



**REPUBLIC OF MACEDONIA**

## **LAW ON CIVIL SERVANTS<sup>1</sup>**

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<sup>1</sup> The Law was adopted in July 2000 and published in the “Official Gazette of the Republic of Macedonia” no. 59/2000 of July 22, 2000. It was first amended in December 2000 (“Official Gazette of the Republic of Macedonia” no. 112/2000 of December 28, 2000). Second amendments of the Law were adopted in May 2001 (“Official Gazette of the Republic of Macedonia” no. 34/2001 of May 3, 2001). The December 2000 amendments are shown in bold and italic (these concern only Article 82) and the May 2001 amendments are shown in bold. The original text of the Law that was amended can be seen in a strike through mode.

## I. GENERAL PROVISIONS

### Article 1

This Law sets forth the status, rights, duties and responsibilities of civil servants, and the system of salaries and allowances for the civil servants.

### Article 2

Civil servants shall perform matters related to the functions of the state in accordance with the Constitution and law, in a professional, politically neutral and impartial manner.

### Article 3

(1) Civil servant is a person who performs professional, normative-legal, executive, administrative-supervising activities and decides upon administrative matters in accordance with the Constitution and law.

(2) Civil servant as defined in paragraph (1) of this Article is a person employed in the bodies of state administration and in the expert services of: the Assembly of the Republic of Macedonia, the President of the Republic of Macedonia, the Government of the Republic of Macedonia, the Constitutional Court of the Republic of Macedonia, the Supreme Court of the Republic of Macedonia, the courts, the Republic Judicial Council, the Ombudsman, the Public Prosecution, **the Civil Servants Agency** ~~the National Bank of the Republic of Macedonia~~ and the State Audit Office.

(3) The provisions of this Law shall appropriately apply to persons employed in the bodies of the units of local self-government and of the City of Skopje who perform activities as defined in paragraph (1) of this Article as well as persons who perform delegated matters in accordance with law and to persons employed in the public services and institutions that perform functions of the state delegated as public authorities.

(4) A person employed in the body referred to in paragraph (2) of this Article, that performs administrative-technical or support tasks shall not have a status of a civil servant and the general labour regulations shall apply to him/her.

(5) The provisions of this Law shall not apply to persons wearing uniform in the Ministry of Internal Affairs, to military and civil personnel serving in the Army of the Republic of Macedonia, in the penal-correctional and education-correctional institutions **and in the Customs Administration**, nor to the persons with special duties and authorities employed in

the Ministry of Defence, the Ministry of Internal Affairs, ~~and~~ the Intelligence Agency **and the Customs Administration**, unless it is otherwise set forth in another law.

### Article 4

For the issues that are not regulated by this Law and for the issues for which this Law makes no reference to any other law, and which refer to the civil servants, the general labour regulations shall be applied.

### Article 5

The system of salaries and allowances regulated by this Law shall be based on the principles of legality, equality, transparency, predictability and fairness.

### Article 6

(1) Civil servants, depending on the official tasks they perform, shall be classified into the following groups and positions:

- I managerial civil servants;
- II expert civil servants and
- III expert-administrative civil servants.

(2) Managerial civil servants shall be:

- Secretary General, that is State Secretary;
- State Advisor;
- Head of Department;
- Assistant to the Head of Department and
- Head of Unit.

(3) Expert civil servants shall be:

- Advisor;
- Senior Associate;
- Associate and
- Junior Associate.

(4) Expert-administrative civil servants shall be:

- Independent Officer;
- Senior Officer;
- Officer and
- Junior Officer.

(5) Secretary General shall be appointed in the Parliament of the Republic of Macedonia, the President of the Republic of Macedonia, the Government of the Republic of Macedonia, the Constitutional Court of the Republic of Macedonia, the Supreme Court of the Republic of Macedonia, the Republic Judicial Council, the Ombudsman, ~~the National Bank of the Republic of Macedonia~~, the State Audit Office, **the Civil Servants Agency** and the Public

Prosecution, and State Secretaries shall be appointed in the ministries.

**(6) With regards to the expert service of the Parliament of the Republic of Macedonia, the Secretary General shall have the rights and duties of a head of the body referred to in Article 3 paragraph (2) of this Law.**

(67) Civil servants in the groups I and II shall have university degree, and civil servants in the group III shall have college degree or high-school education.

(78) The Government of the Republic of Macedonia shall define by a decree the description of the positions and correspondence of jobs with the groups and positions defined by this Article.

#### Article 7

(1) A Civil Servants Agency (hereinafter referred to as: the Agency) shall be established for execution of professional, administrative and other activities related to the status, rights, duties and responsibilities of the civil servants, **as an independent state body with capacity of a legal person.**

(2) The Agency shall perform the following:

- ~~prepare regulations related to civil servants to be adopted by the Government of the Republic of Macedonia;~~
- **prepare and adopt regulations related to civil servants when so authorised by law and following a prior opinion by the bodies referred to in Article 3 paragraph (2) of this Law;**
- give opinion on the by-laws on organisation and systematisation of the bodies referred to in Article 3 paragraph (2) of this Law;
- keep a central register of civil servants;
- propose descriptions of the jobs in the positions defined in Article 6 of this Law;
- develop policies on recruitment, selection and termination of employment, salaries and allowances, assessment, classification and job description and disciplinary liability;
- coordinate activities related to professional development and training of civil servants;
- take care of the uniform implementation of the laws and regulations applying to civil servants and
- promote efficient and effective performance of civil servants and perform other tasks established by law.

(3) The Agency shall give recommendations and assist the bodies referred to in Article 3 of this Law in carrying out collective bargaining for their employees who are not civil servants in accordance with this Law.

