed service in the service position of a head of a service authority or director of a section and whose service relationship has been terminated, may not carry out direct business activities or business activities as a member of a legal entity in the same sphere as in which (s)he has performed service, for a period of 2 years after termination of the service relationship. The provision of the first sentence shall not apply to business activities carried out as a professional occupation pursuant to the special legal regulation.⁴²⁾

(2) Breach of the obligation pursuant to paragraph 1 above shall be a misdemeanor punished by a fine of up to 200 000 CZK.

(3) The Regional Authority,⁴³⁾ in whose district the former principal has his(her) permanent residence,²⁹⁾ shall discuss the misdemeanor pursuant to paragraph 2 above.

CHAPTER II

ORDERS FOR PERFORMANCE OF SERVICE

§ 68

(1) Members of the Government, who direct the relevant service authorities, the Head of the Office of the Government and principals, as well as public servants, who are authorized, pursuant to a service regulation, to organize, direct and control performance of service of other public servants and employees participating in performance of similar or related service tasks in the lowest organizational department of the service authority, and to give binding instructions thereto for this purpose

⁴⁰⁾ Act No. 36/1967 Coll., on experts and interpreters.

⁴¹⁾ Art. 44 of the Charter of Basic Rights and Freedoms.

⁴²⁾ E.g. Act No. 360/1992 Coll., on performance of occupation by authorized architects and on performance of occupation by authorized engineers and technicians active in construction, as amended, Act No. 85/1996 Coll., on the bar, as amended, Act No. 254/2000 Coll., on auditors and on amendment to Act No. 165/1988 Coll..

⁴³⁾ Act No. 129/2000 Coll., on Regions (the regional arrangement), as amended, Act No. 131/2000 Coll., on the Capital City of Prague, as amended.

(hereinafter the "head of an office") shall impose service tasks, and direct and control performance thereof.

(2) The persons specified in paragraph 1 above shall be authorized to impose on public servants binding orders for performance of service; the principals and heads of offices shall be authorized to impose such orders on public servants in the extent laid down in a service regulation [§ 10 (3)]. Public servants shall be obliged to follow the orders pursuant to the first sentence.

(3) The persons specified in paragraph 2 above shall not be authorized to order the subordinate public servants to perform service tasks that are supposed to be fulfilled personally by them pursuant to the special legal regulation, service regulation or order; this shall not apply to representation.

(4) If a public servant believes that the imposed order is in contradiction with the legal regulations or service regulations, (s)he shall be obliged to notify the directly superior principal, a higher principal, member of the Government or the Head of the Office of the Government thereof prior to commencing fulfillment of the order. If remedy has not been ensured, the public servant shall be obliged to provide such notification in writing. If the directly superior principal, a higher principal, member of the Government who directs the relevant service authority or the Head of the Office of the Government insists on fulfillment of the order, (s)he shall be obliged to impose the order on the public servant in writing. If a public servant requests the relevant service body to record the written notification and written order in his(her) personal file, the service body shall be obliged to satisfy the request.

(5) A public servant may not fulfill an order which is in contradiction with loyalty to the Czech Republic [§ 61 (1) (a), the part of the sentence after the semicolon] or if an offense, misdemeanor or other administrative tort would be committed therethrough.

CHAPTER III

REWARDS FOR EXEMPLARY SERVICE

§ 69

(1) A service body may grant a public servant a reward for exemplary performance of service.

(2) Rewards for exemplary service shall consist in

- a) a written approbation, or
- b) a material present.

A written approbation shall be recorded in the personal file of the public servant. The value of material gifts may not exceed 5,000 CZK during a calendar year.

(3) Rewards pursuant to paragraph 2 shall in no way prejudice the rewards pursuant to § 148 (1).

PART FIVE
DISCIPLINARY LIABILITY

CHAPTER I
SERVICE DISCIPLINE

§ 70

A service discipline means proper fulfillment of all obligations of public servants following therefor from this Act, from special legal regulations concerning service in the sphere of service performed thereby, from service regulations and the imposed orders including compliance with the service oath [§ 34 (2)].

CHAPTER II
DISCIPLINARY MISCONDUCT, DISCIPLINARY MEASURE AND EXTINGUISHMENT OF
DISCIPLINARY LIABILITY

§ 71

(1) A public servant, with the exception of the General Director and Deputy General Director, shall be liable for a disciplinary misconduct.

(2) A culpable breach of service discipline shall be a disciplinary misconduct (§ 70).

§ 72

(1) One of the following disciplinary measures may be imposed on a public servant for a disciplinary misconduct:

- a) a written warning,
- b) decrease in salary by up to 15 % for the period of up to 3 calendar months,
- c) recalling from the service position of a principal, or
- d) dismissal from the service relationship.

(2) A disciplinary measure may not be imposed if the public servant has been validly convicted of the same act by the courts; if the disciplinary measure had been imposed prior to the conviction, it shall be canceled as of the day of imposing thereof.

(3) A decision on imposing a disciplinary measure that has come into effect shall be recorded in the personal file of the public servant.

(4) The principal or the service body, as appropriate, may deal with minor shortcomings in service by reproaching the public servant therewith.

§ 73

Disciplinary liability of a public servant for a disciplinary misconduct shall become extinguished if a proposal for commencement of disciplinary proceedings is not submitted within one year of commitment thereof.

CHAPTER III

EXECUTION OF DISCIPLINARY POWERS

§ 74

(1) The first degree disciplinary committees and the second degree disciplinary committees shall execute the disciplinary powers.

(2) The service body shall appoint and recall members of a disciplinary committee consisting of public servants; the committee must have 3 members. At least one member of the disciplinary committee must have legal university education in a master's study program. The public servant holding the highest service position shall be the chair of the committee. If there are more public servants with the same service position in the disciplinary committee, the chair of the committee shall be determined by lot. A public servant, on whom a disciplinary measure has been validly imposed, may not be a member of the disciplinary committee, unless such measure has been annulled.

(3) The disciplinary committee shall make decisions in disciplinary proceedings by vote; a quorum shall exist if all members of the committee are present; the decision shall be made by the majority of votes. A member of the disciplinary committee may not refrain from voting. In their decision-making in disciplinary proceedings, the members of the disciplinary committee shall not follow instructions of the principals.

(4) The disciplinary committee shall first decide on whether the public servant has committed the alleged disciplinary misconduct and then on what disciplinary measure shall be imposed thereon.

§ 75

(1) A first degree disciplinary committee shall decide on imposing of a disciplinary measure; such committee shall be established in a service authority where at least 25 public servant perform service. If a first degree disciplinary committee cannot be established in a service authority, the pertinent first degree disciplinary committee shall be established at the superior service authority. If the concerned service authority has no superior service authority, the first degree disciplinary committee shall be established at the General Directorate.

(2) A first degree disciplinary committee established at the superior service authority shall execute disciplinary powers in relation to the head of a service authority. If the concerned service authority has no superior service authority, such disciplinary powers shall be executed by a first degree disciplinary committee established at the General Directorate.

(3) A first degree disciplinary committee established at the General Directorate shall execute disciplinary powers in relation to the head of a service authority consisting in a central administrative authority or to a personnel director.

§ 76

(1) A second degree disciplinary committee shall decide on appeals against decisions on imposing a disciplinary measure; such committee shall be established within the General Directorate.

(2) The second degree disciplinary committee must consist of different members than the first degree disciplinary committee.

CHAPTER IV

COMMENCEMENT OF DISCIPLINARY PROCEEDINGS

§ 77

(1) Disciplinary proceedings shall be commenced on the basis of a proposal by the competent service body. For a disciplinary misconduct committed by the head of a service authority, such proposal shall be submitted by the service body within the superior service authority and, if the service authority has no superior service authority, the proposal shall be submitted by the General Director. For a disciplinary misconduct committed by the head of a service authority consisting in a central administrative authority or by a personnel director, the proposal shall be submitted by the General Director.

(2) A proposal for commencement of disciplinary proceedings may also be submitted by a public servant against himself.

(3) A submitted proposal for commencement of disciplinary proceedings may not be withdrawn; this shall not apply in cases pursuant to paragraph 2 above.

(4) The proposer or a public servant authorized thereby [§ 61 (1) (m)] shall act in the proceedings before the disciplinary committee or the court, as appropriate;⁴⁴⁾ this shall not apply in cases pursuant to paragraph 2 above.

§ 78

(1) A proposal for commencement of disciplinary proceedings may be submitted to the first degree disciplinary committee within 2 months of the day when the proposer learned of the disciplinary misconduct unless disciplinary liability has become extinguished (§ 73); otherwise such option shall cease to exist.

(2) A proposal for commencement of disciplinary proceedings, in the case of a disciplinary misconduct committed abroad, may be submitted to the competent first degree disciplinary committee within 2 months after the arrival of the public servant from the place of service abroad unless disciplinary liability has become extinguished (§ 73); otherwise such option shall cease to exist.

(3) A proposal for commencement of disciplinary proceedings shall include the name, surname, academic title, date of birth, birth certificate number, registration number and designation of the public servant, against whom the proposal is directed, description of the conduct, on the basis of which commencement of disciplinary proceedings is proposed and designation of evidence on which the proposal for commencement of disciplinary proceedings is based.

CHAPTER V

ANNULMENT OF A DISCIPLINARY MEASURE

§ 79

Following expiry of a period of 1 year from legal force of the decision on imposing a disciplinary measure, the concerned public servant shall be considered as not punished for his(her) disciplinary misconduct; the disciplinary measure shall be deleted from his(her) personal file.

⁴⁴⁾ § 21a of the Code of Civil Procedure.

However, a disciplinary measure pursuant to § 72 (1) (d) shall not be deleted from the personal file of a public servant. If the execution of a disciplinary measure has not ended prior to expiry of the period specified in the first sentence, such disciplinary measure shall be annulled upon execution of thereof.

PART SIX

CONDITIONS FOR PERFORMANCE OF SERVICE

CHAPTER I

PROHIBITION OF DISCRIMINATION IN THE SERVICE RELATIONSHIP

§ 80

(1) A service authority shall be obliged to ensure equal treatment of all public servants as regards the conditions of their performance of service, remuneration and other monetary fulfillment, education and opportunities to achieve promotion in service, unless laid down otherwise by the law. Prior to creation of the labor relationship for preparation for service, equal treatment shall be subject to the third sentence of § 28 of the Labor Code.

(2) Any discrimination of public servants whatsoever in service relations pursuant to this Act for the reason of race, color of skin, sex, sexual orientation, language, belief and religion, political or other opinion, membership or activities in political parties or political movements, trade unions and other associations, nationality, ethnical or social origin, property, family, state of health, age, family status or obligations towards the family shall be prohibited. Conduct that is of a discriminatory nature, although not directly, but rather in its consequences, shall also be prohibited.

(3) Nobody may abuse the execution of rights and obligations following from the service relationship to the detriment of another public servant or to degrade the human dignity thereof, or to the detriment of other persons. Degrading of the human dignity of a public servant shall also include sexual conduct that is unwelcome, inappropriate or offensive, or that could be rightly perceived by another public servant as a condition affecting execution of the rights or obligations following from the service relationship.

(4) The service authority may not penalize or discriminate a public servant in any manner whatsoever for the reason that (s)he is asserting his(her) rights following from the service relationship in a lawful manner.

(5) In case of infringement upon the rights or obligations following from the prohibition of discrimination for the reason of race, color of skin, sex, sexual orientation, language, belief and religion, political or other opinion, membership or activities in political parties or political movements, trade unions and other associations, nationality, ethnical or social origin, property, family, state of health, age, family status or obligations towards the family, the public servant shall have the right to claim that such infringement or conduct be refrained from, that consequences of such infringement or conduct be remedied and that (s)he be provided with appropriate compensation. The courts shall be competent to deal with such cases.⁴⁵⁾

(6) If the dignity of a public servant or his(her) respect in the service relationship has been substantially harmed and the remedy that has been provided for pursuant to paragraph 5 above has not been sufficient, (s)he shall have the right to claim that the service authority provide him(her) with monetary compensation for non-material damage. The amount of non-material damage pursuant to the first sentence shall be determined by the courts on the basis of a proposal by the public servant in civil

⁴⁵⁾ § 7 (2) of the Code of Civil Procedure.

proceedings, taking into account the seriousness of the damage and the circumstances under which the infringement of rights or obligations occurred.

CHAPTER II

PERIOD OF PERFORMANCE OF SERVICE AND PERIOD OF REST

Section 1

Period of Performance of Service and Breaks in Service

§ 81

(1) The period of performance of service by public servants and breaks in service shall be subject to the provisions of § 83, § 83a (1), (2) (a) to (c), (3) and (5), § 84, § 85 and § 86 of the Labor Code, where the service body shall schedule the performance of service and permit shorter period of performance of service or any other modification of the period of performance of service, § 87 of the Labor Code, where the service body shall lay down the beginning and the end of the period of performance of service, and § 88, 89, § 90 (1) and (2) (a) and (e), § 91 (1), (2), (3) (c) to (f) and (4), § 92 (1), (2), (3) (c), § 93, 94 and 99a of the Labor Code.

(2) The General Director shall lay down in a service regulation the detailed conditions for scheduling the performance of service, as well as the beginning and end of the period of performance of service, as appropriate.

Section 2

Readiness for Service

§ 82

Readiness of public servants for service shall be subject to § 95 of the Labor Code, with the exception of paragraph 4, the part of the sentence following the semicolon.

Section 3

Service Overtime and Service in the Night-Time

§ 83

Performance by public servants of service overtime and service in the night-time shall be subject to § 96 and 99 of the Labor Code.

Section 4

Leave

§ 84

(1) Leave of public servants shall be subject to § 100 (a) to (c), § 101, § 102 (1) and (2), the second sentence, where the period of their leave shall equal 5 weeks, § 102 (5), § 104, § 106 to § 110, § 110a, § 110b and § 110c of the Labor Code.

(2) A public servant, who has performed service continuously for at least one year in tropical conditions or other conditions detrimental to health, shall have the right to supplementary leave with duration of one week. If a public servant performs service under conditions as referred to in the first sentence only for part of a calendar year, (s)he shall have the right to one twelfth of supplementary leave for each 22 days of such service. A public servant, who has completed 1 year of continuous service in tropical conditions or other conditions detrimental to health, shall have the right to supplementary leave for such year. The laying down of tropical or other health-demanding conditions shall be subject to § 105 (3) of the Labor Code.

(3) The service authority shall provide for the period of taking the leave.

CHAPTER III

SERVICE LEAVE OF ABSENCE

Section 1

Obstacles on the Part of the Public Servant

§ 85

Obstacles in service of public servants for the reason of general interest, and reimbursement of salary, with the exception of performance of public duties, reimbursement of salary in performance of service in military forces and civil service, and important personal obstacles in service shall be subject to § 124 (1) to (4), § 125 (1), (2), (3), the first sentence, (5) to (7), § 127 and § 128 (1) and (2) of the Labor Code.

Section 2

Obstacles on the Part of the Service Authority

§ 86

(1) If a public servant is prevented from performing service for the reason of a temporary defect caused by supplies of energy, incorrect basic documents or other operational causes, (s)he shall have the right to reimbursement of salary in the amount of average salary.

(2) If a public servant is prevented from performing service as a consequence of an interruption caused by adverse weather effects, (s)he shall have the right to reimbursement of salary in the amount of average salary.

(3) If a public servant is prevented from performing service because of obstacles on the part of the service authority other than as referred to in paragraph 1 above, the service authority shall provide him(her) with reimbursement of salary in the amount of average salary.

CHAPTER IV EDUCATION OF PUBLIC SERVANTS

§ 87

(1) Improving of education of public servants shall be part of service relations of public servants; it shall be concentrated on their further professional development in the sphere of service performed thereby, including self-improvement and learning of foreign languages, if appropriate, improving of education should follow from the results of the service appraisal of the given public servant. The costs of improving education shall be borne by the service authority. Improving of education shall be performance of activities for which the public servant shall receive salary.

(2) A public servant shall have the right to leave of absence for individual study purposes in the maximum extent of 6 days of performance of service during a calendar year. The public servant shall receive salary for the period of leave of absence pursuant to the first sentence.

(3) A public servant shall take the leave of absence pursuant to paragraph 2 above on the basis of permission by the service authority, unless there are important service reasons preventing the taking.

§ 88

(1) Increasing of education of a public servant through participation in training or study during performance of service shall constitute an obstacle in service on the part of the public servant. Increasing of education shall also include expanding thereof. The prior consent of the service authority shall be required for increasing of education of a public servant at the expense of the service authority. In increasing education of the public servant, the relief of service and material security shall be subject to § 126 (3) of the Labor Code.

(2) A precondition for granting the prior consent of the service authority to increasing of education of the public servant pursuant to the second sentence of paragraph 1 above shall consist in the fact that the public servant has concluded an agreement on increasing of education. The service body shall conclude agreements on increasing of education with public servants.

(3) The agreement on increasing of education of a public servant shall be subject to § 143 (1) to (5) of the Labor Code, where, for the purposes of this Act, work shall consist in service and labor relationship shall consist in service relationship.

(4) The service authority shall be obliged to control the course and results of increasing education of the public servant; it may stop providing reliefs in service and material security if

- a) the public servant has become long-term incapable of performing service for which (s)he has been increasing his(her) education; in such case the service authority may provide him(her) with service leave of absence without reimbursement of salary,
- b) the public servant, without fault of the service authority, has failed to fulfill substantial obligations in increasing education for a prolonged period of time, without any substantial reason.

(5) The obligation of the public servant to pay the costs shall not arise if

- a) the service authority has stopped providing material security during the period of increasing of education, because the public servant, without his(her) fault, became long-term incapable of performing service for which (s)he has been increasing his(her) education,
- b) the service relationship has been terminated for the reasons specified in § 55 (1) (b), (c) and (g) (1) and (3).

CHAPTER V

STATE ADMINISTRATION INSTITUTE

§ 89

(1) The State Administration Institute (hereinafter the “Institute”) is hereby established as a state contributory organization with the right to manage property and with the seat in Prague.

(2) The Institute shall be a legal person.

(3) The Institute shall be subordinate to the Office of the Government represented by the General Directorate.

(4) The Director shall be the statutory body of the Institute. The General Director shall appoint and recall the Director of the Institute; the Director shall perform his/her duties in a labor relationship.

§ 90

(1) The Institute shall provide for education of public servants pursuant to this Act, as well as for education of other employees in administrative authorities.

(2) The tasks of the Institute in providing for education pursuant to paragraph 1 above shall include, in particular:

- a) preparation of educational programs and pedagogical activities for education pursuant to this Act,
- b) implementation of educational activities of public servants pursuant to this Act and education of other employees in administrative authorities,
- c) coordination of utilization of educational possibilities in administrative authorities, schools and school facilities for the purposes of education pursuant to this Act,
- d) appointment of a lector board and direction of its activities,
- e) information and publishing activities,
- f) introduction of the results of scientific and research activities into education pursuant to this Act,
- g) cooperation with domestic and foreign educational institutions for the purpose of improving education pursuant to this Act.

(3) More detailed conditions for activities of the Institute and the tasks thereof shall be stipulated in a statute approved by the Government.

§ 91

(1) Supervision over activities of the Institute shall be carried out by the administrative board. The administrative board shall decide on:

- a) the educational plan of the Institute and implementation thereof;

- b) the budget of the Institute and compliance therewith;
- c) the annual report on activities of the Institute and on the manner and date of its publishing.

(2) The administrative board shall be authorized to discuss the prepared materials and measures of the Institute, which it shall request from the Director of the Institute, and adopt resolutions thereon. The General Director or the Director of the Institute shall be authorized to request the administrative board to discuss and adopt a resolution on materials and measures prepared by the Institute.

(3) The Administrative Board shall consist of 7 members; only natural persons may be members of the Board.

(4) The General Director shall appoint and recall the members of the administrative board, as a rule, from amongst public servants. A member may resign from the administrative board. Appointment, recalling and resignation of a member of an administrative board must be carried out in writing.

(5) Appointment to the position of a member of the administrative board requires the prior consent of the relevant natural person. If a public servant is appointed to the administrative board, his/her activities in the administrative board shall not constitute performance of his service tasks. Activities in the administrative board shall be considered to be an obstacle in work in relation to other activities in general interest;⁴⁶⁾ a member of the administrative board shall be entitled, in the necessary extent, to leave from work with reimbursement of salary.

§ 92

(1) The term of office of a member of the administrative board shall equal two years and a member may not be appointed for more than 3 subsequent terms of office. The same natural person may be re-appointed as a member of the administrative board after expiry of 12 months from expiry of the last term of office.

