

THE PARLIAMENT OF ROMANIA

Law no.188/1999

From December 8th 1999

Regarding the regulations of civil servants

Completed and published in the Official Gazette of Romania no.293
on June 28. 2000

With regard to art. 114 paragraph (4) in the Constitution of Romania

CHAPTER I

General stipulations

Art.1. – This law establishes the structure of civil service and the regulations of civil servants.

Art.2. – (1) A civil servant is a person who has been appointed to officiate as a public functionary.

(2) According to this law the sum total of civil servants working within public organisms of authority and institutions make up the civil serving body.

(3) Civil servants are to be appointed by the chief of the public organism of authority or institution, with regard to the regulations of this law.

Art.3. – (1) Civil service represents the ensemble of prerogatives and responsibilities established by the public organism of authority or institution with regard to this law, in order to fulfil its attributions.

(2) Civil services are stipulated in the annex to this law. The annex may be supplemented by Government resolution.

Art.4. – The principles that civil service is based upon are:

- a) Ensurance of all activities performed by civil servants with promptitude, efficiency and freedom of all prejudices, corruption, misuse of authority and political pressure.
- b) Civil servants are to be selected by competence criteria alone.
- c) Equality of opportunities to enter and promote within the body of civil servants.
- d) Permanence of civil servants.

Art.5. – (1) The stipulations of this law apply to all civil servants, including those who have their own regulations approved by special laws, unless they stipulate otherwise.

(2) The staff of the public organisms of authority and institutions that perform tasks of secretariat, administrative service, protocol, maintenance, repairing and attendance services is to be employed with individual labor contract. Persons that are employed for these jobs are not civil servants and fall under the jurisdiction of labor laws.

Art.6. – In order to work as a civil servant a person must fulfil the following terms:

- a) Has only Romanian citizenship and lives in Romania.
- b) Knows Romanian language, writing and speaking.
- c) Is over the age of 18.
- d) Has full competence to exercise one's duties.

- e) Is in a state of health suitable to the service one stands as a candidate for, certified by a special medical examination.
- f) Carries out the educational terms for civil service stipulated by the law.
- g) Has never been found guilty of any crime that would make one unsuitable to exercise as a civil servant.

CHAPTER II

Stipulated categories of civil servants and classification of civil servants

Section 1

Categories of civil servants

Art.7. – Civil servants are debutante or permanent.

Art.8. – (1) Debutante civil servants are persons who fill a civil service as the result of a contest or examination, until acquiring a permanent status.

(2) A civil servant may service as debutante for a period of 6 months at least but no longer than 2 years.

Art.9. – (1) Civil servants who fall under the jurisdiction of this law are divided into three categories defined in terms of necessary education as follow:

- a) A category – long-term superior education, graduated with license or equivalent diploma.
- b) B category – short-term superior education, graduated with diploma.
- c) C category – highschool or post highschool education graduated with diploma

(2) According to the category civil servants are included in, they perform the following services:

- a) They bring the law into operation and carry it out, perform studies, verifications, counseling, coordination, guidance, elaborate regulations, take decisions and perform any other services that require specialized superior knowledge – A category civil servants.
- b) They bring the law into operation and carry it out, perform studies, elaborate regulation projects, prepare material for decisions and perform some guidance services as well as other services that require short-term superior education – B category civil servants.
- c) They bring the law and other regulations into operation and carry them out, perform guidance and other office activities that require a medium education, technical and professional knowledge of a medium level – C category civil servants.

Section 2

The structure of civil servants' career: categories, classes and levels

Art.10. – Each of the three categories of civil servants is divided into three classes. Each class is a step in the civil servants' career. The hierarchical structure of classes is as follows: class III, class II, and class I, as the maximum level.

Art.11. – Each class is divided into three levels of permanent civil servants. The hierarchical structure of levels is as follow: third level, second level and first level, as the maximum level.

Art.12. – Each level corresponds to a basic salary level within the salary chart.

Art.13. – (1) A civil servant keeps the class and level obtained when no longer in civil service, for reasons unimputable to the civil servant. In this case the Civil Servants' National Agency will

provide the above mentioned civil servant employment in another civil service, as far as available positions do exist, according to the professional qualification of the civil servant.

(2) Civil servants that cannot be taken on the staff as the paragraph above stipulates will benefit by social protection.

Art.14. – Categories, classes and levels of civil servants’ career are as follow:

Categories	Classes		
	Class III	Class II	Class I
	Levels		
A	3 2 1	3 2 1	3 2 1
B	3 2 1	3 2 1	3 2 1
C	3 2 1	3 2 1	3 2 1

Section 3

Classification of civil services

Art.15. – Civil services are classified as follow:

- a) By nature of competencies: civil services of execution and of leadership.
- b) By requirements concerning educational terms: A category civil service, B category civil service, and C category civil service.

Art.16. – Civil servants are identified by their corresponding category, class and level.

Art.17. – With the founding document of a public organism of authority or institution the maximum due number of civil servants in its staff is also to be settled.

CHAPTER III

Paritary committees

Art.18. – (1) Within public organisms of authority and institutions paritary committees are to be established. The members of the committee appointed by the chief of the public organism of authority are equal in number to the members appointed by the concerned civil servants’ union.

(2) Considering the case where civil servants do not have a union, their representatives in the committee are to be appointed by vote of the majority.

Art.19. – (1) Paritary committees take part in setting down regulations concerning: labor conditions, civil servants’ health, ensurance of civil servants safety while performing their prerogatives, the good functioning of the respective public organism of authority or institution.

