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**THE LAW
OF THE REPUBLIC OF ARMENIA**

ON CIVIL SERVICE

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Public Service

1. Public service is the implementation of authorities reserved to the State by legislation, which includes implementing policy by state and communities, the state service and the service in communities, as well as the civil work in the state bodies and communities.

2. State bodies and communities shall implement policy through the persons occupying Political, Discretionary and Civil Positions, within the scope of authorities assigned to them by the legislation of the Republic of Armenia, by adoption of political decisions and coordination of their execution.

3. State service is a professional activity, which is directed at the implementation of the objectives and functions reserved to the state bodies by the legislation of the Republic of Armenia.

State service includes Civil Service, Judicial Service, the special services, namely in the Republican Executive Bodies of Defense, National Security, Police, Tax, Customs, Emergencies, as well as Diplomatic and other Services envisaged by the laws.

4. Service in the communities is a professional activity, which is directed at the implementation of the objectives and functions reserved to the communities by the Constitution and laws of the Republic of Armenia.

5. Civil work is the implementation of separate objectives and functions reserved to the state and local self-government bodies by the Constitution and legislation of the Republic of Armenia through hired employees.

Article 2. The Subject of Regulation of this Law

This law regulates relations pertaining to the main principles of Civil Service, classification of Civil Service Positions and classification grades of Civil Service, appointment to the Civil Service Position, attestation and training of Civil Servants, personnel reserve of Civil Service, the legal status of

the Civil Servants, organization and administration of the Civil Service of the Republic of Armenia, as well as other relations connected therewith.

Article 3. Principal Concepts used in this Law

1. The principal concepts used in this law have the following meanings:

a/ Civil Service - a professional activity independent from the changes of correlations between political forces, which is performed in the bodies envisaged in Clause 1, Article 4 of this law, with the purpose of implementing the objectives and functions reserved to those bodies by the legislation of the Republic of Armenia.

b/ Civil Service Position - a position envisaged by the Roster of Civil Service Positions.

c/ Roster of Civil Service Positions - a list of all the Civil Service Positions approved by the procedure defined by this law.

d/ Civil Servant - a person occupying a position (with the exception of temporary vacant position) envisaged in the Roster of Civil Service Positions or enlisted in the Civil Service Personnel Short-term Reserve.

e/ Corresponding Body - a body envisaged by Clause 1, Article 4 of this law.

f/ Passport of the Civil Service Position - a document approved in a procedure defined by this law, describing the rights and duties stipulated by this law and other legal acts for the Civil Servant occupying the given position, to be presented to the Civil Servant from the point of view of the mastery of the professional knowledge and working skills for occupying the given position, as well as defining the requirements for having a corresponding classification grade of the Civil Service.

g/ Classification Grade of Civil Service - a qualification criterion corresponding to the professional knowledge and working skills of the Civil Servant.

h/ Chief of Staff - the official referred to in Clause 3, Article 16 of this law.

i/ Attestation of Civil Servants - determination of the conformity of the professional knowledge and working skills of the Civil Servants to the position occupied.

j/ Training of Civil Servants - consistent improvement of the professional knowledge and working skills of the Civil Servants.

k/ Civil Service Personnel Reserve - a group of Civil Servants not occupying Civil Service Positions by the procedure stipulated by this law as well as a group of persons mentioned in the Clause 3, Article 21 of this Law.

l/ Service Investigation - an investigation of the performance of the duties by the Civil Servant and of issues related thereto carried out in the cases and pursuant to the procedure defined in this law and other legal acts.

m/ Political Position- a position being elected or appointed pursuant to the procedure defined by the Constitution and the laws of the Republic of Armenia, the official occupying which shall make political decisions and co-ordinate the implementation thereof within the scope of authority reserved to him/ her by the legislation of the Republic of Armenia, shall be changed with the change of correlation of political forces.

n/ Discretionary Position- a position being appointed pursuant to the procedure defined by the legislation of the Republic of Armenia, the official occupying which shall make decisions and co-ordinate the implementation thereof within the scope of authority reserved to him/ her by the legislation of the Republic of Armenia, which may be changed with the changes of correlation of political forces.

o/ Person Implementing Technical Support – implementer of technical support necessary for the implementation of the authorities of the persons occupying Political, Discretionary and Civil, as well as Civil Service Positions.

2. Within the meaning of this Law, Political Positions under Item of Clause 1 of this Article are considered the positions of **the President of the Republic of Armenia, Deputies to the National Assembly of the Republic of Armenia, the Prime Minister of the Republic of Armenia, Ministers of the Republic of Armenia and the Leaders of Communities of the Republic of Armenia.**

3. Within the meaning of this Law, Discretionary Positions under Item n) of Clause 1 of this Article are considered the positions of the Chief of Staff of the President of the Republic of Armenia, the Chief of Staff of the Government of the Republic of Armenia, Head of Control Service of the RA President, Head of Control Service of the RA Prime Minister, Heads of State Administrative Bodies attached to the Government of the Republic of Armenia as well as their Deputies, the Deputy Ministers of the Republic of Armenia, Ambassadors Extraordinary and Plenipotentiary of the Republic of Armenia, Permanent representatives of the Republic of Armenia in international organizations, the Marzpets (Regional Governors) of the Republic of Armenia (the Mayor of the City of Yerevan), the deputy Marzpets /the Deputy Regional Governors/, (Deputy Mayors of the City of Yerevan), as well as the positions of advisers, press secretaries and assistants of the President of the Republic of Armenia, of the Chairman of the RA National Assembly and his deputies, of the Prime Minister of the Republic of Armenia, of the Ministers of the Republic of Armenia, as well as the positions of the deputies, advisers, press secretaries, assistants secretaries of the Leaders of Communities of the RA.

4. Within the meaning of this Law, Civil positions are considered the positions of the leaders (their deputies) and the members of the permanent standing bodies formed by the laws of the Republic of Armenia.

Article 4. The Scope of Operation of this Law

1. The operation of this Law shall extend to the persons occupying positions envisaged in the Roster of Civil Service Positions in the following bodies:

- a) The Staff of the President of the Republic of Armenia;
- b) The Staff of the Government of the Republic of Armenia;
- c) The Staffs of the Republican Executive Bodies of the Republic of Armenia;
- d) The Staffs of the Marzpetarans /Regional Governor's Offices/ of the Republic of Armenia (the Municipality of Yerevan);
- e) The Staffs of the permanently operating bodies created by the laws of the Republic of Armenia, with the exception of the Central Bank.

2. The persons occupying Political, Discretionary and Civil Positions, as well as the Persons Implementing Technical Support in the bodies envisaged under Clause 1 of this Article shall not be considered Civil Servants.

Article 5. The Main Principles of the Civil Service

The main principles of the Civil Service are:

- a) the supremacy of the Constitution and laws of the Republic of Armenia, the priority of human and citizen's rights and liberties;
- b) the stability of the Civil Service;
- c) the uniformity of the principal requirements for Civil Servants and the legal equality of Civil Servants before the law;
- d) the openness of the Civil Service;

- e) the political restraint of the Civil Servants;
- f) the equal accessibility of the Civil Service for citizens, equivalent to their professional knowledge and working skills;
- g) the professionalism of the Civil Servants;
- h) the legal and social protection of the Civil Servants;
- i) the responsibility of the Civil Servants for not performing or improperly performing their service duties;
- j) the supervision of the activity of the Civil Servants and their being accountable;

Article 6. The Civil Service Legislation of the Republic of Armenia

1. The relationships connected with the Civil Service shall be regulated by the Constitution of the Republic of Armenia, international agreements of the Republic of Armenia, this Law, the normative legal acts of the Civil Service Council, as well as by other legal acts.

2. The labor relationships of the Civil Servants shall be regulated by the labor legislation of the Republic of Armenia, if peculiarities regulating such relations are not defined by the legislation on the Civil Service.

3. The service relationships among the Civil Servants shall be regulated by internal labor disciplinary rules defined by the legislation.

CHAPTER TWO

THE CLASSIFICATION OF CIVIL SERVICE POSITIONS AND THE CLASSIFICATION GRADES OF THE CIVIL SERVICE

Article 7. Classification of the Civil Service Positions

1. The Civil Service Positions shall be classified into groups on the basis of the necessary level of responsibility for work organization and management, authority to take decisions, contacts and representations, complexity of issues and the requirement for their creative solution for the persons occupying the position concerned, as well as their knowledge and skills.

2. The Civil Service Positions shall be classified into the following groups:

- a) the highest Civil Service Positions;
- b) the chief Civil Service Positions;
- c) the leading Civil Service Positions;
- d) the junior Civil Service Positions.

3. The group of the highest Civil Service Positions shall be broken down into Subgroups 1 and 2, and the groups of the chief, leading and junior Civil Service Positions shall be broken down into Subgroups 1, 2 and 3. Subgroup 1 in the groups of Civil Service Positions is considered the highest subgroup of the given group.