(2) The administrative board shall be headed by the chairman, who may be substituted by the vice-chairman; the administrative board shall elect and recall the chairman and vice-chairman from amongst its members for a period not exceeding 2 years.

(3) The administrative board shall have a quorum, if at least a simple majority of its members is present.

(4) Resolutions of the administrative board shall be drawn up in writing.

§ 93

(1) The administrative board shall meet as required, however, at least four times each calendar year.

(2) The General Director shall convene meetings of the administrative board. Meetings of the administrative board shall be closed to public.

(3) The Director of the Institute or a senior employee of the Institute appointed thereby shall participate in meetings of the administrative board.

(4) The General Director or a principal appointed thereby shall be authorized to participate in meetings of the administrative board.

(5) The administrative board must be convened if requested by the Director of the Institute or a simple majority of the members of the administrative board.

⁴⁶⁾ § 124 of the Labor Code.

§ 94

A member, except for a member who is a public servant, shall be entitled once a year to appropriate remuneration for activities in the administrative board payable from the funds of the Institute; the General Director shall decide on the amount of remuneration.

CHAPTER VI

REIMBURSEMENT OF EXPENSES PROVIDED TO PUBLIC SERVANTS IN CONNECTION
WITH PERFORMANCE OF SERVICE

§ 95

(1) Provision of reimbursement of expenses incurred during official journeys of public servants and during performance of service abroad with the place of service located abroad shall be subject to § 4, 5, 7, 8, 10, 11, § 12 (1) to (5), § 13, 14, 15, 16, 19 to 22 and § 24 of the Act on reimbursement of travel expenses;²⁵⁾⁴⁷⁾ however, the possibility of a specific arrangement within a collective agreement or other agreement shall not exist. Where the Act on reimbursement of travel expenses uses the concept of internal regulation, this shall consist in a service regulation issued by the General Director.

(2) A public servant with the place of service located abroad shall have the right to reimbursement of expenses incurred during the days of traveling from the Czech Republic to such place of service and back and during official journeys abroad as in case of an official journey abroad. If a family member is traveling with the public servant, the public servant may also be provided with reimbursement of the demonstrated travel, accommodation and the necessary additional expenses incurred by such family member. A public servant specified in the first sentence shall not have the right to reimbursement of boarding costs incurred during an official journey in the territory of the Czech Republic and in the country of the place of service abroad.

CHAPTER VII

SAFETY AND PROTECTION OF HEALTH IN PERFORMANCE OF SERVICE

§ 96

Safety and protection of health in performance of service of public servants shall be subject to § 132, 132a, 132b, 133, 133a, 133b, 133c, 134, 134a, 134b, 134c, 134d, 134e, 135, 136, 136a and 138 of the Labor Code.

⁴⁷⁾ Regulation of the Government No. 62/1994 Coll., on provision of reimbursement of certain expenses to the employees in budgetary and contributory organizations with regular workplace abroad, as amended.

CHAPTER VIII
CREATION OF CONDITIONS FOR PERFORMANCE OF SERVICE AND SECURITY OF
PUBLIC SERVANTS

Section 1

Creation of Conditions for Performance of Service

§ 97

(1) The service authority, in which public servants perform service, shall create conditions for proper and economic performance of service by the public servants; for this purpose, it shall, in particular, provide

- a) them with information necessary for performance of service,
- b) them with labels of public servants [§ 61 (1) (w)],
- c) for establishment, maintenance and improvement of facilities necessary for performance of service,
- d) for care for the appearance and condition of places where service is performed,
- e) for creation of conditions for satisfying the cultural, recreational and sporting needs and interests of public servants,
- f) medical care.⁴⁸⁾

(2) Service authorities shall be subject to the special legal regulation on the fund of social and cultural needs;⁴⁹⁾ the provisions of § 19 of the Labor Code shall also apply.

(3) The service authority shall create conditions for boarding of public servants and former public servants (pensioners) which shall be subject to § 69 of the budgetary rules.⁵⁰⁾

(4) Service authorities shall be obliged to employ public servants with changed working abilities in suitable service positions.

(5) The deposition of cloths and vehicles of public servants shall be subject to the first sentence of § 145 of the Labor Code.

Section 2

Security of Public Servants

§ 98

(1) A public servant shall have the right to a severance pay equal to five times the amount of the monthly salary upon the first termination of the service relationship for unlimited period of time following

- a) granting full disability pension, or

⁴⁸⁾ § 40 of Act No. 20/1966 Coll., on care for health of the population, as amended.

⁴⁹⁾ Decree No. 114/2002 Coll., on the fund of social and cultural needs.

⁵⁰⁾ Act No. 218/2000 Coll., on budgetary rules and on amendment to some related laws (budgetary rules), as amended. Decree No. 430/2001 Coll., on the costs of works boarding and payment thereof in organizational units of the state and state contributory organization.

b) arising of the right to retirement pension.

(2) A public servant shall have the right to a severance pay equal to five times the amount of the monthly salary from the service authority upon termination of the service relationship for the reason of long-term failure to meet the precondition of the required state of health as a consequence of performance of service.

(3) The service authority shall grant the severance pay pursuant to paragraphs 1 and 2 through a decision.

(4) If the severance pay pursuant to paragraph 2 above has not been paid to the public servant on the day of termination of the service relationship, it shall be paid on the next payment date specified in the relevant service authority for payment of salaries.

CHAPTER IX

CONDITIONS FOR PERFORMANCE OF SERVICE BY FEMALE PUBLIC SERVANTS, PREGNANT PUBLIC SERVANTS AND PUBLIC SERVANTS WHO ARE MOTHERS, MATERNAL AND PARENTAL LEAVE AND BREAKS FOR NURSING

Section 1

Conditions for Performance of Service by Female Public Servants

§ 99

The conditions for performance of service by female public servants shall be subject to § 149 and § 150 (2) and (3) or the Labor Code.

Section 2

Conditions For Performance Of Service By Pregnant Public Servants And Public Servants Who Are Mothers

§ 100

Transfer of a female public servant performing service prohibited to pregnant women to another service position or assignment of a female public servant, who performs service in the night-time, to a day-time service, including breastfeeding public servants, shall be subject to § 153 of the Labor Code.

§ 101

Assignment of female public servants taking care of children to performance of service in shifts, a shorter period of performance of service or other appropriate modification of the period of performance of service requested by the public servant, and limitation of performance of service overtime by female public servants shall be subject to § 156 of the Labor Code. The provisions of the first sentence shall also apply to male public servants taking care of a child.

Section 3

Maternal Leave and Parental Leave and Breaks for Nursing

§ 102

(1) Maternal leave of female public servants and parental leave of male public servants shall be subject to § 157 to 160 of the Labor Code.

(2) Breaks for breastfeeding shall be subject to § 161 (1) and (2) of the Labor Code.

(3) Breaks for breastfeeding shall be included in the period of performance of service. The salary shall not be decreased by the period of breaks for breastfeeding.

PART SEVEN

COMPENSATION FOR DAMAGE

CHAPTER I

PREVENTION OF DAMAGE

§ 103

(1) Creating of conditions for public servants to prevent damage, control of whether public servants perform their service tasks so that damage would not incur and control of objects brought to or from the place of service by the public servants shall be subject to § 170 of the Labor Code, where labor regulations shall consist in service regulations.

(2) The obligations of public servants in relation to prevention of damage shall be subject to § 171 of the Labor Code.

CHAPTER II

LIABILITY OF PUBLIC SERVANTS FOR DAMAGE

§ 104

(1) Liability of public servants for damage shall be subject to § 172, 175, § 176 par. (1) to (3), § 177, 178, 178a, 178b, § 179 to 183 and § 185 of the Labor Code.

(2) The General Director shall lay down in a service regulation the scope of activities, for the performance of which an agreement on material responsibility must be concluded; the agreement on material responsibility shall be concluded between the service body and the public servants performing such activities.

CHAPTER III

LIABILITY OF THE SERVICE AUTHORITY FOR DAMAGE

§ 105

(1) Liability of the Czech Republic, represented by the service authority, for damage shall be subject to § 187, 190 to 193, § 193a, 194, 195, 195a, § 196 to 199 and § 200 of the Labor Code; internal regulations shall consist in service regulations.

(2) An injury sustained by a public servant in performance of service tasks shall always be regarded as a service injury.

(3) The Czech Republic, represented by the relevant service authority, shall be liable for damage incurred by a public servant in relation to his(her) property if it has been proven that the damage has been caused in connection with his(her) performance of service tasks.

CHAPTER IV

SPECIAL LIABILITY FOR DAMAGE IN SERVICE OR IN CONNECTION WITH SERVICE

§ 106

(1) The Czech Republic, represented by the relevant service authority, shall be liable for damage incurred by a natural person who has provided assistance to a public servant on his(her) request in performance of his(her) service tasks. The service authority shall be relieved from liability pursuant to the first sentence only if the aggrieved person caused the damage him(her)self.

(2) If the aggrieved person sustains an injury or dies, the compensation for damage shall be subject to labor-law regulations as in the case of an injury at work.⁵¹⁾

§ 107

An injury causing damage to health or death of a close family member²⁸⁾ of the public servant as a consequence of an attack of another person for the reason of performance of service tasks of a public servant shall always be regarded as a service injury. Compensation for damage incurred by the aggrieved natural person to whom the public servant had provided or had been obliged to provide maintenance shall be subject to labor-law regulations as in the case of an injury at work.⁵¹⁾

CHAPTER V

JOINT PROVISIONS ON LIABILITY OF THE SERVICE AUTHORITY FOR DAMAGE

§ 108

Joint provisions on liability of the service authority for damage shall be subject to § 202 to 205, § 205a, 205b and 205c of the Labor Code.

⁵¹⁾ § 190 ff. of the Labor Code.

PART EIGHT
SOCIAL SECURITY OF PUBLIC SERVANTS

CHAPTER I
BASIC PROVISIONS

§ 109

The special legal regulations⁵²⁾ shall provide for medical insurance, health insurance and pension insurance of public servants.

§ 110

Public servants shall have the right pursuant to this Act to social security including

- a) a salary during temporary inability to perform service,
- b) a pension bonus for the years of service (hereinafter the "pension bonus").

CHAPTER II
SALARY DURING TEMPORARY INABILITY TO PERFORM SERVICE

§ 111

A public servant, who has been found temporarily unable to perform service pursuant to the special legal regulation, shall have the right to receive salary for the days that are days of performance of service, however for the maximum of 30 days during the same period of temporary inability to perform service or during several periods of temporary inability to perform service occurred in one calendar year, for the same period of time. The regulations on assessing temporary inability to work shall apply to assessing temporary inability to perform service *mutatis mutandis*.

CHAPTER III
PENSION BONUS

§ 112

(1) Public servants in temporally unlimited service, as well as survivors of these public servants shall have the right to a pension bonus under the conditions specified in paragraphs 2 and 4.

(2) A public servant shall have the right to a pension bonus if

- a) (s)he has performed temporally unlimited service for at least 5 years within the last 20 years prior to the day of granting the retirement pension, full disability pension or partial disability pension from pension insurance; this condition shall be considered met if full disability or

⁵²⁾ Act No. 48/1997 Coll., on public health insurance and on amendment to some related laws, as amended. Act No. 592/1992 Coll., on premiums for public health insurance, as amended. Act No. 54/1956 Coll., on sickness insurance of employees, as amended. Act No. 155/1995 Coll., on pension insurance, as amended. Act No. 589/1992 Coll., on premiums for social security and contributions for the state employment policy, as amended.

partial disability has been caused by a service injury or professional disease, for which the service authority is liable,

- b) (s)he has been granted pension as referred to in letter a) above,
- c) his(her) service relationship has been terminated.

(3) The survivors of the public servant shall have the right to a pension bonus if

- a) the public servant has died as a consequence of a service injury or professional disease for which the service authority is liable,
- b) they have been granted a widow's pension, widower's pension or orphan's pension from pension insurance for the reason of death of the public servant pursuant to letter a) above.

(4) The right to a pension bonus shall become extinct if

- a) the right to a pension as referred to in paragraphs 2 and 3 above has become extinct; the right to the pension bonus shall again arise if the right to such pension again arises,
- b) if the service relationship again arises.

(5) The right to a pension bonus shall not arise if the service relationship has been terminated pursuant to § 72 (1) (d).

(6) The period of temporally unlimited service, for which the public servant had the right to salary or part thereof, shall only be included in the number of years of service.

§ 113

(1) The amount of the pension bonus shall be set according to the number of years of temporally unlimited service and to the amount of the calculating base. The provision of § 112 (6) shall also apply. The maximum of 20 years of service shall be included in the number of years pursuant to the first sentence; the period of such service shall be determined from arising of the service relationship of the public servant to the date, as of which pension from pension insurance is granted.

(2) The calculation base shall be determined as the product of the coefficient of 30.4167 and the quotient of the sum of the decisive annual assessment bases determined for the decisive period and the number of calendar days falling to the decisive period; if the decisive period includes any excluded periods of time, the number of calendar days falling to the decisive period shall be decreased by such periods.

(3) The decisive period shall consist in the period of the last 5 calendar years prior to the year, as of which pension from pension insurance is granted. If thus determined decisive period does not include 5 calendar years, in which the public servant had the right to salary (hereinafter a "year with salary"), the decisive period shall be gradually extended in the framework of the period specified in § 112 (2) (a), the part of the sentence before the semicolon, so that it includes 5 years with salary; if, following such extension, the decisive period does not include 5 years with salary, the decisive period shall equal all full calendar years in the framework of the period specified in § 112 (2) (a), the part of the sentence before the semicolon, and the calculation base for such decisive period shall be determined from a lower number of completed years with salary. If full disability pension or partial disability pension has been granted as a consequence of a service injury or professional disease in the calendar year, in which the service relationship arose, or in the next calendar year, the decisive period shall consist in the period from the arising of the service relationship to the date, as of which such pension is granted; if such pension has been granted and the decisive period pursuant to the part of the sentence before the semicolon or the first or second sentences cannot be determined, the decisive period shall equal all full calendar years following after the year, in which the service relationship arose.

(4) The decisive annual assessment basis shall be determined similarly as the annual assessment basis of the insured person for the purpose of pension insurance,⁵³⁾ where the assessment basis shall consist in the salary of the public servant, from which premiums for social security⁵⁴⁾ are paid. Periods, that are regarded as excluded periods for the purposes of pension insurance,⁵⁵⁾ as well as periods, in which the service relationship did not exist during the decisive period, shall constitute excluded periods for the purposes of determination of the calculation base.

(5) The calculation base determined pursuant to paragraphs 1 to 4 above shall be limited in the same manner as the personal assessment basis is limited in determining the calculation basis for assessing pension from pension insurance.⁵⁶⁾

§ 114

(1) The amount of the pension bonus shall equal monthly

- a) 1 % of the calculation base for each full year of temporally unlimited service if the public servant has been granted retirement or full disability pension,
- b) 0.5 % of the calculation base for each full year of temporally unlimited service if the public servant has been granted partial disability pension,
- c) 50 % of the pension bonus to which the public servant would have had the right at the moment of his(her) death, if widow's or widower's pension, as appropriate, has been granted to the surviving spouse of the public servant,
- d) 40 % of the pension bonus to which the public servant would have had right at the moment of his(her) death, if orphan's pension has been granted to the surviving child of the public servant.

(2) In the case referred to in § 112 (2) (a), part of the sentence after the semicolon, the period of temporally unlimited service shall be supplemented by the number of years of such service, required so that the total period of such service to equal 20 years; however, if the period from the day of granting full disability pension or partial disability pension to reaching of the age necessary for arising of the right to retirement pension as laid down in § 32 of the Act on pension insurance equals less than 20 years, such shorter period shall be added.

(3) In case of repeated arising of the right to a pension bonus pursuant to § 112 (4) (a), the amount of the pension bonus must not be lower than the amount of the last paid pension bonus.

(4) The pension bonus shall be rounded up to the nearest whole crown.

§ 115

The pension bonus shall be increased as of January 1 in that it shall be multiplied by the conversion coefficient for modification of the general assessment base for the purposes of pension insurance⁵⁷⁾ as last laid down by the Regulation of the Government, if the value of such coefficient is higher than 1.

⁵³⁾ § 16 (2) of Act No. 155/1995 Coll.

⁵⁴⁾ Act No. 589/1992 Coll., as amended. § 107 (2) of Act No. 155/1995 Coll., as amended.

⁵⁵⁾ § 16 (4) of Act No. 155/1995 Coll., as amended.

⁵⁶⁾ § 15 of Act No. 155/1995 Coll., as amended. § 107 (2) of Act No. 155/1995 Coll., as amended.

⁵⁷⁾ § 17 (4) of Act No. 155/1995 Coll.

§ 116

The pension bonus shall be paid only if pension is paid from pension insurance, the granting of which has been a precondition for arising of the right to a pension bonus [§ 112 (2) (a) and (3)]; it shall not be decisive whether the pension has been modified for parallel payment with another pension or income from gainful activities.

§ 117

The right to a pension bonus shall not become extinct through expiry of time. The right to payment of the pension bonus shall become extinct upon expiry of 3 years from the day of maturity; this deadline shall be suspended during proceedings on the pension bonus and for the period during which a guardian was not appointed for the beneficiary who was obliged to have a guardian.

§ 118

The Deputy General Director shall decide on the pension bonus; the service authority consisting in the Office of the Government shall provide for payment of the bonus.

§ 119

(1) The beneficiary of the pension bonus shall be obliged to inform the service authority providing for the payment of the bonus within 8 days in writing that the right to pension or right to payment of pension, the granting of which was a precondition for creation of the right to the pension bonus, has become extinct.

(2) The beneficiary of the pension bonus shall be obliged to return to the service authority the amounts of the pension bonus paid to him(her) without any right thereto. The right to returning of such amounts shall become extinct upon expiry of 3 years of the day of payment thereof.

§ 120

(1) The pension bonus shall be paid in monthly installments at the latest by the 15th day of the calendar month following after the calendar month for which they are paid.

(2) The pension bonus shall be paid to the beneficiary in cash money; on the basis of a request by the beneficiary, the pension bonus or part thereof shall be transferred into the account of the beneficiary kept by a bank or subsidiary of a foreign bank,⁵⁸⁾ or a savings or credit cooperative⁵⁹⁾ in the Czech Republic.

(3) The beneficiary may authorize another natural person in writing to accept the pension bonus. The signature of the public servant under the power of attorney must be officially verified.

§ 121

The expenditures for the bonuses to pensions shall be paid from the state budget.

⁵⁸⁾ Act No. 21/1992 Coll., on banks, as amended.

⁵⁹⁾ Act No. 87/1995 Coll., on savings and credit cooperatives and certain measures connected therewith and on supplementation of Czech National Council Act No. 586/1992 Coll., on income taxes, as amended, as amended.

PART NINE

PROVISION OF INFORMATION TO PUBLIC SERVANTS AND CONSULTATIONS WITH PUBLIC SERVANTS IN MATTERS OF PERFORMANCE OF SERVICE AND CONDITIONS OF PERFORMANCE THEREOF, RIGHTS OF TRADE-UNION BODIES, THE COUNCIL OF PUBLIC SERVANTS, REPRESENTATIVES OF PUBLIC SERVANTS FOR SAFETY AND PROTECTION OF HEALTH IN PERFORMANCE OF SERVICE AND THE RIGHTS THEREOF

CHAPTER I

PROVISION OF INFORMATION TO PUBLIC SERVANTS AND CONSULTATIONS WITH PUBLIC SERVANTS IN MATTERS OF PERFORMANCE OF SERVICE AND CONDITIONS OF PERFORMANCE THEREOF

Section 1

Basic Provisions

§ 122

(1) Public servants shall have the right to be informed and consulted in the matters of performance of service and conditions of performance thereof. Provision of information and consultations shall take place in cases and under conditions laid down in this Act. Consultations mean negotiations between the service authority and the public servants, in which these have the right to state their opinion on the discussed matter for the purpose of reaching agreement.

(2) The service authority shall be obliged to inform public servants and consult them directly. If there is a trade union in the service authority, it shall ensure informing of and consultations with all public servants. If there is no trade union in the service authority, the informing of and consultations with all the public servants shall be ensured by the council of public servants, if such council has been elected, and consultations of aspects of safety and protection of health in performance of service shall be ensured by the representatives of public servants for safety and protection of health in performance of service, if such representatives have been elected.

(3) Consultations at a level higher than that of the service authority shall be carried out by the higher trade-union body.