(2) Paritary committees give their notification in all issues stipulated in paragraph (1) as well as in any other situations at the request of the chief of the public organism of authority or institution.

(3) Paritary committees’ notification has an advisory nature and is always provided in written, with justification.

CHAPTER IV

The management of civil services and of civil servants

Section 1

The National Agency of Civil Servants

Art.20. – In order to create and develop a professional body of civil servants is to be established the Civil Servants’ National Agency, a specialized body of central public administration with juridical status, subordinated to the Government.

(2) The Civil Servants’ National Agency is to be managed by a president with the rank of state secretary, appointed by the Prime Minister.

(3) The Civil Servants’ National Agency is to be financed by the state budget.

Art.21. – (1) The Civil Servants’ National Agency has the following competencies:

- a) elaborates the policies and strategies concerning with the management of civil service and civil servants;
- b) elaborates and gives notifications or suggestions for normative documents concerning with civil service and civil servants;
- c) verifies the way law is put into operation with regard to civil service and the civil servants within the public organism of authority or institutions;
- d) elaborates regulations common to all public organisms of authority and institutions concerning with civil services ranking and classification of positions;
- e) elaborates suggestions in order to make up a unitary system of remuneration fitted to all civil servants;
- f) sets dawn the criteria for evaluation of civil servants activity;
- g) organizes the system of civil servants professional training;
- h) elaborates and supervises training and professional programs for civil servants;
- i) creates and administrates its own data base containing the register of civil services and civil servants;
- j) makes up annual reports concerning with the management of civil services and civil servants that the government hand to the parliament for debate;
- k) elaborates and supervises the organizatoric regulations of contests setting into operation for entering the staff of civil servants;
- l) coordinates and supervises the stipulations of this law to be put into operation;
- m) provides specialized assistance and coordinates the human resources departments from the methodology point of view within the public organisms of authority and institutions of the central and local public administration;
- n) collaborates with international organisms and organizations in the field of human resources management;

(2) The National Agency of Civil Servants fulfills any other prerogatives set dawn by the government concerning with the policies in human resources and the management of human resources.

Art. 22. – (1) The National Agency of Civil Servants keeps the register of civil services and all civil servants.

(2) Within 30 days from ratification of organisatoric and functioning regulations of the National Agency of Civil Servants the public organism of authority and institutions will send the agency the personal data of civil servants as well as the vacant positions of civil servant. Civil Services are established for each public organism of authority and institution by its chief, by ruling of district council decision or, if the case is, of the local council, on the basis of activities stipulated within art.9 (2) and with consultative notification of the Civil Servants’ National Agency.

(3) Personal data of civil servants regard: name; forename; address; place of birth; the civil service in exercise; experience; as well as other prior positions held within civil service; education; academic or scientific honors and foreign languages (spoken, known);

(4) In the first months of every year changes occurred in civil servants situation are to be transmitted according to paragraph (3);

Art. 23. – The organizatoric and Functioning Regulations of the National Agency of Civil Servants is to be approved by government ruling within 30 days from the publication of this law in the National Gazette of Romania, Part I.

Art. 24. – The management of Human resources and civil services is organized and put into operation within each public organism or authority and institution by a specialized department that collaborates with the Civil Servants' National Agency.

Section 2.
The Civil Servant Professional File.

Art. 25. – (1) Each civil servant has a professional file that contains:

- a) The document of appointment; the certificate of studies; and certificate of oath.
- b) The documents regarding the annual evaluation of the civil servant's activity, promotion in positions, classes, levels or categories, as well as penalties bared will be set in chronological order without discontinuities.

(2) In the professional file of the civil servant documents concerning with his activities or opinions regarding politics, unions, religion, or anything else of this nature are not to be included.

(3) The civil servant will be provided at request with copies of the existing documents in his professional file.

CHAPTER V
Rights and Obligations

Section 1
The rights of Civil Servants

Art. 26. – (1) The right to an opinion is guaranteed to the civil servants.

(2) Any discrimination among civil servants for political, union, religion, nationality, sex, wealth, social origin, or any other such reasons is forbidden.

Art. 27. – (1) the right to form a union is guaranteed to the civil servants by the stipulations of the law.

(2) Civil Servants may join professional or any other organizations that are concerned with representation of their own interests, professional training and maintenance of their status.

Art. 28. – Civil Servants may have the right to strike by the stipulations of the law.

Art.29. – For their activity civil servants have the right to remuneration, which is made up by minimum salary, bonuses and compensations.

Art. 30. – (1) The law sets the remuneration system for civil servants.

(2) In order to set the remuneration system the following is to be considered:

- a) The necessity to minimize the costs of the public administration considering still that competent civil servant must be properly motivated and rewarded.
- b) The setting of hierarchy in the remuneration system based upon categories, classes and levels for the evaluation of the position.
- c) The setting of a fair balance between the fix part and the variable one of the salary which is to account for the activity performed and its importance.

Art.31. – Civil Servants, who must wear a uniform while exercising, receive it for grant.

Art.32. – (1) The normal duration of the working time for civil servants is of 8 hours per day and 40 hours per week.

(2) For the hours worked at the order of the chief of the public organism of authority or institution over time or during legal holidays, the executive civil servants have the right to recover or to get paid with a hundred per cent compensation from the minimum salary. The number of hours paid with 100% compensation cannot overcome the number of 360 within o year.

Art.33. – (1) Civil Servants have the right to paid leave, medical leave and others by the stipulation of the law.

