

Law of the Republic of Azerbaijan On Civil Service

Chapter I GENERAL PROVISIONS

Article 1. Objective of the Law

This Law shall regulate relations between state and civil servants in the area of civil service in the Republic of Azerbaijan and issues related to the legal status of civil servants.

Article 2. Civil service

2.1. Civil service is the performance by civil servants their official duties in the area of implementation of state objectives and functions in accordance with the Constitution and other legislative acts of the Republic of Azerbaijan.

2.2. This Law shall be applied to civil servants employed by bodies of executive, legislative and judicial authorities.

2.3. Service of the civil servants employed in the prosecutor's office, bodies of justice, national security, defense, emergencies, border service, migration service, internal affairs, custom, tax, foreign affairs and field-chasseur service, in the National Bank of the Republic of Azerbaijan shall be regulated by other laws of the Republic of Azerbaijan considering provisions related to the right of citizens of the Republic of Azerbaijan to be recruited to the civil service, recruitment to civil service on competition and transparency basis, performance appraisal of the civil servants and other principles of civil service and service in these bodies is the specific type of the civil service.

This Law is applied to the persons working in the offices of these bodies (except for the National Bank of the Republic of Azerbaijan) and not owning military or specific ranks (employers not being civil servants – cleaners, yard cleaners, gardeners, guards, stokers, workers without professional rank, etc.).

2.4. Unless otherwise is provided in this Law, this Law shall not be applied to the President of the Republic of Azerbaijan, deputies of Milli Mejlis of the Republic of Azerbaijan, Prime Minister of the Republic of Azerbaijan and its deputies, judges of courts of the Republic of Azerbaijan, an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman), heads of central executive power bodies and their deputies, chairman, deputies, secretary and members of the Central Election Commission of the Republic of Azerbaijan, chairman, deputy and auditors of the Chamber of Accounts of the Republic of Azerbaijan, officials (heads) of the local executive bodies, deputies of the Supreme Mejlis of Nakhchevan Autonomous Republic, Prime Minister of Nakhchevan Autonomous Republic and its deputies, heads of central executive bodies of Nachchivan Autonomous Republic, as well as military servants.

2.5. This Law shall not be applied to employees of institutions being subordinated to the relevant bodies of executive power. Labor relations of these employers shall be regulated by the Labour Code of the Republic of Azerbaijan.

2.6. *(taken out)*.

Article 3. Main duties of civil service

3.1. Main duties of civil service are the following:

3.0.1. to provide rights and freedoms of citizens on the basis of the Constitution of the Republic of Azerbaijan and other legislative acts;

3.0.2. to draft, approve, implement decisions and supervise over implementation within authorities of state bodies;

3.0.3. to provide efficient activity of state bodies and performance of official duties by civil servants.

Article 4. Principles of civil service

4.1. Civil service shall be based on the following principles:

4.1.1. legality;

4.1.2. determination of limits of legislative, executive and judicial bodies competence in the Republic of Azerbaijan;

4.1.3. supervision over state bodies and civil servants and their accountability;

4.1.4. obligatory execution of decisions of higher state bodies and officials within their authorities by subordinated state bodies and officials;

4.1.5. liability of all citizens and officials to implement legal requirements of civil servants and defend their legal actions;

4.1.6. transparency of recruitment to civil service;

4.1.7. recruitment of citizens to the civil service on the competition and interview basis;

4.1.8. equality of rights of citizens in occupation of any civil service position due to their abilities, working achievements and professional development;

4.1.9. equality of rights of citizens regardless of race, nationality, religion, language, sex, social origin, marital, property and official status, residence, convictions, membership in social organizations, as well as other aspects not concerning to the professional qualities of servants;

4.1.10. rotation of civil servants aimed to the efficient application of their potential, service and professional development;

4.1.11. social and legal protection of civil servants, ensuring of decent living conditions for them and their families;

4.1.12. liability of civil servants for performance of service obligation, as well as liability of state authority for actions of civil servant.