Section 2

Provision of Information to Public Servants

§ 123

(1) A service authority shall be obliged to inform public servants of

- a) the probable trends in employment within the service authority,
- b) the state and structure of public servants in the service authority,
- c) basic aspects of conditions for performance of activities and changes therein.

(2) The service body and principals shall ensure provision of information to public servants on behalf of the service authority.

Section 3

Consultations with Public Servants

§ 124

(1) A service authority shall be obliged to consult the aspects of safety and protection of health in performance of service with the public servants in the extent laid down in § 132, 132a, 132b, 133, 133a, 133b, 133c, 134, 134a, 134b, 134c, 134d, 134e, 135 and 138 of the Labor Code.

(2) Participation of public servants in dealing with aspects of safety and protection of health in performance of service, as regards activities of representatives for safety and protection of health in performance of service or direct consultations and provision of information to the public servants, shall be subject to § 136a of the Labor Code.

(3) The service body and principals shall ensure consultations with public servants on behalf of the service authority.

CHAPTER II

RIGHTS OF TRADE UNIONS IN SERVICE AUTHORITIES AND RIGHTS OF HIGHER TRADE-
UNION BODIES

§ 125

(1) A trade union active in the service authority shall have the right to information pursuant to § 123 and consultations pursuant to § 124 (1) and, furthermore, shall have the right, in particular, to

- a) discuss and state an opinion on basic documents required for drawing up the organizational structure of the service authority,
- b) receive information on the accepted candidates and appointed public servants,
- c) discuss and state an opinion on draft decisions concerning changes in and termination of a service relationship,
- d) discuss and state an opinion on draft service regulations,
- e) discuss and state an opinion on proposals for improvement of conditions for performance of service and to submit such proposals,
- f) be involved in examination bodies pursuant to this Act,
- g) be involved in advisory bodies of the General Director pursuant to his Act,
- h) perform control over the state of safety and protection of health in performance of service in the scope and under conditions following from § 136 of the Labor Code.

(2) In consultations pursuant to § 122 (3), a higher trade-union body shall have the right, in particular, to discuss and state an opinion on

- a) proposals concerning personnel plans of service authorities,
- b) proposals for improvement of conditions for performance of service and to submit such proposals,
- c) draft legal regulations concerning public servants,
- d) draft service regulations.

(3) The service body shall be obliged to ensure that the trade union active in the service authority and the higher trade-union body are able to exercise the rights laid down by this Act.

(4) The competent trade-union body shall act for the trade-union organization active in the service authority. For the purposes of this Act, the competent trade union body or higher trade-union body shall mean a body that is authorized to act in legal relations on behalf of the relevant trade-union organization; a higher trade-union body shall also consist in a central trade-union body that is authorized to act in legal relations on behalf of the relevant association of trade-union organizations.⁶⁰⁾

CHAPTER III

COUNCIL OF PUBLIC SERVANTS, REPRESENTATIVES OF PUBLIC SERVANTS FOR SAFETY AND PROTECTION OF HEALTH IN PERFORMANCE OF SERVICE AND THE RIGHTS THEREOF

§ 126

(1) Public servants in a service authority, in which there is no trade union, may elect a council of public servants and a representative of public servants for safety and protection of health in performance of service.

(2) The service authority shall inform the council of public servants of matters pursuant to § 123.

(3) The council of public servants shall have the right to information pursuant to § 123 and, furthermore, it shall have the right to discuss with the service authority measures related to organizational changes.

(4) The service authority shall discuss various aspects in the scope laid down in § 124 with the representative of public servants for safety and protection of health in performance of service.

(5) The service body shall be obliged to ensure that the council of public servants and the representative of public servants for safety and protection of health in performance of service are able to exercise the rights laid down by this Act.

(6) The rights pursuant to paragraph 3 above, § 123 and 124 may not be further extended.

§ 127

(1) The council of public servants may be elected from amongst the public servants in a service authority, in which service is performed by at least 25 public servants. The council of public servants shall have at least 3, however not more than 15 members; the number of members of the council must be odd.

(2) Representatives of public servants for safety and protection of health in performance of service may be elected from amongst the public servants in a service authority, in which service is performed by at least 10 public servants; the total number thereof shall depend on the total number of public servants and on the risks posed by the performed service. However, one representative of public servants for safety and protection of health in performance of service may be appointed for the maximum of 10 public servants.

(3) The service body shall lay down the number of members of the council of public servants and the number of representatives of public servants for safety and protection of health in performance of service following consultation with the election committee.

⁶⁰⁾ Act No. 83/1990 Coll., on association of citizens, as amended.

(4) The number of public servants performing service in the service authority as of the day of submission of a written proposal for announcing the election shall be decisive for the election of the council of public servants and representatives of public servants for safety and protection of health in performance of service.

(5) The term of office of the council of public servants and the representative of public servants for safety and protection of health in performance of service shall be 3 years.

(6) At its first meeting, the council of public servants shall elect a chair from amongst its members and shall inform the service body and public servants thereof.

(7) If a council of public servants and a representative of public servants for safety and protection of health in performance of service are also active in the receiving service authority at the time of a transfer of execution of rights and obligations following from service relationships between service authorities, the receiving service authority shall fulfill the obligations laid down by this Act in relation to both councils of public servants and representatives of public servants for safety and protection of health in performance of service, unless other agreement is made between these entities and the service body. The councils of public servants and representatives of public servants for safety and protection of health in performance of service shall fulfill the obligations pursuant to § 126 until the end of their term of office. If, prior to the end of the term of office, the number of members of one of the councils of public servants decreases to less than 3, the duties thereof shall be taken over by the other council of public servants.

§ 128

(1) The duties of the council of public servants and representative of public servants for safety and protection of health in performance of service shall cease to exist as of the day

- a) when a trade union demonstrates to the service body that it has been established and is active in the service authority,
- b) of expiry of the term of office,
- c) of transfer of the service authority, if a trade union is active in the assigned service authority or in the receiving service authority,
- d) of dissolution of the service authority.

(2) The council of public servants shall be dissolved, in addition to cases specified in paragraph 1 above, as of the day when the number of the members of the council decreases to less than 3.

(3) In cases specified in paragraphs 1 and 2 above, the council of public servants and the representative of public servants for safety and protection of health in performance of service shall submit all documents relating to performance of their duties to the service authority which shall keep them for a period of 5 years from the day of extinguishment of duties of the council of public servants or the duties of the representative of public servants for safety and protection of health in performance of service.

(4) The membership in the council of public servants and the position of the representative of public servants for safety and protection of health in performance of service shall also cease to exist as of the day of

- a) resignation,
- b) termination of the service relationship.

§ 129

Elections of the council of public servants and of the representatives of public servants for safety and protection of health in performance of service shall be subject to § 25a and 25b of the Labor

Code, where the council of employees shall consist in the council of public servants, the representative for safety and protection of health at work shall consist in the representative for safety and protection of health in performance of service, an employer shall consist the service authority, in which the public servant performs service, employees shall consist in public servants, who perform service in the service authority, labor relationship shall consist in service relationship and a working journey shall consist in an official journey. The service body shall announce elections of the council of public servants and representatives for safety and protection of health in performance of service.

CHAPTER IV JOINT PROVISIONS

§ 130

(1) The members of trade-union bodies, members of the council of public servants and representatives of public servants for safety and protection of health in performance of service may not be subject to discrimination or disfavored or favored for performance of their duties.

(2) The service relationship may not be terminated for the reason of performance of duties in a trade union, higher trade-union body, council of public servants or representative of public servants for safety and protection of health in performance of service.

§ 131

(1) For the purpose of performance of duties pursuant to § 124, § 125 (1) and (2), and § 126 (4), the service authority shall be obliged to provide the trade union active in the service authority, the higher trade-union body or council of public servants and representatives of public servants for safety and protection of health in performance of service with timely, true and comprehensive information and documents and to take into account their opinions. On request, the service authority shall be obliged to provide the information in writing. The trade union or council of public servants and representatives of public servants for safety and protection of health in performance of service and, in the case specified in the first sentence of § 122 (2), the public servants shall have the right to request that the service authority supplement the information and answer the submitted questions.

(2) The trade union active in the service authority, the council of public servants and the representatives of public servants for safety and protection of health in performance of service shall be obliged to inform the public servants in an appropriate manner of their activities and on the content and conclusions of information and consultations with the service authority.

(3) The service authority shall be obliged to allow the public servants to carry out elections of the members of the trade union, the members of the council of public servants and the representatives of public servants for safety and protection of health in performance of service and to create conditions for proper performance of their duties; in particular, to provide them, according to its operational possibilities, in the appropriate extent, with premises equipped with the necessary facilities, to pay the necessary costs of maintenance and technical operation and the costs of the required documents.

(4) The service authority shall be obliged to provide the members of the election committee, the members of the trade union, the members of the council of public servants and the representatives of public servants for safety and protection of health in performance of service with service leave of absence in the necessary extent for performance of their duties pursuant to this Act; they shall have the right to receive salary for the period of their absence.

(5) In performance of their duties, the members of the trade union, the members of councils of public servants and the representatives of public servants for safety and protection of health in performance of service shall be obliged to maintain confidentiality of information obtained in performance of their duties if breach of confidentiality could lead to disclosure of secret information or

infringement upon authorized interests of the service authority or public servants. The obligation pursuant to the first sentence shall exist for the period of 1 year following termination of performance of their duties, unless a special legal regulation lays down otherwise.

§ 132

(1) For the purpose of improving the conditions for performance of service, as well as health, social and cultural conditions, the competent trade-union body or the higher trade-union body, as appropriate, may conclude, on behalf of public servants, a collective agreement with the service authority.⁶¹⁾

(2) The provisions of a special legal regulation shall apply to the procedure in concluding a collective agreement, to the validity and effect thereof, and to dealing with collective disputes; the provisions of § 66 shall also apply.

PART TEN

REMUNERATION OF PUBLIC SERVANTS, CANDIDATES, OTHER EMPLOYEES IN ADMINISTRATIVE AUTHORITIES AND ORGANIZATIONAL ASPECTS RELATING TO EMPLOYMENT OF SUCH EMPLOYEES

CHAPTER I

REMUNERATION OF PUBLIC SERVANTS

Section 1

Salary

§ 133

(1) A public servant shall have the right to salary for performance of service, unless this Act lays down otherwise.

(2) A salary of a public servant shall consist in monetary fulfillment provided in the amount and under the conditions laid down in this Act as

- a) the basic salary,
- b) an extra pay for service,
- c) an extra pay for management,
- d) an extra pay for representation,
- e) a salary for service overtime,
- f) an extra pay for service in the night-time,
- g) an extra pay for service on holidays,
- h) a special extra pay,
- i) an extra pay for training a candidate,

⁶¹⁾ Act No. 2/1991 Coll., on collective bargaining, as amended.

- j) an additional pay,
- k) a personal extra pay,
- l) a reward.

§ 134

Basic Salary

The basic salary shall be the basic regular monthly provided component of salary laid down in monthly amounts for the set period of performance of service (§ 81). A public servant shall be provided with the basic salary laid down for the pay grade related to the service position, to which (s)he has been appointed, and for the pay class to which (s)he has been assigned.

§ 135

Scale of Basic Salaries

(1) A scale of basic salaries shall be laid down for public servants comprising twelve pay grades, each consisting of twelve pay classes. The basic salary in the twelfth pay grade shall equal three times the amount of the basic salary in the first pay grade and the basic salary in the twelfth pay class shall equal one and a half times the amount of the basic salary in the first pay class. Basic salaries in pay grades shall increase relative to the next lower basic salary by a percentage increment equal to 9 % in the second to fifth pay grades, 10 % in the sixth and seventh pay grades and 12 % in the eighth to twelfth pay grades. The basic salaries in pay classes shall increase relative to the next lower basic salary by a constant percentage increment. Basic salaries shall be rounded up to the nearest ten crowns.

(2) From January 1 to December 31 of each calendar year, the basic salary in the eighth pay grade and in the ninth pay class shall equal one and a half times the amount of the average nominal wage of natural persons in the non-business sector according to the data published by the Czech Statistical Office for the year before the last calendar year.

(3) The Ministry of Labor and Social Affairs shall publish the scale of basic salaries for the relevant calendar year, calculated according to the procedure laid down in paragraphs 1 and 2 above, in the Collection of Laws through notice.⁶²⁾

§ 136

Pay Grade

(1) The pay grade shall be laid down for the service position of a public servant pursuant to the most demanding activity required within the given service position. The pay grade shall be laid down for the service position of a principal pursuant to the most demanding activity within the jurisdiction of the relevant organizational department of the service authority. The pay grade shall be laid down for the service position of a principal, who is a state secretary or head of a service authority, pursuant to the most demanding activity within the jurisdiction of the relevant service authority.

(2) In accordance with the characteristics of pay grades as laid down in Annex No. 1 to this Act, the Government shall lay down in a Regulation the catalogue of administrative activities classified pursuant to their complexity, responsibility and demanding nature into the individual pay grades (hereinafter the "catalogue of administrative activities").

(3) In case of a change in the personnel plan (§ 15), the General Directorate, in agreement with the Ministry of Labor and Social Affairs, shall propose the pay grade for the new service position of a

⁶²⁾ § 2 (1) (e) of Act No. 309/1999 Coll.

public servant or new service position of a principal if activities required within the new service positions are not laid down in the catalogue of administrative activities.

§ 137

Pay Class

(1) Basic salaries in pay grades shall be classified pursuant to the acquired professional experience in three-year periods into twelve pay class.

(2) The acquired professional experience shall be expressed as the period of practice including

- a) the period of performance of service pursuant to this Act,
- b) the period of preparation of the candidate for service,
- c) the period of other practice acquired following completion of the required education in the scope determined by the service body according to the potential use thereof in the given service position, as demonstrated by the public servant.

(3) The period of practice pursuant to paragraph 2 above shall also include

- a) the period of performance of basic military (alternative) service⁶³⁾ and civil service⁶⁴⁾ in the extent laid down in the special legal regulation for performance of basic military (alternative) service, unless the basic military service was performed concurrently with preparation for occupation within daily⁶⁵⁾ studies or ordinary studies,⁶⁶⁾
- b) the period of maternal and parental leave or the period of permanent care for a child or children in the extent corresponding to the period of maternal or parental leave, unless such care was performed concurrently with preparation for occupation within daily studies⁶⁵⁾ or ordinary studies,⁶⁶⁾ however not exceeding the total period of 3 years.

(4) A public servant shall be assigned to the relevant pay class on the basis of the period of practice pursuant to paragraphs 2 and 3 above. A public servant shall be promoted to the higher pay class as of the first day of the calendar quarter following after reaching the set period of practice, unless his(her) promotion to a higher class has been suspended on the basis of the results of the service appraisal (§ 195). A public servant, whose promotion in pay classes has been speeded up by one pay class on the basis of the results of the service appraisal, shall also be assigned to a higher pay class as of the date pursuant to the second sentence.

(5) For the purposes of further promotion in pay classes, a public servant, whose promotion in pay classes has been speeded up by one pay class, shall be regarded as a public servant who has acquired 3 more years of practice. For a public servant, whose promotion to a higher pay class has been suspended, the period during which his(her) promotion within pay classes was suspended, shall not be included in the period pursuant to paragraph 2 (a).

§ 138

Extra Pay for Service

As means of appreciating the conditions of performance of service, the loyalty to the Czech Republic, the representation thereof, the risks and neuro-mental load following from standing up for its interests, the public servants in Ministries and central administrative authorities shall have the right

⁶³⁾ § 17 and 18 of Act No. 218/1999 Coll.

⁶⁴⁾ Act No. 18/1992 Coll., on the civil service, as amended.

⁶⁵⁾ § 20 (1) of Act No. 29/1984 Coll.

⁶⁶⁾ §44 of Act No. 111/1998 Coll.

to an extra pay for service in the amount of 40 % of their basic salary and the public servants in other administrative authorities shall have the right to an extra pay for service in the amount of 30 % of their basic salary. The extra pay for service shall be rounded up to the nearest ten crowns.

§ 139

Extra Pay for Management

(1) In addition to the basic salary and the extra pay for service, the principals shall have the right to an extra pay for management paid in the set monthly amounts. The extent of the extra pay for management shall be laid down pursuant to the jurisdiction of administrative authorities and levels of management in Annex No. 2 to this Act.

(2) The head of the office shall have the right to an extra pay for management as laid down in Annex No. 2 to this Act within the range laid down for a deputy head of a department.

(3) During the period of performance of service in the service position of a state secretary, the director of a section shall have the right to an extra pay for management within the range laid down for a state secretary; during this period, (s)he shall not have the right to an extra pay for management laid down in Annex No. 2 to this Act for the director of a section.

(4) The General Director or the superior service body may lay down in a service regulation binding rules for laying down the specific amount of the extra pay for management within the set range.

(5) A service regulation shall lay down the amount of an extra pay for management for the service positions of principals and for heads of offices in a service authority.

§ 140

Extra Pay for Representation

(1) A public servant, who represents a principal in full extent of management activities for the period of at least 20 subsequent days of performance of service, shall have the right to an extra pay for representation in the amount of the extra pay for management laid down for the service position of the principal represented thereby, as of the first day of representation. If a principal is represented by a principal at a lower level of management or by a head of an office, these persons shall not have the right to an extra pay pursuant to § 139 during the period of representation.

(2) A principal who performs service in the service position of the deputy of the concerned principal shall not have the right to an extra pay for representation of such principal.

(3) A public servant, who represents a public servant in the service position classified in a higher pay grade in full extent for the period of at least 20 subsequent days of performance of service, shall have the right to an extra pay for representation in the amount of the difference between the basic salary and the extra pay for service, to which (s)he has the right in the service position to which (s)he has been appointed, and the basic salary and the extra pay for service, to which (s)he would have the right in the service position of the represented public servant.

§ 141

Salary and Leave of Absence for Service Overtime

(1) For each hour of service overtime (§ 83), a public servant shall have the right to the part of the basic salary, extra pay for service, personal extra pay and special extra pay falling to one hour of service without service overtime in a calendar month, in which service overtime is performed, and an extra pay in the amount of 25 % of the average hourly earnings, and for days of continuous rest in a

week, an extra pay in the amount of 50 % of the average hourly earnings, unless the service authority has agreed with the public servant on providing leave of absence instead of salary for service overtime. The salary of the public servant shall not be decreased for the period of leave of absence, to which (s)he has the right for service overtime. If the service authority fails to provide the public servant with leave of absence during 3 subsequent calendar months after performing service overtime or in a different agreed period, the public servant shall have the right to the part of the basic salary, extra pay for service, personal extra pay and special extra pay pursuant to the first sentence.

(2) The salary of a principal and head of an office shall be laid down taking into account the potential service overtime in the extent laid down in a service regulation (§ 83). This shall not apply to service overtime performed in the night-time (§ 83) or on a non-working day [§ 81 (1)] for which the principal and head of an office shall have the right to a salary or leave of absence pursuant to paragraph 1 above. The salary of a principal, who is the head of a service authority or the General Director or deputy thereof, shall be laid down taking into account any and all service overtime.

§ 142

Extra Pay for Service in the Night-Time

A public servant and a principal, with the exception of a principal specified in the third sentence of § 141 (2), shall have the right to an extra pay in the amount of 20 % of the average hourly earnings for each hour of service in the night-time (§ 83).

§ 143

Extra Pay and Leave of Absence for Service on a Holiday

(1) The salary of a public servant, who has failed to perform service because his(her) usual day of performance of service was a holiday,⁶⁷⁾ shall not be decreased.

(2) For service on a holiday, a public servant shall have the right to leave of absence in the extent of service performed on a holiday, at the latest by the end of the third calendar month following after performance of service on a holiday or in a different agreed period. The salary of the employee shall not be decreased for the period of leave of absence. The service authority may agree with the public servant on providing him(her) with an extra pay in the amount of the average hourly earnings for each hour of service on a holiday instead of the leave of absence.

§ 144

Special Extra Pay

(1) A public servant, who performs service in difficult and health damaging working conditions, shall have the right to an extra pay in the amount and under conditions laid down on the basis of the Act on wages and compensation for readiness for work in budgetary and some other organizations and bodies.⁶⁸⁾

(2) A public servant, who performs service in an environment with a high degree of danger to health requiring the use of insulation breathing devices, shall have the right to a special extra pay in the amount of 500 CZK to 1,500 CZK per month.

⁶⁷⁾ § 1 and § 2 of Act No. 245/2000 Coll., on state holidays, on other holidays, on important days and on non-working days.