(2) Civil servants, aside the remuneration for the leave have the right to a bonus equal to the minimum salary of the month prior to the leave, which is to be separately taxed.

Art. 34. –During the medical leave, maternity leave and those for raising and care of children, the work connections cannot cease and cannot be modified unless the civil servant concerned decides otherwise.

Art. 35. – (1) The public institutions have the obligation to provide civil servants with normal conditions of labor hygiene so as to protect their health and physical integrity.

(2) Under health motivation civil servants may be exceptionally approved to change the department of the public organism of authority or institution where he works maintaining the class and level already held. The change may be put into practice only if the concerned civil servant is professionally capable of fulfilling the new prerogatives.

Art. 36. – Civil servants benefit by medical assistance, prosthesis and medication by the stipulation of the law.

Art.37. – Civil servants benefit by retirement remuneration as well as other rights to state social security by the stipulation of the law.

Art. 38. - (1) In case the civil servant dies, his family, according to the law have the right to successor alimony are to receive equivalent of the deceased civil servant's minimum salary of the passed month of activity for a period of time of three months.

(2) If the case is that the successor alimony has not been issued on the public organism of authority or institution's guilt within three months from the decease it will keep paying the rights stipulated within paragraph (1) until the decision for successor alimony is issued.

Art. 39. - (1) Civil servants benefit by law protection while exercising their prerogatives.

(2) The public organism of authority or institution that the civil servant exercises within is compelled to ensure the civil servant against threats, violence and insults that he might suffer while exercising his prerogatives.

Art. 40. - The public organism of authority or institution is compelled to compensate the civil servant in case he suffered on the public organism of authority or institution's guilt a material damage while performing his attributions.

SECTION 2.

Civil servant's obligations

Art. 41. - Civil servants have the obligations of consciously performing their prerogatives with professionalism, loyalty and fairness, and to refrain themselves from any action that might cause damage to the public organism of authority or institution he performs his prerogatives within.

Art. 42. - Civil servants have the obligation to refrain themselves from expressing or manifesting their political believes while exercising their prerogatives.

Art.43. - (1) Civil servants are responsible to fulfill the prerogatives of the civil service they exercise as well as any other authorized prerogatives stipulated by the law.

(2) The civil servant is to obey the orders issued by civil servants in leadership positions to which they are directly subordinated, unless they appreciate that those orders are illegal. In such cases the civil servant has the obligation of notifying in written the refusal to obey the order. If the civil servant that issued the order insists on its being carried out he is to notify that in written. Under this circumstance the order is to be carried out by the civil servant that received it.

Art. 44. - Civil servants are to keep state confidentiality and work confidentiality as the law stipulates.

Art. 45. - Civil servants are to keep confidentiality regarding facts, information, he becomes aware of while performing his prerogatives.

Art. 46. - (1) Civil servants are forbidden to accept or ask for presents or any other benefits directly or indirectly for themselves or for other persons by their prerogatives.

(2) Civil servants are to state for the public organism of authority or institution's chief their personal properties when appointed in service as well as when leaving it as the law stipulates it.

Art. 47. - (1) Civil servants have the duty to resolve the project assigned by the chief of the department the civil servant works within.

(2) The executive civil servants are forbidden from personally receiving assignments of their competency as well as from intervening for their solution.

Art. 48. - (1) Civil servants are to better their professional training within the public organism of authority or institution by attending training programs organized for this purposes.

(2) In the case where training programs are organized in another locality civil servants benefit by commuting compensation as this law stipulates.

(3) Civil servants who attend a specializing or training program for a period of time longer than three months and receive their payment rights for this period of time are compelled to engage themselves in written that they will continue working for 1-5 years within the respective public organism of authority or institution. In case this commitment is not honored they will bear the expenses of the public organism of authority or institution proportionally with the period of time left until the end of term. The stipulations of this paragraph are not to be applied in the case where the civil servant is no longer employed for reasons unimputable to him or in the case of transfer.

(4) The results obtained by civil servants at training programs will be considered for their annual evaluation.

CHAPTER VI.

Selection and appointment of civil servants

Section 1.

Selection of civil servants

Art.49. - (1) Admittance in civil servants staff is made only by contest organized by the public organism of authority or institution concerned.

(2) The contest is to be organized considering only the vacant positions remained after the stipulations of art. 13 (1) have been applied as well as the legal stipulations regarding transfers. Persons dissatisfied with the result of the contest may address the administration disputed claims office.

(3) Vacant positions that contest are organized for are made public 30 days prior to the date of the contest.

(3) Entrance in career civil serving body right after graduation is to be made only on a debutante position.

(4) Government ruling makes the organizing terms of contest as well as the ratifying terms of its results.

Art. 50. - In order to compete for debutante civil servant position candidates must fill the terms stipulated at art.6.

Art. 51. - (1) Persons who held positions of public dignity elected or appointed or positions equivalent to it, according to the law, as well as persons who held special positions outside public organisms of authority or institutions may be appointed in permanent civil service positions as the result of the contest. These persons will be appointed in the corresponding category of education with the class and level corresponding to experience in the specialized or public dignity position, to which experience in prior held civil service positions is added if the case.

(2) Persons who return to civil serving body after leaving it for reasons unimputable to them are to be taken in with the class and level priority held to which, through the examination organized by the Civil Servants' National Agency, classes and levels corresponding to the work experience in other departments may be added

SECTION 2. ***Probation term***

Art. 52. - (1) The candidates who succeeded at contest are appointed as debutante civil servants by ruling or if the case by notification of the public organism of authority or institution's chief in which the vacant position is contained.

