

**THE GOVERNMENT**  
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**SOCIALIST REPUBLIC OF VIET NAM**  
**Independence - Freedom – Happiness**  
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No. 24/2010/ND-CP

Hanoi, March 15, 2010

## **DECREE**

PROVIDING FOR THE RECRUITMENT, EMPLOYMENT AND MANAGEMENT OF CIVIL SERVANTS

### **THE GOVERNMENT**

*Pursuant to the December 25, 2001 Law on Organization of the Government;  
Pursuant to the November 13, 2008 Law on Cadres and Civil Servants;  
At the proposal of the Minister of Home Affairs,*

### **DECREES:**

#### **Chapter I**

### **GENERAL PROVISIONS**

#### **Article 1. Scope of regulation**

This Decree provides for the recruitment, employment and management of civil servants.

#### **Article 2. Subjects of application This Decree applies to:**

1. Civil servants defined in the Government's Decree No. 06/2010/ND-CP of January 25, 2010, defining civil servants.
2. Civil servant-managing agencies, including:
  - a/ The Communist Party of Vietnam's competent bodies, socio-political organizations;
  - b/ Party Committees of provinces or centrally run cities;
  - c/ The President Office, the National Assembly Office, the State Audit;
  - d/ The Supreme People's Court, the Supreme People's Procuracy;
  - e/ Ministries, ministerial-level agencies, government-attached agencies and organizations established by the Government or the Prime Ministers, which are public non-business units;
  - f/ The People's Committees of provinces or centrally run cities.

#### **Chapter II**

### **RECRUITMENT OF CIVIL SERVANTS**

#### **Section 1. GROUNDS, CONDITIONS AND COMPETENCE FOR RECRUITMENT OF CIVIL SERVANTS**

#### **Article 3. Grounds for recruitment of civil servants**

1. Recruitment of civil servants must be based on work requirements, working positions and payroll quotas of civil servant-employing agencies.
2. Civil servant-employing agencies shall identify and describe working positions, report them to

civil servant-managing bodies for approval, serving as grounds for the recruitment of civil servants.

3. Annually, civil servant-employing agencies shall draw up plans on the recruitment of civil servants, report them to civil servant-managing bodies for approval and organize the recruitment according to this Decree.

#### **Article 4. Conditions for civil servant recruitment registration**

The conditions for civil servant recruitment registration comply with Clause I. Article 36 of the Law on Cadres and Civil Servants. Civil servant-employing agencies shall set other conditions required by working positions under recruitment as provided at Point g. Clause 1. Article 36 of the Law on Cadres and Civil Servants and report them to civil servant-managing bodies for approval before the recruitment.

#### **Article 5. Priority in the recruitment of civil servants**

1. Priority persons and marks in civil servant recruitment exams or tests:

a/ Armed Forces Heroes and Heroines. Labor Heroes and Heroines, war invalids and persons enjoying policies like war invalids: 30 marks will be added to their total recruitment exam or test marks:

b/ Ethnic minority people, army officers, police officers, professional army men. demobilized cipher officers, children of war fallen heroes, children of war invalids, children of diseased army men. children of persons enjoying policies like war invalids, children of revolutionary activists before the general uprisings (from August 19. 1945 backward), children of resistance war activists affected with toxic chemicals, children of Armed Force Heroes and Heroines, children of Labor Heroes and Heroines: 20 marks will be added to their total recruitment exam or test marks.

c/ Persons who have fulfilled their military duties or termed services in the people's public security force, members of youth volunteers teams, members of young intellectual volunteers' teams participating in rural and mountainous development for full 24 or more months who have fulfilled their tasks: 10 marks will be added to then total recruitment exam or test marks.

2. If a recruitment candidate falls into more than one priority category stipulated in ( lause I of this Article, only the highest priority mark will be added to his/her recruitment exam result as stipulated in Clause 3. Article 10 of this Decree or recruitment test result as stipulated in Clause 4. Article 13 of this Decree.

#### **Article 6. Competence to recruit civil servants**

1. Agencies competent to recruit civil servants include:

a/ Agencies defined in Article 39 of the Law on Cadres and Civil Servants:

b/ Agencies, organizations and units decentralized to recruit civil servants as provided in Article 39 of the Law on Cadres and Civil Servants, which are assigned payroll quotas and operation funds and have their own seals and bank accounts.

2. Based on the number of persons registering for recruitment, heads of agencies with recruitment competence shall decide to form a Recruitment Exam Council, when recruitment exams are organized, or a Recruitment Test Council, when recruitment tests are organized (below referred collectively to as the Recruitment Council).

3. In case no Recruitment Council is not set up. the organization and personnel section of the agency with recruitment competence shall assist the agency head in organizing the recruitment: meanwhile, upon organization of the recruitment, assisting sections must still be set up under Point a. Clause 2. Article 7 of this Decree.

## **Article 7. Civil Servant Recruitment Councils**

1. A Civil Servant Recruitment Council is composed of 5 or 7 members, including:

a/ Its Chairman being the head or deputy head of the concerned agency with competence to recruit civil servants:

b/ Its Vice-Chairman being the head of the organization and personnel section of the concerned agency with competence to recruit civil servants:

c/ Its secretary being a member of the organization and personnel section of the agency with competence to recruit civil servants:

d/ Other members being representatives of a number of concerned professional sections.

2. The Recruitment Council shall work on the principle of collectivism and decision by majority vote, and has the following tasks and powers:

a/ To set up assisting sections, including an exam question board, an exam invigilation board, an examination papers" detachable head board, and an examination paper-marking board for cases in which recruitment exams are organized or a test control board for cases in which recruitment tests are organized, and an exam result- checking board:

b/ To collect recruitment participation fees and use them according to regulations:

c/ To organize exam paper marking:

d/ Within 15 days after the exam paper marking is completed, the Recruitment Council shall report to the head of the agency competent to recruit civil servants on recruitment exam or test results for consideration and decision to recognize exam or test results:

e/ To settle complaints and denunciations in the course of organizing recruitment exams or recruitment consideration.