4. The general description of each group of Civil Service Positions shall be approved by the Civil Service Council.

Article 8. Classification Grades of the Civil Service

1. The following classification grades shall be granted to the Civil Servants:

a) The classification grades of State Counselor of the 1st and 2nd class of the Civil Service of the Republic of Armenia shall be granted to the Civil Servants occupying the highest Civil Service Positions.

b) the chief Civil Service positions.

- the Civil Servants occupying the 1st subgroup of Civil Service position – the classification grade of Counselor of the 1st class of the Republic of Armenia, as well as higher the classification grade of State Counselor of the 2nd class of the Republic of Armenia.

- the Civil Servants occupying the 2nd subgroup of Civil Service position - the classification grade of Counselor of the 2nd class of the Republic of Armenia, as well as higher the classification grade of Counselor of the 1st class of the Republic of Armenia.

- the Civil Servants occupying the 3rd subgroup of Civil Service position - the classification grade of Counselor of the 3rd class of the Republic of Armenia, as well as higher the classification grade of Counselor of the 2nd class of the Civil Service of the Republic of Armenia.

The classification grades of Counselor of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia, as well as the classification grade of State Counselor of the 2nd class of the Civil Service of the Republic of Armenia, shall be granted to the Civil Servants occupying the chief Civil Service Positions.

c) Leading Civil Service positions.

the Civil Servants occupying the 1st subgroup of Civil Service position – the classification grade of the 1st class of leading servant of the Civil Service of the Republic of Armenia, as well as higher the classification grade of Counselor of the 3rd class of the Civil Service of the Republic of Armenia.

- the Civil Servants occupying of the 2nd subgroup of Civil Service position - the classification grade of the 2nd class of leading servant of the Civil Service of the Republic of Armenia, as well as higher the classification grade of the 1st class of leading servant of the Civil Service of the Republic of Armenia.

- the Civil Servants occupying of the 3rd subgroup of Civil Service position - the classification grade of the 3rd class of leading servant of the Civil Service of the Republic of Armenia, as well as higher the classification grade of the 2nd class of leading servant of the Civil Service of the Republic of Armenia.

The classification grades of Leading Servant of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia, as well as the classification grade of Counselor of the 3rd class of the Civil Service of the Republic of Armenia, shall be granted to the Civil Servants occupying the leading Civil Service positions.

d) junior Civil Service positions.

- the Civil Servants occupying the 1st subgroup of Civil Service position – the classification grade of the 1st class of junior servant of the Civil Service of the Republic of Armenia, as well as higher the classification grade of the 3rd class of leading servant of the Civil Service of the Republic of Armenia.

- the Civil Servants occupying the 2nd subgroup of Civil Service position – the classification grade of the 2nd class of junior servant of the Civil Service of the Republic of Armenia, as well as higher the classification grade of the 1st class of junior servant of the Civil Service of the Republic of Armenia.

- the Civil Servants occupying the 3rd subgroup of Civil Service position – the classification grade of the 3rd class of junior servant of the Civil Service of the Republic of Armenia, as well as higher

the classification grade of the 2nd class of junior servant of the Civil Service of the Republic of Armenia.

d) The classification grades of Junior Servant of the 1st, 2nd and 3rd classes of the Civil Service, as well as the classification grade of Leading Servant of the 3rd class of the Civil Service of the Republic of Armenia, shall be granted to the Civil Servants occupying the junior Civil Service positions.

2. The highest classification grades, State Counselor of the 1st and 2nd classes of the Civil Service of the Republic of Armenia, shall be bestowed, degraded, as well as deprived of the classification grade by the President of the Republic of Armenia.

3. The classification grades of Counselor of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia shall be bestowed by the officials mentioned in Clause 2 of the Article 15 of this law.

4. The classification grades of Leading Servant of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia and of Junior Servant of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia shall be bestowed by the Chief of Staff.

5. A corresponding classification grade of the Civil Service shall be granted to the Civil Servant, simultaneously with making the appointment to the position, if he/she does not possess a higher classification grade of Civil Service.

The Civil Servant shall be granted a classification grade higher than the classification grade envisaged for his/her occupied position after receiving corresponding classification grade no sooner than 3 years and no later than 5 years.

A corresponding classification grade shall be granted to a person occupying a Civil Service Position for the first time at the end of the probation period envisaged by this law.

5¹: Community servant shall be granted a classification grade corresponding to the classification grade of Community Service simultaneously with making the appointment to the civil service position.

6. The Civil Servant shall be deprived of the classification grade of the Civil Service if released from office in the cases envisaged under Items b, c, j, k, l, and o of Clause 1 of Article 34 of this law.

7. Downgrading of the classification grade of the Civil Service, with the exception of the classification grade of State Counselor of the 1st and 2nd class of the Civil Service of the Republic of Armenia, shall be performed through judicial procedure.

Article 9. The Roster of Civil Service Positions, Confirmation (amendments) of Civil Service Position Passports and of List of Staff Members of Relevant Bodies,

1. The Roster of Civil Service Positions shall be approved (changed) by the Civil Service Council upon suggestion by the officials mentioned in the Clause 2 of Article 15 of this Law.

The suggestion envisaged by the clause 1 of this Article shall be submitted to the Civil Service Council in a month period just from the moment of the appearance of the legal ground of confirmation (amendments) of the Roster of Civil Service positions.

2. The Roster of Positions to be included in each group and subgroup of the Civil Service Positions shall be approved by the Civil Service Council.

3. Civil service passport positions shall be approved (amended) by the officials mentioned in the clause 2 of the Article 15 of the given law according to the agreement of the Civil Service Council by the suggestion of the mentioned officials.

4. The Roster of Civil Service positions for the confirmation (amendments) and the new position passports of civil service appeared in the given Roster for agreement shall be submitted to the Civil Service Council simultaneously.

5. List of Staff members of the relevant bodies and (or) the passports of the Civil Service positions shall be subject to approval (amendments) in 15 days period after confirming the Roster of the relevant positions of the Civil Service.

Article 10. The Passport of the Civil Service Position

1. The Passports of the Civil Service Positions shall be approved (amended) on the basis of the general description of each group of Civil Service Positions envisaged by defined procedure of Article 9 of this law. The Passports of the Civil Service Positions include also at least the following criteria of work history and experience:

a) highest Civil Service Positions - higher education, at least 2 years of experience in at least the 2nd subgroup of the chief Civil Service Positions, or at least 5 years of Civil Service work history and the classification grade of Counselor of the 2nd class of the Civil Service, or at least 2 years of work history in Political, Discretionary or Civil Positions during the last 5 years with the exception of the positions of deputies, advisers, press secretaries, assistants secretaries of the Leaders of Communities of the RA, or at least 3 years of work history in Civil positions.

b) chief Civil Service Positions - higher education, at least 2 years of work history in at least the 2nd subgroup of the leading Civil Service Positions, or at least 5 years of Civil Service work history and the classification grade of Leading Servant of the 2nd class of the Civil Service, or at least 1 year of work history in Political or Civil Positions during the last 4 years, with the exception of the positions of deputies, advisers, press secretaries, assistants secretaries of the Leaders of Communities of the RA, or at least 2 years of work history in Civil positions, or at least 3 years of work history of the chief position in Community service, or a scientific degree and at least 3 years of professional work history or at least 5 years of professional work history during the last 10 years.

c) leading Civil Service Positions - higher education, at least 2 years of work history in Civil Service Positions or Community Service Positions, or at least 1 year of work history in Political or Discretionary positions during the last 3 years with the exception of the positions of deputies, advisers, press secretaries, assistants secretaries of the Leaders of Communities of the RA, or at least 1 years of work history in Civil positions, or at least 3 years of professional work history.

d) junior Civil Service positions - without any requirement for work history and experience.

2. Until January 1, 2007 the passports of the Civil Service Positions include also the following criteria of work history and experience:

a) highest Civil Service Positions – at least 5 years of work history in public administration.

b) chief Civil Service Positions - at least 3 years of work history in public administration.

c) leading Civil Service Positions - at least 1 year of work history in public administration.

3. The Passport of Civil Service position may be changed if it shall not arouse requirements for the civil servant occupying the given position, the satisfaction of which will not be possible to ensure in the result of training.

CHAPTER 3

OCCUPYING THE CIVIL SERVICE POSITION

Article 11. Persons having the right to occupy the Civil Service Position

According to the procedure defined by this Law, citizens of the Republic of Armenia mastering the Armenian language, having attained 18 years of age, meeting the requirements established by the Passport of the given position have the right to occupy a Civil Service Position, regardless of nationality, race, gender, creed, political or other convictions, social origin, property or other status.