**(4) The Agency shall prescribe the rules of operation when it decides on appeals, that is complaints in a capacity of a second instance body.**

#### Article 8

~~(1) The Agency shall be an independent body of state administration with the capacity of a legal entity.~~

~~(2) The Agency shall be managed by a director who shall be appointed and dismissed by the Government of the Republic of Macedonia.~~

~~(3) The Government of the Republic of Macedonia shall appoint and dismiss a deputy director to the director of the Agency.~~

~~(4) The director and the deputy director shall be accountable to the Government of the Republic of Macedonia for their performance and the operation of the Agency.~~

**(1) The Agency shall be managed by a Director appointed and dismissed by the Parliament of the Republic of Macedonia at a proposal of the Government of the Republic of Macedonia, for a period of 6 years.**

**(2) The Director of the Agency shall have a Deputy who shall be appointed and dismissed by the Parliament of the Republic of Macedonia at a proposal of the Government of the Republic of Macedonia, for a period of 6 years.**

**(3) The Director and Deputy Director shall be accountable to the Parliament of the Republic of Macedonia for their work and the operation of the Agency.**

**(4) The Director of the Agency shall submit a report for his/her work to the Parliament of the Republic of Macedonia at least once a year."**

#### Article 8-a

**(1) The Director of the Agency, that is, his/her Deputy shall be dismissed if:**

- 1) he/she himself/herself requests such a dismissal;**
- 2) he/she is convicted of a criminal offence and sentenced to an unconditional penalty of prison of at least 6 months;**
- 3) he/she has permanently lost his/her capacity to perform the function**

**which shall be established by the Parliament of the Republic of Macedonia; and**

- 4) he/she performs his/her function in an unprofessional, biased or conscienceless manner.**

## II. EMPLOYMENT OF CIVIL SERVANTS

### Article 9

(1) Any individual that meets the following general requirements may be employed as a civil servant:

- 1) to be a citizen of the Republic of Macedonia;
- 2) to be over 18 years of age;
- 3) to have adequate level of education in accordance with Article 6 paragraph (6) of this Law;
- 4) to have the necessary working experience, except for the positions of Junior Associate and Junior Officer;
- 5) not to be sentenced to a security measure of prohibition to perform certain profession, activity or duty and
- 6) to be of good general health capability.

(2) Special requirements for employment of a civil servant may be stipulated by the by-law on organisation and systematisation of jobs.

### Article 10

(1) Secretaries General in the bodies referred to in Article 6 paragraph (5) of this Law shall be appointed independently by these bodies and shall be selected from the managerial civil servants in these bodies.

(2) The term of office of the Secretary General in the Parliament of the Republic of Macedonia, of the President of the Republic of Macedonia and of the Government of the Republic of Macedonia shall be the same as the term of office of these bodies.

~~(3) The term of office of the Secretary General in the Supreme Court of the Republic of Macedonia, the Constitutional Court of the Republic of Macedonia, the Public Prosecution and the Republic Judicial Council shall be the same as the term of office of the President of the Court, the Public Prosecutor, that is of the Council.~~

**(3) The term of office of the Secretary General of the Supreme Court of the Republic of Macedonia, of the Constitutional Court of the Republic of Macedonia, of the Public Prosecution, of the Court Judicial Council, of the Ombudsman, of the State Audit Office and of the Civil Servants**

**Agency shall be of equal duration as the term of office of the head of the body.”**

(4) A State Secretary in a ministry shall be appointed by the Government of the Republic of Macedonia (hereinafter referred to as: the Government), on a proposal of the minister.

(5) State Secretaries shall be selected from the managerial civil servants in the ministries and other bodies of state administration and their term of office shall be the same as the term of office of the Government.

### Article 11

~~(1) Civil servants, except Secretaries General and State Secretaries, shall be employed by a public announcement, published in at least two daily newspapers.~~

~~—(2) The Minister, that is the head of the body referred to in Article 3 paragraph (2) of this Law, shall establish a Commission on Execution of the Procedure for Employment of a Civil Servant (hereinafter referred to as: the Commission) constituted of 3 members.~~

~~—(3) The Commission referred to in paragraph (2) of this Article shall be composed of the Secretary General, that is the State Secretary, one managerial and one expert civil servant from the Ministry, that is from the body referred to in Article 3 of this Law.~~

**(1) Bodies referred to in Article 3 paragraph (2) of this Law shall submit a request on the need for new employment of civil servants to the Agency.**

**(2) Civil servants, except Secretaries General and State Secretaries, shall be employed by a public announcement issued by the Agency in at least two daily newspapers.**

**(3) Secretary General, State Secretary or the head of the body referred to in Article 3 paragraph (2) of this Law in which no General, that is State Secretary is appointed, shall establish a Commission on Implementation of Civil Servant Employment Procedure, composed of five members (hereinafter referred to as: the Commission).**

**(4) The Commission referred to in paragraph (3) of this Article shall be composed of the Secretary General, that is State Secretary, two managerial and one expert civil servant from the body referred to in Article 3 paragraph (2) of this Law and a member from the Agency.**

**(5) As an exception to paragraph (4) of this Article, an expert may be appointed as**

an external member of the Commission depending on the conditions required for the relevant job.

#### Article 12

~~(1) The applicants who applied to the public announcement referred to in Article 11 paragraph (1) of this Law, except for the jobs in the position of Junior Associate and Junior Officer, that fulfill the requirements, shall take a professional examination before the Commission referred to in Article 11 paragraph (2) of this Law.~~

~~—(2) The Commission referred to in Article 11 paragraph (2) of this Law shall prepare a list of the most successful candidates that passed the professional examination.~~

~~—(3) The Minister, that is the head of the body referred to in Article 3 paragraph (2) of this Law, shall make the selection for employment of managerial civil servants out of the list proposed by the Commission referred to in Article 11 paragraph (2) of this Law.~~

~~—(4) The Commission referred to in Article 11 paragraph (2) of this Law shall make the selection out of the proposed list for employment of expert and expert administrative civil servants.~~

~~—(5) The candidate who has not been selected shall have the right to file an appeal with the Agency against the decision mentioned in paragraphs (3) and (4) of this Article, within 8 days from the day of his/her written notification for the selection made. The Agency shall decide on the appeal within 15 days from the day of receipt of the appeal.~~

~~—(6) The appeal shall defer the execution of the decision referred to in paragraphs (3) and (4) of this Article.~~