## **Section 2. CIVIL SERVANT RECRUITMENT EXAMS**

### **Article 8. Exam subjects and forms**

1. General knowledge subject: 1 written exam on the political system and the organizational apparatuses of the Party, the State and sociopolitical organizations: on public administration; the Party's line and policies and the State's law on the sector and domain under recruitment.

2. Specialized professional subject: 1 writing exam and 1 multiple-choice answer exam on the specialized profession as required by each working position.

For working positions requiring foreign language or information technology as professional skills, the specialized professional exam subject will be foreign language or information technology. The head of the agency with competence to recruit civil servants will decide on the form and contents of the specialized professional exam subject being foreign language or information technology which meet the requirements of the working position under recruitment. For this case, recruitment candidates are not required to take an exam in foreign language as provided for in Clause 3 or in office information technology stipulated in Clause 4 of this Article.

3. Foreign language subject: 1 writing or oral exam in English. Russian. French, German. Chinese or another foreign language required by the working position, which will be decided by the head of the agency with competence to recruit civil servants.

For working positions requiring ethnic minority languages, the foreign language exam subject will be replaced by the ethnic minority language subject. The head of the agency with competence to recruit civil servants will decide on the form and contents of the ethnic minority language exam subject.

4. Office computer skills subject: an exam in practice on the computer or 1 written multiple-choice exam as required by the working position, which will be decided by the head of the agency with competence to recruit civil servants.

#### **Article 9. Conditions for exemption from some exam subjects**

Civil servant recruitment registrants may be exempt from a number of exam subjects in the civil servant recruitment exams as follows:

1. The foreign language subject in case the specialized professional exam subject is not foreign language if one of the following conditions is met:

a/ They possess a graduate or postgraduate degree in foreign language:

b/ They possess a graduate or postgraduate degree in\* a foreign country or awarded by a training institution in Vietnam which provides training in a foreign language.

2. The office computer skills subject, if they possess an intermediate- or higher-level information technology degree.

#### **Article 10. Marking method**

1. An exam paper is marked according to a 100-mark scale.

2. Marks for exam subjects will be calculated as follows:

a/ The general knowledge subject: coefficient 1;

b/ The specialized professional subject: For written exam papers, coefficient 2: multiple-choice answer exam papers, coefficient 1;

c/ The foreign language, ethnic minority language and office information technology subjects, coefficient 1 but not included in the total exam marks.

3. The recruitment exam result is the total marks of the general knowledge exam subject and the specialized professional subject calculated under Clause 2 of this Article, which are added by the priority marks stipulated in Article 5 of this Decree.

#### **Article 11. Identification of persons who pass civil servant recruitment exams**

1. Persons who pass civil servant recruitment exams must fully satisfy the following conditions:

a/ Taking all exam subjects:

b/ Obtaining at least 50 marks for each exam subject:

c/ Obtaining a higher recruitment exam result in a descending order within the recruitment quota for each working position.

2. In case two or more persons have equal exam results for a working position under recruitment, the person who gets a higher mark in the specialized professional exam subject will pass the exams: if the marks of the specialized professional exam papers are equal, the person who gets a higher mark in the specialized professional multiple-choice answer exam papers will be the winner: if it is still unable to identify the person who passes the exams, the head of the agency with competence to recruit civil servants will decide on the winner.

3. Persons who fail civil servant recruitment exams are not entitled to reserve their exam results for subsequent recruitment exams.

### **Section 3. CIVIL SERVANT RECRUITMENT TESTS**

## **Article 12. Contents of civil servant recruitment tests**

- I. Study results of recruitment candidates.
2. Interviews on professional qualifications of recruitment candidates.

## **Article 13. Marking methods**

1. The academic mark shall be determined to be the average of the marks of all subjects throughout the recruitment candidate's academic process at the professional level required by the working position under recruitment, which is converted according to a 100-mark scale and coefficient 2.
2. The graduation mark shall be determined to be the average of the graduation marks of all graduation exam subjects or the mark of the graduation dissertation paper of the recruitment candidate, which is converted according to a 100-mark scale and coefficient I.
3. The interview mark shall be calculated according to a 100-mark scale and coefficient I.
4. The test result is the total of the academic mark, graduation mark and interview mark, which are calculated under Clauses 1. 2 and 3 of this Article, and the priority marks stipulated in Article 5 of this Decree.
5. In case a recruitment candidate's training degree is higher than the training degree required by the working position under recruitment, the agency competent to recruit civil servants shall base itself on the academic results in his/her file and the professional interview mark to calculate his/her mark under Clauses I. 2 and 3 of this Article.

## **Article 14. Identification of winners in civil servant recruitment tests**

- I. Winners in civil servant recruitment tests must fully meet the following conditions:
  - a/ Their academic mark, graduation mark and interview mark must be 50 or higher:
  - b/ Their test results are higher in a descending order within the recruitment quota of each working position.
2. In case two or more persons obtain equal test results for a working position under recruitment, the winner will be the person with a higher academic mark: if their academic marks are equal, the winner will be the person with a higher graduation mark: if it is still unable to identify the winner, the head of the agency competent to recruit civil servants will decide on the winner.
3. Persons who fail civil servant recruitment tests are not entitled to reserve their test results for subsequent recruitment tests.

## **Section 4. CIVIL SERVANT RECRUITMENT ORDER AND PROCEDURES**

### **Article 15. Recruitment announcement and receipt of recruitment participation files**

1. Agencies competent to recruit civil servants shall publicly announce in the mass media and on their own websites and post up at their offices recruitment criteria, conditions and quotas, the time and places for receipt of recruitment registrants' files.
2. The duration for receipt of recruitment registrants' files must be at least 30 days, counting from the date of announcement of the recruitment in the mass media.
3. Within 7 days before a recruitment exam or test is organized, the agency competent to recruit civil servants shall make a list of persons qualified for recruitment participation and publicly post it at its office.