⁶⁸⁾ § 11 and § 23 (1) (e) of Act No. 143/1992 Coll., on salary and compensation for readiness for work in budgetary and some other organizations and bodies, as amended.

(3) A public servant, who performs service connected with a demonstrable imminent danger to life or health, or other substantial risks, in fulfillment of tasks connected with safety or other particularly important economic interests of the state, shall have the right to a special extra pay in the amount of 1,000 CZK to 3,000 CZK per month.

(4) A public servant, who simultaneously with performance of the state air inspection flies an aircraft, shall have the right to a special extra pay in the amount of 5,000 CZK per month.

(5) A service regulation issued by the General Director shall lay down the rules for the specific amount of special extra pays laid down by the Act on wages and compensation for readiness for work in budgetary and some other organizations and bodies⁶⁸) and special extra pays pursuant to paragraphs 2 and 3 above.

(6) The amount of the special extra pay for the service positions within a service authority shall be laid down in a service regulation.

§ 145

Extra Pay for Training of a Candidate

A public servant, who has been designated as the supervisor of a candidate (§ 21), shall, during the period of preparation of the candidate for service, have the right to an extra pay in the amount of 5 % of the basic salary of the public servant.

§ 146

Additional Pay

(1) An additional pay shall be a lump-sum monetary fulfillment provided in a calendar half-year.

(2) A public servant shall have the right to an additional pay if (s)he performs service during a calendar half-year for at least 65 days and his(her) service relationship is not terminated in the first calendar half-year before May 31 or before June 30, if the public servant reaches the required number of days of performance of service in June, and in the second calendar half-year, before November 30 or before December 31, if the public servant reaches the required number of days of performance of service in December.

(3) A day of performance of service for the purposes of providing an additional pay shall be a day in which the public servant

- a) performs service for a major part of the shift,
- b) is taking leave in the extent of a half of his(her) shift or more,
- c) is taking leave of absence for service overtime or for service on a holiday in the extent of a half of his(her) shift or more,
- d) is not able to perform service because of obstacles on the part of the service authority (§ 86) in the extent of a half of his(her) shift or more,
- e) does not perform service because his(her) usual day of performance of service is a holiday.

(4) A day of performance of service may only be included on the basis of one reason specified in paragraph 3 above.

(5) A public servant, for whom the service authority has scheduled the set period of performance of service unevenly, shall be regarded for purposes of paragraph 2 above as a public servant, who has performed service for 5 days of performance of service in a calendar week, even if

the period of performance of service is not distributed to all such days of performance of service. Similar procedure shall be used in assessing periods referred to in paragraph 3 (b) to (e) above.

(6) The amount of the additional pay shall be the sum of monthly amounts of the basic salary, extra pay for service, personal extra pay and special extra pay, to which the public servant has last incurred the right or which have last been assigned thereto by the service authority. The extra pay for representation shall not be taken into account.

(7) The additional pay shall be payable on the earliest payment date following arising of the right to the additional pay.

§ 147

Personal Extra Pay

(1) A personal extra pay shall be a non-claimable component of the salary through which an extraordinary performance of service or high-quality fulfillment of a greater number of service tasks than are performed by other public servants may be appreciated.

(2) A personal extra pay may be granted to the public servant, increased, decreased or withdrawn therefrom on the basis of the results of his(her) service appraisal.

(3) A personal extra pay may be laid down up to the amount of 20 % of the basic salary of the public servant.

§ 148

Reward

(1) A reward shall be an individual non-claimable component of the salary through which the following features may be appreciated:

- a) fulfillment of an extraordinary or especially important service task,
- b) voluntary taking over of fulfillment of urgent service tasks instead of an absent public servant, unless the right to an extra pay for representation has arisen,
- c) performance of service upon reaching 50 years of age,
- d) provision of assistance in prevention of fires or natural disasters, liquidation thereof or elimination of their consequences, or in other extraordinary events, in which property, health or life may be endangered.

(2) The amount of the reward may not exceed the amount of the basic salary of a public servant and the sum of the basic salary and the extra pay for management of a principal or head of an office. The General Director shall lay down in a service regulation more detailed rules for provision of rewards. A service regulation shall lay down the procedure in granting rewards.

§ 149

Maturity of the Salary

(1) The salary shall be payable ex post for a one-month period, unless this Act lays down otherwise, on the payment date laid down in a service regulation pursuant to the principles laid down in a service regulation issued by the General Director, however, not later than by the end of the calendar month following after the calendar month, in which the public servant incurred the right to the salary or a certain part thereof. If the payment date falls on Saturday, Sunday or a holiday, the salary shall be payable on the last day of performance of service prior to the payment term.

(2) The service authority shall provide the public servant with a salary that is payable during leave prior to commencement of leave, unless it has agreed otherwise with the public servant.

(3) On the day of termination of the service relationship, the service authority shall provide the public servant, on his(her) request, with the salary to which the public servant has incurred the right; otherwise, it shall provide him(her) with the appropriate part of the salary and shall provide him(her) with the remaining part on the next payment date following after termination of the service relationship.

§ 150

Payment of Salary

(1) The salary shall be paid to the public servant in a legal currency⁶⁹⁾ and shall be rounded up to the nearest whole crown.

(2) The salary shall be paid during the period of performance of service at a place laid down in a service regulation. If the public servant cannot appear for the purpose of payment of the salary for important reasons, the service authority shall send him(her) the salary on the payment date, or on the next day of performance of service, at its own expense and danger, unless it has agreed otherwise with the public servant.

(3) Upon payment of the salary, the service authority shall be obliged to deliver to the public servant a document containing information on the individual components of the salary and on the implemented deductions. On request of the public servant, the service authority shall provide him(her) with the documents, on the basis of which the salary has been calculated, for the purpose of perusal thereby.

(4) The public servant may authorize another person in writing to accept the salary. The salary may be paid to the spouse of the public servant only on the basis of a written authorization. Without a written authorization, the salary may be paid to a person other than the public servant only if laid down in a special legal regulation.⁷⁰⁾

(5) On request of the public servant, upon payment of the salary or other monetary fulfillment in favor of the public servant, as appropriate, the service authority shall be obliged to transfer the amount set by the public servant, at its own expense and danger, to a single account of the public servant kept by a bank or subsidiary of a foreign bank,⁵⁸⁾ or a savings or credit cooperative,⁵⁹⁾ on the payment date, unless it has agreed with the public servant in writing on a different date.

(6) The salary or part thereof may be provided to a public servant with the place of service abroad, with the consent thereof, in the agreed foreign currency for which the Czech National Bank publishes the exchange rate on the foreign currency market or the conversion rate. The provision of paragraph 1 on rounding off shall apply *mutatis mutandis*.

(7) The exchange rate on the foreign currency market or the calculation rate published by the Czech National Bank, valid on the day when the service authority purchases the foreign currency for the purposes of payment of salary, shall be used for calculation of the amount of the salary or part thereof in the given foreign currency.

⁶⁹⁾ § 16 (1) of Act No. 6/1993 Coll., on the Czech National Bank.

⁷⁰⁾ E.g. § 11 of Act No. 37/1989 Coll., on the protection against alcoholism and other addictions.

§ 151

Deductions from Salary

(1) Deductions from the salary may be carried out only on the basis of an agreement on deductions from the salary. Otherwise, the service authority may deduct from the salary only the following:

- a) advance payments on income tax of natural persons,
- b) premiums for social security and the contribution for the state employment policy and premiums for the public medical insurance,
- c) amounts affected by the execution of a decision ordered by the court, administrative authority or body authorized thereto by the law,
- d) the non-accounted advance on travel expenses,
- e) reimbursement of salary for leave, to which the public servant has lost his(her) right, or to which his(her) right has not arisen, as appropriate,
- f) excess payments of benefits of medical insurance, pension insurance and the state social support and unjustly accepted amounts of benefits of social security if the public servant is obliged to return such excess payments or unjustly accepted amounts on the basis of an enforceable decision under special legal regulations.

(2) The Government shall lay down the order of deductions from the salary.

Section 2

Joint Provisions on Salary of Public Servants

§ 152

The service authority shall be obliged to provide male and female public servants with the same salary for performance of service of the same or comparable complexity, responsibility and demanding nature that is performed under the same or similar conditions of performance of service, with the same or similar capabilities and capacity for performance of service and with the same or similar efficiency.

§ 153

The service authority shall be obliged to allow the public servant to peruse the legal regulations providing for the payment of salary.

§ 154

(1) The service body shall issue a decision on assignment of the public servant to a pay class and on the amount of his(her) basic salary, extra pay for service, extra pay for management, special extra pay and extra pay for training of a candidate, and on changes in the above components of salary, unless otherwise laid down in this Act.

(2) The service body shall also decide on the provision and amount of additional pay, extra pay for representation and rewards, as appropriate, on granting and the amount of personal extra pay and on increasing, decreasing or withdrawal of the personal extra pay, unless otherwise laid down in this Act.

§ 155

The provisions of § 149 to 151 shall also apply to reimbursement of salary.

§ 156

(1) In order to alleviate the wrongs caused by labor-law acts carried out in the period from February 25, 1948 to January 1, 1990, the service body may also include in the period of practice the periods of other practice, at variance with the provision of § 137 (2), if the public servant could not perform practice following completion of the required education because of a void labor-law act.⁷¹⁾

(2) In order to alleviate the consequences of decisions through which pupils and students were disqualified from studies at schools providing secondary or higher education and at universities in the period from February 25, 1948 to January 1, 1990, the service body may also include in the period of practice the periods of other practice acquired prior to completion of the required education, at variance with the provision of § 137 (2), if the public servant has properly completed the pertinent studies on the basis of a study rehabilitation.⁷²⁾

§ 157

The service authority shall sum up all the periods of performance of service by a public servant in the night-time during a calendar month and shall provide him(her) with an extra payment for service in the night-time for each whole hour of performance of such service. The service authority shall proceed *mutatis mutandis* in providing an extra pay or leave of absence for service on a holiday and in providing the pay or leave of absence for service overtime.

§ 158

(1) In providing salary to a principal in the service position of the General Director, Deputy General Director, state secretary, deputy state secretary or head of a service authority, the competent personnel department shall proceed pursuant to § 134, § 136 (1), § 137 (4), § 138, § 139 (5), § 143, 146, 156 and 157 *mutatis mutandis* as regards providing extra pay and leave of absence for service on a holiday. The pay class of and the amount of the extra pay for management, the provision of reward and the amount thereof and granting and the amount of the personal extra pay, increase, decrease or withdrawal of a personal extra pay for a principal in the service position of the General Director, Deputy General Director, state secretary, deputy state secretary, head of a service authority in central administrative authorities and head of a service authority that has no superior service authority shall be decided by the body that has appointed the given principal to the service position [§ 53 (2) and (5), the first and third sentences] on the basis of a proposal by the pertinent personnel department. The superior service body shall decide on matters of salary referred to in the second sentence for heads of other service authorities.

(2) The courts shall discuss and decide on disputes relating to the matters pursuant to the second sentence paragraph 1 above in civil proceedings.⁴⁵⁾

⁷¹⁾ § 21 of Act No. 87/1991 Coll., on out-of-court rehabilitation.

⁷²⁾ §18 (3) of Act No. 87/1991 Coll., as amended by Act No. 267/1992 Coll.

CHAPTER II

REMUNERATION OF CANDIDATES

Section 1

Salary

§ 159

(1) During the period of preparation for service, a candidate [§ 21 (3)] shall have the right to a salary for the carried out work, unless this Act lays down otherwise.

(2) The salary of a candidate shall consist in monetary fulfillment provided in the amount and under conditions laid down in this Act as

- a) the basic salary,
- b) a salary for work overtime,
- c) an extra pay for work in the night-time,
- d) an extra pay for work on holidays,
- e) a special extra pay,
- f) an additional pay.

§ 160

Basic Salary

The candidate shall have the right to a basic salary in the amount laid down on the scale of basic salaries (§ 135) for the first pay class in the lowest pay grade laid down for the service position in the sphere of service for which the candidate is preparing and for which (s)he meets the precondition of the required education of the public servant.

§ 161

Salary and Leave of Absence for Work Overtime

For each hour of work overtime,⁷³⁾ a candidate shall have the right to the part of the basic salary and special extra pay corresponding to one hour of work without work overtime in a calendar month in which work overtime is performed, and an extra pay in the amount of 25 % of the average hourly earnings, and, for days of continuous rest in a week, an extra pay in the amount of 50 % of the average hourly earnings, unless the service authority has agreed with the candidate on providing leave of absence instead of salary for work overtime. The salary of the candidate shall not be decreased for the period of leave of absence to which (s)he has the right in the extent of work overtime. If the service authority fails to provide the candidate with leave of absence during 3 subsequent calendar months after performing work overtime or in a different agreed period, the candidate shall have the right to a part of the basic salary and extra pay pursuant to the first sentence.

⁷³⁾ § 96 of the Labor Code.

§ 162

Extra Pay for Service in the Night-Time

A candidate shall have the right to an extra pay in the amount of 20 % of the average hourly earnings for each hour of work in the night-time.⁷⁴⁾

§ 163

Extra Pay and Leave of Absence for Work on a Holiday

(1) The salary of a candidate, who has failed to perform work because his(her) usual day of performance of work was a holiday,⁶⁷⁾ shall not be decreased.

(2) For work on a holiday, a candidate shall have the right to leave of absence in the extent of work performed on a holiday, at the latest by the end of the third calendar month following after performance of work on a holiday or in a different agreed period. The salary of the public servant shall not be decreased for the period of the leave of absence. The service authority may agree with the candidate on providing him(her) with an extra pay in the amount of the average hourly earnings for each hour of work on a holiday instead of leave of absence.

§ 164

Special Extra Pay

A public servant, who performs work in difficult and health damaging working conditions, shall have the right to an special extra pay in the amount and under the conditions laid down in § 144 (1) and in a service regulation issued by the General Director pursuant to § 144 (5) for public servants.

§ 165

Additional Pay

(1) An additional pay shall be a lump-sum monetary fulfillment provided in a calendar half-year.

(2) A candidate shall have the right to an additional pay, if (s)he performs work during a calendar half-year for at least 65 days and his(her) labor relationship is not terminated in the first calendar half-year before May 31 or before June 30, if the candidate reaches the required number of days of work in June, and in the second calendar half-year, before November 30 or before December 31, if the candidate reaches the required number of days of work in December.

(3) A day of work shall be a day in which the candidate

- a) performs work for a major part of the shift,
- b) is taking leave in the extent of a half of his(her) shift or more,
- c) is taking leave of absence for work overtime or for work on a holiday in the extent of a half of his(her) shift or more,
- d) is not able to perform work because of obstacles on the part of the employer⁷⁵⁾ in the extent of a half of his(her) shift or more,
- e) does not work because his(her) usual working day is a holiday.

⁷⁴⁾ § 99 of the Labor Code.

⁷⁵⁾ § 129 and § 130 of the Labor Code.

(4) A day of work may only be included on the basis of one reason specified in paragraph 3 above.

(5) A candidate, for whom the service authority has scheduled the working time unevenly, shall be regarded for purposes of paragraph 2 above as an employee who has performed work for 5 working days in a calendar week, even if the working time is not scheduled for all working days in a week. Similar procedure shall be used in assessing periods referred to in paragraph 3 (b) to (e) above.

(6) The amount of the additional pay shall be the sum of monthly amounts of the basic salary and special extra pay to which the candidate has last incurred the right.

(7) The additional pay shall be payable on the earliest payment date following arising of the right to the additional pay.

(8) If the candidate is appointed to service during the relevant calendar half-year, the service authority shall add the days of work pursuant to paragraph 3 above to the days of performance of service pursuant to § 146 (3).

Section 2

Joint Provisions on Salary of Candidates

§ 166

The provisions of § 149, § 150 (1) to (5), § 151, 155 and 157 shall also apply to candidates. The provision of § 152 shall also apply to candidates in relation to providing the same payment during preparation for service.

§ 167

The service authority shall be obliged to allow the candidate to peruse the legal regulations and the service regulations that provide for payment of his(her) salary.

§ 168

(1) The service authority shall be obliged to inform the candidate in writing, on the day of his(her) commencement of work, of his(her) salary through a salary assessment. The salary assessment shall include information on the pay grade, to which the candidate has been assigned, on the amount of the basic salary and the special extra pay, as appropriate. The service authority shall inform the candidate promptly of any changes in the amount of the basic salary and the special extra pay, as appropriate, and on reasons therefor by means of a salary assessment.

(2) The service authority shall also notify the candidate in writing of provision and the amount of an additional pay.

CHAPTER III

REMUNERATION OF OTHER EMPLOYEES IN ADMINISTRATIVE AUTHORITIES AND ORGANIZATIONAL ASPECTS RELATING TO EMPLOYMENT OF SUCH EMPLOYEES

Section 1

Salary

§ 169

(1) An administrative authority shall provide an employee in a labor relationship, who performs work in the administrative authority, with a salary for the performed work, unless this Act lays down otherwise.

(2) A salary of an employee shall consist in monetary fulfillment provided in the amount and under the conditions laid down in this Act as

- a) the basic salary,
- b) an extra pay for management,
- c) an extra pay for representation,
- d) a salary for work overtime,
- e) an extra pay for work in the night-time,
- f) an extra pay for work on holidays,
- g) a special extra pay,
- h) an additional pay,
- i) a personal extra pay or extraordinary basic salary,
- j) a reward.

§ 170

Basic Salary

The basic salary shall be the basic regular monthly provided component of the salary laid down in monthly amounts for the set weekly working time. An employee shall be provided with the basic salary laid down for the pay grade to which (s)he has been assigned, in the amount determined in the following manner.

§ 171

Scale of Basic Salaries

(1) A scale of basic salaries shall be laid down for employees comprising fifteen pay grades, each consisting of twelve pay classes, where basic salaries in the fourth to fifteenth pay grades shall be equal to basic salaries laid down for the first to twelfth pay grades on the scale of basic salaries for public servants [§ 135 (1) and (2)] and basic salaries in the third to first pay grades shall be decreased by 8 % relative to the basic salaries in the next higher pay grade and shall be rounded up to the nearest ten crowns.

(2) The Ministry of Labor and Social Affairs shall publish the scale of basic salaries for the relevant calendar year, calculated according to the procedure laid down in paragraph 1 above, in the Collection of Laws through notice.⁶²⁾

§ 172

Pay Grade

(1) An employee shall be assigned to a pay grade on the basis of the type of work agreed upon in the labor contract and, in the framework thereof, on the basis of the most demanding activities required from him(her). A senior employee⁷⁶⁾ shall be classified in a pay grade pursuant to the most demanding activities, the performance of which (s)he professionally directs or that (s)he actually performs.

(2) In accordance with the characteristics of pay grades laid down in Annex No. 3 to this Act, the Government shall lay down in a Regulation the catalogue of labor activities classified pursuant to their complexity, responsibility and demanding nature into the individual pay grades (hereinafter the "catalogue of labor activities"). If an activity required for fulfillment of tasks of an administrative authority is not listed in the catalogue of labor activities, the administrative authority, in accordance with the characteristics of pay grades laid down in Annex No. 3 to this Act, shall lay down in an internal salary regulation the pay grade for such activity and the requirement for qualification; the pay grade thus determined shall be the pay grade, in which activities are classified that are comparable with the relevant activity as regards the complexity, responsibility and demanding nature thereof.

(3) The administrative authority may agree with the employee on performance of activities, for which the employee meets the qualification preconditions laid down in the catalogue of labor activities, unless this Act lays down otherwise, the preconditions laid down in a special legal regulation,⁷⁷⁾ and also qualification requirements related to the orientation or sphere of education or other knowledge laid down in an internal salary regulation of the administrative authority, as appropriate.

(4) The administrative authority shall not be obliged to require meeting of qualification requirements laid down in the catalogue of labor activities by the employees specified in § 2 (3) (a) to (d) if so laid down by a member of the Government or the Head of the Office of the Government, for whom they carry out work.

§ 173

Manner of Determining the Basic Salary

(1) An employee shall have the right to the basic salary determined on the scale of basic salaries (§ 171) for the pay grade, to which (s)he has been assigned [§ 172 (1)] and for the pay class to which (s)he will be assigned on the basis of the acquired professional experience, unless this Law lays down otherwise. The provision of § 137 (1) shall also apply.

(2) The acquired professional experience shall be expressed as the period of practice including

- a) the period of performance of the required activities,
- b) the period of performance of similar activities after acquiring the education laid down in the catalogue of labor activities or after meeting the qualification requirement laid down in an internal salary regulation in the extent laid down by the administrative authority pursuant to the

⁷⁶⁾ § 9 (3) of the Labor Code .