**(1) Candidates who applied to the public announcement referred to in Article 11 paragraph (2) of this Law, except for the jobs in the position of Junior Associate and Junior Officer, that fulfil the requirements, shall take a professional examination. The professional examination shall be taken in the Agency.**

**(2) The Agency shall prepare a list of at least five most successful candidates that passed the professional examination and shall submit it to the Commission referred to in Article 11 paragraph (3) of this Law.**

**(3) If less than five candidates have passed the professional examination, the Agency shall once again issue the public announcement and carry out the**

**examination.**

**(4) If, following the execution of the procedure referred to in paragraph 3 of this Article, no list of at least five most successful candidates that passed the professional examination can be drawn up, the Agency may prepare a list comprising less than five candidates.**

**(5) The Commission referred to in Article 11 paragraph (3) of this Law shall, normally, prepare a list of three candidates for each job and the Secretary General, State Secretary or the head of the body referred to in Article 3 paragraph (2) of this Law in which no Secretary General, that is, State Secretary is appointed, shall make the selection based on the list.**

**(6) The candidate who has not been selected shall have a right to file an appeal against the decision referred to in paragraph (5) of this Article with the Agency within eight days from the day he/she was notified in writing of the selection made. The Agency shall decide on the appeal within 15 days from the day of receipt of the appeal.**

**(7) The appeal shall defer the execution of the decision referred to in paragraph (6) of this Article.**

**(8) Following the completion of the selection procedure, the Secretary General, State Secretary or the head of the body in which no Secretary General, that is, State Secretary is appointed shall issue an employment decision.”**

#### Article 12-a

**The Agency shall define the criteria and standards, as well as the procedure for employment and selection of civil servants in a by-law.”**

#### Article 13

~~(1) The Commission referred to in Article 11 paragraph (2) of this Law shall make the selection of the candidates for the jobs in the position of Junior Associate and Junior Officer based on a list of the applicants prepared by the Commission.~~

~~—(2) The provisions of Article 12 paragraphs (5) and (6) of this Law shall apply to candidates for jobs in the positions of Junior Associate and Junior Officer.~~

**(1) The Agency shall draw up a list of candidates who applied for a job in the position of Junior Associate and Junior Officer and shall submit it to the Commission**

referred to in Article 11 paragraph (3) of this Law.

**(2) Article 12 of this Law shall adequately apply to the employment procedure of candidates referred to in paragraph (1) of this Article.”**

#### Article 14

(1) The selected candidate referred to in Article 13 of this Law shall be employed as a civil servant-trainee.

(2) The internship for civil servants-trainees with university education shall be one year, and for civil servants-trainees with college or high school education shall be six months.

(3) The manner of supervision and assessment of a civil servant-trainee shall be determined by the Agency.

(4) The civil servant-trainee shall take a trainee examination before the Commission referred to in Article 11 paragraph (2 3) of this Law upon expiry of the internship.

(5) If the civil servant-trainee passes the trainee examination, he/she shall be employed as a civil servant on the job that was announced in the public announcement.

(6) The employment of a civil servant-trainee shall terminate if he/she shall not pass the trainee examination.

#### Article 15

(1) The professional and trainee examination shall be organised **and carried out** by the Agency.

(2) The Agency shall adopt a programme for the professional and trainee examination.

**(3) The Agency shall prescribe the manner, procedure and criteria for carrying out of the professional and trainee examinations.**

#### Article 16

A civil servant, upon his/her consent, may be employed without a public announcement by transfer on a job within the same position from one into another body referred to in Article 3 paragraph (2) of this Law, if the ~~ministers~~ **Secretary General, State Secretary** or the heads of these bodies agree and when the needs of the service necessitate such transfer, upon prior opinion of the Agency.

#### Article 17

(1) An individual that shall be employed as a civil servant for the first time shall give and sign an oath before the minister, that is the head of the body referred to in Article 3 of this Law

with the following text: “I swear that in the course of my work I will respect the Constitution and the laws and that I will conscientiously and orderly perform my duty of a civil servant.”

(2) The signed oath shall be kept in the civil servant’s file.

(3) If a civil servant refuses to give and sign the oath referred to in paragraph (1) of this Article, it shall be deemed that the decision on the employment was not made.

### III. RIGHTS AND DUTIES OF CIVIL SERVANTS

#### Article 18

(1) The civil servant shall be obliged to perform his activities conscientiously, professionally, efficiently, orderly and timely, in accordance with the Constitution and law.

(2) The civil servant shall be obliged to perform his activities impartially and without influence of political parties, not be guided by his/her own political beliefs or personal financial interests, refrain from misuse of authorisations and the civil servant status, and protect the reputation of the body.

**(3) The Agency shall adopt a Code of Ethics for Civil Servants.”**

#### Article 19

(1) The civil servant shall be obliged to execute the orders of the minister, that is of the head of the body referred to in Article 3 paragraph (2) of this Law, that is of the immediate superior civil servant and to act upon them in accordance with the Constitution, law or other regulation.

(2) If the civil servant deems that the order referred to in paragraph (1) of this Article is not in accordance with the Constitution, law or other regulation, he/she shall be obliged to point out that fact to the person that issued the order.

(3) The civil servant shall act upon a repeated order referred to in paragraph (2) of this Article given in writing, unless he/she deems that its execution would constitute a criminal offence, in which case he/she shall immediately inform the immediate superior civil servant to the one that issued the order.

(4) If the civil servant does not warn the immediate superior civil servant of the illegality of the order or that it is against the Constitution and he/she acts upon it, the civil servant and his/her immediate superior civil servant shall be liable for its execution.

#### Article 20

(1) The civil servant shall be obliged to keep a state secret and an official secret in a manner and under conditions stipulated by law and other regulation.

(2) The obligation for keeping an official secret shall be valid for a period of three years after the termination of the service.

#### Article 21

The civil servant shall, in accordance with law, be obliged to provide information upon request of the citizens required for exercise of their rights and interests, except the information referred to in Article 20 of this Law.

#### Article 22

(1) In cases of emergency (natural hazards, epidemics, floods, etc.), the civil servant may, without his/her consent, be reassigned within the same or in another body referred to in Article 3 of this Law outside the place of his/her residence as long as such circumstances last, but not longer than three months.