### **Article 16. Organization of recruitment**

I. When the time limit for receipt of recruitment registrants' tiles expires, the head of the agency competent to recruit civil servants shall decide on the setting up of a Recruitment Council to organize the recruitment. If no Recruitment Council is set up, the head of the agency competent to recruit civil servants shall assign the organization and personnel section to perform the task.

2. The Ministry of Home Affairs shall promulgate a Regulation on organization of civil servant recruitment exams and tests.

### **Article 17. Announcement of recruitment results**

1.. Within 15 days after receiving the Recruitment Council's report on recruitment exam or test results, the agency competent to recruit civil servants shall post up the recruitment exam or test results and a tentative list of winners at their office and on its website; and send notices of recruitment exam or test results to recruitment candidates according to their registered addresses.

2. Within 15 days after the public posting of recruitment exam or test results, recruitment participants may file written requests for reexamination of recruitment exam or test results. The head of the agency competent to recruit civil servants shall organize a marking for re-examination within 15 days after the expiry of the time limit for receipt of re-examination requests specified in this Clause.

3. After implementing Clauses I and 2 of this Article, the head of the agency competent to recruit civil servants shall report on the recruitment results to the civil servant-managing body for approval and send written notices of recognition of recruitment winners to recruitment candidates according to their registered addresses, which must clearly indicate the time for them to receive the recruitment decisions.

### **Article 18. Time limit for issuance of recruitment decisions and job taking**

1. Based on the notices of recognition of recruitment winners mentioned in Clause 3. Article 17 of this Decree, the head of the agency competent to recruit civil servants shall issue recruitment decisions.

2. Within 30 days after the issuance of recruitment decisions, persons recruited to be civil servants must go to the agency to take their jobs, unless another time limit is indicated in the recruitment decisions. If they cannot come to take their jobs for plausible reasons, they shall send a written request for extension thereof before the expiry of the time limit to the agency competent to recruit civil servants. The extension duration must not exceed 30 days after the expiry of the job-taking time limit specified in this Clause.

3. If persons recruited to be civil servants do not come to take their jobs after the time limit defined in Clause 2 of this Article, the agency competent to recruit civil servants shall issue decisions to annul the recruitment decisions.

### **Article 19. Special cases in recruitment**

1. Based on civil servant recruitment participation registration conditions defined in Clause I. Article 36 of the Law on Cadres and Civil Servants and work requirements, the heads of civil servant- managing bodies may consider non-exam admission for the following special cases:

a/ Persons who are the first in graduation exams at domestic universities:

b/ Persons who are graduates or postgraduates with distinction or high distinction at overseas universities:

c/ Persons possessing a university or higher degree and at least five years' working experience in the sector or domain under recruitment, who can immediately meet the requirements of the working positions under recruitment.

2. If a person recruited to be a civil servant under this Decree has a working duration with compulsory social insurance payment, has not yet received a lump-sum social insurance allowance and is arranged to a job relevant to his/her training discipline or previous profession, his/her working duration with compulsory social insurance payment will be used as a basis for his/her wage payment according to a salary rank and grade suitable to the working position he/she has been recruited to. and his/her working duration with compulsory social insurance payment will be aggregated.

3. When accepting persons defined in Clause 1 of this Article and arranging people defined in Clause 2 of this Article to appropriate salary ranks and grades, the head of the civil servant-managing body shall obtain the consent of the Ministry of Home Affairs, for state agencies, or the Central Organization Commission, for agencies of the Communist Party of Vietnam and socio-political organizations.

## **Section. 5. PROBATION**

### **Article 20. Probation regime**

1. Persons recruited to be civil servants shall implement the probation regime to acquaint themselves with the working environment and practice jobs of the working positions to which they have been recruited.

2. The probation time is prescribed as follows:

a/ 12 months for persons recruited to be civil servants of type (I):

b/ 6 months for persons recruited to be civil servants of type II):

c/ Persons recruited to be reserve civil servants before January I. 2010. under the Ordinance on Government Officials and Employees will shift to work under the probation regime. The duration they have worked as reserve civil servants will be counted in their probation duration:

d/ The maternity leave under the social insurance regime and the absence duration due to sickness, detention, custody or work suspension under law may not be counted in the probation duration.

3. Probation contents:

a/ Thoroughly studying the Law on Cadres and Civil Servants, obligations of civil servants and things not to be done by civil servants: thoroughly studying the organizational structure, functions, tasks and powers of the employing agency, organization or unit and its internal rules and working regulations, and the responsibilities and tasks of the working positions to which they have been recruited.

b/ Improving their professional knowledge and skills as required by the working positions under recruitment:

c/ Practicing the handling and performance of jobs of the working positions under recruitment.

4. Probation is not required for those whose working duration with compulsory social insurance payment is equal to or longer than the probation duration specified in Clause 2 of this Article.

### **Article 21. Probation supervision**

Civil servant-employing agencies shall:

1. Guide probationers to firmly grasp and practice jobs as required by the probation contents specified in Clause 3. Article 20 of this Decree.

2. Within 7 working days after a civil servant come to take his/her job. the head of the civil servant-employing agency shall appoint a civil servant of the same or higher rank who has

professional capabilities and experience to supervise the probationer. Each civil servant shall supervise only one probationer at a time.

## **Article 22. Regimes and policies applicable to probationers and supervisors**

1. While on probation, a probationer is entitled to 85% of the grade-1 salary of the rank under recruitment: a probationer who holds a master degree relevant to the recruitment requirements is entitled to 85% of the grade-2 salary of the rank under recruitment: a probationer who holds a doctorate degree relevant to the recruitment requirements is entitled to 85% of the grade 3-salary of the rank under recruitment. They are also entitled to allowances under law.

2. A probationer is entitled to 100% of the salary grade and allowances of the rank under recruitment corresponding to his/her training degree defined in Clause I of this Article in the following cases:

a/ Working in a mountainous, border, island, deep-lying, remote or ethnic minority region, or an area with exceptionally difficult socioeconomic conditions:

b/ Working in a dangerous or hazardous sector or occupation:

c/ Having fulfilled the military service or term service in the people's public security force, being an army officer, professional army man, demobilized cipher officer, member of a youth volunteers' team, member of a young intellectual volunteers' team who has participated in rural and mountainous development for 24 or more months and fulfilled his/her tasks.