(2) The length of probation term is 12 months for A category civil servant, 8 months for B category civil servants and 6 months for C category civil servants.

(3) The probation term is considered when evaluating experience in civil service.

Art. 53. - (1) Debutante civil servants may acquire permanent status after the end of probation term.

(2) The probation term has the objective to confirm the professional abilities in the prerogative fulfilling and responsibilities of public service, practical formation, knowing by them the public administration specific and its exigencies.

(3) At the end of probation the civil servant debutante make a probation report. The organism of probation, conditions of evaluation as well as specific regulations to be applied to the civil servant debutante are to be established by Government ruling at the proposal of The National Agency of Civil Servants.

SECTION 3. ***Appointment on the positions of civil servants***

Art. 54. - (1) At the end of probation term, according to the evaluation result, as stipulated in art. 53 paragraph (3), the debutante civil servant is appointed permanent civil servant, third class, third level within the category corresponding to his education or, if the case, is asked to repeat only for one more time the probation term. According to the evaluation results achieved after probation term is repeated, the debutante civil servant is either confirmed on the position or fired for professional incompetence.

(2) The appointment in permanent civil servant position as well as in leadership civil services is made by the public organism of authority or institution's chief.

Art. 55. (1) The permanent civil servant pledges his oath in the presence of the public organism of authority or institution's chief and of two other witnesses of which one is the chief of the department where the civil servant is appointed and the other one is a civil servant within the same public organism authority or institution.

(2) The oath consists in the following: " I pledge myself to respect the Constitution, the fundamental human rights and freedom to apply correctly and objectively the laws of the country to endeavourly fulfill the prerogatives assigned to me by the civil service I was appointed to and to keep the professional confidence. So help me God!"

(3) The oath may be pledged without the religious ending.

(4) The refusal to pledge the oath stipulated at paragraph (2) draws the annulment of appointment as a consequence.

SECTION 4 ***Incompatibilities***

Art. 56. - (1) The civil servant position is incompatible to any other civil service position except for the position within the teaching body.

(2) Civil servants may not held positions in autonomous administration offices, trade offices and any other productive units.

Art. 57. - Civil servants may not perform productive activities connected to their prerogatives within any productive units and may not represent other persons with documents that concern the civil service they perform.

Art.58. - (1) All civil servants except those employed within the ministries concerning national defense and safety, or public order, may be elected or appointed for a public dignity position. While exercising these new prerogatives they are suspended from the civil service position they hold and keep the class and level obtained.

(2) After the mandate expires, the public organisms of authority or institutions where they were employed are to ensure the civil servant with the position priory held or with an equivalent position. The length of the mandate is to be considered as experience in civil service.

CHAPTER VII

Evaluation activity and civil servant's career

Section 1

Evaluation of civil servant's activity

Art.59. - (1) The evaluation of civil servants' activity is made in order to grant remuneration rights according to the individual professional performances based on criteria elaborated by the National Agency of Civil Servants.

(2) The evaluation of civil servants is made considering the performance criteria that classes and levels are defined upon within the same category.

Art.60. - (1) At the beginning of the year, the chiefs of departments are to notify each civil servant in written upon the performance criteria set by the National Agency of Civil Servants, corresponding to the category, class and level held by the civil servant.

(2) Every year the chiefs of departments within public organisms of authority or institution fills in and registers in the evaluating file the individual professional performances achieved within the past 12 months by the civil servants subordinated to him.

(3) Consequently to the individual professional performance evaluation the civil servant is granted with one of the following qualificatives: "exceptional" , "very good" , "good" , "satisfying" , "unsatisfying".

Art.61. - The evaluation criteria of individual professional performances as well as the contesting criteria of qualificatives is to be set by Government ruling at the notification of the Civil Servants' National Agency.

Art.62. - (1) The civil servant gratified for the past year with "unsatisfying" or "satisfying" qualificative cannot be promoted during the next year.

(2) In the case where for the past two years the civil servant has been gratified with "unsatisfying" qualificative the chief of the public institution will suggest the civil servant an inferior position. If the suggestion is not accepted the civil servant will be released from his position.

(3) In the case where the number of positions is reduced within a public organism of authority or institution, its chief will consider the results acquired by civil servants at the annual evaluation of activity.

Section 2

Promotion in levels, classes and categories.

Art.63. - (1) In professional career civil servants benefit by the right to promote in level, class or category, according to the results obtained at the individual professional performance evaluation if a superior education graduation diploma is obtained.

(2) Each level corresponds to a minimum remuneration level that is to be granted starting with 1st of January of the year following the period for which the evaluation was performed.

Art.64. - (1) Promotion to the next level is made within the same class.

(2) Promotion to the next level is made annually and is granted to all civil servants that obtained the qualificative "good" at the individual professional performances evaluation for two consecutive years.

(3) As an exception, civil servants who obtained the qualificative "exceptional" promote in level if they have the minimum experience of one year in the level from which they are promoted.

Art.65. - (1) Promotion with a level in the next class is made from level 1 of a class to the 3rd level of the next class.

(2) Civil servants promote in class if they have an experience of minimum 3 years in the class they are promoted from and if they obtained "very good" qualificative for the past two years at the annual individual professional performance evaluation.

Art.66. - (1) Only civil servants enlisted in the promotion chart that is annually set and filled in by the public organisms of authority or institutions may benefit by promotion.