4.2. Structures of political parties and social organizations shall not be established within state bodies.

4.3. While performing duties, civil servants shall be guided by the Constitution of the Republic of Azerbaijan, laws and other legislative acts adopted thereof and shall not be related to the decisions of political parties and social organization.

Article 5. Civil service management bodies

5.1. Control over implementation of this Law, normative methodical provision of civil service, determination of shortlist of persons eligible for civil service in the Republic of Azerbaijan shall be performed in the Republic of Azerbaijan by Civil Service Management Board of the Republic of Azerbaijan (hereinafter referred to as the Board). The Board shall consist of 18 members. 6 members of the Board shall be appointed by the President of the Republic of Azerbaijan, 6 members – by the chairman of Milli Mejlis of the Republic of Azerbaijan, 6 members – by the chairman of the Constitutional Court of the Republic of Azerbaijan. Authorities of the Board shall be defined by the Regulations approved by a law.

5.2. The Board shall not be a state body and its members shall perform their duties on social bases.

5.3. Obligation of decisions passed by the Board for relevant civil servants shall be accordingly provided by the President of the Republic of Azerbaijan, chairman of Milli Mejlis of the Republic of Azerbaijan and chairman of the Constitutional Court of the Republic of Azerbaijan.

Article 6. Legislation on civil service

Legislation on civil service consists of the Constitution of the Republic of Azerbaijan, this Law, international agreements supported by the Republic of Azerbaijan, other legislative acts regulating legal aspects of civil service of the Republic of Azerbaijan and determining specificity of legal status of civil servants.

Chapter II STATE BODIES

Article 7. Definition of state body

7.1. State body is an organization of civil servants implementing aims and functions of the Republic of Azerbaijan within the limits determined by legislative acts of the Republic of Azerbaijan, established in accordance with legislation and financed from the state budget.

7.2. A department of a state body established in order provided or determined by legislative acts of this body shall be such structure partly fulfilling authority of the state body within the functions assigned thereto.

Article 8. Classification of state bodies

8.1. Due to their duties, state bodies shall be classified as follows:

8.1.1. supreme state bodies of the Republic of Azerbaijan whose principal authorities are determined by the Constitution of the Republic of Azerbaijan and superior state body or state bodies determined by Constitutional laws of the Republic of Azerbaijan – relevant executive power bodies, bodies directly providing performance of authorities of the relevant executive bodies, Office of Milli Mejlis of the Republic of Azerbaijan, the Constitution Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, relevant executive power body, the Judicial-Legal Board, Office of an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman) (state bodies of the 1st category);

8.1.2. supreme state body of Nakhchevan Autonomous Republic whose principal authorities are determined by the Constitution of the Republic of Azerbaijan – Supreme Mejlis of Nakhchevan Autonomous Republic (state bodies of the 2nd category);

2. Words “supreme state body and” and “relevant executive power body and” shall be taken out in article 8.1.2.

8.1.3. state bodies whose principal authorities are determined by the Constitution of the Republic of Azerbaijan – appeal courts of the Republic of Azerbaijan, relevant executive power body, Supreme Court of Nachchivan Autonomous Republic (state bodies of the 3rd category);

8.1.4. state bodies whose principal authorities are determined by law on the basis of the Constitution of the Republic of Azerbaijan – Office of the Chamber of Accounts of the Republic of Azerbaijan, Office of the Central Election Commission of the Republic of Azerbaijan, Grave Crimes Court of the Republic of Azerbaijan, Military Court of the Republic of Azerbaijan for the Grave Crimes, Court of Nakhchevan Autonomous Republic for the Grave Crimes, relevant military courts having the military courts jurisdiction on the Grave Crimes over the territory of the Nakhchivan

Autonomous Republic, Economic Court of Nakhchevan Autonomous Republic, Secretariat of the Commission on Fighting against Corruption of the Republic of Azerbaijan, Office of the attorney (Ombudsman) of the Nakhchevan Autonomous Republic for Human rights (state bodies of the 4th category);