3. The probation duration may not be counted in the time for salary upgrading consideration.

4. Civil servants assigned to supervise probationers are entitled to a responsibility allowance equal to 0.3 of the minimum wage level while supervising the probationers.

## **Article 23. Appointment of persons who accomplish the probation regime into civil servant ranks**

1. At the end of his/her probation time, a probationer shall report the probation results in writing while his/her probation supervisor shall give remarks and assess the probation results in writing, and send them to the civil servant-employing agency.

2. The head of the civil servant-employing agency shall assess the political quality, morality and work performance of the probationer. If the probationer meets the requirements of the rank under probation, he/she will propose in writing the civil servant-managing body to issue a decision on appointment and salary payment for the recruited civil servant.

## **Article 24. Cancellation of recruitment decisions for probationers**

1. A recruitment decision shall be cancelled when the probationer fails to accomplish his/her tasks or is disciplined with reprimand or a more severe punishment during his/her probation time.

2. The head of the civil servant-employing agency shall propose the civil servant-managing body to issue a written decision cancelling the recruitment decision for cases defined in Clause I of this Article.

3. A probationer whose recruitment decision is cancelled shall be provided by his/her employing agency one month's wage, relevant allowances and travel fare to his/her place of residence.

## **Section 6. CONSIDERATION FOR UPGRADING OF COMMUNE-LEVEL CADRES AND CIVIL SERVANTS TO DISTRICT- OR HIGHER-LEVEL CIVIL SERVANTS**

### **Article 25. Upgrading conditions and criteria**

Commune-level cadres defined in Clause 2, Article 61 of the Law on Cadres and Civil Servants,

when no longer holding their positions for a given term, and commune-level civil servants defined in Clause 3. Article 61 of the Law on Cadres and Civil Servants may be considered for upgrading to district- or higher-level civil servants if they fully meet the following conditions and criteria:

1. The civil servant- employing agency needs to recruit civil servants according to the civil servant rank structure suitable to the working positions under recruitment.
2. They fully satisfy the professional standards of the civil rank corresponding to each working position.
3. They have worked as commune-level cadres or civil servants for full 60 or more months. If their working duration is interrupted and they have not yet received a lump-sum compulsory social insurance allowance, such working duration will be aggregated.
4. They possess good political and moral quality and have fulfilled their responsibilities and assigned tasks.
5. They are not being examined for disciplining, are not serving a disciplining decision of a competent body or are not being examined for penal liability, are not serving or have completely served a court's criminal judgment or decision but have not yet enjoyed criminal record remission, are not being subject to the administrative measure of confinement to a medical treatment establishment, an education camp or a reformatory.

**Article 26. Competence to consider upgrading of commune-level cadres and civil servants to district- or higher-level civil servants**

Heads of civil servant-managing bodies defined in Clause 2. Article 1 of this Decree may consider upgrading of commune-level cadres and civil servants to district- or higher-level civil servants who work in agencies, organizations or units under their respective management.

**Chapter III**

**EMPLOYMENT OF CIVIL SERVANTS**

**Section I. WORK ARRANGEMENT AND ASSIGNMENT AND CIVIL SERVANT RANK SHIFT**

**Article 27. Work arrangement and assignment**

1. Heads of civil servant-employing agencies shall arrange and assign work, examine the work performance by civil servants, provide necessary conditions for civil servants to perform their tasks and apply regimes and policies to civil servants.
2. Work arrangement or assignment to civil servants must ensure conformity between their assigned powers and tasks and their appointed titles, positions and ranks.
3. Civil servants assigned to work in positions subject to periodical shift shall comply with law.

**Article 28. Civil servant rank shift**

1. Civil servant rank shift shall be effected when civil servants change their working positions or have to change their working positions as required when their current civil servant ranks fail to meet the requirements of the civil servant ranks of their new working positions.
2. Civil servants in rank shift must satisfy the professional standards of their new ranks.
3. Heads of civil servant-employing agencies shall base on the provisions of Article 43 of the Law on Cadres and Civil Servants to propose civil servant-managing bodies to decide on rank shift.
4. Rank shift must not be carried out in combination with rank promotion or salary raise.

**Section 2. CIVIL SERVANT RANK PROMOTION**

## **SECTION 2. CIVIL SERVANT RANK PROMOTION**

### **Article 29. Grounds, principles, standards and conditions for civil servant rank promotion**

1 Civil servant rank promotion must be based on working positions, conform to the civil servant structures of civil servant-employing agencies and be conducted via rank promotion examinations according to regulations.

2. The principle of competition in rank promotion examinations will apply to civil servants in the same civil servant- managing agency.

3. Civil servants may register for rank promotion examinations when they fully meet the following criteria and conditions:

a/ Having well fulfilled their tasks within three latest consecutive years: possessing good political and ethical quality; not being serving a discipline or being informed of disciplining consideration by a competent body;

b/ Having professional qualifications and capabilities to undertake the working positions corresponding to the civil servant rank higher than their current rank in the same professional sector;

c/ Meeting diploma, certificate and other requirements on professional standards of the civil servant rank they have registered for examinations.

4. The agency managing civil servants shall make a list of civil servants fully meeting the criteria and conditions for rank promotion examination registration, send a report to the rank promotion examination-organizing agency defined in Article 30 of this Decree and take responsibility for the criteria and conditions of civil servants participating in rank promotion examinations.

For examinations for the promotion to the senior official or equivalent rank, the agency managing civil servants shall send a examination registration file of each civil servant to the rank promotion examination-organizing agency for appraisal and management.

### **Article 30. Division of tasks of organizing civil servant rank promotion examinations**

1. The Ministry of Home Affairs shall assume the prime responsibility for organizing examinations for the promotion of the official or equivalent rank to the principal official or equivalent rank and of the principal official or equivalent rank to the senior official or equivalent rank in state agencies and state non-business units.