(2) In the cases referred to in paragraph (1) of this Article, the civil servant shall have a right to allowances stipulated by this law.

#### Article 23

The civil servant that works with clients shall be obliged to wear a visible tag with his/her name and position during the office hours.

#### Article 24

(1) The civil servant shall have a right and duty for professional development and training in accordance with the needs of the body where he/she is employed.

(2) The professional development and training shall be implemented on the basis of an annual programme adopted by the body referred to in Article 3 paragraph (2) of this Law, upon a prior opinion given by the Agency.

(3) The funds to cover the needs mentioned in paragraph (1) of this Article shall be provided by the Budget of the Republic of Macedonia.

(4) The Government shall define the manner of using the funds referred to in paragraph (3) of this Article.

#### Article 25

(1) The civil servant shall have a right to protection if he/she is directly threatened, assaulted or is subjected to similar acts related to the performance of his/her official tasks.

(2) The body in which the civil servant is

employed shall be obliged to provide protection for the civil servant in the cases mentioned in paragraph (1) of this Article.

#### Article 26

In order to exercise their economic and social rights, civil servants shall have the right to establish trade unions and to be their members under the terms and in a manner defined by a law.

#### Article 27

(1) When exercising their right to strike, civil servants shall be obliged to ensure minimum of uninterrupted execution of functions of the body referred to in Article 3 paragraph (2) of this Law, the necessary level in exercising of citizens' and legal entities' rights and interests and the execution of ratified international agreements.

~~(2) The minister, that is the head of the body referred to in Article 3 paragraph (2) of this Law shall determine by a by law the required minimum number of civil servants who shall work in order to meet the conditions referred to in paragraph (1) of this Article.~~

**(2) The Minister, that is, the head of the body referred to in Article 3 paragraph (2) of this Law, shall, by way of regulation, define the manner of execution of the functions of the body during a strike, as well as the number of civil servants who shall work to execute those functions and to meet the conditions referred to in paragraph (1) of this Article.**

#### Article 28

(1) By being a member of a political party and by participating in its activities the civil servant must not put in question his/her status of a civil servant, or the performance of the official duties related to that status.

(2) The civil servant must not participate directly in election campaigns or in other public events of similar nature within the office hours.

(3) The civil servant must not wear or place party symbols in the office.

~~(4) The employment rights and duties of the civil servant who is a candidate for a certain electoral political function or participates in an election campaign shall be in abeyance within that period. (paragraph 4 of this Article was annulled by a decision of the Constitutional Court of the Republic of Macedonia U.No. 186/2000 of February 7, 2001)~~

Article 29

The civil servant shall be entitled to vacations and leaves from office in accordance with the labor regulations.

Article 30

When exercising his/her employment rights, the civil servant shall have a right to seek protection before a competent court, trade union or other competent body in accordance with a law.

Article 31

(1) The minister, that is the head of the body referred to in Article 3 paragraph (2) of this Law shall make a decision on reassignment of the civil servant to a job compatible to his/her level of education and working capacities, if the civil servant has been assessed with "unsatisfactory" mark.

(2) The civil servant may file an appeal against the decision referred to in paragraph (1) of this Article with the Agency within 8 days from the receipt of the decision.

(3) The appeal shall not defer the execution of the decision.

(4) The employment of the civil servant shall be terminated if he/she does not accept the reassignment referred to in paragraph (1) of this Article.

Article 32

(1) When the Secretary General, that is the State Secretary is dismissed or when his/her term of office is expired, the minister, that is, the head of the body referred to in Article 3 paragraph (2) of this Law shall reassign him/her within the same or in another body to a job and in a position that ~~he/she had had~~ **corresponds to the position acquired** before the appointment as a Secretary General, that is a State Secretary within 30 days from the day of the dismissal, that is after the expiry of the term of office.

(2) If the Secretary General, that is the State Secretary does not accept the reassignment referred to in paragraph (1) of this Article, his/her employment shall be terminated.

(3) Until the reassignment defined in paragraph (1) of this Article, the Secretary General, that is the State Secretary, shall receive the same salary as before the dismissal, that is the expiry of the term of office.

IV. SYSTEM OF SALARIES AND ALLOWANCES FOR CIVIL SERVANTS

Article 33

(1) The civil servant shall be entitled to a salary and allowances under the conditions and criteria defined by this Law.

(2) The salaries and allowances of the civil servants shall be adjusted to the funds provided in the Budget of the Republic of Macedonia.

Article 34

(1) The salary of a civil servant shall consist of the following components:

- general component and
- exceptional component.

(2) The general component shall consist of:

- basic salary;
- position supplement and
- career supplement.

(3) The exceptional component shall consist of:

- demanding job supplement and
- non-regular supplement (overtime work).

Article 35

(1) The basic salary paid to a civil servant shall provide for rewarding of the appropriate educational level of the job he/she is assigned to defined by the by-law on systematization of jobs, and rewarding of the working experience.

(2) The educational level defined for the appropriate group in accordance with Article 6 paragraph (6) of this Law shall be valued as follows:

I group	university degree	200 points
II group	university degree	200 points
III group	college degree	150 points
	high school degree	100 points

(3) The working experience of a civil servant shall be valued in amount of 0.5% of the part of the basic salary that rewards the educational level for the appropriate group for each year of working experience entered upon, with a maximum of 20%.

Article 36

(1) The position supplement shall provide for rewarding of each position relative to the nature and scope of the work, complexity and responsibility for carrying out the work.

(2) The position supplement shall be valued as follows:

Group	Position	Points
I	Secretary General	931
I	State Secretary	895
I	State Advisor	716
I	Head of Department	597
I	Assistant to the Head of Dept	498
I	Head of Unit	415
II	Advisor	346
II	Senior Associate	288
II	Associate	240
II	Junior Associate	200
III	Independent Officer	173
III	Senior Officer	144
III	Officer	120
III	Junior Officer	100

(3) The position of a civil servant who has a college degree and is assigned to a job that, according to the by-law on systematisation of jobs, can be performed by a civil servant who has a high-school degree, shall be valued with 5% more than the position of a civil servant having a high-school degree in accordance with paragraph (2) of this Article.