8.1.5. state bodies whose principal authorities are determined in order anticipated by article 113 of the Constitution of the Republic of Azerbaijan – relevant executive power bodies and bodies of similar authorities, as well as relevant executive power bodies being under relevant executive power bodies, Office of the Central Election Commission of the Nakhchevan Autonomous Republic, Office of the National TV and Radio Board (state bodies of the 5th category);

8.1.6. state bodies whose principal authorities are determined in order anticipated by articles 113 and 120 of the Constitution of the Republic of Azerbaijan - relevant executive power bodies, state agencies and state services established under relevant executive power bodies, regional centers of the Office of an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman), Office of the National TV and Radio Board of the Nakhchevan Autonomous Republic (state bodies of the 6th category);

8.1.7. state bodies whose principal authorities are determined in order anticipated by articles 113 and 124 of the Constitution of the Republic of Azerbaijan – relevant executive power bodies, local divisions of relevant executive power bodies and bodies subordinated thereto, bodies being subordinated to relevant executive power bodies, local divisions of the state agencies and state services established under relevant executive power bodies, state bodies whose principal authorities are determined by law under the Constitution of the Republic of Azerbaijan – district (city) courts, military courts (relevant military courts having the military courts jurisdiction on the Grave Crimes over the territory of the Nakhchivan Autonomous Republic) and local economic courts (state bodies of the 7th category).

8.2. *(taken out)*

8.3. Allocation of certain state bodies and their divisions thereof into relevant categories shall be determined on the basis of this law under the legislation of the Republic of Azerbaijan.

Chapter III CIVIL SERVICE POSITION

Article 9. Definition of civil service position

Civil service position is a staff unit conforming to structure organization determined by standard acts and staff list of state body. Limits of authorities and functions of the person holding this position shall be determined depending on the authority of this body.

Article 10. Classification of positions in state bodies

10.1. Positions in state bodies shall be classified as administrative and auxiliary depending on the subject of its functions, sources of authorities and manner of holding a position.

10.2. *(taken out)*

10.3. *(taken out)*

10.4. Legal status of the persons holding political positions shall be determined by other legislative acts and they shall not be subject to this Law, unless otherwise is provided in this Law.

10.5. Administrative positions are positions of heads of offices and departments of state bodies of the 1st-7th category, their deputies, as well as positions of specialists recruited to civil service. Legal status of a person holding an administrative position shall be determined by the legislative acts defining authorities of relevant body, as well as by job descriptions.

10.6. Auxiliary positions are positions of civil servants involving into the technical works in state bodies of the 1st-7th category (clerk, typist, courier, archivist, lift operator, driver and other employees). Legal status of a person holding an auxiliary position shall be determined by the legislative acts defining authorities of the relevant body, as well as by job descriptions.

Article 11. Classification of administrative and auxiliary positions

11.1. Administrative positions shall be classified as follows:

11.1.1. the first grade administrative positions – positions of heads of the office of state bodies of the 1st category, positions of heads of other bodies directly providing performance of the authorities of the President of the Republic of Azerbaijan;

11.1.2. the second grade administrative positions – positions of civil servants providing performance of authorities of the President of the Republic of Azerbaijan in the Executive Office of the President of the Republic of Azerbaijan, positions of heads of department of the 1st category state bodies, positions of heads of offices of the 2nd category state bodies;

11.1.3. the third grade administrative positions – positions of deputy heads of department of the 1st category state bodies, positions of deputy heads of the 2nd category state bodies, positions of heads of departments of the 2nd category state bodies, positions of heads of the office of the 3rd category state bodies;

11.1.4. the fourth grade administrative positions – posts of specialists of the 1st category state bodies, positions of deputy heads of departments of the 2nd category state bodies, positions of heads of departments of the 3rd category state bodies, positions of heads and deputy heads of the office of the 4th and 5th category state bodies, positions in 7th category state bodies – positions of deputy heads of executive power of Baku city;