2. The Organization Commission of the Party

Central Committee shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, organizing examinations for the promotion of the official or equivalent rank to the principal official or equivalent rank and of the principal official or equivalent rank to the senior official or equivalent rank in agencies and non-business units of the Communist Party of Vietnam and in sociopolitical organizations.

3. The civil servant-managing bodies defined in Clause 2, Article 1 of this Decree shall assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, organizing examinations for the promotion of the employee rank to the technician or equivalent rank; and of the employee, technician or equivalent rank to the official or equivalent ranks for civil servants under their respective management.

4. In March every year, based on the provisions of Article 29 of this Decree, state agencies shall draw up rank promotion plans for every civil servant rank and send them to the Ministry of Home Affairs; competent bodies of the Communist Party of Vietnam, while socio- political organizations shall draw up rank promotion plans for every civil servant rank and send them to the Organization Commission of the Party Central Committee and concurrently to the Ministry of

Home Affairs for unified implementation.

5. The Ministry of Home Affairs shall guide in detail forms of rank promotion examinations, contents of exam subjects, exam questions, mark scales and regulations on the organization of rank promotion examinations.

**Article 31. Tasks and powers of civil servant rank promotion examination- organizing agencies**

Heads of civil servant rank promotion examination-organizing agencies defined in Article 30 of this Decree have the following tasks and powers:

1. To work out plans for organization of civil servant rank promotion examinations;
2. To decide on civil servant rank promotion examination quotas suitable to the number of working positions and the structure of civil servants;
3. To decide on a list of civil servants fully meeting the criteria and conditions for participation in rank promotion examinations;
4. To set up a Civil Servant Rank Promotion Examination Council;
5. To recognize results of civil servant rank promotion examinations and notify them to agencies managing civil servants;
6. To inspect and supervise the examination organization by the Civil Servant Rank Promotion Examination Council.

**Article 32. Civil Servant Rank Promotion Examination Councils**

1. A Civil Servant Rank Promotion Examination Council shall be set up by the head of the agency organizing civil servant rank promotion examinations. It is composed of 5 or 7 members, including its chairman and secretary as well as other members.

2. The Civil Servant Rank Promotion Examination Council shall work on the principle of collectivism and decision by vote of majority, and has the following tasks and powers:

- a/ To announce the plan, time, regulations, forms, contents, time and places for examinations;
- b/ To form assisting sections, including an examination question board, an examination invigilation board, an exam papers' detachable head board, an exam paper- marking board and an examination appeal board;
- c/ To organize the collection and use of examination fees according to regulations;
- d/ To organize the exam paper marking and examination appeal handling according to regulations;
- e/ To summarize and report to the head of the rank promotion examination- organizing agency on results of rank promotion examinations;
- f/ To settle complaints and denunciations in the process of examination organization.

**Article 33. Identification of persons who pass civil servant rank promotion examinations**

1. To pass rank promotion examinations civil servants must satisfy the following conditions:

- a/ Sitting examinations of all prescribed exam subjects;
- b/ Getting a mark of 50 or higher for each exam paper, which is marked on a 100-mark scale;

c/ When meeting the conditions prescribed at Points a and b, Clause 1 of this Article, the person passing rank promotion examinations is the one who get a higher mark in a descending order within the rank promotion quota associated with the working position in the agency managing civil servants;

d/ If many persons get equal total marks for the last rank promotion quota of the civil servant-managing agency, the head of the rank promotion examination-organizing agency shall exchange opinions in writing with the civil servant-managing agency in order to decide on the last winner in the rank promotion quota.

2. In case the number of examination passers defined in Clause 1 of this Article is lower than the rank promotion quota of the civil servant-managing agency, the civil servant rank promotion examination-organizing agency may not further organize rank promotion examinations for this quota.

3. Civil servants who fail rank promotion examinations under Clause 1 of this Article are not entitled to reserve their rank promotion examination results for subsequent rank promotion examinations.

### **Article 34. Notification of exam results and appointment to civil servant ranks**

1. The Civil Servant Rank Promotion Examination Council shall notify the civil servant-managing agency of examination marks of civil servants sitting the rank promotion examinations.

2. Within 15 days after the notification of examination marks, civil servants may file their written requests for re-examination of their examination results with the Civil Servant Rank Promotion Examination Council. The Civil Servant Rank Promotion Examination Council shall organize the re-marking of appealed examination papers and announce the results within 15 days from the date of expiry of the time limit for receipt of re-examination requests specified in this Clause.

3. Within 15 days after the provisions of Clauses 1 and 2 of this Article are completely implemented, the Civil Servant Rank Promotion Examination Council shall report examination results and the list of civil servants passing the examinations to the head of the agency assigned to organize civil servant rank promotion examinations for approval.

If many persons get equal total marks for the last rank promotion quota of the civil servant-managing agency, the Civil Servant Rank

Promotion Examination Council shall make a separate list of these persons for determining winners under Point d. Clause 1. Article 33 of this Decree.

4. Within 15 days after the provisions of Clause 3 of this Article are completely implemented, the head of the rank promotion examination-organizing agency shall decide on the rank promotion examination results and the list of examination passers, notifying them to the agency managing the civil servants who sit the examinations.

5. Within 15 days after receiving the list of persons who pass the rank promotion examinations, the head of the civil servant-managing agency shall issue decisions to appoint them to civil servant ranks and arrange their wages according to regulations.

With regard to the promotion to the senior official or equivalent rank, based on the rank promotion examination results, the Ministry of Home Affairs shall issue decisions to appoint them to set ranks and arrange their wages according to regulations.

### **Section 3. TRANSFER, ROTATION AND SECONDMENT OF CIVIL SERVANTS**

#### **Article 35. Transfer of civil servants**

The transfer of civil servants shall be carried out in the following cases:

1. As required by specific tasks;
2. Shift of working positions according to law;
3. According to the planning and plans on the employment of civil servants within an agency, organization or units and among agencies, organizations and units under decisions of competent agencies.