(4) The position of a civil servant who has a high-school degree and is assigned to a job that, according to the by-law on systematisation of jobs, can be performed by a civil servant who has a college degree, shall be valued in accordance with paragraph (2) of this Article.

#### Article 37

(1) The career supplement shall provide for rewarding of professionalism of each civil servant and thus ensure an incentive for successful and professional performance of works, professional development at the position and continuity in the civil service.

(2) The career supplement value shall depend on each individual who must meet certain conditions, such as minimum length of experience in the civil service and positive assessment of performance in the service in accordance with Article 80 of this Law.

(3) A civil servant that shall be assessed with an “outstanding” mark for two consecutive years may be promoted in the career a year earlier than the defined conditions in Article 40 of this Law.

#### Article 38

(1) Each position referred to in Article 36 paragraph (2) of this Law, except the Secretary General, that is the State Secretary, shall have four career development steps regarding the job to which a civil servant is assigned. The career

development step shall entail a right to a payment of a career supplement as a percentage of the position supplement, as follows:

- step A – 5%,
- step B – 10%,
- step C – 15% and
- step D – 20%.

(2) Upon a proposal of the immediate superior civil servant, each civil servant may attain the appropriate career development step at the job he/she is assigned to based on a decision reached by the minister, that is the head of the body referred to in Article 3 of this Law.

#### Article 39

Regarding the appropriate career development step, the civil servant must have a minimum length of experience in the civil service as follows:

- step A, after 3 years of working experience as a civil servant;
- step B, after 3 years of working experience at the step A;
- step C, after 3 years of working experience at the step B, and
- step D, after 3 years of working experience at the step C.

#### Article 40

The civil servant promoted to a position of a higher rank shall be paid a basic salary in accordance with Article 35 of this Law and a position supplement for the position to which he/she is promoted in accordance with Article 36 of this Law.

#### Article 41

(1) If the civil servant is assessed with an “unsatisfactory” mark and he/she is assigned to a job without still having attained a career supplement, his/her position supplement shall be decreased for 5%.

(2) If the civil servant is assessed with an “unsatisfactory” mark and he/she has already attained an appropriate career development step in accordance with Article 38 of this Law, he/she shall be paid the basic salary and a position supplement appropriate to the job he/she had had before the promotion.

(3) The payment of the salary for the civil servant defined in paragraphs (1) and (2) of this Article shall be valid until the next assessment.

#### Article 42

The value of the salary point for the civil servant for each year shall be defined by the Law on Execution of the Budget of the Republic

of Macedonia.

#### Article 43

(1) The value of the salary point for the employees in the bodies of the units of local self-government, that is of the City of Skopje that perform activities like the activities defined in Article 3 paragraph (1) of this Law shall be defined by a decision on execution of the budget of the unit of local self-government, that is the City of Skopje each year.

(2) Provisions of Articles 34 to 41 shall apply accordingly to the employees referred to in paragraph (1) of this Article.

#### Article 44

Employees referred to in Article 3 paragraph (3) of this Law that execute functions of the state delegated as public authorities shall receive salaries in accordance with the provisions of this Law that regulate the salaries of civil servants.

#### Article 45

(1) The civil servant has a right to a demanding job supplement, such as:

- work at night;
- work in shifts, that is 24-hour work;
- work entailing high risks;
- work during weekends, and
- work during public holidays defined by a law.

(2) The demanding jobs referred to in paragraph (1) of this Article should be prescribed in the by-laws on systematisation of jobs in each of the bodies referred to in Article 3 of this Law.

(3) The civil servant shall have a right to a demanding job supplement provided he/she is performing the activities referred to in paragraph (1) of this Article on a proposal of the immediate superior civil servant and upon approval by the minister, that is the head of the body referred to in Article 3 of this Law.

(4) Salary supplements referred to in paragraph (1) of this Article shall not preclude one another.

(5) The Agency shall prescribe a form for the recording of the working hours spent at a job under conditions as defined in paragraph (1) of this Article.

#### Article 46

The salary supplement for work at night per hour shall be valued in amount of 35% of the amount of the basic salary and position supplement per hour.

#### Article 47

A civil servant assigned to works that are performed in shifts, that is 24 - hour work, shall have a right to a supplement of 5% of the amount of the basic salary and position supplement calculated per hour.

#### Article 48

(1) A civil servant performing works and tasks which pose serious life and health risks shall have a right to a salary supplement depending on the type of the risk in amount of 10 to 30% of the amount of the basic salary and position supplement.

~~(2) The Government shall define the jobs and the amount of the supplement referred to in paragraph (1) of this Article.~~

**(2) Jobs referred to in paragraph (1) of this Article shall be defined by the Agency.”**

**(3) The amount of the supplement referred to in paragraph (1) of this Article shall be defined by the Government.**

#### Article 49

A civil servant that was required to work during weekend shall have a right to a number of hours, that is days off equal to the time that he/she spent working during the weekend or shall have a right to a supplement in amount of 5% of the amount of the basic salary and the position supplement, calculated per hour.

#### Article 50

A civil servant has a right to a salary supplement for the actual number of hours at work during public holidays defined by law in amount of 50% of the amount of the basic salary and position supplement.

#### Article 51

(1) A civil servant shall have a right to a salary supplement for the work longer than the regular working hours in amount of 35% per hour of the total amount of the basic salary and position supplement, provided the work was done on a request by the immediate superior civil servant.

(2) The civil servant that has been working longer than the regular working hours may use hours, that is days off instead of the supplement referred to in paragraph (1) of this Article.

#### Article 52

(1) A civil servant shall have a right to salary allowances in accordance with the labor regulations.

(2) A civil servant has also a right to other

allowances for:

- traveling, daily and other expenses for business trips in the country and abroad;
- expenses made by usage of personal vehicles for office purposes;
- expenses for life separated from the family;
- expenses for change of the place of residence;
- transport to and from work (over 2 kilometers);
- food expenses;
- expenses for field work;
- funeral expenses in case of death of a civil servant or of a member of his/her family (a spouse and children born in or out of marriage, stepchildren, adopted children and children taken for support by the civil servant);
- damages suffered in natural hazards and
- expenses for a long illness of a civil servant.