Article 12. The Person Having No Right to Occupy the Civil Service Position

The person has no right to occupy a Civil Service Position, who:

- a) has been recognized incapable or of limited capacity through a judicial procedure;
- b) has been deprived of the right to occupy a Civil Service Position through a judicial procedure;
- c) is suffering from an illness that may impede the performance of service duties and implementation of authorities in case of being appointed to a Civil Service Position. The Government of the Republic of Armenia shall approve the list of those illnesses.
- d) has been sentenced for a crime and whose criminal record has not been removed or cleared by the prescribed procedure.
- e) has avoided the mandatory term of military service.

Article 12¹. Occupation of the Vacant Civil Service Position

The civil service vacant position shall be occupied through out –of –competition procedure and competition.

Article 12². The cases for occupying the vacant civil service position through out-of-competition procedure.

1. In case of emergence of a vacant civil service position (with the exception of vacant civil service positions not including in the structural departments, as well as the new created civil service positions) in a week period, till the announcement of the competition for the given position, the official having jurisdiction to make appointments to the given position shall have the right to make appointment that civil servant from the relevant body, who at the same time;

- a) shall meet the requirements of the passport of the given position;
- b) shall be considered the occupying the same group of civil service position or has at least the classification grade of the civil service envisaged for the given position or shall occupy the position of the last sub-group of higher group following the civil service group occupied by him/her.
- c) shall be considered the civil servant of the same concrete structural department;
- d) has given written agreement about it.

2. Till announcing a competition for a vacant civil service position, by the discretion of the official having jurisdiction to make appointment to the given position and agreement of Civil Service Council, the given position shall be occupied through out-of-competition only by the

civil servant from the short-term personnel reserve, who is occupying the given position by temporary employment contract.

Article 13. Notification of the Civil Service Council about the emergence of a vacant Civil Service Position

In cases of the emergence of a vacant Civil Service Position and making no appointment by the procedure and period defined in the Article 12² of this law, the Chief of Staff within a three-day period shall notify the Civil Service Council about that in writing.

Article 14. Competition for occupying a vacant Civil Service Position

1. The new created civil service positions of the relevant bodies (with exception of the cases envisaged in the Article 29 of this law), as well as making no appointments to those civil service positions due to the procedure and period defined by the 2nd point of the Article 29 and Article 12² of this law those positions shall be occupied through competition.

2. The announcement on holding a competition for occupying the highest and chief vacant Civil Service Positions is published by the Civil Service Council, and the announcement for occupying the leading and junior Civil Service Positions is published by the Corresponding Bodies no later than one month before holding the competition in a press outlet having a print-run of at least 3,000 and other mass media.

3. The preparatory works of the competition for occupying a vacant highest and chief Civil Service Position shall be implemented by the staff of the Civil Service Council, and for occupying a vacant leading and junior Civil Service Position by the staff of the Corresponding Body.

4. The Competition Commission shall not permit a citizen to participate in the competition if the citizen does not meet the requirements defined in Article 11 of this Law and Article 34, Clause 1 or one of the grounds envisaged in Article 12 of this Law exists,.

5. The competition shall be held also if only one participant has applied for the competition.

6. The competition shall be held in two stages: testing and interview.

7. The testing may be held through computer or in writing.

Tests shall be constructed out of the questions installed in the computer and questions selected randomly from these by the procedure determined by the Civil Service Council for checking the participants' knowledge in the following areas:

- a) the Constitution of the Republic of Armenia;
- b) the legislation on the Civil Service of the Republic of Armenia;
- c) the legislation (professional questions) of the Republic of Armenia defining the jurisdiction of the Corresponding Body;

The list of the questions installed in the computer shall be published no later than one month before the competition.

Test assignments shall comprise questions and problems. Each question (problem) shall have three or four probable answers. Each question (problem) shall have one unambiguous answer.

The testing stage shall be held by usage of codes for the participants in order to ensure secrecy.

8. Those participants who answered correctly at least 90 per cent of the test assignments obtain the right to participate in the second stage of the competition - the interview.

The interview with the participants shall be held by using written question cards, in the framework of the provisions of the given Civil Service Position Passport, with the purpose of checking their practical abilities.

The Competition Commission in the result of the interview shall conduct a vote for each participant. Each member of the Competition Commission shall vote for or against.

The winners of the competition shall be considered those participants who received more than half of the “for” votes of the members having participated in the vote of the Competition Commission as a result of the vote.

9. The competition results shall be declared on the same day after holding the competition.

9¹. After the competition results are declared, these results may be appealed by the participant /on part of his/her results/ or a member of the competition commission in written form.

The written appeal envisaged in the first paragraph of the given point shall be examined by the Civil Service Council, studying the answers given by the participant, the evaluation of the competition commission /their being accurate or inaccurate/, comparing them with the vote results and making a decision on recognition of a certain participant as a winner in the result of the competition.

The Civil Service Council shall declare the decision envisaged in the second paragraph of the given point on the same day, after the decision is made.

The Civil Service Council shall define the order on submission of the written appeal envisaged by the 1st, 2nd paragraphs of the given point, as well as the time limit of its examining and decision-making.

10. Right after the publication of the competition results, in the absence of written appeal envisaged by the 9¹ point of this Article, the corresponding Competition Commission shall forward a conclusion on the participants selected as winners as a result of the competition to the official having the jurisdiction to make appointments to the position concerned with the exception of the cases envisaged by the second Paragraph of this Clause. For the period of three working day after receiving the conclusion the official, having the jurisdiction to make appointments to the given position of civil service, shall appoint one of the participants selected as a winner to the corresponding position with the exception of the cases envisaged by the second Paragraph of this Clause.

The Competition Commission according to the procedure and period envisaged by the first Paragraph of this Clause shall forward the conclusion on the participants selected as winners as a result of the competition for the position of the Chief of Staff of the Ministry of the Republic of Armenia, State Administrative Body attached to the Government, Marzpetaran (Municipality of the city of Yerevan) to the corresponding minister, the Head of State Administrative Body attached to the Government, Marzpet (Mayor of the city of Yerevan). Within a three-days' period the corresponding minister, the Head of State Administrative Body attached to the Government, Marzpet (Mayor of the city of Yerevan), shall forward a recommendation, with substantiation, on a participant selected as a winner as a result of the competition to the official (body) having the jurisdiction to make appointments to the position of the Chief of Staff, who, in a weeks' time, after receiving the conclusion shall adopt a decision on appointment to the position.

10¹. In case of existence of a written appeal envisaged by the 9¹ point of the given Article, according to the order envisaged by the point 10 of the given Article, together with the conclusion, also the decision made by the Civil Service Council and envisaged by the second paragraph of the point 9 of the given Article is sent, directly after its receipt.

11. If as a result of the competition no participant has given correct answers to at least 90 percent of the test assignments, or no interview participant has received more than half of the “for” votes as a result of the voting of the members of the Competition Commission having participated in

the vote, and no competition winner is recognized, or in case envisaged by the 9¹ point of the given Article, the Civil Service Council has made a decision on recognizing no competition winner in the result of the competition, then the new competition shall be held.

If the Competition Commission shall not have authority (at least more than half of the Commission members do not participate in the competition), then the competition shall be considered not held and a second competition shall be held.

During the second competition new applications shall not be submitted, and it shall be held in 10 days period on common grounds.

If no application was submitted for participating in the competition, or all the applications submitted contain one of the grounds defined by Clause 4 of this Article, as well as if no applicant shall attend, the competition shall be considered not held and new competition shall be held.

A competition held in violation of the procedure defined in this Article shall be ruled invalid through judicial procedure.

The new competition shall be also held in the case the competition has been ruled invalid.

The new competition shall be held on common grounds.

In the event the new and the second competition is considered not held (invalid), as well as no winner is recognized as a result of the new and the second competition, then the new competition for occupying the given vacant Civil Service Position shall be announced two months after holding the new and the second competition.

12. The Civil Service Council shall determine the procedure for holding a competition on the basis of this law.

Article 15. Appointment to the Civil Service Position

1. The person appointed to the Civil Service Position shall be unchangeable with the exception of the case envisaged by the clause 3 of the article 34 of this law.

2. Appointments to and releases from the highest Civil Service Positions of the corresponding bodies envisaged by Sub-clauses a) and b) of this Clause, the highest positions of the corresponding bodies, as well as the subgroup 1 of the chief positions of the Civil Service envisaged by the Sub-clauses c), d) and e) of this Clause shall be made by the following persons:

a) President of the Republic of Armenia - in the Staff of the President of the Republic of Armenia;

b) Prime Minister of the Republic of Armenia- in the Staff of the Government of the Republic of Armenia;

c) Heads of the Republican Executive bodies of the Republic of Armenia - in the staffs of those bodies; with the exception of the case envisaged by the first paragraph of Clause 2¹ of this law.

d) Marzpets (Mayor of the City of Yerevan)- in the Staffs of the Marzpetarans of the Republic of Armenia (the Municipality of the City of Yerevan); with the exception of the case envisaged by the first paragraph of Clause 2¹ of this law.

e) the Head of the Standing body formed by Law of the Republic of Armenia - in the staff of the Standing body;

2¹. Appointment to and release from the position of the Chief of Staff of the Ministry of the Republic of Armenia shall be made by the Government of the Republic of Armenia, and the Chief of Staff of State Administrative Body attached to the Government shall be made by the Prime Minister of the Republic of Armenia defined by this law.