⁷⁷⁾ E.g., § 53 of Act No. 20/1966 Coll., as amended by Act No. 548/1991 Coll. and Decree No. 50/1978 Coll., on professional qualification in electrotechnology, as amended by Decree No. 98/1982 Coll.

potential for use thereof for performance of the required activity, as proven by the public servant.

(3) The period of practice pursuant to paragraph 2 above shall also include

- a) the period of performance of basic military (alternative) service⁶³) and civil service⁶⁴) in the extent laid down in the special legal regulation for performance of basic military (alternative) service, unless the basic military service was performed concurrently with preparation for occupation within daily studies⁶⁵) or ordinary studies,⁶⁶)
- b) the period of maternal and parental leave or the period of permanent care for a child or children in the extent corresponding to the period of maternal or parental leave, unless such care was performed concurrently with preparation for occupation within daily studies⁶⁵) or ordinary studies,⁶⁶) however not exceeding the total period of 3 years.

(4) Through an internal salary regulation, an administrative authority may lay down the rules, manner and conditions of appraisal of working results of employees for the purposes of promotion to a higher pay class. Pursuant to the results of the appraisal, the promotion of an employee to a higher pay class may be suspended for up to 1 year or may be speeded up by one pay class. The provision of § 137 (5) shall also apply.

(5) An employee, whose promotion has not been suspended pursuant to paragraph 4 above, shall be assigned to a higher pay class as of the first day of the calendar quarter following after acquiring the required period of practice. As of the date pursuant to the first sentence, an employee, whose promotion has been speeded up by one pay class pursuant to paragraph 4 above, shall also be assigned to a higher pay class.

(6) Through an internal salary regulation, an administrative authority may lay down the scope of activities classified in the first to third pay grades, on the basis of whose performance the basic salary of employees is to be determined within the range laid down on the scale of basic salaries (§ 171) between the lowest and the highest basic salary in the relevant pay grade pursuant to the conditions of performance of work, the scope thereof and the efficiency of the employee. The basic salary determined for the employee pursuant to the first sentence shall always be increased as of the first day of the following calendar year by the same percentage increment, by which the same or nearest basic salary is increased as laid down on the scale of basic salaries for the relevant calendar year, unless a change has occurred in the conditions, under which the basic salary of the employee was determined pursuant to the first sentence.

(7) The basic salary of the employee specified in § 2 (3) (a) to (d) shall be determined within the range laid down on the scale of pay grades (§ 171) between the lowest and the highest basic salary in the relevant pay grade by the natural person, for whom the employee carries out work or who (s)he represents. The basic salary determined for an employee pursuant to the first sentence shall always be increased as of the first day of the following calendar year by the same percentage increment, by which the same or nearest basic salary is increased as laid down on the scale of basic salaries for the relevant calendar year, unless a member of the Government or the Head of the Office of the Government, for whom the employee carries out work or who (s)he represents, decides otherwise.

§ 174

Extra Pay for Management

(1) In addition to the basic salary, a senior employee⁷⁶) shall have the right to an extra pay for management paid in the set monthly amounts in the range of extra pays for management as laid down in Annex No. 2 to this Act, where a principal means a senior employee on the same level of management.

(2) An employee who, pursuant to the organizational rules, is authorized to organize, direct and control work of other employees participating in performance of similar or related working tasks, and to give binding instructions thereto for this purpose (hereinafter the "head of a working group") at the

lowest level of an organizational department of the administrative authority, shall have the right to an extra pay for management as laid down in Annex No. 2 to this Act in the scope laid down for the deputy head of a department.

(3) The administrative authority shall lay down the amount of the extra pay for management through an internal salary regulation.

(4) A member of the Government shall lay down the amount of the extra pay for management, that is to be paid to his(her) deputy, within the range laid down in Annex No. 2 to this Act for a state secretary; the Head of the Office of the Government shall proceed *mutatis mutandis* in relation to his(her) deputy.

§ 175

Extra Pay for Representation

(1) An employee, who represents a senior employee in full extent of management activities for the period of at least 20 subsequent working days, shall have the right to an extra pay for representation in the amount of the extra pay for management as laid down in an internal salary regulation for the represented senior employee, as of the first day of representation. If a senior employee is represented by a senior employee at a lower level of management or by a head of a working group, these persons shall not have the right to an extra pay for management pursuant to § 174 during the period of representation.

(2) The deputies of senior employees shall not have the right to an extra pay for representation of senior employees.

§ 176

Salary and Leave of Absence for Work Overtime

(1) For each hour of work overtime,⁷³⁾ an employee shall have the right to the part of the basic salary or extraordinary basic salary, personal extra pay and special extra pay corresponding to one hour of work without work overtime in a calendar month, in which work overtime is performed, and an extra pay in the amount of 25 % of the average hourly earnings, and for days of continuous rest in a week, an extra pay in the amount of 50 % of the average hourly earnings, unless the administrative authority has agreed with the employee on providing leave of absence instead of salary for work overtime. The salary of the employee shall not be decreased for the period of leave of absence. If the administrative authority fails to provide the employee with leave of absence during 3 subsequent calendar months after performing work overtime or in a different agreed period, the employee shall have the right to the part of the basic salary or extraordinary basic salary, personal extra pay and special extra pay pursuant to the first sentence.

(2) The salary of an employee who has the right to an extra pay for management shall be laid down taking into account the potential work overtime in the extent of 150 hours during a calendar year. This shall not apply to work overtime performed in the night-time⁷⁴⁾ or on a non-working day,⁷⁸⁾ for which the employee referred to in the first sentence shall have the right to leave of absence pursuant to paragraph 1 above. The salary of a senior employee, who is the head of an administrative authority or deputy thereof, shall be laid down taking into account any and all work overtime.

⁷⁸⁾ § 91 (1) of the Labor Code .

§ 177

Extra Pay for Service in the Night-Time

An employee, with the exception of a senior employee specified in the third sentence of § 176 (2), shall have the right to an extra pay in the amount of 20 % of the average hourly earnings for each hour of work in the night-time.⁷⁴⁾

§ 178

Extra Pay and Leave of Absence for Work on a Holiday

(1) The salary of an employee, who has failed to perform work because his(her) usual working day was a holiday,⁶⁷⁾ shall not be decreased.

(2) For work on a holiday, an employee shall have the right to leave of absence in the extent of work performed on a holiday, at the latest by the end of the third calendar month following after performance of work on a holiday or in a different agreed period. The salary of the employee shall not be decreased for the period of leave of absence. The administrative authority may agree with the employee on providing him(her) with an extra pay in the amount of the average hourly earnings for each hour of work on a holiday instead of leave of absence.

§ 179

Special Extra Pay

(1) An employee, who performs work in difficult and health damaging working conditions, shall have the right to an extra pay in the amount and under the conditions laid down in § 144 (1) and in a service regulation issued by the General Director pursuant to § 144 (5) for public servants.

(2) An employee, whose working time has been scheduled by the administrative authority in the framework of a two-shift, three-shift or continuous operation so that (s)he alternately performs work within the morning, afternoon and night shifts, as appropriate, shall have the right to a special extra pay in the amount of 500 CZK to 1,000 CZK per month. The administrative authority shall lay down in an internal salary regulation the detailed conditions and the amount of the special extra pay within the set range.

§ 180

Additional Pay

(1) An additional pay shall be a lump-sum monetary fulfillment provided in a calendar half-year.

(2) An employee shall have the right to an additional pay if (s)he performs work in an administrative authority during a calendar half-year for at least 65 days within a single labor relationship, if such labor relationship is not terminated in the first calendar half-year before May 31 or before June 30, if the employee reaches the set number of days of work in June, and in the second calendar half-year, before November 30 or before December 31, if the employee reaches the set number of days of work in December.

(3) A day of work shall be a day in which the employee

- a) performs work for a major part of the shift,
- b) is taking leave in the extent of a half of his(her) shift or more,
- c) is taking leave of absence for work overtime or for work on a holiday in the extent of a half of his(her) shift or more,

- d) is not able to perform work because of obstacles on the part of the employer⁷⁵) in the extent of a half of his(her) shift or more,
- e) does not work because his(her) usual working day is a holiday.

(4) A day of work may only be included on the basis of one reason specified in paragraph 3 above.

(5) An employee, for whom the administrative authority has scheduled the set working time unevenly, shall be regarded for purposes of paragraph 2 above as an employee, who has performed work for 5 working days in a calendar week, even if the working time is not scheduled for all working days in a week. Similar procedure shall be used in assessing periods referred to in paragraph 3 (b) to (e) above.

(6) The amount of the additional pay shall be the sum of monthly amounts of the basic salary or extraordinary basic salary, extra pay for management, personal extra pay and special extra pay, to which the employee has last incurred the right or which have last been assigned thereto by the administrative authority. The extra pay for representation shall not be taken into account.

(7) The additional pay shall be payable on the earliest payment date following arising of the right to the additional pay.

§ 181

Personal Extra Pay and Extraordinary Basic Salary

(1) A personal extra pay shall be a non-claimable component of the salary through which extraordinary quality of performance of work or high-quality fulfillment of a greater number of working tasks than are performed by other employees may be appreciated in relation to an employee for whom a basic salary is laid down pursuant to § 173 (1) to (5).

(2) In administrative authorities, in which appraisal of results of work performed by employees is carried out pursuant to § 173 (4), a personal extra pay may normally be granted to the employee, increased, decreased or withdrawn therefrom on the basis of the results of such appraisal; exceptionally this may also be done on the basis of a proposal by a senior employee in the period between the individual appraisals if, according to his(her) evaluation of the results of work performed by the employee, the efficiency thereof has substantially changed. In administrative authorities, in which appraisal of results of work pursuant to § 173 (4) is not carried out, the competent senior employee shall propose granting of a personal extra pay to an employee, as well as increasing, decreasing or withdrawal thereof.

(3) A personal extra pay may be laid down up to the amount of 20 % of the basic salary of the employee.

(4) For employees, for whom the highest basic salary has been laid down pursuant to § 173 (6) and (7) on the scale of basic salaries (§ 171) in the pay grade to which (s)he has been assigned, extraordinary quality of work or high-quality fulfillment of a greater number of working tasks than are performed by other employees may be appreciated through granting of an extraordinary basic salary which may be up to 20 % higher than the basic salary laid down therefor.

(5) The competent senior employee shall propose granting and the amount of an extraordinary basic salary, as well as increasing, decreasing or withdrawal thereof. For an employee referred to in the first sentence of § 173 (7), the extraordinary basic salary shall be granted, increased, decreased or withdrawn by the member of the Government or the Head of the Office of the Government, for whom the employee performs work or who (s)he represents.

§ 182

Reward

(1) A reward shall be an individual non-claimable component of the salary through which the following features may be appreciated:

- a) fulfillment of an extraordinary or especially important working task,
- b) voluntary taking over of fulfillment of urgent working tasks instead of an absent employee, unless the right to an extra pay for representation has arisen,
- c) working merits upon reaching 50 years of age and upon the first termination of the labor relationship following granting of a full disability pension or following arising of the right to a retirement pension,
- d) provision of assistance in prevention of fires or natural disasters, liquidation thereof or elimination of their consequences, or in other extraordinary events, in which property, health or life may be endangered.

(2) The amount of the reward may not exceed the amount of the basic salary of an employee and the sum of the basic salary and the extra pay for management of a senior employee or head of a working group. The administrative authority shall lay down in an internal salary regulation more detailed rules and the procedure for provision of rewards. A reward for an employee, whose basic salary is determined pursuant to § 173 (7), shall be granted and the amount thereof shall be determined up to the maximum amount laid down in the first sentence by the member of the Government or the Head of the Office of the Government, for whom the employee performs work or who (s)he represents.

§ 183

Salary in Performance of Other Work

(1) If an employee is transferred to a different work, for which (s)he is entitled to a lower salary, for the reason of

- a) endangering by a professional disease,
- b) decision of the competent body of protection of public health, in the interest of protection of the health of the natural person against contagious diseases,
- c) avoiding a natural disaster or other imminent accident or mitigation of direct consequences thereof,
- d) a delay not caused by the employee or interruption of work caused by adverse weather conditions,

during the period of transfer, (s)he shall have the right to a supplementary payment up to the amount of his(her) average salary prior to the transfer. The supplementary payment pursuant to letter a) above shall be paid for the maximum of 12 consequent calendar months.

(2) The supplementary payment pursuant to paragraph 1 (a) shall also be paid if the employee is transferred to another employer, because the former employer is not able provide him(her) with appropriate work. The supplementary payment shall be provided to the employee by the employer who employed him(her) in the period for which the supplementary payment is to be provided; the employer under whom the endangering by the professional disease occurred shall reimburse the provided supplementary payment to the above employer.

(3) The Government shall lay down in a Regulation, under what conditions the competent administrative authority shall pay the costs of the supplementary payment pursuant to paragraph 1 (b) above to the employer who has provided the payment.

(4) If an employee has been transferred pursuant to § 37 (2) (b) of the Labor Code to a different work than has been agreed upon, (s)he shall have the right to a salary corresponding to the performed work; however, unless the employee is validly convicted of a willful offense committed in performance of working tasks or in direct connection therewith to the detriment of the property of the employer, the employee shall have the right for the period of the transfer to a supplementary payment up to the amount of his(her) salary prior to the transfer.

Section 2

Joint Provisions on Salary of Other Employees in Administrative Authorities and Organizational Aspects Relating to Employment of Such Employees

§ 184

The provisions of § 82, § 149 to 151, § 155 and 157 shall also apply to employees.

§ 185

The administrative authority shall be obliged to provide male and female employees with the same salary for the same work or work of the same value. The same work or work of the same value means work of the same or comparable complexity, responsibility and demanding nature that is performed under the same or similar working conditions, with the same or similar working capabilities and working capacity of the employee, and with the same or similar working efficiency and results of work.

§ 186

(1) The administrative authority shall be obliged to allow the employee to peruse the legal regulations and internal payment regulations, or service regulations, as appropriate, providing for the payment of his(his) salary.

(2) The administrative authority shall be obliged to consult the internal salary regulation with the competent trade-union body prior to issuing thereof. An internal salary regulation that has not been issued in writing, or the part thereof which is in contradiction with the legal regulations, shall be void.

§ 187

(1) On the day of commencement of the labor relationship of the employee, the administrative authority shall be obliged to inform him(her) in writing of his(her) salary through a salary assessment. The salary assessment shall contain information on the pay grade, to which the employee has been assigned, on the amount of the basic salary, extra pay for management and special extra pay. The administrative authority shall inform the employee promptly of any changes in the components specified in the second sentence and on the reasons therefor through an amendment to the salary assessment.

(2) The administrative authority shall also inform the employee in writing of the provision and amount of an additional pay, extra pay for representation and rewards, as appropriate, of granting and the amount of personal extra pay or an extraordinary basic salary and of increasing, decreasing or withdrawal of the personal extra pay or extraordinary basic salary.

§ 188

(1) In order to alleviate the wrongs caused by labor-law acts carried out in the period from February 25, 1948 to January 1, 1990, the administrative authority may also include in the period of practice the periods of other practice, at variance with the provision of § 173 (2) (b), if the employee could not perform practice following completion of the required education because of a void labor-law act.⁷¹⁾

(2) In order to alleviate the consequences of decisions through which pupils and students were disqualified from studies at schools providing secondary or higher education and at universities in the period from February 25, 1948 to January 1, 1990, the administrative authority may also include in the period of practice the periods of other practice acquired prior to completion of the required education, at variance with the provision of § 173 (2) (b), if the employee has properly completed the pertinent studies on the basis of a study rehabilitation.⁷²⁾

§ 189

(1) In providing salary to a senior employee who is the head of an administrative authority, the administrative authority shall proceed pursuant to § 172, § 173 (1) to (3), § 174 (1), § 178, § 180 to 182, § 184, § 186 (1), § 187 and 188 where the amount of the basic salary, extra pay for management, granting and the amount of the personal extra pay, increase, decrease or withdrawal of a personal extra pay, and provision of reward and the amount thereof shall be decided by the body, which has appointed the given employee to his(her) position, unless this Act or a special legal regulation lays down otherwise.

§ 190

(1) The provisions of § 14 to 16 shall apply to determining the number of employees and the amount of funds for the salaries thereof *mutatis mutandis*, where the number of employees, for which the basic salary shall be determined pursuant to § 173 (7), and the amount of funds for the salaries thereof shall be proposed by the natural person for whom such employees carry out work or who they represent.

(2) A deputy member of the Government shall be a representative of the pertinent member of the Government, with the exception of personal rights or obligations of a member of the Government. The position of a deputy member of the Government shall not constitute a level of management within the organizational arrangement of the administrative authority. In an administrative authority, with regard to the jurisdiction thereof, there may be a maximum of 2 positions of deputy members of the Government and a maximum of 1 position of a deputy Head of the Office of the Government.

§ 191

The labor-law relationships of other employees in administrative authorities shall be subject to the Labor Code, unless otherwise laid down in this Act.

PART ELEVEN
JOINT PROVISIONS

CHAPTER I

**CAPACITY OF A NATURAL PERSON TO BEAR RIGHTS AND OBLIGATIONS AND FOR
LEGAL ACTS AND REPRESENTATION**

§ 192

(1) The capacity of a natural person to bear rights and obligations and for legal acts and representation pursuant to this Act shall be subject to § 11, 12, 14, § 15 (2) and (3), § 16 and 17 of the Labor Code.

(2) A public servant may be represented by another public servant, attorney-at-law or another natural person who enjoys full legal capacity; the service authority may be represented by an authorized public servant or attorney-at-law.

CHAPTER II

**PERSONAL FILE, SERVICE CARD, SERVICE APPRAISAL OF A PUBLIC SERVANT AND
REQUESTS OR COMPLAINTS BY PUBLIC SERVANTS**

Section 1

Personal File

§ 193

(1) The service body shall maintain a personal file on the service relationship of a public servant and on the labor relationship of a candidate, which may only contain documents necessary for the labor or service relationship and appraisal of the candidate or public servant.

(2) Only the principals who are superior to the candidate or public servant may peruse the personal file. The General Directorate, court, state's attorney, investigator and the National Security Authority shall have the right to peruse the personal file and to borrow the personal file.

(3) A candidate and candidate whose labor relationship has ceased to exist, public servant and public servant whose service relationship has ceased to exist shall have the right to peruse his(her) personal file, to make excerpts therefrom and to request counterparts of documents, at the expense of the service authority.

(4) The personal file shall be kept for the period of 40 years following termination of the labor relationship of a candidate unless a service relationship has subsequently arisen, and following termination of the service relationship; after expiry of this period, the personal file shall be delivered to the natural person to whom it pertains if the natural person so requests. If the delivery of the personal file is not possible, the special legal regulation shall apply.⁷⁹⁾

⁷⁹⁾ Act No. 97/1974 Coll., on keeping archives, as amended. Decree No. 117/1974 Coll., laying down the criteria for evaluating documents as archive materials and details of the destruction procedure. Decree No. 118/1974 Coll., on archives in enterprises.

Section 2

Service Card

§ 194

(1) The service authority, in which the public servant performs service, shall issue to the public servant a service card. The service card shall document that the holder thereof is a public servant pursuant to this Act. The service card shall contain

- a) a photograph of the public servant,
- b) the name, surname and academic title,
- c) the registration number of the public servant,
- d) the designation of the service authority in which the public servant performs service,
- e) the number of the service card,
- f) the date of issue and the period of validity of the service card.

(2) The issue of the service card pursuant to paragraph 1 above shall in no way prejudice the special legal regulations.⁸⁰⁾

(3) The General Director shall lay down in a service regulation the specimen and size of the service card.

Section 3

Service Appraisal of the Public Servant

§ 195

(1) The public servant shall be subject to service appraisal. The service appraisal shall be carried out during each calendar quarter, in which the period of a year of performance of service by the public servant expires.

(2) The service appraisal of the public servant shall include appraisal of

- a) retaining loyalty to the state and failure to abuse the position of a public servant,
- b) proper performance of service as regards the correctness, expediency and independence thereof,
- c) compliance with the service discipline,
- d) the results of education.

(3) The service appraisal must include a conclusion on whether service in the evaluated period was or was not performed properly and whether the public servant achieved extraordinary results in service. The service appraisal shall also include the setting of tasks for further personal development of the public servant or a proposal for granting and the amount of the personal extra pay, increase, decrease or withdrawal thereof.