(3) The amount of the allowances referred to in paragraph (2) of this Article is defined each year with the Law for Execution of the Budget of the Republic of Macedonia.

(4) The Government of the Republic of Macedonia shall define in more detail the procedure and the manner of distribution of the allowances.

(5) The amount of the other allowances for the employees in the bodies of the local self-government units, that is of the City of Skopje that perform activities as the activities defined in Article 3 paragraph 1 of this Law shall be determined each year with the decision on execution of the budget of the local self-government unit, that is the City of Skopje.

#### Article 53

(1) The salary of a civil servant shall be calculated and paid in net amount once a month in the current month for the previous month.

(2) The contributions and the personal income tax of a civil servant shall be paid by the body referred to in Article 3 of this Law at the same time with the salary payment in accordance with a law.

#### Article 54

(1) The body referred to in Article 3 of this Law shall be obliged to keep a record of the salaries, salary supplements, salary allowances and paid salary contributions and the personal income tax and it shall issue a certificate on their payment to the civil servant.

(2) The record referred to in paragraph (1) of

this Article shall be kept in the office premises of the body referred to in Article 3 of this Law.

#### Article 55

(1) During temporary incapability to work up to 7 days the civil servant shall have a right to a salary in amount of 70%; up to 15 days, starting from the first day of the sick leave in amount of 80% and up to 60 days, for all of the days in amount of 90% of the civil servant's net salary per day paid in the previous month.

(2) The salary of a civil servant suffering from occupational disease or injury at work shall be defined in amount of 100% of the basic amount defined in paragraph (1) of this Article.

#### Article 56

For the period of annual vacation the civil servant shall have a right to a salary in amount of the salary which he/she would receive for the current month provided he/she was at work, excluding the salary supplement in accordance with Article 45 of this Law.

#### Article 57

The civil servant that works during public holidays defined by law shall have a right to a basic salary and position supplement increased for 100% and calculated per hour.

#### Article 58

The civil servant shall have a right to a salary in amount of ~~100%~~ 60% of the salary received in the previous month during the period of a strike.

#### Article 59

During the period of suspension of duties, the civil servant shall have a right to a salary in amount of 60% of the last salary paid in the month before the initiation of the disciplinary procedure that shall be defined in the decision referred to in Article 73 of this Law.

#### Article 60

The civil servant shall have a right to a salary in amount of 100% of the salary received before the start of the professional training during the period of professional training in accordance with Article 24 of this Law.

#### Article 61

(1) The civil servant that shall significantly contribute to execution of functions of the body referred to in Article 3 of this Law by extraordinary efforts and quality of performance may be given a monetary award in amount up to

one his/her salary.

(2) The minister, that is the head of the body referred to in Article 3 of this Law shall decide on the monetary award referred to in paragraph (1) of this Article, upon a proposal by the immediate superior civil servant.

**(3) The Agency shall adopt guidelines comprising more detailed criteria for granting of the monetary award referred to in paragraph (1) of this Article.**

#### Article 62

(1) The civil servant- trainee shall be entitled to a salary in amount of 80% of the salary of a civil servant holding a position of a Junior Officer, that is Junior Associate.

(2) The civil servant-trainee shall be entitled to demanding job supplements and allowances as the civil servant employed for an unlimited period of time.

### V. LIABILITY OF CIVIL SERVANTS

#### Article 63

The civil servant shall be personally responsible for performance of the official tasks.

#### 1. Disciplinary liability

#### Article 64

(1) The civil servant, except the Secretary General, that is the State Secretary, shall be disciplinary liable in case of violation of his/her professional duties.

(2) The responsibility for a criminal act, that is misdemeanor shall not exclude the disciplinary liability of the civil servant.

#### Article 65

(1) The civil servant shall be disciplinarily liable for a disciplinary irregularity and disciplinary offence.

(2) Any minor, insignificant violation of the official duties, that is minor violation of the reputation of the service or of the civil servant shall be disciplinary irregularity as referred to in paragraph (1) of this Article.

(3) Any major, significant violation of the official duties, that is major violation of the reputation of the service or of the civil servant shall be disciplinary offence as referred to in paragraph (1) of this Article.

#### Article 66

In the case of violation of the official duties, one of the following disciplinary measures may

be taken against the civil servant based on a decision:

1) public reprimand;

2) a fine in the amount of 10% to 30% of the monthly salary paid in the last month before the violation of the official duties was committed, and

3) termination of employment.

#### Article 67

(1) Following shall be considered a disciplinary irregularity:

1) not coming to work in the determined time and leaving work before the closing hours despite the reprimand by the immediate superior civil servant;

2) disorderly maintenance of official documents and data;

3) unjustified absence from work up to 2 working days during one calendar year, and

4) failure to wear tags with the name, if such an obligation exists.

(2) The disciplinary measure for a disciplinary irregularity may be public reprimand or a fine of 10% of the monthly salary paid in the last month before the disciplinary irregularity was committed.

#### Article 68

(1) Following shall be considered a disciplinary offense:

1) non-performance or unconscientious, indecent, untimely or negligent performance of the official duties;

2) expressing and advocating personal political beliefs when performing the official tasks;

3) refusing to provide or providing incorrect data to the state bodies, legal entities and to the citizens, if the provision of data is prescribed by law;

4) illegal management of funds;

5) refusing to perform the official tasks of the job he/she is assigned or refusal of orders given by the immediate superior civil servant;

**6) non-compliance with the regulation referred to in Article 27 paragraph (2) of this Law."**

~~67~~not undertaking or undertaking partially the prescribed security measures for protection of the entrusted assets;

~~78~~causing major material damage;

~~89~~repeating a disciplinary irregularity;

~~910~~ receiving gifts or other benefits; and

~~1011~~ refusal of professional training and development to which the civil servant is being sent.