Appointment to and release from the position of the Chief of Staff of Marzpetaran of the Republic of Armenia (the Municipality of the city of Yerevan) shall be made by the Prime Minister of the Republic of Armenia defined by this law.

3. Appointments to and releases from the chief, leading and junior Civil Service Positions of the corresponding bodies envisaged by the Sub-clauses a), b) of this Clause, and from the Subgroups 2 and 3 of the chief positions, leading and junior positions of the corresponding bodies envisaged by Sub-clause c), d), e) of this Clause shall be made by the following persons:

a) the Chief of Staff of the President of the Republic of Armenia - in the staff of the President of the Republic of Armenia

b) the Chief of Staff of the Government of the Republic of Armenia - in the staff of the Government of the Republic of Armenia;

c) the Chiefs of Staff of the Republican Executive bodies of the Republic of Armenia - in the staffs of those bodies;

d) the Chiefs of Staff of the Marzpetarans of the Republic of Armenia (of the Municipality of Yerevan) - in the staffs of the Marzpetarans (the Municipality of Yerevan) of the Republic of Armenia;

e) the Chief of Staff of the Standing body formed by the law of the Republic of Armenia - in the staff of the Standing body.

4. The appointment of a person occupying a Civil Service Position for the first time shall be made for the probation period of up to six months in accordance with the procedure defined by the labor legislation of the Republic of Armenia.

Article 15¹. Exceptional cases on occupying the Civil Service Position

According to the cases and defined procedure of RA Law on Diplomatic Service, the diplomatists being on secondment may occupy the civil service positions through the agreement of the Civil Service Council.

Article 16. Oath of the Civil Servant upon Appointment to the Civil Service Position

1. The person occupying a Civil Service Position for the first time shall assume office in a solemn ceremony with the following oath given in the presence of the official mentioned in the Clause 2 of the Article 15 of the this Law and a representative of the Civil Service Council: “Upon assuming the position of the Civil Servant of the Republic of Armenia I solemnly swear to serve the people of the Republic of Armenia faithfully, maintain strictly the Constitution and laws of the Republic of Armenia, the human and citizen rights and liberties, assist in maintaining the Constitutional order, bear the high title of the Civil Servant with dignity, unreservedly perform my service duties”.

2. Each Civil Servant shall take the oath individually through reading out loud the text of the oath.

3. The Civil Servant shall sign the text of the oath read out loud by him/her, which shall be attached in his/her personal file.

Article 17. The Civil Service Work History

1. The Civil Service work history shall include the entire period of occupying the Civil Service Position by the Civil Servant, of his/her being enlisted in the Civil Service Personnel Short-term

Reserve, the entire period of his/her having worked in Corresponding Bodies before the entry into force of this law as well as the entire period prior to the approval of the Roster of civil service positions.

The Civil Service work history shall not include the entire period of occupying the Civil Service position by violation the defined procedure of this law, of his/her being enlisted in the Civil Service Personnel Short-term Reserve, as well as by violation of this law having been worked in Corresponding Bodies before the entry into force of this law, before the entire period prior to the approval of the Roster of civil service positions.

2. The Civil Service work history shall be calculated within the Civil Servant's general and professional work history.

3. The secondment of the Civil Servant with the purpose of improving his/her professional knowledge and working skills shall be implemented by:

a) the official having jurisdiction to appoint him/her to the position in case of secondment of up to one year, with the exception of the case envisaged by the 4 Paragraph of the this clause,

b) the official having jurisdiction to appoint him/her to the position in case of more than one year, with the exception of the case envisaged by the 4 Paragraph of the this clause, in agreement with the Civil Service Council.

In the cases envisaged by this clause, the secondment of the Chief of Staff of the Ministry of the Republic of Armenia, State Administrative Body attached to the Government of the Republic of Armenia, Marzpetaran (Municipality of the city of Yerevan) shall implement corresponding minister, head of State Administrative Body attached to the Government, Marzpet (Mayor of the city of Yerevan), in agreement with the official (body) having jurisdiction to appoint him/her to the position and Civil Service Council.

4. In the cases envisaged by the 3rd clause of this Article, the working history and position of the civil servant shall be kept, and his/her remuneration shall be kept by the discretion of the official (body) having jurisdiction to appoint him/her to the position.

5. The work history of the period of occupying Political, Discretionary or Civil Position of the person released from the Civil Service Position on the grounds envisaged in Sub-clause h) of Clause 1 of Article 33 shall be made equal to the Civil Service work history.

Article 18 Occupation of Temporary Civil Service Vacant Position

1. In the event of the emergence of a temporary vacant Civil Service Position in cases of pregnancy and childbirth leave, mandatory military service, until the Civil Service vacant position is occupied by a participant recognized as a winner in the result of the competition, the Civil Servant's temporary inability to perform his/her service duties, cases under Points a and b of Clause 3 of Article 17 of this law, and other cases envisaged by the law, the position in question shall be occupied through the following:

a) by the discretion of the official having jurisdiction to appoint him/her to the position, and in the case of the Chief of the Staff of RA Ministry by the discretion of RA Prime Minister - replacement by another Civil Servant envisaged by the Passport of the given position, or according to the order envisaged in the second paragraph of the given Article by the person envisaged by the sub point b) for a period up to six months, with the exception of pregnancy and childbirth leave and child care leave, mandatory military service, as well as in cases of secondment exceeding six months period envisaged by sub clauses a) and b) of the Clause 3 of the Article 17 of this Law. After this period is finished, or in case of absence of the replacing person, or in other cases envisaged by the given sub point, during one week.

b) by signing a temporary employment contract with a civil servant registered in the short-term civil service personnel reserve meeting the requirements of the Passport of the given position, but in case of impossibility, taking into account the requirements of Articles 11, 12 and sub clause 3 of the Article 24 of this Law, by signing a term employment contract with a person registered in the long-term civil service personnel reserve, and in case of impossibility, taking into account the requirements of Articles 11, 12, sub clause 3 of the Article 24 and Clause 1 of the Article 34 of this Law by signing a term employment contract with another person.

It shall not be allowed to sign provisional employment contract with other person envisaged in the sub clause b) of the given clause, if the given vacant civil service position has been emerged in the result of his/her removal from the given position by reason of the grounds of the sub clauses b), c), d), e), i), j) and h) envisaged in the 1 clause of the Article 33.

2. The Civil Service Council shall define the procedure for concluding a term employment contract with the Civil Servant mentioned in the sub clause b) of Clause 1 of this Article.

CHAPTER 4

ATTESTATION, TRAINING OF THE CIVIL SERVANTS AND THE CIVIL SERVICE PERSONNEL RESERVE

Article 19. Attestation of the Civil Servant

1. Every year at least one third of the Civil Servants of the Corresponding Body shall be subject to mandatory attestation.

2. Regular attestation of the Civil Servant shall be carried out once every three years.

3. Extraordinary attestation of the Civil Servant shall be carried out at least one year after the regular attestation.

4. Extraordinary attestation of the Civil Servant shall be carried out on the basis of a reasoned decision by the official having jurisdiction to appoint him/her to the position, with the exception of the case envisaged 2 Paragraph of this Law or at the Civil Servant's wish.

Extraordinary attestation of the Chief of Staff of the Ministry of the Republic of Armenia, State Administrative Body attached to the Government, Marzpetaran (the Municipality of the city of Yerevan) shall be carried out on the basis of a reasoned decision by the corresponding minister, the Head of State Administrative Body attached to the Government, the Marzpet (Mayor of the city of Yerevan).

5. The attestation shall be carried out with the immediate participation of the Civil Servant.

6. The following persons shall not be subject to attestation:

a) the Civil Servants occupying the given position for less than three year, if they do not expressed such a wish;

b) the Civil Servants on pregnancy leave or on leave for care of a child under age 3, if they do not expressed such a wish.

c) the Civil Servants returning from mandatory military service, for less than one year, if they do not express such wish.

The Civil Servants on pregnancy leave or on leave for child care shall be subject to attestation no sooner than one year after coming back from the leave of absence, if the latter have not expressed a wish for an earlier attestation.

The Civil Servants subject to attestation but on leave, on secondment, as well as temporarily unable to work, are subject to attestation within one month after coming back to work.

7. The Civil Servants subject to attestation shall be informed about the attestation no later than one month before the attestation.

8. At least two weeks before the attestation the immediate manager shall forward the service description of the Civil Servant.