#### **Article 36. Rotation of civil servants**

1. The rotation of civil servants shall be effected only for civil servants holding leading or managerial positions and planned for higher leading or managerial positions.

2. Cases of rotation:

a/ According to task requirements and civil servant employment planning and plans of agencies, organizations or units;

b/ Rotation between the central and local administrations, between sectors or domains according to planning, aiming to further train and retrain leading and managerial civil servants.

#### **Article 37. Secondment of civil servants**

1. The secondment of civil servants shall be effected in the following cases:

a/ As required by unexpected, urgent tasks:

b/ For performing work only within a given period of time.

2. The civil servant secondment time limit must not exceed 3 years. For a number of peculiar sectors or domains, the secondment time limit complies with the provisions of specialized law.

3. Seconded civil servants are subject to task assignment, job arrangement, performance assessment and inspection by agencies, organizations or units to which they are seconded and still remain in the payrolls of the seconding agencies, organizations or units. Civil servant-seconding agencies, organizations and units shall arrange appropriate jobs for these civil servants after the secondment period, pay salaries to them and ensure their other interests.

#### **Article 38. Competence, order and procedures for transfer, rotation and secondment of civil servants**

1. Heads of agencies, organizations or units assigned or decentralized to manage civil servants may decide on the transfer, rotation and secondment of civil servants.

2. The order and procedures for transferring, rotating and seconding civil servants comply with laws as well as regulations of competent civil servant-managing bodies.

#### **Article 39. Regimes and policies applicable to transferred, rotated or seconded civil servants**

1. In case civil servants are transferred or rotated to other working positions unsuitable to their current ranks, they shall be shifted to new ranks as provided in Article 29 of this Decree and resign from their current leading or managerial positions on the date the transfer or rotation decisions are issued.

2. In case leading or managerial civil servants are transferred to other working positions and enjoy a position-based allowance lower than their current position-based allowance, they are entitled to the current position allowance for 6 months.

3. In case civil servants are rotated to other working positions and enjoy a position-based

3. In case civil servants are rotated to other working positions and enjoy a position base allowance lower than their current position-based allowance, they are entitled to the current position allowances during the rotation period.

4. Civil servants seconded to work in mountainous, border, island, deep-lying, remote, ethnic minority areas or areas with particularly difficult socio-economic conditions are entitled to incentive regimes and policies provided for by law.

#### **Section 4. APPOINTMENT, REAPPOINTMENT, RESIGNATION, RELIEF OF DUTY OF CIVIL SERVANTS**

##### **Article 40. Appointment of civil servants to leadership or managerial posts**

1. Criteria and conditions for appointment of leading or managerial civil servants:

a/ Satisfying the criteria and conditions of the posts or titles of appointment according to regulations of competent agencies;

b/ Having adequate personal records already verified by competent agencies, having a written declaration of assets according to regulations;

c/ Being in the prescribed group of age eligible for appointment;

d/ Being physically fit for fulfilling assigned tasks and responsibilities;

e/ Not being banned from holding certain posts as provided for by law.

2. The term of each appointment is 5 years, except cases of appointment prescribed by specialized laws or competent agencies.

##### **Article 41. Re-appointment of leading or managerial civil servants**

1. Civil servant-managing bodies may reappoint or not re-appoint leading or managerial civil servants at the end of the appointment term defined in Clause 2. Article 40 of this Decree.

2. The criteria and conditions for reappointment of a leading or managerial civil servant:

a/ Having fulfilled the tasks in the period of holding the leading or managerial post;

b/ Meeting the standards of the leading or managerial post he/she is holding at the time of consideration for re-appointment;

c/ Being physically fit for fulfilling assigned tasks and responsibilities;

d/ Not being banned from holding certain posts as provided for by law.

3. Re-appointment consideration time:

a/ At least 90 days before the expiry of the appointment duration, the civil servant-managing agency shall conduct the reappointment process for decision or report to a competent agency for consideration and decision on re-appointment or non-reappointment of a leading or managerial civil servant;

b/ A decision on the re-appointment of a leading or managerial civil servant must be issued at least one working day before the expiry date of the appointment duration.

4. For a leading or managerial civil servant who is re-appointed upon the expiry of his/her appointment duration but still has less than 5 working years before reaching the retirement age, the appointment duration will be counted to the time they reach the prescribed retirement age. If he/she still has less than 2 working years before reaching the retirement age, his/her managing agency may consider and decide to extend his/ her duration of holding the leading or managerial post till he/she reaches the retirement age, if he/ she fully meets the prescribed

managerial post until he/she reaches the retirement age, if he/ she fully meets the prescribed criteria and conditions. A decision on the extension of the leading or managerial post-holding duration must be issued at least one working day before the expiry of the appointment duration.

5. For a leading or managerial civil servant who, upon the expiry of his/her appointment duration, fails to meet the re-appointment criteria and conditions, the competent agency shall arrange or assign another job to him/her.

#### **Article 42. Resignation and relief of duty of civil servants**

1. The resignation of a civil servant shall be effected in the following cases:

a/ The civil servant volunteers and takes the initiative in applying for resignation in order to pass his/her their leading or managerial post to another;

b/ The civil servant realizes that he/she is not fully qualified in physical strength, capability and prestige for the fulfillment of his/her assigned responsibilities;

c/ The civil servant realizes that the errors or shortcomings of his/her agency, organization or unit or his/her subordinates are related to his/her responsibilities;

d/ The civil servant aspires to resign for other personal reasons.

2. The relief of duty of a civil servant shall be effected in the following cases:

a/. Being transferred or rotated to. arranged or assigned with, another job but not concurrently holding the former post;

b/ Being physically unfit for continued leadership or management work:

c/ Failing to fulfill his/her tasks or breaching the Party's disciplines or the State's law but not to the extent of being disciplined by dismissal;

d/ Lacking capability and prestige for work;

e/ Breaching a competent body's regulations on the internal political protection.