(4) The service appraisal carried out in the year, in which the public servant completes the period of practice required for promotion to a higher pay class (§ 137) must include a conclusion on whether the public servant shall be promoted to a higher pay class or whether his(her) promotion to a higher pay class shall be suspended for one year. If the public servant has achieved extraordinary

⁸⁰⁾ E.g., § 13 of Act No. 531/1990 Coll., as amended by Act No. 311/1999 Coll.

results in service, the service appraisal may include the conclusion that the promotion of the public servant in pay classes shall be speeded up by one pay class.

(5) If the calendar quarter, in which the public servant completes the first year of performance of service, is preceded by a calendar year, in which the public servant completes the period of practice required for promotion to a higher pay class (§ 137), the service appraisal of the public servant shall be carried out already in the latter quarter. The next service appraisal shall be carried out during the calendar quarter in which the period expires of one year of performance of service from the last service appraisal.

(6) The public servant must be acquainted with the service appraisal and, on his(her) request, (s)he must be provided with a counterpart thereof.

§ 196

(1) The service body shall carry out the appraisal of the public servant in cooperation with the directly superior principal, unless otherwise laid down below.

(2) The draft service appraisal shall be drawn up by the directly superior principal of the public servant.

(3) The General Director shall carry out the service appraisal of the head of a service authority consisting in a central administrative authority and the head of a service authority that has no superior service body; a draft service appraisal shall not be drawn up. The superior service body shall carry out the service appraisal of the head of a subordinate service authority; a draft service appraisal shall not be drawn up.

(4) The service appraisal of the state secretary and deputy state secretary shall be carried out by the General Director together with the member of the Government, who directs the relevant ministry, and, in the Office of the Government, with the Head of the Office of the Government. A draft service appraisal of the state secretary and deputy state secretary shall not be drawn up.

(5) The personnel director (General Director) shall carry out the service appraisal of public servants subordinate to the personnel director (General Director).

(6) The General Director together with the state secretary shall carry out the service appraisal of the personnel director. A draft service appraisal shall not be drawn up.

(7) The service appraisal of the General Director, Deputy General Director, Chairman of the Securities Commission and members of the Board of the Securities Commission shall not be carried out.

Section 4

Request or Complaint by a Public Servant

§ 197

(1) In relation to matters of performance of service and matters of service relations pursuant to this Act, a public servant may submit a request or a complaint; the public servant shall submit the request or complaint in writing.

(2) The principal who is superior to the public servant or the service body shall deal with the request or complaint by the public servant according to the content thereof unless otherwise laid down below.

(3) A complaint by a public servant may not be dealt with by a principal or service body against whom the complaint is directed; it shall be dealt with by the superior principal or the service body that is superior to the principal or service body against whom the complaint is directed.

(4) A request or complaint by a public servant who is a service body shall be dealt with by the superior service body or the General Director, as appropriate.

(5) A request or complaint by a public servant who is the General Director or Deputy General Director shall be dealt with by the Prime Minister.

(6) A request or complaint by a public servant must be dealt with at the latest within 20 calendar days of the delivery thereof.

(7) If a public servant repeats his(her) complaint, it is necessary to review whether the previous complaint has been properly dealt with, and to inform the public servant of the result of the review. If further complaints by a public servant relating to the same matter do not comprise any new facts, it shall not be necessary to deal with them.

(8) A public servant shall be authorized to request that the trade union active within the service authority, the higher trade-union body, the council of public servants and, in matters relating to the safety and protection of health in performance of service, the representative of public servants for safety and protection of health in performance of service provide him(her) with collaboration in dealing with his(her) complaint. The organizations and bodies referred to in the first sentence shall be obliged to provide the public servant with the necessary collaboration.

CHAPTER III

PROCEEDINGS IN THE MATTERS OF THE SERVICE RELATIONSHIP

Section 1

Proceedings in the First Instance

Subsection 1

Introductory Provisions

§ 198

(1) The proceedings pursuant to this Chapter shall apply to matters of the service relationship pursuant to this Act, unless paragraph 2 below lays down otherwise.

(2) The proceedings pursuant to this Chapter shall not apply to matters concerning

- a) sending on an official journey,
- b) representation,
- c) appointing to the service position of the General Director, Deputy General Director, state secretary and deputy state secretary, personnel director, deputy personnel director and recalling from such position, and appointing to the service position of the head of a service authority pursuant to the first sentence of § 53 (5) and recalling from this position,
- d) relieving of the obligation to maintain confidentiality,
- e) the dignity of the public servant and his respect in the service relationship [§ 80 (6)],⁴⁵⁾
- f) ordering of readiness for service,
- g) determination of commencement of leave and service leave of absence,
- h) the service appraisal of the public servant,

- i) determination of salary claims of a principal in the service position of the General Director, Deputy General Director, state secretary, deputy state secretary, head of a service authority in central administrative authorities and head of a service authority that has no superior service body [§ 158 (1), the second sentence],⁴⁵⁾
- j) requests or complaints by a public servant; this shall not apply if it follows from the content thereof that the request or complaint constitutes a petition.

Subsection 2

Participants in the Proceedings and the Decision-Making Body

§ 199

(1) The following entities shall be participants in the proceedings:

- a) the public servant and public servant whose service relationship has ceased to exist,
- b) a survivor of the public servant,
- c) the service authority.

(2) The following persons shall act for the service authority in the proceedings:

- a) the competent service body in matters of disciplinary liability; this shall not apply in cases where the proposal for commencement of disciplinary proceedings was submitted against him(her)self,
- b) the directly superior principal of the public servant or the principal laid down in the service regulation, as appropriate, (hereinafter the "authorized principal") in other matters.

§ 200

The first degree disciplinary committee shall make decisions in the first instance in proceedings on matters of disciplinary liability. The competent service body shall make decisions in the first instance in proceedings on other matters; the Deputy General Director shall make decisions on matters concerning the personnel director and deputy personnel director and on matters of a pension bonus. The first degree disciplinary committee, the competent service body and the Deputy General Director shall be the decision-making bodies.

Subsection 3

Basic Provisions

§ 201

The proceedings pursuant to this Act shall be held in camera and shall usually have the form of oral proceedings.

§ 202

(1) A participant shall notify the service body, within which the disciplinary committee has been established promptly of any claim of prejudice against a certain member of the disciplinary committee. The claim pursuant to the first sentence must be made in writing. The service body shall review the claim of prejudice. If the claim of prejudice is justified, the service body shall disqualify through a decision the relevant member of the disciplinary committee from the proceedings and shall

simultaneously decide which public servant shall replace the disqualified member; otherwise, it shall reject the claim.

(2) A participant shall notify the competent service body promptly of any claim of prejudice thereagainst. The claim pursuant to the first sentence must be made in writing. The competent service body whose lack of prejudice has been challenged through the claim shall forward the claim to the superior service body. The superior service body shall review the claim of prejudice. If the claim of prejudice is justified, the superior service body shall disqualify through a decision the pertinent service body from the proceedings and shall simultaneously adopt measures ensuring the proper course of further proceedings; otherwise, it shall reject the claim.

(3) Prejudice may only be claimed for the reason of a relation to the discussed matter, to the participants in the proceedings or successors thereof.

(4) The decisions pursuant to paragraphs 1 and 2 above shall not be subject to appeal.

§ 203

(1) The decision-making body shall proceed prior to issuing the decision so as to accurately and fully establish the factual state of affairs; for this purpose, it shall be obliged to obtain the necessary underlying documents for the decision. The decision-making body shall be authorized to order that the participant in the proceedings make a written statement on the matter and enclose the documentary evidence claimed thereby.

(2) In assessing the matter, the decision-making body shall clear all decisive circumstances with equal care without regard to whether such circumstances favor or disfavor the public servant to whom the proceedings is related.

§ 204

Petition and Forwarding

(1) If laid down by this Act, the petition must be made in writing and delivered to the decision-making body.

(2) The petition shall be dealt with pursuant to its content. It must follow from the petition by whom it has been submitted, to what matter it relates and what is proposed therethrough.

(3) If the decision-making body is not competent to make the decision, it shall be obliged to forward the petition promptly to the competent decision-making body and to notify the participant in the proceedings thereof. If there is a danger connected with delay, the decision-making body shall take the necessary measures, in particular, aimed at preventing of any imminent damage.

§ 205

Written Record

(1) The decision-making body shall make written records of any oral petitions and important acts in the proceedings.

(2) It must follow from the written records, by whom and when the proceedings were carried out, what the subject of the proceedings was, which persons participated therein, how the proceedings were carried out, what proposals were submitted and what measures were taken; the written records concerning imposing of a disciplinary measure shall also include the verdict of the decision and the result of vote [§ 74 (3) and (4)].

(3) The written records shall be signed by the person who carries out the pertinent act and, according to the nature of the case, also by persons involved in the given act. The refusal to provide

signature, the reasons therefor and objections against the content of the written records shall be included therein.

§ 206

Commencement of Proceedings

(1) The proceedings shall be commenced on the basis of a proposal by a public servant, public servant whose service relationship has ceased to exist, survivor of a public servant or authorized principal [§ 199 (2)].

(2) The proceedings on granting a pension bonus shall be commenced on the basis of a written request. The request shall be submitted on a form, the requisites of which shall be laid down by the General Director in a service regulation.

(3) The proceedings on a change in the amount or on suspending of payment, or on withdrawal of a pension bonus shall be commenced on the basis of an instigation by the beneficiary of the bonus or the service authority.

(4) The proceedings shall be commenced as of the day of delivery of the petition by the participant in the proceedings to the decision-making body. If proceedings are commenced on the basis of a proposal submitted by the proposer or authorized principal, the proceedings shall be commenced as of the day when the decision-making body carried out the first act in relation to the pertinent participant in the proceedings.

(5) The provisions of § 63 of the Act on pension insurance shall apply to the proceedings on a pension bonus, arising of a claim to a pension bonus and payment of the due amounts in case of death of the beneficiary *mutatis mutandis*.

§ 207

Rights and Obligations of Participants in the Proceedings

(1) A participant in the proceedings shall have the right to propose evidence and supplementing thereof and to give witnesses and experts questions during the oral proceedings and examination.

(2) Participants in the proceedings shall be obliged to proceed so as not to obstruct the proceedings and cause delay.

(3) Participants in the proceedings shall have the right to peruse the files, with the exception of the written records of the results of vote, and to make excerpts therefrom.

(4) The decision-making body shall be obliged to take measures ensuring that the perusal of the files is not in contradiction with the legal regulations on confidential facts.¹⁸⁾

Establishing of Grounds for a Decision

§ 208

(1) All means, through which the factual state of affairs can be established and cleared and that are in accordance with the legal regulations, may be used for the purpose of substantiation.

(2) Anything that can contribute to establishing of the factual state of affairs, in particular testimonies and statements of the participants in the proceedings and of witnesses, expert assessments, reports, standpoints and confirmations of other persons, documents and examination, shall constitute evidence. The decision-making body shall be authorized to appoint an expert and an interpreter. If the decision depends on assessment of facts for which expertise is required the decision-making body shall appoint an expert; if any of the participants in the proceedings or the witnesses does not speak Czech, the decision-making body shall appoint an interpreter.

(3) A participant in the proceedings shall be authorized to propose evidence to support his(her) claims. The decision-making body shall be authorized to determine which pieces of evidence pursuant to the first sentence shall be presented. The decision-making body shall also be obliged to present pieces of evidence other than proposed by the participant in the proceedings if necessary for establishing the factual state of affairs.

(4) The service authority shall consider any allegations, that the participant in the proceedings was directly or indirectly subject to discrimination on the basis of his(her) sex, nationality or race, to be proven unless the contrary is proven within the proceedings.

(5) The decision-making body shall evaluate evidence according to its considerations, each piece of evidence individually and all pieces of evidence in their mutual relations.

(6) If a question arises in the proceedings that has already been decided by the competent body, the decision-making body shall be bound by such decision; otherwise the decision-making body may make its own judgment on such question or shall give an instigation to the competent body for commencement of proceedings.

(7) The decision-making body may not make its own judgment on whether and by whom an offense, administrative tort or misdemeanor has been committed or on the personal status of a natural person as a preliminary question if such issue is to be decided by the courts.

§ 209

The decision-making body shall summon to the oral proceedings the persons whose personal participation in discussing the matter is necessary.

§ 210

(1) A public servant shall be obliged to appear on the basis of the summons before the decision-making body and to testify as a witness. (S)he must testify the truth and must not conceal any facts. The witness may refuse to provide a testimony only if, as a consequence thereof, (s)he or his(her) close family members²⁷⁾ would come into danger of being prosecuted for an offense, misdemeanor or other administrative tort.

(2) A person who would infringe upon legal regulations on confidential facts¹⁸⁾ by providing his(her) testimony may not be heard as a witness unless (s)he has been relieved of the obligation to maintain confidentiality.

(3) Prior to the hearing, the decision-making body shall advise the witness on the possibility of refusing to provide testimony, on his(her) obligation to testify the truth and not to conceal any facts and on the legal consequences of a false or incomplete testimony.⁸¹⁾

§ 211

Disciplinary Fine

The decision-making body may impose a disciplinary fine of up to 2,000 CZK through a decision on a person who obstructs the course of proceedings, in particular in that (s)he failed to appear upon invitation before the decision-making body without important reasons, that (s)he disturbs following after being warned, refuses to provide testimony, submit a document or carry out examination without justification.

⁸¹⁾ § 46 of Act No. 200/1990 Coll., on misdemeanors, as amended.

§ 212

Costs of Proceedings

(1) The service authority shall bear the costs of proceedings incurred thereby. The costs incurred by the public servant, public servant whose service relationship has ceased to exist and survivor of the public servant shall be borne by such natural persons; they shall have the right to reimbursement of costs by the service authority if they had success in the proceedings.

(2) If an attorney-at-law represented the public servant, public servant whose service relationship has ceased to exist or survivor of the public servant who incurred the right to reimbursement of costs, the service authority shall be obliged to pay the costs to the attorney-at-law. The amount of such fee paid by the service authority shall be determined pursuant to the special legal regulation on non-contractual fees.⁸²⁾

(3) The service authority shall reimburse to the witness his(her) out-of-pocket expenses and the profits (s)he has demonstrably lost; such right must be exercised within 3 days of arising thereof; otherwise it shall become extinct.

(4) The service authority shall reimburse the costs connected with submission of a document and with examination that have been incurred by a person who is not a participant in the proceedings.

(5) The payment of the out-of-pocket expenses and fees to the experts and interpreters shall be subject to the Act on experts and interpreters.^{40),83)}

§ 213

Decision

(1) Prior to issuing the decision, the decision-making body shall be obliged to give the participants in the proceedings the opportunity to state their opinion on the grounds for the decision and on the manner of establishing thereof, and to propose the supplementation thereof, as appropriate.

(2) The decision must be in accordance with the legal regulations, follow from the establishment of the factual state of affairs, include the verdict, justification and advice on appeal. The decision must always be made in writing; it must include the date of issue, be signed and state the name, surname and service designation of the decision-making body, and must be equipped with the stamp of the service authority.

(3) The verdict of the decision shall include the decision on the given matter with specification of the legal regulation on the basis of which the decision was made and the decision on the costs of the proceedings; if the decision includes imposing of the obligation of fulfillment, it shall lay down a deadline therefor.

(4) In the justification of the decision, the decision-making body shall state which facts constituted grounds for the decision, which considerations formed the basis for the evaluation of evidence and in application of the legal regulation on the basis of which the decision was made.

(5) The decision-making body shall correct any errors in writing, calculations and other clear inaccuracies in the written copy of the decision even without a proposal and shall notify the participants in the proceedings thereof.

(6) A decision that is not subject to appeal shall be in legal force.

(7) A decision shall be enforceable if it is not subject to appeal or if an appeal does not have dilatory effect.

⁸²⁾ Decree No. 177/1996 Coll., on fees of attorneys-at-law and reimbursement of expenses incurred by attorneys-at-law in provision of legal services, as amended.

⁸³⁾ Act No. 37/1967 Coll., on implementation of Act on experts and interpreters, as amended.

§ 214

Deadline for Making Decision

If a decision can be made on the basis of the documents submitted by the participant in the proceedings, the decision must be made promptly. In other matters, the decision must be made within 30 days of commencement of proceedings (§ 206); in especially difficult matters, it must be made within 60 days.

§ 215

Execution of the Decision

If the participant in the proceedings fails to voluntarily fulfill the obligation imposed on him(her) by an enforceable decision, the court shall execute the decision on the basis of a proposal by the service authority pursuant to the special legal regulation.⁸⁴⁾

Section 2

Review of the Decision

*Subsection 1**Appellate Procedure*

§ 216

(1) A participant in the proceedings may lodge an appeal against a decision of the decision-making body unless otherwise laid down by this Act or unless the participant in the proceedings has waived the appeal in writing or orally into a written record. In matters of disciplinary liability, the appeal must be lodged within 8 calendar days and in other matters within 15 calendar days from the date of delivery of the decision.

(2) The appeal shall be lodged in writing to the decision-making body which issued the decision.

(3) If the participant in the proceedings lodged the appeal after expiry of the deadline laid down by this Act or lodged the appeal to a non-competent body, as a consequence of incorrect advice or lack of advice, it shall hold that (s)he lodged the appeal in time and to the competent body if (s)he does so at the latest within 3 months of the date of delivery of the decision.

(4) The appellate body may pardon the missing of the deadline for lodging an appeal if caused by important reasons and if the participant in the proceedings applies therefor within 15 days of the date when the missing occurred and simultaneously lodges the appeal.

(5) The lodged appeal shall not have dilatory effect; this shall not be valid in the matters of

- a) disciplinary liability,
- b) compensation for damage and unjustified enrichment.

(6) The decision-making body which issued the challenged decision may uphold the appeal itself only if it upholds it in full extent; if it fails to do so, it shall be obliged to forward the appeal

⁸⁴⁾ § 274 (e) of the Code of Civil Procedure.

promptly, however not later than within 15 days of the date of lodging the appeal, to the appellate body together with the pertinent files.

(7) A decision on the appeal shall not be subject to further appeal.

§ 217

Appellate Body

(1) The following body shall be the appellate body:

- a) the second degree disciplinary committee, in the matters of disciplinary liability,
- b) the superior service body, in other matters.

(2) The General Director shall make decisions on appeals against decisions issued by the Deputy General Director [§ 200, the second and third sentences].

(3) If there are reasons therefor, the appellate body shall change or cancel the decision; otherwise, it shall reject the appeal and confirm the decision. If only the public servant has lodged an appeal against a decision on imposing a disciplinary measure, a stricter disciplinary measure may not be imposed thereon.

(4) Prior to issue of the decision of the appellate body, with the exception of appeals concerning disciplinary liability, the appeal shall be discussed by an advisory appellate commission. The advisory appellate commission shall provide the appellate body with a proposal for the decision on the appeal. The appellate body shall not be bound by such recommendation of the advisory appellate commission.

§ 218

Advisory Appellate Commission and Proposal for the Decision

(1) The service body that is the appellate body [§ 217 (1) (b) and (2)] shall establish an advisory appellate commission.

(2) The advisory appellate commission must have at least 3 members; if the commission consists of more members, the number thereof must be odd. Only public servants, usually with legal university education in a master's study program, may be members of the advisory appellate commission. The public servant holding the highest service position shall be the chair of the advisory appellate commission; if there are more public servants with the same service position in such commission, the chair of the commission shall be determined by lot.

(3) An authorized principal, public servant who was involved in preparing the decision in the first instance and a public servant for the reasons specified in § 202 (3) may not be members of the advisory appellate commission.

(4) The advisory appellate commission shall have a quorum if all members thereof are present; the decision shall be made by a majority of votes.

(5) If a participant in the proceedings requests that (s)he be acquainted with the composition of the advisory appellate commission, the appellate body shall be obliged to satisfy the request.

(6) A participant in the proceedings may submit a claim of prejudice against a member of the advisory appellate commission to the appellate body for the reasons specified in § 202 (3). The claim pursuant to the first sentence must be made in writing. The appellate body shall review the claim of prejudice. If the claim of prejudice is justified, the appellate body shall disqualify through a decision the relevant member of the advisory appellate commission from the proceedings and shall simultaneously decide which public servant shall replace the disqualified member; otherwise, it shall reject the claim.

(7) A decision pursuant to paragraph 6 above shall not be subject to appeal.

(8) The advisory appellate commission shall discuss the appeal on the basis of the entire documentary material and shall review the correctness of the challenged decision.