The service description shall contain information on the Civil Servant, a well-grounded assessment of his/her practical, human skills and the service activity results. The assessment shall be based upon the conclusions by the immediate supervisor of the Civil Servant on the reports produced by the Civil Servant every half year regarding the works performed by himself/ herself in the period after the previous attestation.

If the immediate manager of the Civil Servant has been released from the Civil Service Position within the period between the attestations on the grounds of non-conformity to the position occupied as revealed in the result of the attestation (in the case of managers occupying Political, Discretionary and Civil Positions, on the grounds of dismissal or removal), then the latter's conclusions shall have no legal force. If the conclusions given by such a manager include more than two thirds of the period between attestations, then the service description on the Civil Servant shall not be submitted.

The Civil Servant shall become acquainted with his/her service description at least one week before the attestation.

Failure to submit a service description by the procedure defined in this Article cannot have a negative effect on the Civil Servant's attestation results.

9. Attestation shall be held in the following ways:

- a) documentary;
- b) testing and interview.

10. The Civil Servants who have the highest Civil Service classification grade envisaged by this law for the subgroup of the position occupied shall be subject to documentary attestation.

Documentary attestation shall be held on the basis of the service description, through an interview. The interview shall be held through questionnaires in the framework of the provision of the given civil service position passport with the purpose of checking their working abilities.

The Attestation Commission for each civil servant shall put to the vote the decision of the sub clause a) of the 4 paragraph of the given clause, which in the case of not being adopted by the majority of the Commission members voting, the decision envisaged in the sub clause b) of the 4 paragraph of the given clause shall be considered adopted.

As a result of documentary attestation the Attestation Commission shall adopt one of the following decisions:

- a) conforms to the position occupied;
- b) is subject to attestation through testing and interview.

11. The following Civil Servants shall be subject to attestation through testing and interview:

- a) who are not subject to documentary attestation;
- b) in regard to whom the Attestation Commission has adopted the decision mentioned in Sub-clause b), Clause 10, Part 4 of this Article.

Testing may be held by computer or in writing.

The tests are produced, the interviews held and the results assessed by the Attestation Commission by the procedure defined in Article 14 of this law.

12. The Attestation Commission shall adopt one of the following decisions on the basis of the testing and interview results:

- a) conforms to the position occupied;
- b) conforms to the position occupied, on the condition of undergoing training and receiving a positive grade as the result of the training.
- c) does not conform to the position occupied.

The decision having more than half of the “for” votes of the members participated in the Attestation Commission voting shall be considered adopted in the result of voting. If more than half of *for votes* of the members participated in the Attestation Commission voting hasn’t been collected on any decision, then the two decisions obtaining more *for* votes shall be put to the vote. The decision obtaining more “for” votes shall be considered adopted, and in the case of equal votes – more successful one for the civil servant.

The decisions of the Attestation Commission, and in the case of attestation results appeal the decisions of Civil Service Council are mandatory for the official (body) having the jurisdiction to appoint the Civil Servant to the position.

13. The Civil Servant shall have the right to become acquainted with the attestation results and appeal against them according to the order defined in the Article 14 of this Law.

14. The attestation results shall be submitted to the official (body) having jurisdiction to appoint the Civil Servant to the position according to the sub points 10 and 10¹ of the Article 14 of this Law within a period of three days after the attestation day, who shall adopt one of the following decisions:

- a) on training of the Civil Servant;
- b) on releasing the Civil Servant from the position occupied. Such a decision shall be made also if the Civil Servant receives a negative grade as a result of the training.

15. The official (body) having the jurisdiction to appoint the Civil Servant to a position shall adopt a corresponding decision on the basis of the attestation results no later than within a three-day period from the day of receiving the attestation results.

During the period of the Civil Servant’s temporary disability to work and that of his/her leave of absence, as well as the training period, the official (body) having the jurisdiction to appoint the Civil Servant to a position shall adopt a corresponding decision on the basis of the attestation results within a three-day period after the day of their return to work.

16. The Civil Service Council shall define the procedure for conducting attestation of Civil Servants on the basis of this law.

Article 20. Training of the Civil Servant

1. Training of the Civil Servant shall be held on the basis of the attestation results of the Civil Servant, in case of changing the passport of the given Civil Service Position, as well as by the initiative of the Civil Servant or the Chief of Staff on basis of the application of the Chief of Staff.

2. Every Civil Servant shall be subject to mandatory training at least once every three years.

2¹. The Civil Servant not having attended to the mandatory training for no reason within defined procedure and period envisaged in the 2 clause of the given Article shall be subject to mandatory training at his/her own expenses.

3. The expenses connected with the training of Civil Servants shall be made at the expense of the resources of the state budget, as well as of other resources not prohibited by the legislation of the Republic of Armenia.

4. The Civil Service Council shall approve the list of educational institutions conducting training of Civil Servants and the training syllabus to be used by those institutions for training of Civil Servants.

5. The Civil Service Council shall determine the procedure for conducting training of Civil Servants on the basis of this law.

Article 21. The Civil Service Personnel Reserve

1. The types of Civil Service Personnel Reserves are;

a) Short-term personnel reserve

b) Long-term personnel reserve.

2. The persons released from Civil Service position are registered in the short-term Civil Service personnel reserve on the grounds envisaged in Sub clauses f), g) and s) of Clause 1 of Article 33 of this Law;

b) the Chiefs of Staff released from the Position on the ground envisaged in Sub clause m);

c) the persons released from the Civil Service Position after the end of the secondment on the ground envisaged in Sub clause o);

3. The following persons are registered in the long-term personnel reserve;

a) whose one-time period in the short-term personnel reserve, mentioned in the Clause 4 of this Article, is over.

b) political, discretionary and civil officials after leaving the post;

c) those recognized as winners in the competitions for holding the civil service position according to the procedure defined by the Law, but not appointed to the position.

4) One-time maximum period for the Civil Servant to be enlisted in the short-term personnel reserve shall be six months, and in the long-term personnel reserve is 1 year but not longer than his/her having attained age 65.

3. The Civil Service Council shall define the procedure for enlisting in the Civil Service Personnel Reserve and of removal there from according to this Law.

CHAPTER 5

THE LEGAL STATUS OF CIVIL SERVANTS

Article 22. The Principal Rights of the Civil Servant

The principal rights of the Civil Servant are:

a) getting acquainted with the legal acts defining his/her rights and duties in the position occupied;

b) getting acquainted with all the materials contained in his/her personal file, the assessments of his/her activities and other documents, as well as presenting explanations;

c) receiving by the defined procedure information and materials necessary for the performance of his/her service duties;

d) adopting decisions by the defined procedure;

e) demanding a service investigation by the defined procedure and cases;

f) protection of work, payment and health, the ensuring of safe and necessary working conditions;

- g) social protection and security;
- h) legal protection, including from political persecutions;
- i) upgrading of the Civil Service classification grade by the defined procedure;
- j) training at the expense of the resources of the state budget, as well as resources not prohibited by the legislation of the Republic of Armenia;
- k) appealing the results of the competition and attestation, including through judicial procedure;
- l) participating in the examination of issues of the organization and improvement of the Civil Service and submitting proposals thereon.

The Civil Servant shall also have other rights envisaged by this law and other legal acts.

Article 23. The Principal Duties of the Civil Servant

1. The principal duties of the Civil Servant are:
 - a) performing the requirements of the Constitution, the laws and other legal acts of the Republic of Armenia;
 - b) ensuring other knowledge necessary for the performance of professional and service duties;
 - c) performing the duties assigned to him/her by the legislation of the Republic of Armenia in an accurate and timely manner and reporting thereon;
 - d) performing the assignments and decisions given by superior bodies and officials by the defined procedure;
 - e) following the internal labor disciplinary rules defined by legislation;
 - f) reviewing and taking action on proposals, petitions and complaints by the defined procedure and within the time period;
 - g) following the requirements defined by the legislation of the Republic of Armenia for working with the documents containing state, service or other secrets protected by law, including after the end of service;
 - h) following the ethics rules of the Civil Servant;
 - i) submitting the declaration of his/her revenues by the procedure defined by law;
 - j) participating in the attestation and training by the defined procedure and period.

The Civil Servant shall also have other duties provided by this law and other legal acts.

Article 24. Restrictions applied to the Civil Servant

1. The Civil Servant shall not have the right to:
 - a) perform other paid work, with the exception of scientific, pedagogical, and creative work;
 - b) be personally engaged in entrepreneurial activity;
 - c) be the representative of third persons in the relations connected to the body where he/she is employed, or which is immediately subordinate to or supervised by himself/herself;
 - d) implement violations of the principle of the political restraint of the Civil Servants, that is, to use his/her service position in the interests of parties, non-governmental organizations, including religious associations, proselytize in their favor or implement other political or religious activities while carrying out his/her service duties;
 - e) receive an honorarium for publications or speeches arising from the performance of his/ her service duties;
 - f) use material and technical, financial and information resources, other state property and service information for non-service purposes;

g) receive gifts, amounts of money or services from other persons for his/her service duties, with the exception of the cases envisaged by the legislation of the Republic of Armenia;

h) as a state representative, conclude property transactions with the persons noted in Clause 3 of this Article, except for the cases envisaged by the legislation of the Republic of Armenia.