3. A civil servant who seeks permission to resign or relieve of his/her duty shall, pending a decision of competent authorities, continue performing his/her assigned tasks and responsibilities. After refraining from holding a leadership or managerial post due to resignation or relief of duty, he/she will be placed by the head of his/her employing agency into jobs suitable to the task requirements of his/her agency, organization or unit and his/her qualifications and capabilities.

#### **Article 43. Competence, order and procedures for appointment, re-appointment, resignation and relief of duty of civil servants**

1. Heads of agencies, organizations or units assigned or decentralized to manage civil servants shall decide on the appointment, reappointment, resignation or relief of duty of civil servants.

2. The order and procedures for the appointment, re-appointment, resignation or relief of duty of civil servants comply with law and regulations of competent civil servant-managing bodies.

#### **Article 44. Regimes and policies applicable to resigning or relieved-of duty civil servants**

1. Leading or managerial civil servants who apply for permission to resign under Points a and b Clause 1. Article 42 of this Decree, are entitled to reserve their current position allowance for 6 months after the resignation decision is issued.

2. Leading or managerial civil servants who apply for permission to resign under Points c and d, Clause 1. Article 42 of this Decree, are entitled to reserve their current position allowance for 6

months after the resignation decision is issued.

3. Leading or managerial civil servants who are relieved of duty due to their poor health as provided for at Point b. Clause 2, Article 42 of this Decree, are entitled to reserve their current position allowance for 6 months after the decision on his/her relief of duty is issued.

4. Leading or managerial civil servants, who are relieved of duty under provisions of Points c, d and e. Clause 2, Article 42 of this Decree, shall refrain from enjoy their position-based allowances after the decisions on relief of duty are issued.

## **Section 5. CIVIL SERVANT EVALUATION ORDER AND PROCEDURES**

### **Article 45. Annual civil servant evaluation order and procedures**

1. For heads of agencies, organizations or units:

a/ Civil servants shall themselves evaluate their work performance against their assigned tasks and comment on their strengths and weaknesses in work;

b/ The collective of civil servants of civil servant-managing agencies shall meet to contribute their comments. Such comments shall be recorded in a minutes to be adopted at the meeting.

c/ Heads of the immediate superior managing agencies shall evaluate and categorize civil servants, then notify civil servants after consulting the minutes on comments of the collectives of the places where the leading or managerial civil servants work.

2. For deputy-heads and civil servants who do not hold leading or managerial positions (below referred collectively to as civil servants):

a/ The civil servants shall themselves evaluate their work performance against their assigned tasks;

b/ Heads of the employing agencies shall give comments on the civil servants' self-evaluation results and evaluate their strengths and weaknesses in work;

c/ The collective of civil servants of the employing agencies shall meet to give their comments, which shall be recorded in minutes to be adopted at the meetings;

d/ Heads of the employing agencies shall make conclusions and decide on the categorization of their civil servants at annual civil servant evaluation meetings.

### **Article 46. Order and procedures for the evaluation of civil servants prior to appointment, re-appointment, planning, transfer, training, retraining and at the end of the rotation or secondment period**

The evaluation of civil servants prior to appointment, re-appointment, planning, transfer, training, retraining and at the end of the rotation or secondment period shall be made by the heads of the agencies, organizations or units employing those civil servants according to the order of and procedures for the appointment, re-appointment, planning, transfer, rotation or secondment of civil servants.

## **Chapter IV**

### **MANAGEMENT OF CIVIL SERVANTS**

#### **Article 47. Contents of civil servant management**

1. Promulgating legal documents on civil servants.

2. Working out plans and plannings on civil servants.

3. Prescribing civil servant ranks, titles and codes; describing and providing for civil servant

3. Prescribing civil servant ranks, titles and codes; designing and providing for civil servant working positions and structures.

4. Determining civil servant payrolls and the management thereof.

5. Conducting civil servant recruitment and employment.

6. Implementing training and retraining regimes for civil servants.

7. Implementing wage and preferential regimes and policies towards civil servants.

8. Carrying out the commendation and disciplining of civil servants.

9. Implementing job discontinuation and retirement regimes towards civil servants.

10. Implementing the regimes of reporting, making statistics on, and management of files, on civil servants.

11. Inspecting and examining the enforcement of the law on civil servants.

12. Directing and organizing the settlement of complaints and denunciations related to civil servants.

#### **Article 48. Tasks and powers of the Ministry of Home Affairs**

The Ministry of Home Affairs is answerable to the Government for the performance of the state management of civil servants, having the following tasks and powers:

1. To draft laws and ordinances on civil servants for submission by the Government to the National Assembly and National Assembly Standing Committee.

2. To formulate and submit to the Government or the Prime Minister for approval strategies, plans, planning and programs on the development of the civil servant contingent; to assign or decentralize the management of civil servants and civil servant payrolls; to work out strategies and plans on the training and fostering of civil servant contingent, wage and other incentive policies and regimes for civil servants, policies towards talented civil servants, title criteria and recruitment of civil servants to leading or managerial posts in state administrative agencies; the appointment, reappointment, transfer, rotation, secondment, resignation, relief of duty, commendation, disciplining, job discontinuation and retirement of civil servants.

3. To prescribe civil servant ranks and rank codes; to promulgate and guide, inspect the implementation of civil servant titles, rank criteria, rank structure, recruitment examination regulations, civil servant rank promotion examination regulations, internal rules on recruitment examinations and rank promotion examinations, civil servant evaluation regulations: programs on retraining based on civil servant rank standards, programs on training and retraining based on standards of leading and managerial posts.

4. To provide for the compilation and management of civil servant files; civil servant numbers; codes of state administrative agencies; civil servant's cards and card wearing; and civil servant uniforms.

5. To manage the quantity, quality and structures of civil servant ranks and quantity of working positions.

6. To assume the prime responsibility for organizing examinations for the promotion of civil servants from the official or equivalent rank to the principal official or equivalent rank and from the principal official or rank to the senior official or equivalent rank in state agencies and state-owned non-business units; to assume the prime responsibility for, and coordinate with line ministries or ministerial-level agencies in, forming a bank of civil servant rank promotion examination questions; to supervise and inspect the organization of the promotion of civil servants from the employee rank to the technician or equivalent rank and from the employee, technician and equivalent ranks to the official or equivalent rank by civil servant-managing

technician and equivalent ranks to the official or equivalent rank by civil servant managing bodies; to appoint, arrange salaries and raise salaries ahead of time for senior officials and civil servants of equivalent ranks.