(2) In order to be enlisted in the promotion chart civil servants have to have obtained at the annual individual professional performance evaluation of the past two years prior to enlisting "exceptional" qualificative.

(3) As an exception, civil servants who promoting the levels of the 3rd class and the first level of the 2nd class had obtained "exceptional" qualificative may be enlisted in the promotion chart in order to promote straight to the 3rd level of the 1st class.

(4) Promotions in class are made in order of enlistment on the promotion chart within the number of vacant positions without overcoming the maximum number of confirmed civil servants set for each class, with regard to this law.

(5) Government ruling or if the case district or local council ruling sets the maximum number of confirmed civil servants within each public organism of authority or institution as against the sum total of civil servants.

(6) Promotions authorized by the public organisms of authority or institutions are to be notified within 30 days to the Civil Servants National Agency.

Section 3

Appointment in leadership civil service positions

Art.67. – Leadership civil services within public organisms of authority or institutions are stipulated within the annex to this law. The terms for occupying these positions are set by Government ruling or if the case by district or local council ruling.

Art.68. – (1) Appointment in leadership civil service positions is made through contest organized by the public organism of authority or institution in the limit of vacant positions.

(2) Government ruling at the notification of the Civil Servants' National Agency within 30 days sets the procedure of contest from the time this law is put into operation.

CHAPTER VIII

Disciplinary penalties and responsibility of civil servants

Art.69. – The intentional violation of work responsibilities by civil servants draws disciplinary, contraventional, civil or juridical consequences.

Art.70. – (1)The intentional violation of work responsibilities by civil servants is a breach of duty and draws disciplinary consequences.

(2) Breaches of duty are:

- a) systematic delays in work
- b) absences without leave from work
- c) interventions or requests for solving some requests outside the legal stipulations
- d) disrespectful attitudes while performing their prerogatives
- e) non-observance of the professional confidentiality or the confidentiality of projects that have this trait
- f) unfounded refusal to perform work prerogatives and attributions
- g) repeated negligence in performing prerogatives
- h) manifestations that damage the prestige of the public organism of authority or institution the civil servant works in
- i) expression of political opinions or performing political activities while exercising civil service prerogatives
- j) violation of legal stipulations concerning with incompatibilities and interdictions for civil servants

(3) Disciplinary consequences are:

- a) warning
- b) reprimands
- c) remuneration penalties with 5-10% for a duration of 1-3 months
- d) suspension of the right to promotion for 1-3 years
- e) exercisement in an inferior position for 6-12 months with the corresponding diminution of remuneration
- f) release from the position

(2) At individualization of the disciplinary consequence the causes and gravity of the breach of duty will be considered as well as the circumstances where it occurred, the degree of guilt, consequences off the breach, the general behavior of the civil servant and the presence of a history in duty breach that has not been annulled by the stipulations of art.75.

(3) Disciplinary consequences do not apply until the breach has been examined and the civil servant heard. The hearing of the civil servant must be registered in written otherwise it is considered nonsolid. The civil servant's refusal to present himself at the hearing or to sign a statement regarding the breaches of duty is registered in report in such cases disciplinary consequences apply.

Art. 71. - (1) Disciplinary consequences stipulated in art.70 (3) a) and b) may be applied directly by the chief of the department that the civil servant exercises within.

(2) Against disciplinary consequences applied under the stipulations of (1) the civil servant may appeal to the chief of the public organism of authority or institution within 15 days from the notification of the sanction applied who issues the permanent ruling or disposition considering the proposal of the disciplinary committee.

Art.72. - Disciplinary consequences stipulated in art .70. (3) c) - f) are applied by the chief of the public authority or institution considering the proposal of the disciplinary committee.

Art. 73. - (1) Within public organisms of authority or institutions there are created disciplinary committees with the competency to examine and propose the sanction to be applied the civil servants within the respective public organisms of authority or institutions.

(2) The establishing methodology of disciplinary committees their competencies, prerogatives and procedures will be set by Government ruling at the suggestion of the Civil Servants' National Agency.

Art.74. - The civil servant dissatisfied with the sanction received may appeal to the Disputed Claim Office, requesting the annulment or modification by the case of the sanctionary order or disposition.

Art. 75. - Disciplinary sanctions are annulled in fact as follows:

- a) Within a year from operation, the disciplinary sanctions stipulated in art. 70 (3), a) and b) if the civil servant has not committed another breach of duty within this period of time.
- b) Within 2 years from the end of the term they were applied for the sanction stipulated in art. 70. (3) c) -e) if the civil servant concerned has not committed another breach of duty within this period of time.

Art.76. - (1) Contravention penalty of civil servants is inflicted in the case were they committed a contravention while performing or concerning with their prerogatives.

(2) Against the report of contravenience and the sanction applied the civil servant may appeal to the courthouse under whose jurisdiction is located the public organism of authority or institution that the civil servant is employed.

Art. 77. - Civil action against the civil servant is administered:

- a) for intentional damages brought to the patrimony of the public organism of authority or institution he works in;
- b) for not handing back within the legal term the sums of money he has been unworthy granted;
- c) For the damages paid by the public organism of authority or institution as perpetrator to other persons upon definitive and irrevocable justice rule.

Art.78. - (1) Repairment of damages brought to the public organism of authority or institution in the situations stipulated in art. 77. a) and b) is established through order or disposition from the chief of the public organism of authority or institution within 30 days from the damage notification or if the case through assuming a payment contract and in the situation stipulated in c) of the same article, based upon a definitive and irrevocable justice rule.