(2) A fine in amount of 10% to 30% of the monthly salary paid to the civil servant in the month before the disciplinary offence was done shall be imposed for the disciplinary offences listed under items 1) to ~~9~~**10**) in paragraph 1 of this Article. If there were harmful consequences for the body referred to in Article 3 of this Law and if no mitigating circumstances have been found for the civil servant that committed the offence, the employment of the civil servant shall be terminated.

(3) A fine in amount of 10% to 30% of the monthly civil servant's salary paid in the month before the disciplinary offence was committed may be imposed for the disciplinary offence listed under item ~~10~~**11**) in paragraph 1 of this Article.

#### Article 69

(1) The disciplinary measures against the civil servant related to disciplinary irregularity shall be decided upon by the minister, that is the head of the body referred to in Article 3 of this Law, upon a prior written report prepared by the immediate superior civil servant.

(2) Before imposing the measure, the civil servant shall be informed in writing about the allegations against him/her giving him/her an opportunity to submit a retort to the report referred to in paragraph (1) of this Article.

#### Article 70

(1) The minister, that is the head of the body referred to in Article 3 paragraph (2) of this Law shall establish a Commission to conduct the disciplinary procedure for a disciplinary offence (hereinafter referred to as: the Commission).

(2) The Commission referred to in paragraph (1) of this Article shall be constituted of three members, of which one shall be a managerial civil servant, one civil servant of the same position as the civil servant against whom the disciplinary procedure is being instituted, and one member of the Agency.

(3) During the course of the disciplinary procedure, the Commission referred to in paragraph (1) of this Article shall be obliged to provide an opportunity for the civil servant to give statements on all allegations against him/her.

(4) The Commission referred to in paragraph (1) of this Article shall propose an adequate disciplinary measure to the minister, that is the head of the body referred to in Article 3 paragraph (2) of this Law after closing of the disciplinary procedure and he/she shall make a

decision on the matter.

(5) The disciplinary procedure shall be completed within 45 days from the day it has been initiated.

#### Article 71

(1) The disciplinary procedure against the civil servant shall be initiated by the immediate managerial civil servant.

(2) Any civil servant or other individual in accordance with a law shall have the right to give an initiative for commencement of a disciplinary procedure against a civil servant, and that initiative must be justified.

#### Article 72

The civil servant may be suspended from the body referred to in Article 3 paragraph (2) of this Law on the basis of a decision made by the minister, that is the head of the body, upon a proposal of the immediate managerial civil servant who submitted the proposal on initiation of a disciplinary procedure.

#### Article 73

The civil servant shall have the right to file an appeal against the decision referred to in Article 70 paragraph (4) and Article 72 of this Law with the Agency within 8 days from the day of receipt of the decision.

## 2. Material liability

#### Article 74

(1) The civil servant shall be liable for any damage to the body referred to in Article 3 of this Law caused by him/her at work or in relation to his/her work, intentionally or due to complete negligence.

(2) A Commission established by the minister, that is the head of the body referred to in Article 3 of this Law shall determine the occurrence of the material damage, its amount, the circumstances under which it occurred, who caused the damage and who will compensate for it.

(3) Based on a report of the Commission, the minister, that is the head of the body referred to in Article 3 of this Law shall determine the liability of the civil servant for compensation for the damage.

#### Article 75

The body referred to in Article 3 of this Law shall be obliged to compensate the material damage caused by the civil servant to third parties in the course of performance of his/her

official duties.

#### Article 76

The minister, that is the head of the body referred to in Article 3 of this Law may completely or partially release the civil servant from compensating the damage, if it was not done intentionally or if the compensation for the damage may jeopardise the existence of the civil servant and his/her family.

### VI. ASSESSMENT OF CIVIL SERVANTS

#### Article 77

(1) Civil servants, except the Secretary General, that is the State Secretary, in the course of their work shall be assessed each year on the basis of continuous monitoring, not later than the first quarter of the next year for the year that has expired.

(2) Civil servants who have been absent from work for a period longer than 6 months during the year (sick leave, unpaid leave etc.) shall not be assessed.

#### Article 78

(1) The assessment of the managerial civil servants shall be done by the minister, that is the head of the body referred to in Article 3 of this Law.

(2) The assessment of the expert and expert-administrative civil servants shall be done by the immediate managerial civil servant.

(3) The manner and the procedure for assessment of the civil servants shall be defined with a by-law by the Agency.

#### Article 79

(1) The assessment of civil servants shall be made based on data regarding the professional knowledge and skills at work, efforts, results achieved, creativity and consciousness when performing the official tasks that are significant for the performance of service.

(2) The data mentioned in paragraph (1) of this Article are entered into a form prescribed by the Agency.

#### Article 80

(1) The grades of the civil servant may be “outstanding”, “satisfactory” and “unsatisfactory”.

(2) The civil servant that is not satisfied with the grade referred to in paragraph (1) of this Article may file a complaint with the Agency within 15 days from the day of receipt of the decision.

(3) The Agency shall reach a final decision on the complaint referred to in paragraph (2) of this Article within 15 days.

### VI. TERMINATION OF EMPLOYMENT

#### Article 81

The employment of a civil servant shall be terminated if he/she had been convicted of a criminal offense related to his/her official duties or other criminal offence that makes him/her unsuitable to be a civil servant and to perform the service in the body referred to in Article 3 of this Law, starting from the day of receipt of the final verdict; if he/she was assessed with “unsatisfactory” grade for two times consecutively or for at least three times in the past five years; and in other cases defined by a law.

#### Article 82

(1) In the case of reduction of competencies of the bodies referred to in Article 3 of this Law or of the amount of work which results in the need for downsizing the number of civil servants, the civil servants who performed those works may be reassigned within the same body to jobs in the same or a lower position.

(2) When the civil servant is not reassigned to a job referred to in paragraph (1) of this Article in a period of ~~three~~ **one** months, his/her employment shall be terminated.

(3) The employment of the civil servant in the body referred to in Article 3 of this Law that refuses the reassignment referred to in paragraph (1) of this Article shall be terminated.

(4) In the cases of reassignment referred to in paragraph (1) of this Article, the civil servants having better assessment grades shall have the priority.