7. To guide and organize the making of statistics on the civil servant contingent nationwide; to establish and manage the national data on the civil servant contingent.

8. To guide and organize the implementation of the regime of reporting on civil servant management.

9. To inspect and check the enforcement of the law on civil servants.

10. To settle complaints and denunciations related to civil servants according to decentralization and the law on complaints and denunciations.

**Article 49. Tasks and powers of ministries, ministerial-level agencies and government-attached agencies**

1. To manage the quantity, criteria, recruitment and employment of civil servants under their management as assigned or decentralized; to regularly raise wages and extra-seniority allowances for civil servants of senior official and equivalent ranks; to conduct rank appointment, arrange salaries, raise salaries and extra-seniority allowances for civil servants of principal official and equivalent or lower ranks.

2. To organize recruitment and to assign, decentralize the recruitment, employment, training and retraining of civil servants under their management.

3. To manage civil servant working positions and payrolls according to assignment or decentralization and under law.

4. To decide on recruitment examination and test contents after they are appraised by the Ministry of Home Affairs; to manage the programs on refresher training in professional knowledge and skills of the sectors or domains under their management.

5. To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs and concerned agencies in, formulating regimes and policies towards civil servants of their particular sectors or domains for submission to the Government and the Prime Minister.

6. To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, in setting professional standards of civil servant ranks in their sectors or domains for the Ministry's agreement on the promulgation thereof, to coordinate with the Ministry in organizing examinations for the promotion of civil servant ranks in their sectors or domains.

7. To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in, organizing examinations for the promotion from the employee rank to the technician or equivalent rank; from the employee, technician and equivalent ranks to the official and equivalent rank for civil servants under their management.

8. To organize the application of wage regimes and other incentive regimes and policies towards civil servants under their management.

9. To commend and discipline civil servants or propose competent authorities to commend or discipline them according to regulations.

10. To make statistics and statistical reports on civil servants according to regulations.

11. To guide, inspect and examine the enforcement of laws towards civil servants under their management.

12. To settle complaints and denunciations according to decentralization and the law on complaints and denunciations.

## **Article 50. Tasks and powers of provincial-level People's Committees**

1. To manage the quantity, criteria.

recruitment and employment of civil servants under their management as assigned or decentralized; to regularly raise wage grades and extra-seniority allowances for civil servants of senior official or equivalent rank; to effect rank appointment, wage arrangement, wage and extra-seniority allowance raising for civil servants of principal official and equivalent or lower ranks.

2. To organize the recruitment and assign or decentralize the recruitment, employment, training and retraining of civil servant under their management.

3. To manage civil servant working positions and payrolls according to decentralization and law.

4. To assume the prime responsibility for, and coordinate with the Ministry of Home Affairs in organizing examinations for the promotion of civil servants from the employee rank to the technician or equivalent rank and from the employee, technician or equivalent rank to the official or equivalent rank for civil servants under their management.

To apply the wage regime and other incentive regimes and policies towards civil servants under their management.

6. To commend and discipline civil servants according to their competence or propose competent authorities to commend or discipline them according to regulations.

7. To make statistics and statistical reports on civil servants according to regulations.

8. To inspect and examine the enforcement of laws towards civil servants under their management.

9. To settle complaints and denunciations according to decentralization and the law on complaints and denunciations.

## **Article 51. Tasks and powers of civil servant-employing agencies**

1. To apply state regimes and policies to civil servants.

2. To arrange and assign tasks to civil servants and inspect their task performance.

3. To recruit civil servants as assigned or decentralized; to propose civil servant-managing agencies to conduct evaluation, appointment, reappointment, resignation, relief of duty, rank promotion, transfer, rotation, secondment, training and retraining of civil servants according to regulations.

4. To evaluate civil servants according to regulations.

5. To commend and discipline civil servants according to their competence or propose competent authorities to commend or discipline them according to regulations.

6. To compile and archive personal files of civil servants under their management according to regulations.

7. To send statistical reports to superior civil servant- managing agencies on the contingent of civil servants under their management according to regulations.

8. To settle complaints and denunciations according to regulations.

## **Article 52. The regime of reporting on civil servant management**

1. Agencies managing civil servants shall report on the civil servant management under Article 68 of the Law on Cadres and Civil Servants

of the Law on Cadres and Civil Servants.

2. The Ministry of Home Affairs shall detail and organize the implementation of the regime of reporting on civil servant management.

## **Chapter V**

### **IMPLEMENTATION PROVISIONS**

#### **Article 53. Application of the Decree to other subjects**

The recruitment, employment and management of persons recruited and appointed under assigned payroll quotas to work in sociopolitical- professional organizations, social organizations and socio-professional organizations are also governed by this Decree.

#### **Article 54. Effect**

1. This Decree takes effect on May 1, 2010.

2. To annul the following documents:

a/ The Government's Decree No. 115/2003/ ND-CP of October 10, 2003. on the reserve civil servant regime, and Decree No. 08/2007/ND-CP of January 15, 2007, amending and supplementing a number of articles of Decree No. 115/2003/ND-CP;

b/ The Government's Decree No. 117/2003/ ND-CP of October 10, 2003, on the recruitment, employment and management of cadres and civil servants in state agencies, and Decree No. 09/2007/ND-CP of January 15,2007, amending and supplementing a number of articles of Decree No. 117/2003/ND-CP.

#### **Article 55. Implementation responsibility**

Ministers, heads of ministerial-level agencies, heads of government-attached agencies, chairpersons of provincial-level People's Committees and concerned agencies, organizations and individuals shall implement this Decree.-

**ON BEHALF OF THE GOVERNMENT  
PRIME MINISTER**

**Nguyen Tan Dung**