(9) The discussion of the appeal by the advisory appellate commission shall lead to issue of a recommendation including

- a) the designation of the advisory appellate commission, the names, surnames and academic titles of the public servants who are the members of the commission, the service designation and registration numbers thereof,
- b) the place and date of meeting of the commission,
- c) designation of the participant in the proceedings, his(her) name, surname and academic title, and, for a public servant, also his(her) service designation, birth certificate number and registration number,
- d) designation of the decision that was fully or partly challenged by the appeal,
- e) the recommended verdict, justification thereof, the result of vote and the signatures of the members of the advisory appellate commission.

Subsection 2

Review of Legally Valid Decisions

§ 219

(1) If important facts are later established that could not have been claimed by the participant in the proceedings without his(her) fault and that justify a more favorable decision in favor thereof, the decision-making body may change or cancel a legally valid decision on the basis of a proposal by the participant in the proceedings. The decision-making body, which canceled the decision, shall make a decision in the given matter. Only a public servant may submit a proposal pursuant to the first sentence in matters of disciplinary liability.

(2) The participant in the proceedings may submit a proposal pursuant to paragraph 1 above within 3 months of the day when (s)he learned of circumstances justifying the proposed change, however not later than within 3 years of the date of legal force of the decision; otherwise such right shall become extinct.

(3) If it is later established that a legally valid decision is in contradiction with legal regulations, it shall be canceled by the second degree disciplinary committee, in the matters of disciplinary liability, and by the appellate body, in other matters. A legally valid decision may be canceled within 3 years of the date of legal force thereof; otherwise, such option shall cease to exist.

CHAPTER IV

DELIVERY OF DOCUMENTS IN RELATION TO THE SERVICE RELATIONSHIP

§ 220

(1) Documents relating to the service relationship (hereinafter the "documents") must be delivered into the hands of the public servant.

(2) The service authority shall deliver documents to the public servant to the premises of the service authority which is the place of service of the public servant, to his(her) place of residence or to

any other place where (s)he can be found; if this is not possible, the document may be delivered through a holder of a postal license.

(3) Documents delivered by the holder of a postal license shall be delivered to the last known address of the public servant through registered mail with a return receipt and with designation "personal delivery".

(4) If the public servant, to whom the document is to be delivered, has not been found, even though (s)he is present in the place of delivery, the delivering person shall deposit the document at the locally competent office of the holder of a postal license or at a body of the municipality, and shall notify the public servant thereof in an appropriate manner. The document shall be in custody for the period of 10 days. The commencement of the period of custody must be stated on the document. If the document is not withdrawn by the public servant from the custody within the deadline specified in the first sentence, the holder of a postal license shall return the document to the sending service authority as non-deliverable. If the public servant refuses to accept the document, the holder of a postal license shall state this fact on the document and shall return it to the sending service authority.

(5) The obligation of the service authority to deliver the document shall be complied with when the public servant accepts the document or when the document is returned to the sending service authority by the holder of a postal license as non-deliverable and the public servant has frustrated the delivery of the document by his(her) conduct or failure. The effects of delivery shall also occur if the public servant refuses to accept the document.

(6) The conditions of delivery pursuant to paragraphs 1 to 5 above shall also apply where the document is delivered to a person other than a public servant. The conditions of delivery to an attorney-at-law shall be subject to § 48b of the Code of Civil Procedure.

§ 221

(1) A public servant or another person, as appropriate, shall deliver documents intended for a service authority usually by means of personal delivery to the premises of the service authority. On request of a public servant or another person, as appropriate, the service authority shall be obliged to confirm in writing the delivery of the document pursuant to the first sentence.

(2) The obligation to deliver a document to a service authority shall be complied with when the service authority accepts the document.

CHAPTER V

REVIEW BY THE COURTS OF LEGALLY VALID DECISIONS RELATING TO THE SERVICE RELATIONSHIP

§ 222

(1) An action against a decision issued in proceedings pursuant to this Act may be filed to the courts within 30 days of the date of delivery of the decision.

(2) If an action pursuant to paragraph 1 above has been filed against a legally valid decision issued on a matter of disciplinary liability, compensation for damage or unjustified enrichment, the enforceability of the decision shall be postponed until the legal force of the decision of the court on the action.

(3) If a court establishes on the basis of a proposal by a public servant that his(her) transfer to a different authority (§ 39) was illegal, the public servant shall have the right to receive one monthly salary from the service authority, from which (s)he was transferred.

CHAPTER VI

TRANSFER OF EXECUTION OF RIGHTS AND OBLIGATIONS FOLLOWING FROM THE
SERVICE RELATIONSHIP

§ 223

(1) If a special legal regulation lays down that a service authority shall cease to exist through consolidation or merger with another service authority, the accepting service authority shall fully take over the execution of rights and obligations following from the service relationship.

(2) If a special legal regulation lays down that a service authority shall cease to exist through division, the execution of rights and obligations following from the service relationship shall pass over to the newly created service authorities. Such legal regulation shall lay down which of the newly created service authorities shall take over from the former service authority the execution of rights and obligations following from the service relationship that have ceased to exist prior to the date of division thereof.

(3) If a special legal regulation lays down that a service authority shall be established for a fixed period of time, the same legal regulation shall also lay down to which service authority the execution of rights and obligations following from the service relationship shall pass over upon dissolution of the service authority through expiry of this period of time.

§ 224

(1) If a special legal regulation lays down that a part of a service authority shall be transferred to another service authority, the execution of rights and obligations following from the service relationship pertaining to this part of the service authority shall pass over to the accepting service authority.

(2) The rights and obligations following from a service relationship in relation to public servants of the part of the service authority that is being transferred pursuant to paragraph 1 above, that have ceased to exist prior to the date of transfer, shall be executed by the former service authority.

§ 225

If a special legal regulation lays down that a service authority shall be dissolved, such legal regulation shall lay down to which service authority the execution of rights and obligations following from the service relationship of public servants of the dissolved service authority shall pass over and which service authority shall satisfy the claims of public servants of the dissolved service authority or which service authority shall enforce claims against such public servants, as appropriate.

CHAPTER VII

GENERAL PROVISIONS

Section 1

Legal Acts

§ 226

(1) The legal acts for the purposes of this Act shall be subject to § 240, 241, § 242 (1) and (2), § 243, 244, § 245 (1) to (3) of the Labor Code.

(2) A legal act which is not carried out in the form required by the law or agreement of participants shall be void.

Section 2

Securing Rights and Obligations Following from the Service Relationship

§ 227

The securing of rights and obligations following from the service relationship shall be subject to § 246 to 248 of the Labor Code.

Section 3

Extinction of Rights and Obligations Following from the Service Relationship

§ 228

The extinction of rights and obligations following from the service relationship shall be subject to § 252 to 260 of the Labor Code.

Section 4

Deadlines and Periods of Time

§ 229

(1) The deadlines and periods of time in a service relationship shall be subject to § 261 (1) to (3), § 262 to 266 of the Labor Code.

(2) A right shall become extinct as a consequence of failure to exercise it within the set deadline in cases specified in § 25 (2), § 73, § 78 (1) and (2), § 117, the second sentence, § 212 (3), and § 219 (2) and (3). A right shall also become extinct as a consequence of failure to exercise it within the set deadline in cases specified in § 204 (3) and § 260 (1) of the Labor Code.

Section 5

Interpretation of Certain Concepts

§ 230

For the purposes of § 39 (4), § 40 (2), § 43 (5), the second sentence of § 44, § 55 (2), § 72 (1) (b), § 87 (1) and (2), § 98 (1) and (2), § 111 and § 222 (3), a salary of a public servant means the sum of monthly amounts of the basic salary, extra pay for service, extra pay for management, personal and special extra pay to which the public servant has last incurred the right or that have been last assigned thereto.

§ 231

(1) The concept of endangering by a professional disease shall be subject to § 271 of the Labor Code.

(2) Legal and other regulations providing for safety and protection of health in performance of service and instructions for ensuring safety and protection of health in performance of service shall be the regulations and instructions specified in § 273 of the Labor Code.

(3) Single public servants mean not married, widowed or divorced male and female public servants, and male and female public servants who are single for other important reasons unless they live with a partner.

§ 232

The determining and application of average salary shall be subject to § 275 of the Labor Code and § 17 of the Act on wages, compensation for readiness for work and average salary.³³⁾

CHAPTER VIII

APPLICATION OF A LABOR RELATIONSHIP

§ 233

(1) A service body may appoint a natural person in a fixed term labor relationship pursuant to the labor-law regulations to a service position

- a) if a public servant is attending a military exercise or performing extraordinary service as a soldier, or if (s)he is performing civil service instead of a military service,
- b) if a female public servant is taking maternal leave or if a female or male public servant is taking parental leave,
- c) if a public servant is in custody,
- d) if a public servant has been transferred to a different service position pursuant to § 43 (1) (a), or
- e) if a public servant has been placed off duty pursuant to § 46 and 48.

(2) The natural person must meet the preconditions specified in § 17 (1); however, such person may be older than 65 years of age.

(3) An employee in a labor relationship pursuant to paragraph 1 above shall be obliged to comply with the service regulations concerning performance of service. The employee must be duly acquainted with the service regulations pursuant to paragraph 1 above.

(4) The required activities shall be agreed upon with an employee pursuant to paragraph 1 above as a type of work within a labor contract and (s)he shall be assigned to the pay grade which, on the scale of basic salaries (§ 171), corresponds to the pay grade laid down for the service position pursuant to § 136.

CHAPTER IX

INFORMATION SYSTEM ON SERVICE AND SALARIES

§ 234

(1) The personnel departments of service authorities shall be obliged to provide the General Directorate with information pursuant to § 11 (7) and (8), information on salaries of public servants, candidates and other employees in administrative authorities, and further information on the service relationship of public servants, for the purposes of the Information System on Service and Salaries.

(2) The Government shall lay down in a Regulation the scope and manner of providing information pursuant to paragraph 1 above.

(3) The General Directorate shall be obliged to provide information on salaries of public servants, candidates and other employees in administrative authorities to the Ministry of Labor and Social Affairs, the Ministry of Finance and the Czech Statistical Office.

PART TWELVE

TRANSITORY AND CONCLUDING PROVISIONS

CHAPTER I

TRANSITORY PROVISIONS

Section 1

Personnel Plan in the Transitory Period

§ 235

(1) The transitory period for the personnel plan pursuant to this Act in all affected administrative authorities to service is hereby laid down as of January 1, 2004 to December 31, 2006.

(2) The personnel plan in the transitory period shall be subject to § 14 to 16 and § 190.

(3) The personnel plan in the transitory period shall be concerned especially with creation of service positions of public servants and positions of employees.

Section 2

Appointment of the General Director, Deputy General Director and Other Service Bodies

§ 236

(1) The President of the Republic shall appoint in writing, on the basis of a proposal of the Government, the General Director and Deputy General Director from amongst the former employees of administrative authorities, who are in a labor relationship in the administrative authority, meet the preconditions pursuant to § 17 (1) a § 42 (1), may be appointed to service for the reason of their performance of activities pursuant to § 6 (2) and have worked in the state administration for at least 6 years. The General Director and Deputy General Director shall be appointed to temporally unlimited service; they shall perform service in the service position of the General Director and Deputy General Director, respectively, for the period of 3 years from the date of appointment. The General Director and Deputy General Director pursuant to the first sentence shall be service bodies pursuant to this Act.

(2) The General Director and Deputy General Director shall take the service oath before the President of the Republic; in other aspects, § 33 and 34 shall apply.

(3) At the latest within 2 years of the date of legal force of this Act, the General Director shall announce tenders for the service positions of the General Director and Deputy General Director. The provisions of § 18 (2) and § 19 shall apply to the tenders *mutatis mutandis*. The public servants who have worked in the state administration for at least 3 years may participate in the tender. The provisions of § 42 (1) and § 53 (2) shall apply to appointment of the General Director and Deputy General Director on the basis of the tender, where the appointment shall be to temporally unlimited service. There shall be no title to appointment as the General Director and Deputy General Director.

(4) The General Director and Deputy General Director pursuant to paragraph 3 above shall take over the respective service positions after expiry of the period of appointment of the General Director and Deputy General Director pursuant to paragraph 1 above.

§ 237

(1) The heads of central administrative authorities and heads of other administrative authorities and deputies thereof shall be regarded as the heads of service authorities and deputy heads of service authorities, respectively, and the service bodies pursuant to this Act in temporally unlimited service. The heads of service authorities and deputies thereof shall perform service in their service positions for the period of 3 years from the date of legal force of this Act.

(2) The Chairman of the Securities Commission, the members of the Board of the Securities Commission, the Chairman of the Office for the Protection of Competition, the Chairman of the Energy Regulatory Office and the Chairman of the Czech Telecommunication Office shall be regarded as service bodies in fixed-term service for the period of their term of office²⁶) pursuant to the special legal regulation. After termination of their fixed-term service, the Chairman of the Office for the Protection of Competition, the Chairman of the Energy Regulatory Office and the Chairman of the Czech Telecommunication Office may be appointed to temporally unlimited service to a vacant service position if they so request in writing.

(3) The heads of service authorities who are the heads of central administrative authorities and deputy heads of service authorities shall take the service oath before the General Director, the heads of other service authority shall take the service oath before the superior service body or the General Director, as appropriate, otherwise, § 33 and 34 shall apply.

(4) The Chairman of the Securities Commission, the members of the Board of the Securities Commission, the Chairman of the Office for the Protection of Competition, the Chairman of the Energy Regulatory Office and the Chairman of the Czech Telecommunication Office shall take the service oath before the General Director; in other aspects, § 33 and 34 shall apply.

(5) At the latest within 2 years of the date of legal force of this Act, the heads of service authorities pursuant to paragraph 1 above shall announce tenders for the service position of the head of a service authority and to the service position of the deputy head of a service authority. The provisions of § 18 (2) and § 19 shall apply to the tenders *mutatis mutandis*. The public servants who have worked in the state administration for at least 3 years may participate in the tender. The provisions of § 42 (1) and § 53 (5) shall apply to appointment of the head of a service authority and deputy head of a service authority on the basis of the tender, where the appointment shall be to temporally unlimited service. There shall be no title to appointment as the head of a service authority and deputy thereof.

(6) A tender shall not be announced for the service position of the principal who is the Chairman of the Securities Commission, a member of the Board of the Securities Commission, the Chairman of the Office for the Protection of Competition, the Chairman of the Energy Regulatory Office and the Chairman of the Czech Telecommunication Office.

(7) The head of a service authority and deputy thereof pursuant to paragraph 5 above shall take over the respective service positions after expiry of the period specified in paragraph 1 above.

Section 3

Appointment of the Former Employees in Administrative Authorities to Service

§ 238

Service Relationship in Fixed-Term Service

(1) A former employee in an administrative authority (hereinafter the "former employee") who performs activities pursuant to § 6 (2) and who is in a temporally unlimited labor relationship on the day of legal force of this Act, and a former employee who performs activities pursuant to § 6 (2) within service abroad and who is in a fixed-term labor relationship on the day of legal force of this Act, shall have the right to be appointed to fixed-term service on the basis of a personnel plan pursuant to § 235, and a former employee who performs activities pursuant to § 6 (2) within service abroad shall have the right to be appointed to fixed-term service pursuant to § 29 (2) on the basis of a personnel plan pursuant to § 235 if

- a) (s)he meets the preconditions specified in § 30 (1); however, meeting of the condition of preparation for service or proving of the required state of health shall not be required,
- b) pursuant to the personnel plan, (s)he will perform activities pursuant to § 6 (2),
- c) (s)he applies for appointment to service to the service authority in writing within 30 working days of the date of legal force of this Act; otherwise such option shall cease to exist; § 229 (2) shall also apply.

(2) The former employee shall be obliged to prove the preconditions pursuant to paragraph 1 (a) above to the service authority through the relevant documents or validated counterparts thereof.¹⁹⁾ The precondition of no criminal record [§ 17 (1) (d)] shall be verified through an extract from the criminal records²⁰⁾ that is not older than 3 months.

(3) The labor relationship of the former employee shall exist from the date of legal force of this Act to the date of arising of the service relationship; this shall not exclude termination of the labor relationship pursuant to the labor-law regulations prior to arising of the service relationship.

(4) The competent service body shall carry out the appointment to fixed-term service through a decision [§ 32 (1)].

(5) On the basis of appointment to service, upon taking of the service oath pursuant to § 34 (2), the service relationship of the former employee in fixed-term service shall be created for the period until December 31, 2006. The service oath shall be taken before the service body (paragraph 4).

(6) If a former employee, who carries out activities pursuant to § 6 (2), fails to apply for appointment to service, his(her) temporally unlimited labor relationship shall be terminated upon expiry of the period of 3 years from the date of legal force of this Act; this shall not exclude termination of the labor relationship pursuant to the labor-law regulations prior to expiry of this period. The provision of the first sentence shall also apply if the former employee has not been appointed to fixed-term service because (s)he fails to meet the preconditions pursuant to paragraph 1 (a) above; in such case, (s)he shall have the right to a severance pay pursuant to the labor-law regulation.⁸⁵⁾ However, if a former employee who does not perform activities pursuant to § 6 (2) has applied for appointment to service and has not been appointed to fixed-term service, his(her) labor relationship shall not be terminated.

(7) The former employee pursuant to the first sentence of paragraph 6 above shall carry out the type of work pursuant to his(her) labor contract in a service position, the former employee pursuant to the third sentence of paragraph 6 above shall carry out the type of work pursuant to his(her) labor contract in a labor position; the provisions of § 233 (4) shall apply to remuneration of such employees.

⁸⁵⁾ § 60a, § 60b and § 60c of the Labor Code.

§ 239

Service Relationship in Temporally Unlimited Service

(1) A public servant in fixed-term service pursuant to § 238 shall be entitled to appointment to temporally unlimited service if (s)he successfully passed a qualification examination during this term.

(2) The provisions of § 24 to 26 shall apply to a qualification examination *mutatis mutandis*.

(3) The competent service body shall carry out the appointment to temporally unlimited service through a decision.

(4) During fixed-term service pursuant to § 238 (5), on the basis of a personnel plan specified in § 235, a public servant may be appointed to temporally unlimited service if (s)he has previously provided his(her) consent thereto. The service authority shall request the consent of the public servant pursuant to the first sentence. The decision on appointment of a public servant to temporally unlimited service [§ 32 (1)] must be issued at the latest 3 calendar months prior to expiry of the period of fixed-term service. On the basis of appointment, the service relationship of the public servant in fixed-term service shall change to a service relationship in temporally unlimited service.

(5) If a public servant is not appointed to temporally unlimited service by expiry of the period of his(her) fixed-term service, the service relationship shall cease to exist upon expiry of the period of fixed-term service; in such case, the public servant shall have the right to a severance pay pursuant to § 55 (2) (a) which shall be payable pursuant to § 55 (3).

§ 240

Proceedings and Review of the Decision

(1) The issue and review of the decision pursuant to § 238 (4) and § 239 (3) shall be subject to proceedings pursuant to this Act.

(2) The provisions of § 220 and 221 shall apply to delivery of documents.

Section 4

Principals, Appointment of State Secretaries, Deputy State Secretaries, Personnel Directors and Deputy Personnel Directors

§ 241

(1) The former senior employees in administrative authorities who have been appointed to fixed-term service (§ 238) may perform service in the service positions of principals during the period of such service, as well as during the period of temporally unlimited service, however, only until the service position of the principal is filled on the basis of the result of a tender.

(2) The employees pursuant to paragraph 1 above who have performed the duties of the head of a department, director of a division, director of a section or deputy director of a division by the date of legal force of this Act, shall be regarded as principals in the service positions of heads of departments, directors of divisions or deputy directors of divisions pursuant to § 9 (3) (a) and (c).

(3) The employees pursuant to paragraph 1 above, who have performed the duties of the senior director, deputy member of the Government or deputy head of a central administrative authority by the date of legal force of this Act, shall be regarded as directors of sections pursuant to § 9 (3) (d).

(4) After expiry of a period of 3 years of the date of legal force of this Act, the service body shall announce a tender for the service positions of principals consisting in heads of departments, deputy heads of departments, directors of divisions, deputy directors of divisions, directors of sections and deputy directors of sections. The provisions of § 18 (2) and § 19 shall apply to the tenders *mutatis*

mutandis. The public servants in temporally unlimited service who perform the same sphere of service as the service position that is to be filled in the service authority, in which the service position is to be filled, may participate in the tender. The provisions of § 42 (1) and § 53 (1) shall apply to appointment of principals; there shall be no title to appointment as a principal.

(5) The head of a department, deputy head of a department, director of a division, deputy director of a division, director of a section and deputy director of a section pursuant to paragraph 4 above shall take over the respective service positions as of the date specified in the decision on appointment.