(5) In the case of termination of employment as mentioned in paragraphs (2) and (3) of this Article, the civil servant ~~shall be entitled to a non-recurring compensation as a severance payment in amount of his/her three paid monthly net salaries earned in the last month before the termination of employment~~ **shall have the rights defined in the Law on Labour Relations and the Law on Pension and Disability Insurance**

### VIII. TRANSITIONAL AND FINAL PROVISIONS

#### Article 83

The employees who have been employed in accordance with the Law on Administrative

Bodies (“Official Gazette of the Socialist Republic of Macedonia” no. 40/90, and “Official Gazette of the Republic of Macedonia nos. 63/94 and 63/98) before the day of entry into force of this Law shall continue to work at the jobs they were assigned to and shall continue to receive the same salary as before the day of entry into force of this Law until they attain the status of civil servants and the implementation of the system of salaries defined in accordance with this Law commences.

#### Article 84

(1) The employees referred to in Article 83 of this Law shall be obliged to pass a transitional examination to test their knowledge within 3 years from the day of adoption of the regulations referred to in paragraph (3) of this Article, and they shall be assigned in accordance with the by-law on organisation and systematisation of jobs of the body to a job in a position that is corresponding to the position previously acquired.

(2) Upon a proposal of the Agency, the Government shall define by a decree the position description and the correspondence of the current positions to the groups and positions defined by this Law within 6 months from the day of commencement of the Agency operation.

(3) The regulations necessary for preparation and implementation of the transitional examination referred to in paragraph (1) of this Article shall be prepared by the Agency within 6 months from the day of commencement of its operation.

(4) The Agency shall carry out the transitional examination referred to in paragraph (1) of this Article according to a time schedule that it shall define by a programme.

(5) The Agency shall issue a certificate to the civil servant referred to in paragraph (1) of this Article that shall pass the transitional examination.

(6) The employees in the state administration bodies and expert services of the bodies referred to in Article 3 of this Law that have over 5 years of working experience on the day of entry into force of this Law shall be assigned in accordance with the by-laws on systematisation of jobs to jobs in positions that correspond to their acquired positions without taking the examination referred to in paragraph (1) of this Article.

#### Article 85

(1) The managerial employees appointed according to the Law on Administrative Bodies

shall continue to perform the function of managers and shall receive the same salary until the expiry of their term of office.

(2) The managerial employees referred to in paragraph (1) of this Article that have ~~over 10 years of service in the bodies referred to in Article 3 of this Law~~ **over 5 years of working experience** shall be assigned to jobs in positions that correspond to their acquired positions upon expiry of the term of office to which they were appointed.

#### Article 86

Individuals who are not employed in the bodies referred to in Article 3 paragraph (2) of this Law can also be appointed to the positions of Secretary General, that is State Secretary within period of three years from the day of entering into force of this Law.

#### Article 87

The regulations and the other by-laws that should be adopted on the basis of this Law shall be adopted within six months from the day of entry into force of this Law.

#### Article 88

Until the regulations and by-laws that should be adopted on the basis of this Law are adopted, the regulations and by-laws in force until the day of entry into force of this Law shall continue to apply.

#### Article 89

The minister, that is the head of the body referred to in Article 3 of this Law shall enact the by-law on organisation and systematisation of jobs and the other regulations within 3 months from the enactment of the regulations by the Government, that is the Agency.

#### Article 90

(1) The Agency shall start functioning from the day of appointment of its director.

(2) The Government shall appoint the director of the Agency within 3 months from the day this Law enters into force.

(3) The by-laws on the organization and systematization of jobs in the Agency shall be enacted within 30 days from the day of the appointment of the director of the Agency.

#### Article 91

(1) If, on the day of commencement of implementation of the salary system defined by this Law, the salary of a civil servant which he/she was receiving before entry into force of

this Law is higher than the salary he/she shall receive in accordance with this Law, he/she shall have a right when he/she shall be assigned for the first time to a job in accordance with this Law to an individual transitory supplement equal to the difference between the total amount of the salary he/she was receiving before the day of implementation of the system of payment of salaries defined by this Law and the salary in accordance with this Law.

(2) A civil servant that receives an individual transitory supplement shall not have a right to an increase of the salary until he/she shall reach the amount of the position salary corresponding to the position he/she is assigned to in accordance with this Law.

#### Article 92

The employees that have been employed in accordance with the Law on Administrative Bodies and do not have a status of civil servants in accordance with Article 3 paragraph (4) of this Law on the day of entry into force of this Law shall continue to work at their jobs and receive salaries as before the entry into force of this Law until their salaries shall be regulated in accordance with Article 7 paragraph (3) of this Law.

#### Article 93

The civil servant that, on the day of entry into force of this Law, is assigned to a job for which he/she does not meet the prescribed criteria in regard to the level of education, that is he/she has a lower level of education than the one prescribed in the by-law on systematisation of jobs, shall keep the assignment to the job for which a higher level of education is prescribed and the salary, if on the day of entry into force of this Law he/she needs five more years of service to accomplish the right to an age pension in accordance with the regulations for pension and disability insurance.

#### Article 94

The disciplinary procedures that have been already commenced shall be completed in accordance with the regulations that were in force until the day of entering into force of this Law.

#### Article 95

Trainees employed in the bodies referred to in Article 3 of this Law that have such a status on the day of entry into force of this Law shall take the trainee examination in accordance with the regulations in force before the day of

entering into force of this Law.

#### Article 96

The application of the collective bargaining agreements' provisions on the issues that are regulated by this Law shall cease to be effective on the day of entry into force of this Law.

#### Article 96-a

**The Agency shall adopt the regulations referred to in Article 7 paragraph (4) and Article 12-a within a period of three months, and the regulations referred to in Article 18 paragraph (3), Article 48 paragraph (2) and Article 61 paragraph (3) within a period of six months from the day of entering into force of this Law.**

#### Article 97

This Law shall enter into force on the day of its publication in the "Official Gazette of the Republic of Macedonia", and the provisions from "Chapter IV – System of salaries and allowances for the civil servants" shall be applied from 01<sup>st</sup> January ~~2001~~**2002**.