2. Within a period of one month after appointment to a Civil Service Position, a Civil Servant, in case of having 10 % and more shares in the statutory capital of any commercial organization, is obligated to hand it over for entrusted management by the procedure defined by the legislation of the Republic of Armenia. The Civil Servant shall have the right to receive income from the property handed over for entrusted management.

3. It is forbidden to the Civil Servant to work together with close relatives or in-laws (parent, spouse, child, brother, sister, spouse's parent, child, brother and sister), if their service is connected with direct subordination to or supervision over one another.

4. The Civil Servant shall not have the right to become employed by an employer or become an employee of an organization over which he/she had implemented immediate control for the last year of holding the Civil Service Position within a period of one year after his/her release from the Civil Service Position.

Article 25. Restrictions for giving Assignments to the Civil Servants

1. Civil Servants cannot be given such oral or written assignments which:

a) contradict the Constitution and laws of the Republic of Armenia;

b) are beyond the authorities of either the issuer or the receiver thereof.

2. In the cases of issuing assignments in violation of Clause 1 of this Article, the Civil Servant is obligated to immediately report in writing on his/her doubts on the lawfulness of the assignment to the issuer thereof and to the superior of the latter, or to the persons substituting for them. If the superior (in case of his/ her absence, the person substituting for him/her or the one who had given the assignment) affirm the assignment in writing, the Civil Servant shall be obliged to perform it and inform the Civil Service Council about that in writing, with the exception of cases when the performance of the assignment will lead to criminal or administrative liability determined by the legislation of the Republic of Armenia. The liability for the performance of the assignment by the Civil Servant shall rest upon the person having affirmed it in writing.

Article 26. Social Guarantees for the Civil Servant

1. The state shall guarantee the following for the Civil Servant:

a) safe and necessary working conditions for the performance of service duties;

b) payment, bonuses for classification grade higher than the classification grade corresponding to the sub-group of his/her occupied position and other payments envisaged by the legislation of the Republic of Armenia;

c) an annual paid vacation;

d) training, keeping the position in the meantime and the payment envisaged for that;

e) mandatory state social insurance in the cases and by the procedure defined by law;

f) in the event of the Civil Servant's disability or death while performing service duties, corresponding financial compensation to the Civil Servant or to his/her family members by the procedure defined by the legislation of the Republic of Armenia;

g) in cases and according to the procedure defined by the legislation of the Republic of Armenia on the basis of the application by the Civil Servant, ensuring of protection for himself/herself and his/her family members from violence, intimidation and other encroachments connected with the performance of his/her service duties;

h) reimbursement of transportation, accommodation and other expenses connected with service business trips by the procedure defined by the legislation of the Republic of Armenia.

2. The Civil Servant shall be given a means of transportation or reimbursement of transportation expenses in the cases and by the procedure defined by the legislation of the Republic of Armenia.

Article 27. Payment of the Civil Servant

1. Each Civil Servant, without any discrimination, shall have the right of equivalent payment equivalent to his/her work.

2. The Civil Servant, including one enlisted in the Civil Service Personnel Reserve, shall receive payment by the procedure and within the time-period defined by the Law on Payment of the Civil Servants.

Article 28. Social Security of the Civil Servant

The social, including retirement, security of the Civil Servant shall be provided by the procedure defined by the legislation of the Republic of Armenia.

Article 29. Legal Status of the Civil Servant during Reorganization and Structural Changes (Rename) of the Relevant Body

1. Reorganization and structural changes (rename) of the Corresponding Body shall not be a ground for releasing the Civil Servant from his/her position, with the exception of cases when the reorganization and structural changes (rename) are accompanied by a reduction in the number of positions. In case of reduction of the number of positions, the right of priority to continue the work activity shall be given to the Civil Servant on pregnancy leave or on leave for care of a child under age 3 or on mandatory military service, and in the case of equality of this condition, to the civil servant having a higher Classification Grade of Civil Service and in the case of equality of this condition, to the Civil Servant having a longer length of civil service.

2. In consequence of reorganization and structural changes (rename) of relevant body, the new appeared positions in the Roster of the Civil Service shall be occupied after making changes in the Roster defined by the 12² Article of the given law within 15 days period.

In case of not making appointments according to the defined procedure and period envisaged by the 2nd paragraph of the given Article, the positions shall be occupied through competition envisaged by the given law.

Article 30. Personal File of the Civil Servant and the Register of Civil Servants

1. The course of the service activity of the Civil Servant shall be reflected in his/her personal file, which is maintained by the Corresponding Body.

2. The information on the Civil Servants shall be entered in the Register of Civil Servants, which is maintained by the Civil Service Council.

3. The Civil Service Council shall approve the procedure for maintaining the personal files of Civil Servants and the Register of Civil Servants.

CHAPTER 6

INCENTIVES FOR CIVIL SERVANTS, SUBJECTING THEM TO DISCIPLINARY PENALTIES AND REMOVING FROM THE POSITION

Article 31. Types of incentives applied to the Civil Servant

1. The following types of incentives may be applied to a Civil Servant for lengthy service, as well as for excellent performance of service duties and special assignments:

- a) citation of gratitude;
- b) award of a one-time financial remuneration;
- c) award of a souvenir;
- d) provision of additional paid leave;
- e) salary raise in the procedure defined by law;
- f) removal of the disciplinary penalty.

Other types of incentives defined by the law may also be applied to the Civil Servant.

2. The incentives to the Civil Servant envisaged in Clause 1 of this Article shall be applied by the official who has the jurisdiction to appoint him/her to the position, and to the Chief of Staff of the Ministry of the Republic of Armenia, State Administrative Body attached to the Government, Marzpetaran (Municipality of the city of Yerevan) shall be applied by the Prime Minister of the Republic of Armenia according to the recommendation of corresponding minister, Head of State Administrative Body attached to the Government, Marzpet (Mayor of the city of Yerevan).

Article 32. Disciplinary Penalties applied to the Civil Servant

1. The following disciplinary penalties shall be applied to the Civil Servant by the procedure defined by the legislation of the Republic of Armenia for not performing or improperly performing service duties for an invalid reason, as well as for exceeding service authorities, violating the internal rules of labor discipline:

- a) preliminary warning;
- b) reprimand;
- c) severe reprimand;
- d) salary reduction by the procedure defined by law;
- f) removal from the position occupied, with the agreement of the Civil Service Council.

2. Before assigning a disciplinary penalty an explanation shall be demanded from the Civil Servant who has allowed the disciplinary violation.

The disciplinary penalty shall be assigned if no more than three months have passed from the day of discovering the disciplinary violation, not counting any illness or leave of absence.

A disciplinary penalty cannot be assigned if more than six months have passed from the day of committing the disciplinary violation.

The Civil Servant shall be informed about the disciplinary penalty no later than within a three-day period after assigning the disciplinary penalty.

For each disciplinary violation one disciplinary penalty may be assigned.

If the Civil Servant has not been subjected to another disciplinary penalty within one year from the day of assigning the disciplinary penalty, he/she shall be considered not subjected to a disciplinary penalty. The disciplinary penalty may be removed before the end of one year, if the Civil Servant has not allowed another disciplinary violation and had showed himself/herself as a diligent servant.

3. The disciplinary penalties envisaged in Clause 1 of this Article shall be applied to the Civil Servant by the official having jurisdiction to appoint him/her to the position, to the Chief of Staff of the State Administrative Body attached to the Government, Marzpetaran (Municipality of the city of Yerevan) shall be applied by the Prime Minister of the Republic of Armenia according to the recommendation of Head of State Administrative Body attached to the Government, Marzpet (Mayor of the city of Yerevan).

The disciplinary penalties envisaged by the sub clauses a), b), c) and d) of the clause 1 of the given law, shall be applied to the Chief of the Staff RA Ministry by the Prime Minister according to the recommendation of the minister, and the disciplinary penalty envisaged by the sub clause e) of the clause 1 of the given law, shall be applied by RA Government according to the recommendation of the minister, in this case the minister shall receive the agreement of CSC.

4. In the cases and through the procedure established by the Civil Service Council, the disciplinary penalties envisaged in Clause 1 of this Article shall be applied after the service investigation.

5. During the service investigation defined by the procedure of the Civil Service Council, the performance of the service duties of the Civil Servant may be suspended for a period of up to one month, preserving the payment of the Civil Servant.

6. In the result of service investigation the decisions adopted by the Civil Service Council shall have compulsory nature.