(2) Against the penalty order or disposition the concerned civil servant may appeal to the Disputed Claim Office.

(3) The chief of the public organism of authority or institution's right to issue the penalty order or disposition is laid down within 3 years from the date when the damage was made.

Art. 79.-(1) The civil servant's responsibility for infringement of the law committed while performing his prerogatives or concerning them is beared according to the penal law.

(2) In case where after the notification of Justice Court or of the Penal Examination Organism penal action has been issued , the chief of the public organism of authority or institution will suspend the civil servant from his civil serving position.

(3) Suspension from position applies also to the case where penal action has been issued against the civil servant who has committed an infringement of the law that would make him incompatible to the civil serving position he is employed for.

(4) If the Court of Justice exonerates or ends the penal action in the cases stipulated in (2) and (3) as well as in the case where the Court of Justice issues acquitment or closer of trial the suspension from position comes to an end.

Art. 80. - In the situations stipulated in art. 79. (4) the public organism of authority or institution owes the civil servant his remuneration rights for the period of time he was suspended.

CHAPTER IX

Modification and ceasing of work relations

Section 1.

Delegation and detachment

Art.81. – Civil servants may be delegated or detached by the chief of the public organism of authority or institution to perform certain activities outside the public organism of authority or institution, within the same locality or another one.

Art. 82. – (1) Delegation is issued in the interest of the public organism of authority or institution where the civil servant exercises , for a length of time of maximum 30 consecutive days but no more than 60 days in a year.

(2) During delegation the civil servant keeps his civil serving position and remuneration and the public organism of authority or institution that delegate him has to support the legal cost of transportation accommodation and delegation remuneration. The delegation remuneration is equal to the remuneration for 8 hours of work.

Art. 83. – (1) Detachment order is issued in the interest of the public organism of authority or institution where the civil servant is supposed to exercise for a length of time of maximum 3 months. During a calendaristic year a civil servant may be detached for more than 6 months only with his written agreement.

(2) During detachment the civil servant keeps his position and remuneration rights. If the remuneration corresponding to the civil service to which he is detached is bigger he has the right to this remuneration. During detachment in another locality the beneficiary public organism of authority or institution must support the legal cost of two-way transportation at least once a month of accommodation and of detachment remuneration.

Art. 84. – The civil servant may refuse detachment under the following circumstances:

- a) if detachment is to take place in a locality where he is not provided with corresponding accommodation;
- b) in the situation when his state of health proven with medical certificate is not suitable for detachment;
- c) any time that important familial reasons justify the refusal to accept detachment.

Section 2

Interruption of activity at request

Art.85. – Interruption of activity at request represents the temporary sustention from position for a justified personal reason and is granted by the chief of the respective public organism of authority or institution. The interruption is to be communicated to the Civil Servants' National Agency.

Art. 86. – The length of activity interruption at request must be between 6 month and 4 years with the right to prolongation for time period of maximum 4 years through special laws other periods of activity interruption for certain categories of civil servants may be also stipulated .

Art. 87. – The civil servant appointed or elected in a public dignity position is in the situation of activity interruption at request throughout the length of mandate.

Art. 88. – When the period of activity interruption at request expires the civil servant must ask for his reintegration within the public organism of authority or institution where he priory held a position. Law grants this. Resuming activity before the term that interruption was granted for ends is made at request.

SECTION 3

Ceasing work relations

Art. 89. – Ceasing work relations of civil servants takes place under the following circumstances:

- a) resignation;
- b) transfer;
- c) release from position;

- d) dismissal from position;
- e) retirement from position, within the stipulations of the law, or when maintaining in position the reemployed retired civil servant is no longer necessary;
- f) decease .

Art 90. – (1) The civil servant may ask for ceasing work relations through resignation.

(2) Resignation is effective 15 days from notification if the solicitor and the chief of the public organism of authority and institution haven't agreed for this to be effective sooner. In case of leadership positions the term is of 30 days.

Art. 91. – (1) Ceasing work relations may occur through transfer for work considerations or through the chief of public organism of authority or institution's consent to the transfer request of the civil servant to another public organism of authority or institution.

(2) Transfer for work considerations is possible only with the written agreement of the transferred civil servant. In this case the civil servant keeps his class and level priority held.

(3) In case of transfer for work considerations in another locality the transferred civil servant has the right to remuneration equal to the minimum salary of the prior month and support of transportation expenses and a paid leave of absence for 5 days.

(4) Payment of the rights stipulated in (3) is covered by the public organism of authority or institution to which the transfer is being made.

Art. 92. – The chief of the public organism of authority or institution will decide the civil servant's release from position under the following circumstances:

- a) a legal reason of incompatibility has occurred;
- b) the public organism of authority or institution ceased its activity or has relocated in another locality and a civil servant does not wish to follow it;
- c) For professional incompetence, within the stipulations of art. 54 paragraph (4) or, if the case, art. 62. paragraph (2);
- d) The public organism of authority or institution reduces staff as a consequence of reorganization by reducing the number of positions such as the one occupied by the civil servant and the latter refuses the offer of the Civil servants' National Agency;
- e) The civil servant does no longer fulfill the stipulations of art.6 letter a) and d) to g).

Art. 93. – In the cases stipulated in art. 92. The public organism of authority or institution has the obligation of granting the civil servant of 15 calendaristic days notice. In this period of time a chief of the public organism of authority or institution may consent to reducing working schedule up to 4 hours daily without any consequences under remuneration rights. If granting the notice is not possible the civil servant has the right to receive when released from position compensation equal to the minimum remuneration for this period of time.