§ 242

(1) The General Director shall appoint in writing, in administrative authorities consisting in ministries, in agreement with the member of the Government who directs the relevant ministry, and in the Office of the Government, in agreement with the Head of the Office of the Government, the state secretary and deputy state secretary from amongst the former senior employees of these administrative authorities, who perform the duties of the senior director, director of a section or deputy member of the Government, meet the preconditions pursuant to § 17 (1) a § 42 (1), may be appointed to service for the reason of their performance of activities pursuant to § 6 (2) and have worked in the state administration for at least 4 years. The state secretary and deputy state secretary must also be appointed as the director of a section. The state secretary and deputy state secretary shall be appointed to service for unlimited period of time. § 53 (4) and § 198 (2) (c) shall apply to appointment of the state secretary and deputy state secretary and recalling thereof.

(2) The state secretary and deputy state secretary shall take the service oath before the General Director; in other aspects, § 33 and 34 shall apply.

§ 243

(1) The state secretary shall appoint in writing, in administrative authorities consisting in ministries and the Office of the Government, a personnel director and deputy personnel director from amongst the former senior employees of these administrative authorities, who directly provide for employee relationships pursuant to labor-law regulations, meet the preconditions pursuant to § 17 (1) a § 42 (1), may be appointed to service for the reason of their performance of activities pursuant to § 6 (2) and have worked in the state administration for at least 3 years. A deputy personnel director needs not to be a senior employee. The personnel director and deputy personnel director shall perform service in a service position in temporally unlimited service for the period of 3 years from the date of appointment.

(2) A personnel director and deputy personnel director shall be service bodies pursuant to this Act.

(3) A personnel director and deputy personnel director shall take the service oath before the state secretary; in other aspects, § 33 and 34 shall apply.

(4) At the latest within 2 years of the date of legal force of this Act, the state secretary shall announce a tender for the service positions of a personnel director and deputy personnel director. The provisions of § 18 (2) and § 19 shall apply to the tender *mutatis mutandis*. The public servants who have worked in the state administration for at least 3 years may participate in the tender. The provisions of § 42 (1) and § 53 (3) and § 198 (2) (c) shall apply to appointment of a personnel director and deputy personnel director on the basis of the tender, where the appointment shall be to temporally unlimited service. There shall be no title to appointment as a personnel director and deputy personnel director.

(5) A personnel director and deputy personnel director pursuant to paragraph 4 above shall take over the respective service positions after expiry of the period of appointment of the personnel director and deputy personnel director pursuant to paragraph 1 above.

Section 5

Limitation of Certain Rights of Public Servants

§ 244

Within 15 days of arising of the service relationship in fixed-term service (§ 238), the public servants shall be obliged to terminate other gainful activities pursuant to § 65 (2), the part of the sentence before the semicolon.

Section 6

Remuneration

§ 245

(1) For the purpose of assignment to a pay class, the period of practice of the former employees appointed to fixed-term service (§ 238) to a service position in which they will perform service of a similar content as the type of work in the labor relationship, at variance with § 137 (2) and (3), shall include the entire period of practice included by the date of their appointment to service pursuant to the legal regulation on salary issues of employees of state administration bodies.⁸⁶⁾ A similar procedure shall be applied where public servants specified in the first sentence are appointed to temporally unlimited service.

(2) The service authority may grant a public servant who has been appointed to service a personal extra pay, and increase, decrease or withdraw such extra pay before his(her) first service appraisal, on the basis of a proposal of his(her) directly superior principal.

§ 246

(1) A former employee who has proven him(her)self competent in a long term in performance of work in a labor relationship, although (s)he has failed to meet the precondition of completed education for the required activities pursuant to the legal regulation on salary issues of employees of state administration bodies,⁸⁷⁾ may be appointed to fixed-term service and to temporally unlimited service to a service position, in which (s)he will perform service of a similar content as the type of work in the labor relationship, even if (s)he fails to meet the precondition of education required for such service relationship pursuant to § 7 (2) (f) and (3).

(2) During the period of performance of service in the service position specified in paragraph 1 above, the public servant shall be regarded as a public servant who meets the precondition of the required education.

§ 247

(1) The entire period of practice included by the date of their appointment to service pursuant to the legal regulation on salary issues of employees of state administration bodies⁸⁶⁾ by the date of legal force of this Act shall be included for the purpose of assignment a pay class of former employees in administrative authorities whose basic salary is determined pursuant to § 173 (1) to (5), at variance

⁸⁶⁾ § 5 of Regulation of the Government No. 253/1992 Coll., on salary issues of employees of state administration bodies and some other bodies and municipalities, as amended.

⁸⁷⁾ Regulation of the Government No. 253/1992 Coll., as amended.

with this paragraph, unless a change occurs in the content of the type of work as agreed upon in the labor contract.

§ 248

Prior to issue of a Regulation of the Government for implementation of § 151 (2), the provisions of § 13 of Regulation of the Government No. 108/1994 Coll., implementing the Labor Code and some other laws, as amended by Regulation of the Government No. 461/2000 Coll., shall apply.

Section 7

Rights and Obligations Following from a Labor Relationship

§ 249

The rights and obligations following from a labor relationship of the former employees who have been appointed as public servants pursuant to § 236 (1), § 237 (1), § 238 (5), § 239 (3), § 242 and § 243 (1) shall be subject to labor-law regulations.

Section 8

Service Appraisal of Public Servants

§ 250

The first service appraisal (§ 195) of the public servants referred to in § 249 shall be carried out after January 1, 2007.

Section 9

Pension Bonus

§ 251

The period of fixed-term service and temporally unlimited service of public servants pursuant to § 249 shall be included in the period of service pursuant to § 112 (6).

Section 10

Establishment of Personnel Departments

§ 252

The service body shall promptly establish a personnel department in a service authority in which a personnel department is to be established pursuant to § 13.

CHAPTER II
CONCLUDING PROVISIONS

§ 253

Act No. 213/1948 Coll., on provision for certain relationships for protection of public interests, is hereby repealed.

§ 254

This Act shall come into effect on January 1, 2004; with the exception of provisions of § 5 (3), § 6 (2), § 9 (3) (d) and (e) and (4), § 11 to 13, § 32 to 34, § 135, § 136 (2), § 171, § 172 (2), § 235, § 236 (1) and (2), § 237 (1), (3) and (4), § 242, § 243 (1) to (3), § 252 and Annexes No. 1 and 3 which shall come into effect on the day of publication.

Klaus, in his own hand

Havel, in his own hand

by proxy, **Rychetský**, in his own hand

Annex No. 1 to Act No. 218/2002 Coll.**CHARACTERISTICS OF PAY GRADES
OF PUBLIC SERVANTS IN SERVICE AUTHORITIES****1. 1st Pay Grade****Service designation: Officer****Required education: secondary vocational education**

Homogenous, exactly defined activities with broad terms of reference and exactly defined outputs, with a wider choice of different procedures and broad links to other procedures (hereinafter "routine activities"), where the subject of activities consists in a number of elements with mutual relations and interactions that are part of a certain system or separate systems with no further relations, e.g. basic documents for individual administrative proceedings, important addressed documents, summons, deadlines.

2. 2nd Pay Grade**Service designation: Professional Officer****Required education: full secondary-school education**

Routine activities, the subject of which are comprehensive systems with an internal order of a number of elements with partial relations to a small number of other systems, e.g. simple petitions to a protocol, records, registration, sets of basic documents for administrative proceedings in simple matters (of a small scope and simple manner of establishment of facts with no further requisites laid down in a special regulation), e.g. gathering and recording of proposals and statements of the participants in the proceedings, pieces of evidence, declarations on word of honor, confessions and documents, calculations, provision of professional information.

3. 3rd Pay Grade**Service designation: Officer-Specialist****Required education: full secondary-school education**

Heterogeneous, generally defined activities with terms of reference according to the usual procedures with the set outputs, procedures and substantial relations to other processes (hereinafter "professional activities"), the subject of which consists in separate systems with potential classification into partial sub-systems and with relations to other systems, e.g. preparation of administrative proceedings (a case) with unambiguous procedure and a small number of participants or preparation (keeping) of a comprehensive underlying documentation for a decision with further requisites and documentary evidence required by a special regulation, expert assessments, examination.

4. 4th Pay Grade

Service designation: Higher Officer**Required education: full secondary-school education**

Professional activities, the subject of which consists in complex systems with internal classification into comprehensive sub-systems with narrow relations to other systems and further internal classification, e.g. dealing with administrative cases (administrative proceedings) with several participants, extensive underlying documentation, relating to a number of legal and substantive areas, demanding as regards the period of proceedings (deadlines) and requiring complex underlying documentation, maintaining simple agendas with the individual elements of the system, small scope of jurisdiction and limited relations to other agendas, keeping of a set of underlying documentation connected with searching (without analysis), documenting, complex calculations (a number of parameters), investigation, examination.

5. 5th Pay Grade**Service designation: Higher Officer-Specialist (Inspector)****Required education: full secondary-school education**

Providing for a wide set of activities with broadly specified inputs and the manner of performance and defined outputs which form an integral part of wider processes (hereinafter "professional specialized activities"), the subject of which are especially complex administrative cases with a number of participants relating to a number of heterogeneous legal and substantive areas and requiring an extensive underlying documentation, letters rogatory, expert assessments and complex execution of decisions. Providing for a comprehensive set of work in the sphere of service (hereinafter the "service agenda") of territorial administrative authorities.

6. 6th Pay Grade**Service designation: Senior Officer (Senior Inspector)****Required education: higher vocational education or a bachelor's study program**

Providing for a complex of activities with generally defined inputs, broadly set outputs, a high variance in the manner of solution and procedures and specific relations to a wide scope of processes (hereinafter "system activities"), the subject of which consists in complex systems consisting of separate heterogeneous systems with fundamental determining internal and external relations, e.g. complex service agendas of territorial administrative authorities with extensive internal and external relations to other areas of service or service agendas of administrative authorities with statewide jurisdiction.

7. 7th Pay Grade**Service designation: Counsel****Required education: bachelor's study program**

System activities, the subject of which consists in service agendas of Ministries and central administrative authorities with specified unambiguous relations to other agendas, procedure and manner of implementation, or service agendas of administrative authorities with a statewide jurisdiction with extensive internal and external relations to other agendas and with impact on wide groups of population. Activities with unspecified inputs, manners of solution and very broadly defined outputs with very wide relations to other processes (hereinafter "system specialized activities") in spheres of service of territorial administrative authorities.

8. 8th Pay Grade

Service designation: Professional Counsel

Required education: master's study program

System activities, the subject of which consists in service agendas of Ministries and central administrative authorities or the sphere of service of administrative authorities with a statewide jurisdiction. System specialized activities in the spheres of service of territorial administrative authorities with an extensive internal classification and numerous relations to other spheres of service and relating to a number of substantive and legal areas.

9. 9th Pay Grade

Service designation: Senior Counsel

Required education: master's study program

Activities with unspecified inputs, manners of solution and very broadly defined outputs with very wide relations to other processes (hereinafter "conceptual activities") in the spheres of service of administrative authorities with statewide jurisdiction or in the spheres of service of territorial administrative authorities with extensive internal classification into specialized spheres of service and with numerous relations to other spheres of service and relating to a number of substantive and legal areas, or with especially difficult conditions for fulfillment of tasks of a society-wide importance, including coordination and unification of procedures of territorial administrative authorities in performance of the given sphere of service. System activities in the spheres of service of Ministries and central administrative authorities, or in service agendas of such authorities relating to various substantive and legal areas, or other substantively or organizationally complex service agendas with fundamental relations to other spheres of service.

10. 10th Pay Grade

Service designation: Ministerial Counsel (State Counsel, Government Counsel)

Required education: master's study program

System specialized activities in specialized spheres of service of Ministries and central administrative authorities or system activities in the spheres of service of Ministries and central administrative authorities with extensive internal classification and wide relations to other spheres of service with statewide jurisdiction. Conceptual activities of administrative authorities with statewide jurisdiction with extensive internal classification into specialized spheres of service and with numerous relations to other spheres of service and relating to a number of substantive and legal areas,

or with especially difficult conditions for fulfillment of tasks of a society-wide importance, including coordination and unification of procedures of other territorial administrative authorities in performance of the given sphere of service.

11. 11th Pay Grade

Service designation: Higher Ministerial Counsel (Higher State Counsel, Higher Government Counsel)

Required education: master's study program

Conceptual activities in specialized spheres of service of Ministries and central administrative authorities, including system coordination of several spheres of service and systems of a society-wide importance. System specialized activities in the spheres of service of Ministries and central administrative authorities with extensive internal classification and wide relations to other spheres of service with statewide jurisdiction.

12. 12th Pay Grade

Service designation: Senior Ministerial Counsel (Senior State Counsel, Senior Government Counsel)

Required education: master's study program

Laying down the concept of long-term development in the spheres of service of Ministries and central administrative authorities with extensive internal classification to specialized fields of service and wide relations to other spheres of service with statewide jurisdiction, and other society-wide systems predetermining the conduct of very wide groups of other persons in fundamental areas, including system coordination with international and supranational systems.

Annex No. 2 to Act No. 218/2002 Coll.**SCOPE OF EXTRA PAYS FOR MANAGEMENT**

(in CZK per month)

Principal	Ministries and central administrative authorities	Administrative authorities with statewide jurisdiction	Administrative authorities with regional jurisdiction	Other administrative authorities
Deputy head of a department	1000 to 2000	500 to 1500		
Head of a department Deputy head of a division Deputy personnel director Head of a representation abroad	2000 to 5000	1000 to 3000		
Director of a division Deputy director of a section Personnel director Head of a representation abroad	4000 to 8000	2500 to 6000	2000 to 5000	1500 to 4000
Director of a section Deputy state secretary Deputy General Director Deputy Head of a Service Authority	6000 to 10000	4500 to 8000	3500 to 7000	3000 to 5500
State secretary Head of a Service Authority General Director	8000 to 13000	6000 to 10000	5000 to 8000	4500 to 7000

Annex No. 3 to Act No. 218/2002 Coll.**CHARACTERISTICS OF PAY GRADES
OF EMPLOYEES IN ADMINISTRATIVE AUTHORITIES****1. 1st Pay Grade**

Work consisting of unambiguous repeated working operations. Work with individual objects, simple requisites and manual instruments with no relations to other processes and activities. Implementation of individual handling operations with individual items and objects of small weight.

Normal demands on the senses. Work in a favorable environment.

2. 2nd Pay Grade

Work of a single type carried out pursuant to exact terms of reference with exactly defined outputs, with a small possibility of a deviation and with framework links to other processes. Work with several elements (objects) constituting a whole, e.g. handling objects requiring special handling (fragile, heavy, flammable, with danger of infection). Performance of partial works that are part of wider processes.

Long-term and one-sided loading of small muscle groups (fingers, wrists), work in a forced working rhythm and in a slightly worsened (e.g. climatic) environment (hereinafter "slight physical and neuro-mental load"). Work with a potential risk of an injury at work.

3. 3rd Pay Grade

Work with exactly defined inputs and outputs and with a generally defined procedure with framework links to other processes. Work with units and sets with logical (purposeful) arrangement without links to other units (sets). Potential responsibility for danger to health and safety of co-workers in the framework of a single team.

Work is connected with a slight load and potential risk of an injury at work.

4. 4th Pay Grade

Homogenous work with broad terms of reference and exactly defined outputs, with wider choice of other procedures and with framework links to other processes. Work with units and sets of several individual elements (objects) with logical (purposeful) arrangement with partial links to other units (sets). Work requiring simple working procedures.

Long-term and one-sided loading of larger muscle groups. Slightly increased mental demands connected with separate solution for a group of homogenous temporally stabilized working operations according to the set procedures.

5. 5th Pay Grade

Work carried out with a number of mutually interconnected elements that are part of a certain system. Directing of simple routine and handling works and processes in variable groups, teams and other inconstant organizational units and without subordination of the group of employees in relation to liability for damage that cannot be remedied without assistance and in a short period of time.

Increased mental demands following from individual solution of tasks with a predominance of specific features and processes of a more heterogeneous character with demands on a long-term memory, partial imagination and predictability, the ability to compare, attention and versatility. Accurate sensual distinguishment of small details. Long-term, one-sided and excess loading of large muscle groups by objects of various weights.

6. 6th Pay Grade

Heterogeneous, broadly defined professional work with terms of reference according to the usual procedures, with set outputs, procedures and relations to other processes. Work with comprehensive systems consisting of a number of elements with partial relations to a small range of other systems. Coordination of work in variable groups.

Increased mental demands following from individual solution of tasks with heterogeneous specific features and processes, and with demands on imagination and predictability, the ability to compare, attention and versatility. High demands on the senses. Substantial loading of large muscle groups in very difficult working conditions.

7. 7th Pay Grade

Professional work carried out within comprehensive separate systems with potential classification into partial sub-systems and relations to other systems. Direction and coordination of simple professional work. Responsibility for the health of other persons or liability for damage that can be remedied only by a group of other employees or for damage caused by persons acting on the basis of wrong instructions or measures that can be remedied in a prolonged period of time.

Mental strain following from individual solution of tasks with even presence of specific and abstract features and processes of a heterogeneous character. Demands on application abilities and adaptability to various conditions, logical thought and certain imagination (hereinafter "slightly increased mental strain"). High demands in relation to identification of very small details, features or other visually important information and increased demands on the vestibular apparatus. Excess loading of large muscle groups in extreme working conditions (hereinafter "high sensual and neuro-mental load").

8. 8th Pay Grade

Provision for a wider set of professional work with broadly defined inputs and the manner of implementation and defined outputs that are an integral part of wider processes. Work in the framework of complex systems with internal classification into comprehensive sub-systems with narrow links to other systems and with internal classification also outside the given organization.

Performance of work is connected with a slightly increased mental strain and high sensual and neuro-mental load.

9. 9th Pay Grade

Professional specialized work, the subject of which consists in a complex separate system composed of several other consistent units or the most complex separate units. Coordination and directing of professional work.

Increased mental strain following from individual solution of a set of tasks with higher presence of abstract features and processes, with demands on identification, understanding and interpretation of features and processes. High demands on memory, flexibility, analysis, synthesis and general comparing abilities (hereinafter "increased mental strain"). High demands on the vestibular apparatus and extraordinary load on the neural system (hereinafter "extraordinary sensual and neuro-mental load").

10. 10th Pay Grade

Ensuring of a complex of activities with generally defined inputs, broadly set outputs, substantial variance in the manners of solution and procedures and with specific links to a wide scope of processes (hereinafter "system work"). The subject of work consists in a complex system composed of separate heterogeneous systems with fundamental determining internal and external relations. Coordination and directing of professional work.

Performance of work is connected with increased mental strain and extraordinary sensual and neuro-mental load, as appropriate.

11. 11th Pay Grade

System work where the subject of activities consists in partial spheres of activities with a wide scope.

Performance of work is connected with a substantial mental strain following from a high complexity of cognitive processes and a higher degree of abstract thought, imagination, generalization and the necessity to make decisions pursuant to various criteria (hereinafter "substantial mental strain").

12. 12th Pay Grade

Complex of system activities with variable general inputs, broadly set outputs and previously unspecified manners and procedures with wider links to other processes (hereinafter "system specialized work"), the subject of which consists in spheres of activities composed of systems with extensive internal and external relations.

Performance of work is connected with substantial mental strain.

13. 13th Pay Grade

System specialized work where the subject of activities consists in a set of spheres or a sphere with an extensive internal structure and external links. Complex coordination and directing of system work.

High mental strain following from high demands on creative thought. Discovery of new procedures and manners and seeking for solutions in a non-traditional manner. Transfer and

application of methods and manners from other sectors and spheres. Decision-making in the framework of largely combinable rather abstract and heterogeneous features and processes from other sectors and spheres (hereinafter "high mental strain").

14. 14th Pay Grade

Activities with unspecified inputs, manners of solution and very broadly defined outputs with very wide links to other processes, creative developmental and conceptual activities and system coordination (hereinafter "creative system work"). The subject consists in a set of spheres or a sphere with extensive internal classification and numerous links to other spheres and with a scope and impact on wide groups of population or a set of otherwise demanding spheres. Coordination and directing of system specialized work.

Performance of work is connected with high mental strain.

15. 15th Pay Grade

Creative system work, the subject of which consist in a sector as a set of mutually interconnected spheres or the most complex spheres of a fundamental importance.

Very high mental strain following from high demands on creative thought on a high level of abstraction and with substantial variability and combinability of processes and features, and on the ability of unconventional system perceiving in the widest relations.

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