Article 33. The Grounds for releasing the Civil Servant from the Position

1. The grounds for relieving the Civil Servant from the position are:
 - a) the personal application;
 - b) failure to submit declaration of his/her revenues by the procedure envisaged by Law;
 - c) a second application of the disciplinary penalties under Sub-clauses “c” and /or/ “d” of Clause 1 of Article 32 of this Law within one year;
 - d) being absent three times at the attestation envisaged by this law;
 - e) the results of attestation defined by this Law;
 - f) reduction in number of positions;
 - g) failure to appear at work more than six months in one year due to temporary work disability, not counting pregnancy and childbirth leave;
 - h) election or appointment to Political or Discretionary or Civil Positions;
 - i) violation of the procedure defined by this law for appointment to the Civil Service Position by the agreement or mediation of the Civil Service Council;
 - j) failure to maintain the restrictions envisaged in Clauses 1-3 of Article 24 of this Law;
 - j^a) termination of the citizenship of the Republic of Armenia;
 - j^b) accusative verdict in lawful force drawn upon him;
 - j^c) reaching the maximum age defined by this Law for occupying a Civil Service Position, and for the position of the Chief of the Staff- expiration of the defined period due to this Law;

- j^d) failing the probation period defined by this Law;
 - j^e) being recognized through judicial procedure as incapable or of limited capacity to work, or unknown absentee;
 - j^f) being deprived of the right to occupy a Civil Service Position through judicial procedure;
 - j^g) catching one of the illnesses envisaged in Sub-clause c of Article 12 of this Law;
 - j^h) liquidation of the Corresponding Body,
 - k) agreement given by the Civil Service Council for applying disciplinary penalty envisaged in Sub-clause “e” of Clause 1 of Article 32 of this Law.
 - k^a) not making appointments in the cases envisaged by the 2 clause of the Article 29 of this law.
2. The duties of the Civil Servant shall be considered terminated in the event of his/ her death.
 3. The civil servant shall not be subject to be released from the position based on the ground of the sub clause a) of the given Article, if there exists one of the grounds for releasing from the position envisaged by the sub clauses b-k^a) of the clause 1 of the given Article.
 4. The civil servant shall be released from the occupied position based on the ground of the sub clause a) of the given Article after submitting personal application within three working days, if other term isn't foreseen in that application.
 5. To give a warning to civil servants on releasing from the position based on the grounds of the sub clauses f), j^h) and k^a) of the given Article is not necessarily.

Article 34. Maximum Age for occupying a Civil Service Position

1. The maximum age for occupying a Civil Service Position shall be 65 years.
2. In case of attaining the maximum age for occupying a Civil Service Position, by decision of the official having jurisdiction to appoint to the position and agreement of the Civil Service Council, the Civil Servant may continue to occupy his/her position for up to one more year.
To gain an agreement to prolong the period of civil service position, the official having jurisdiction to appoint to the position shall introduce mediation to the civil service council at least one month before exceeding the age limit of civil servant.
3. The Chief of Staff considered, as a Civil Servant shall be appointed for the period of 4 years. The official (body) having jurisdiction to appoint him/her to the position may prolong the period for 4 years one time, but not longer than his/her maximum age (65 years).

Article 35. Appealing Through the Judicial Procedure the Decision of Applying a Disciplinary Penalty Against the Civil Servant

1. The Civil Servant may appeal the decision on applying disciplinary penalty against him/her, including releasing him/her from the Civil Service Position, through judicial procedure.
2. In the event of recognizing the decision on releasing the Civil Servant from the Civil Service Position as invalid, the Civil Servant shall be restored in his/her position within five days after the court decision enters into legal force and receive a compensation for the forced leave in the manner and in the amount defined by the legislation of the Republic of Armenia.

CHAPTER 7

THE BODIES FOR THE MANAGEMENT AND ORGANIZATION OF THE CIVIL SERVICE

Article 36. The Bodies for the Management and Organization of the Civil Service

The following shall be the bodies for the management and organization of the Civil Service:

1. the Civil Service Council;
2. the Chiefs of Staff.

Article 37. The Civil Service Council

1. The Civil Service Council shall implement the uniform state policy of the Civil Service on the basis of this law.

2. The Civil Service Council shall:

- a) implement methodical management and supervision over the personnel activities of the Corresponding Bodies;
- b) apply to court for eliminating acts contradicting the requirements of the Civil Service legislation;
- c) submit suggestions on the Civil Service issues arising during reorganization and liquidation of the Corresponding Bodies;
- d) review suggestions, applications and complaints relating to the Civil Service by the procedure defined by the legislation of the Republic of Armenia;
- e) conduct service investigation in the defined cases and procedure;
- f) agree to applying a second disciplinary penalty envisaged in sub clauses c) and d) of clause 1 of the article 32 to the Civil Servant within one year, as well as in case of applying disciplinary penalty envisaged in the sub clause e) of clause 1 of the article 32;
- g) receive necessary information and materials related to the Civil Service from Corresponding and other Bodies;
- h) approve the procedure for using financial resources by the Civil Service Council;
- i). submit drafts of corresponding legal acts related to the Civil Service for discussion to the President of the Republic of Armenia, the Government of the Republic of Armenia and the Prime Minister of the Republic of Armenia;
- i¹) define ethic rules of civil servants and forming of ethic commissions, activity procedure and their functions;
- j) adopt normative legal acts envisaged by this law, as well as ones for securing the execution of this law;
- k) implement other authorities envisaged by this Law, other laws, legal acts arising there from and its Charter.

3. The Chairman of the Civil Service Council shall participate in the sessions of the Government of the Republic of Armenia with an advisory vote.

4. The staff of the Civil Service Council shall implement the organizational and technical security of the Civil Service Council.

5. The Civil Service Council shall be financed at the expense of the resources of the state budget, as well as other resources not prohibited by law.

The sizes of payment and bonuses of the Civil Service Council and its staff shall be approved by the Civil Service Council.

The Civil Service Council shall produce and submit its application for budgetary financing each year (Draft Estimate of Expenses of the Civil Service Council) for the coming year to the Ministry of Finance and Economy by the procedure defined by the Law of the Republic of Armenia On the Budgetary System of the Republic of Armenia and within the time limits under the Decree of the Prime Minister of the Republic of Armenia on starting the budgetary process for the coming year.

Reconciliation of the indicators of the application for budgetary financing of the Civil Service Council and incorporation of these into the draft State Budget shall be implemented through the procedure defined by the Law of the Republic of Armenia On the Budgetary System of the Republic of Armenia.

The copy of the application for budgetary financing of the Civil Service Council presented to the Government of Armenia shall, together with the draft State Budget for the coming year, be presented to the National Assembly of the Republic of Armenia.

In the expense section of the State Budget the expenses of the Civil Service Council are presented as a separate line item.

6. The Civil Service Council shall approve its Charter, its staff's organizational structure, charter, maximum number of employees and the list of staff positions.

7. The activities and decisions of the Civil Service Council shall be subject to appeal through judicial procedure in the manner defined by the legislation of the Republic of Armenia.

8. The Civil Service Council shall submit annual communications on its activities to the National Assembly of the Republic of Armenia.

Article 38. Composition of the Civil Service Council

1. The Civil Service Council shall consist of seven members: Chairman, Deputy Chairman and five members.

2. The members of the Civil Service Council shall be appointed to office and relieved there from by the President of the Republic of Armenia upon submission by the Prime Minister of the Republic of Armenia.

3. The members of the Civil Service Council, except for the first members of the Civil Service Council, shall be appointed for six years.

4. Those citizens of the Republic of Armenia who have higher education, work experience in the state administration and master the Armenian language can be appointed members of the Civil Service Council.

5. The positions of the Civil Service Council members shall be considered civil positions.

6. The work history of the Civil Service Council members shall be equalized to the work history in the Civil Service.

7. The Civil Service Council members cannot occupy any other position or perform any other paid work, except for academic, pedagogical and creative work during their term of office.

8. The member of the Civil Service Council shall be removed from office:

- a) on the basis of a personal application;
- b) in case of completing the term of office;
- c) in case of impossibility to perform his/her duties due to work disability for three months uninterrupted, not counting pregnancy and childbirth leave;
- d) in case of terminating the citizenship of the Republic of Armenia;
- e) in case of an accusatory court sentence on them entering into legal force;

- f) in case of judicial recognition as incapacitated or missing;
- g) in case of occupying another position;
- h) in case of violating the law.

The duties of a Civil Service Council member shall be considered terminated in connection with his/her death.

9. In case of early removal of a Civil Service Council member from his/her position, another appointment to the position in question shall be made that member's uncompleted term of office. If the uncompleted term of office is less than one year, the term of office of the new Civil Service Council member shall be defined for six years, adding the uncompleted term of office.

Article 39. The Chief of Staff

1. The Chief of Staff, with the exception of the Chief of Staff of the President of the Republic of Armenia and the Chief of Staff of the Government of the Republic of Armenia, shall be a Civil Servant.