Art. 94. – Dismissal from position is ordered as a disciplinary sanction in the case of repeatedly breaching the duty or when the civil servant has been convicted through a definitive sentence.

Art. 95. – In the case of release or dismissal from position the civil servant may ask the Disputed Claims Office the annulment the order of the release or dismissal within 30 days of its notification.

Art. 96. – When ceasing work relations under the stipulations of art. 89. a) – e) the civil servant must turn in all projects and goods he was entrusted with in order to exercise his prerogatives.

CHAPTER X

Permanent and transitory dispositions

Art. 97. – (1) Civil servants who were employed for a non definite period of time within public organism of authority or institutions will be appointed in the civil services corresponding to the positions they occupied with regard to the stipulations of this law until July 31. 2000.

(2) Civil servants who occupy a leadership civil serving position within a public organism of authority or institution will take an examination to confirm their position. Government ruling will set the examination terms for the confirmation.

(3) Appointment is made through order of the chief of the public organism of authority or institution in the civil service corresponding to the occupied position.

Art. 98. – (1) The staff within dignitary offices is hired with individual labor contract on a defined period of time when it does not held the position of civil service.

(2) To the persons stipulated in (1) dispositions of art. 56 and art. 57 are being applied correspondingly.

(3) Civil servants who occupy a position within the high official's office for a defined period of time may ask for activity interruption benefiting thus by the right of being reintegrated within the civil serving staff. This period of time is considered experience in civil service.

Art. 99. (1) – In the local administrative units where persons belonging to a minority are over 20% some of the civil servants in the positions that imply direct contact with citizens are to know the language of that minority.

Art. 100. – The government will initiate the adapting procedure to the stipulation of this law of the regulations approved by special laws respecting at the same time the characteristics of those civil services within 90 days from this law's becoming operational. The Civil Servants' National Agency will supervise the adjustment process.

Art. 101. (1) – Until civil servants within presidency, Deputy Chamber, Senate, Constitutional Court, Audit Court, Legislative Council, Public Attorney and Competition Council have their own regulations approved they are subjected to these laws stipulations with the exceptions of those regarding the Civil servants' National Agency.

(2) Appointment, promotion, training and remuneration of these civil servants are made according to special laws.

Art. 102. – Law suites regarding labor conflicts in which one side is a civil servant that were being still not solved when these regulations became operational will continue to be judged according to the existing law in its beginning moment.

Art. 103.– The stipulations of this law are completed with the stipulations in the labor law.

Art. 104. – (1) This law becomes operational within 30 days from its publication in the National Gazette of Romania, part I with the exception of art. 23. Which becomes operational the moment it is published.

(2) When this law becomes operational any other stipulations that are contrary are annulled.

This law has been adopted under the stipulations of art. 113 from the Constitution of Romania as consequence to Government are assuming responsibility in the common session of Deputy Chamber and Senate from 29 November 1999.

ANNEXE

Art. II. – Within three months from this Government Decision setting into operation Civil Servants National Agency and the Minister of Labor and Social Protection, with the approval from the Minister of Finance, will elaborate the law project regarding the remuneration of civil servants.

Art. III. – Until the law regarding remuneration for civil servants is put into operation, civil servants will be remunerated according to the stipulations of Government Emergency Ordinance no. 24/2000 regarding the system of establishing the basic remuneration for the contractual staff within the budgetary sector, except for the civil serving positions stipulated at 1-6 in chapter I of the annex to Law no. 188/1999, to which are applied the stipulations of law no. 154/1998.

Art. IV. – In determining civil serving positions for every public organism of authority and institution, according to the stipulations of art. 22 paragraph (2), the second thesis of Law no.

188/1999 regarding the statute of civil servants, the equivalence between the respective civil services (by levels and classes) and the specialized positions (by classes and ranks) stipulated in the annexes to the Government Emergency Ordinance no. 24/2000 will also be made as follow:

- a) The first four levels, meaning class I – levels 1-3 and class II – level I, of civil serving positions stipulated in chapter II, letter B, chapter III, letter B and chapter IV, letter B in the annex to Law no. 188/1999 are equivalent to levels I A – III, respectively ranks I A – III, where the case, stipulated in annex I and chapter I of annex no. II to the Government Emergency Ordinance no. 24/2000.
- b) The following five levels, meaning class II – levels 2-3 and class III – levels 1-3 of civil serving positions stipulated in chapter II letter B, chapter III, letter B and chapter IV, letter B within the annexe to Law no. 188/1999 are equivalent to rank IV, respectively level IV, where the case, that is stipulated in annexe no. I and in chapter I of annexe II to the Government Emergency Ordinance no. 24/2000.
- c) Debutante level that is stipulated in the annexe to Law no 188/1999 is equivalent to the debutante level stipulated in annexe no. I and in chapter I of annexe no. II to the Government Emergency Ordinance no 24/2000.
- d) For specialized positions without professional ranks and levels that are stipulated in chapter II, letter B in annexe no. I to the Government Emergency Ordinance no. 24/2000, the equivalence will be accomplished as against the civil serving positions that are occupied, the enlisting level of those positions and the result of the individual professional performance evaluation, with regard to the regulations approved according to the stipulations of art. 12 paragraph (1) and (2) in Law no. 154/1998.

PRIME MINISTER
MUGUR CONSTNTIN ISĂRESCU

COUNTER-SIGNATURES:

Ludovic Orban
State Secretary
President of Civil Servants National Agency

Marian Pârjol
State Secretary
Minister of Civil Service

Mircea Ciumara
State Minister
President of the Financial-Economical Coordinating Committee

Smaranda Dobrescu
Minister of Labor and Social Protection

Decebal Traian Remeş
Minister of Finance

Bucharest, June 19. 2000.
No. 82

THE LIST
Containing civil services

I. Government and Parliament Machinery

A. Leadership civil serving positions

1. General Secretary of the Government
2. General Secretary of the Senate
3. General Secretary of the Deputy Chamber
4. Deputy General Secretary of the Government
5. Deputy General Secretary of Senate
6. Deputy General Secretary of Deputy Chamber
7. Chief of the Department
8. General Director
9. Director
10. Deputy Director
11. Chief Accountant
12. Sector Manager
13. Department Manager
14. Office Manager

B. Executive civil serving positions

1. Counselor		A Category Level 2	Class I	Level 1
				Level 3
2. Expert	A Category	Class II	Level 1 Level 2	Level 3
		Class III	Level 1	Level 2 Level 3
3. Legal adviser	A Category	Class I	Level 1	Level 2 Level 3
			Class II	Level 1 Level 2 Level 3
			Class III	Level 1 Level 2 Level 3
4. Auditor	A Category	Class I	Level 1	Level 2 Level 3
			Class II	Level 1 Level 2

					Level 3
				Class III	Level 1
					Level 2
					Level 3
5. Specialised referent	B Category	Class I	Level 1		Level 2
					Level 3
				Class II	Level 1
					Level 2
					Level 3
				Class III	Level 1
					Level 2
					Level 3
6. Referent	C Category	Class I	Level 1		Level 2
					Level 3
				Class II	Level 1
					Level 2
					Level 3
				Class III	Level 1
					Level 2
					Level 3
					Debutante

II. Staff of Ministers and other specialized organisms of the central public administration

A. Leadership civil serving positions

1. General secretary
2. Deputy General Secretary
3. General Commissioner
4. Chief of Department
5. General director
6. Chief inspector of state
7. General inspector of state
8. Deputy General Director
9. Deputy chief inspector of state
10. Deputy general inspector of state
11. Deputy General Commissioner
12. Director
13. Chief inspector
14. Deputy Director
15. Deputy Chief Inspector
16. Chief accountant
17. Chief of sector
18. Chief Commissioner of Division
19. Chief of Service
20. Office Manager

A. Executive civil serving positions

1. Counselor	A Category	Class I	Level 1	Level 2 Level 3
2. Expert	A Category	Class II	Level 1	Level 2 Level 3
			Class III	Level 1 Level 2 Level 3
3. Specialized Inspector	A Category	Class II	Level 1	Level 2 Level 3
			Class III	Level 1 Level 2 Level 3
4. Legal Advisor	A Category	Class I	Level 1	Level 2 Level 3
			Class II	Level 1 Level 2 Level 3
			Class III	Level 1 Level 2 Level 3
5. Auditor	A Category	Class I	Level 1	Level 2 Level 3
			Class II	Level 1 Level 2 Level 3
			Class III	Level 1 Level 2 Level 3
6. Specialized Referent	B Category	Class I	Level 1	Level 2 Level 3
			Class II	Level 1 Level 2 Level 3
			Class III	Level 1 Level 2 Level 3
7. Referent	C Category	Class I	Level 1	Debutante Level 2 Level 3
			Class II	Level 1 Level 2 Level 3

				Class III	Level 1 Level 2 Level 3 Debutante
8. Commissioner	A Category	Class I	Level 1		Level 2 Level 3
				Class II	Level 1 Debutante
	B Category	Class I	Level 1		Level 2 Level 3
				Class II	Level 1 Debutante
	C Category	Class I	Level 1		Level 2 Level 3
				Class II	Level 1 Debutante

III. The prefect office machinery, decentralized services of ministries and of other central organisms of specialized central and local public administration units

A. Leadership civil serving positions

1. General Secretary of the Prefecture
2. General Director
3. Director, deputy director

- A. The executive public positions
1. Counselor, expert, consultant
 2. Specialty inspector, specialty referent
 3. Inspector
 4. Referent

Note

The specific public positions of authorities or central public institutions or institutions subordinated to them are established by chiefs of authorities or respective institutions according with the higher authority agreement and with Civil Servants' National Agency notification.

- I. The staff of prefect and of public local administration.
 - A. Public positions of leadership
 1. Secretary of district, Bucharest municipality secretary, Prefect's office secretary
 2. Municipality, city, commune secretary
 3. Department chief
 4. Chief- architect, deputy- architect
 5. Manager, deputy manager
 6. Departmental head, office head, sector head

B. Executive public positions

1. Counselor, expert, consultant
2. Speciality inspector, speciality referent; ranks II and III
3. Inspector, referent
4. Agricultural engineer
 5. Veterinary surgeon
 6. Tax collector
 7. Agricultural officer

NOTE:

1. The prefect's ruling with the agreement of the Civil Servants' National Agency sets the specific positions within the prefecture's office staff.
2. Specific positions within the staff of the local public administration are set through ruling of the district council or local council ruling at the notification of the district council's chair or the Mayor if the case, with the agreement of the Civil Servants' National Agency.
3. Specific civil serving positions within the local public administration machinery are set down at the proposition of the District Committee Chair or at the Mayor's proposition through the District or Local Committee ruling with the approval of the Civil Servants National Agency.
4. Stipulations of this law regarding the legal advisors are applied to them until the status of this professional category is adopted.