2. The Chief of Staff shall be guided by the legislation on the Civil Service for organization of the Civil Service.

3. The authorities of the Chief of Staff shall be defined by this Law, the Charter of the Corresponding Body and other legal acts.

Article 40. Competition and Attestation Commissions of the Civil Service

1. The competition to occupy Civil Service Positions and attestation of the Civil Servants shall be carried out respectively by the Civil Service Competition and Attestation Commissions.

2. The competition to occupy the highest and chief Civil Service Positions and attestation of the Civil Servants occupying those positions shall be conducted by Competition and Attestation Commissions formed by the Civil Service Council.

3. The competition to occupy the leading and junior Civil Service Positions and attestation of the Civil Servants occupying those positions shall be conducted by Competition and Attestation Commissions formed by Corresponding Bodies.

4. The compositions of the Civil Service Competition and Attestation Commissions shall be selected from the candidates input in the computer for that purpose and randomly selected no sooner than 24 hours before the competition or attestation, with the following ratio:

- one third - representatives from the Civil Service Council;
- one third - representatives from the Corresponding Body, and in the case of the competition for occupying the vacant position of the Chief of Staff of the Ministry of the Republic of Armenia, State Administrative Body attached to the Government, Marzpetaran (Municipality of the city of Yerevan) and the attestation, also the representatives from the official (body) having jurisdiction to appoint him/her to the position;
- one third – representatives of scientific and academic institutions of the given area having relevant specializations.

The NGO representatives shall participate in the attestation and competition processes with the observer status.

5. The working procedures of the Civil Service Competition and Attestation Commissions shall be approved by The Civil Service Council for the Highest and Chief Civil Service Positions and the Corresponding Bodies for Leading and Junior Civil Service Positions.

CHAPTER 8

SOLUTION OF DISPUTES AND RESPONSIBILITY FOR VIOLATING THE LEGISLATION ON THE CIVIL SERVICE

Article 41. Solution of Disputes and Responsibility for violating the Legislation on the Civil Service

1. Disputes related to the application of the legislation on the Civil Service shall be solved by the procedure defined by the legislation on the Civil Service, as well as through judicial procedure.
2. The persons violating the legislation on the Civil Service shall bear responsibility through the procedure defined by the legislation of the Republic of Armenia.

CHAPTER 9

CLOSING AND TRANSITIONAL PROVISIONS

Article 42. Entry of this law into force

This Law shall enter into force from the moment of official promulgation.

Article 43. Conforming other legal acts to this law

Within six months after the entry of this law into force, conform to this law the legal acts containing norms regulating the Civil Service and relationships connected therewith.

Article 44. Formation of the Civil Service Council

1. The term of office of the first members of the Civil Service Council shall be as follows:
 - a) one year - for one member;
 - b) two years - for two members;
 - c) three years - for one member;
 - d) four years - for one member;
 - e) five years - for one member, the Deputy Chairman of the Civil Service Council;
 - f) six years - for one member, the Chairman of the Civil Service Council.The President of the Republic of Armenia, upon the presentation by the Prime Minister of the Republic of Armenia, shall approve the first membership of the Civil Service Council within a 20-day period after the date of the entry into force of this law.
2. The Civil Service Council shall approve the Charter of the Civil Service Council within a one-month period after the date of approval of the first members of the Civil Service Council.

3. Before making appointments to the Civil Service Positions in the staff of the Civil Service Council by the procedure defined by this law, the Chairman of the Civil Service Council shall sign term employment contracts by the procedure defined by the legislation of the Republic of Armenia.

Article 45. Determining the Staff Position Unit for the Chief of Staff

In the procedure established by the legislation of the Republic of Armenia the staff position units for Chiefs of Staff in the Corresponding Bodies shall be determined and corresponding appointments made within two months' time after the entry of this law into force.

The Chiefs of Staffs, with the exception of the Chief of Staff of the President of the Republic of Armenia, and the Chief of Staff of the Government of the Republic of Armenia, considered temporarily acting officials and a competition shall be carried out in November of 2002 by the defined procedure of this Law.

Article 46. Adopting Legal Acts arising from this law

The Government of the Republic of Armenia and the Civil Service Council shall adopt the legal acts arising from this Law within six months' time after the entry of this Law into force.

Article 47. Approving the Roster of Civil Service Positions

The Roster of Civil Service Positions shall be subject to approval by the defined procedure beginning with the first day of the eighth month after the entry of this Law into force.

Article 48. Approving the List of Number of Positions, the maximum number of employees and Passports of the Civil Service Positions of the Corresponding Bodies

1. The list of the number of positions, maximum number of employees and Passports of the Civil Service Positions of the Corresponding Bodies shall be subject to approval (change) within one month after the approval of the Roster of Civil Service Positions by the procedure defined by the legislation of the Republic of Armenia.

2. In case there is a reduction of the number of positions in the Corresponding Bodies, the working rights and guarantees of the employees subject to release from those bodies shall be secured by the procedure defined by the legislation of the Republic of Armenia.

Article 49. Restrictions for Appointments to Civil Service Positions in the Corresponding Bodies after the Approval of the List of Number of Positions

Within two months after the approval (change) of the list of the number of positions in the Corresponding Bodies envisaged by Article 48 of this Law only the employees with term less employment contracts may be appointed to the positions envisaged in the Roster of Civil Service Positions.

Article 50. Considering the employees of the Corresponding Bodies Civil Servants

1. In the Corresponding Bodies the employees occupying Civil Service Positions envisaged in the Roster of Civil Service Positions shall be considered Civil Servants beginning with the first day of the eleventh month after the date of entry of this Law into force.

2. The employees of the Corresponding Bodies shall be considered Civil Servants by the procedure defined by this Article, taking into account the requirements of Articles 10 - 12, Clause 3 of Article 24 and Article 34 of this Law.

3. The corresponding first Civil Service classification grade shall be granted to the employees of the Corresponding Bodies recognized as Civil Servants by the procedure defined by this Article as the result of the first attestation under this law.

4. Beginning with the first day of the eleventh month after the entry of this law into force, in case of the emergence of a vacant Civil Service Position in the Corresponding Bodies that position shall be occupied through a competition.

Article 51. Dissolution of term employment contracts in the Corresponding Bodies

The term employment contracts concluded with the employees occupying the Civil Service Positions under the Roster of Civil Service Positions in the Corresponding Bodies shall be considered dissolved beginning with the first day of the ninth month after the entry of this Law into force, if in the contracts any earlier dates for their dissolution are not mentioned.

Article 52. The Competition conducted for occupying Civil Service Positions in the Staff of the Civil Service Council

The competition for occupying Civil Service Positions in the Staff of the Civil Service Council shall be conducted by the procedure defined by this law, and the corresponding appointments shall be made during the ninth month after the entry of this law into force.

Article 53. The first training of the Civil Servants of the Corresponding Bodies

The first training of the Civil Servants of the Corresponding Bodies shall be held in accordance with the syllabus developed by the Public Administration School of the Republic of Armenia and approved by the Civil Service Council, beginning with the first day of the eleventh month after the entry of this Law into force.

Article 54. The first attestation of the Civil Servants of the Corresponding Bodies

The first attestation of the Civil Servants of the Corresponding Bodies having undergone training shall be held beginning with the first day of the thirteenth month after the entry of this Law into force.

The requirement of the sub clause a) of the Clause 6 of the Article 19 shall not be spread on the persons occupying civil service positions according to the procedure defined by the Article 50 of this Law.

Article 55. Consideration of the previously applied Disciplinary Penalties

When releasing the Civil Servant from his/her position on the grounds mentioned in Sub-clause “c” of Clause 1 of Article 33 of this Law, the disciplinary penalties having been applied to him/her before then shall be taken into consideration.

Article 56. Maintaining the classification grades and special titles previously granted to persons having been considered Civil Servants

The classification grades and special titles (qualification grades) previously granted to persons having been considered Civil Servants shall be maintained through the procedure and within the time limits defined in the legal acts considered grounds for granting them.

Article 57. Deadline for Adoption of Law on Payment of Civil Servants

The Law on Payment of the Civil Servants shall be subject to adoption before May 1, 2002.

Article 58. Deadlines for Adoption of Laws regulating peculiarities connected with Service in Staffs of individual Republican Executive Bodies

1. The peculiarities connected with service in the Tax and Customs Republican Executive bodies shall be subject to regulation by separate laws before January 1, 2002.

2. The peculiarities connected with service in the staffs of the Republican Executive bodies for Defense, National Security, Police, Foreign Affairs and Emergencies shall be subject to regulation by separate laws before July 1, 2002.

3. The peculiarities connected with the civil service can be defined by laws envisaged by the items 1, 2 of this clause.

R. KOCHARYAN,
PRESIDENT OF THE REPUBLIC OF ARMENIA

Yerevan
December 27, 2001.