11.1.5. the fifth grade administrative positions – positions of specialists of the 2nd category state bodies, positions of deputy head of departments of the 3rd category state bodies, positions of heads of departments of the 4th category state bodies and their deputies, positions of heads and deputy head of departments of the 5th category state bodies, positions of heads and deputy head of the office of the 6th category state bodies, 7th category – positions of heads and deputies of local executive power bodies;

11.1.6. the sixth grade administrative positions – positions of specialists of the 3rd, 4th and 5th categories state bodies, positions of heads and deputy heads of departments of the 6th category state bodies, positions of heads and deputy heads of the office of the 7th category;

11.1.7. the seventh grade administrative positions – positions of specialists of the 6th category state bodies, positions in the 7th category state bodies – positions of heads of local departments of the bodies of central executive power and bodies being under or subordinated them, heads of local divisions of the state agencies and state services established under relevant executive power bodies, positions of heads of departments of local executive power bodies, heads of bodies being subordinated to the relevant executive power bodies;

11.1.8. the eighth grade administrative positions – positions in the 7th category state bodies – positions of deputy heads of local departments of the bodies of central executive power and bodies being under or subordinated them, deputy heads of local divisions of the state agencies and state services established under relevant executive power bodies, positions of deputy heads of departments of bodies of local executive power, deputy heads of bodies being subordinated to the relevant executive power bodies;

11.1.9. the ninth grade administrative positions – 7th category state bodies – positions of specialists of local departments of the bodies of central executive power and bodies being under or subordinated them, positions of specialists of local divisions of the state agencies and state services

established under relevant executive power bodies, positions of specialists of departments of the bodies of local executive power, specialists of bodies being subordinated to the relevant executive power bodies, positions of representatives for territorial entities of the bodies of local executive power, positions of specialists of the office of regional (city) courts, military courts and local economic courts.

11.2. Auxiliary positions shall be classified as follows:

11.2.1. the first grade auxiliary positions – technical positions in the 1st category state bodies;

11.2.2. the second grade auxiliary positions – technical positions in the 2nd category state bodies;

11.2.3. the third grade auxiliary positions – technical positions in the 3rd category state bodies;

11.2.4. the fourth grade auxiliary positions – technical positions in the 4th category state bodies;

11.2.5. the fifth grade auxiliary positions – technical positions in the 5th category state bodies;

11.2.6. the sixth grade auxiliary positions – technical positions in the 6th and 7th category state bodies.

11.3. *(taken out)*

11.4. Offices of the state bodies (and structures providing their performance) and their divisions shall be classified with consideration of the 1st-7th category state bodies functions and authorities determined by the Constitution and laws of the Republic of Azerbaijan, as well as characteristics of their performance.

Names of the state bodies (and structures providing its activity) and its divisions shall be defined by the relevant executive power body.

Note:

Referring to the “office of state bodies (or structures providing their performance)” in article 11, it is accordingly supposed a structure of the state body which combines specified divisions composing of civil servants those to provide performance of the functions, duties and competences of the state body.

Article 12. **Classification code of administrative and auxiliary positions**

12.1. Classification code of administrative and auxiliary positions shall cover information on classifications and titles of positions, professional ranks and eligibility requirements for positions.

12.2. Classification code of administrative and auxiliary positions shall be a basis for foundation of staff list of state bodies and drafting of job descriptions of civil servants. Classification code of administrative and auxiliary positions shall be determined by a body of relevant executive power of the Republic of Azerbaijan.

Article 13. **Professional requirements applicable to administrative and auxiliary positions**

13.1. Professional requirements applicable to administrative and auxiliary positions shall ensure an availability of sufficient skills for performance of professional duties at a person applying to this position.

13.2. The person applying to the administrative position shall have a relevant university degree. If this person has a different university degree then he shall change specialty and study a profile of the administrative position he applies to.

13.3. The person applying to an auxiliary position shall have a relevant secondary education. If this person has a different secondary education or general secondary education then he shall study a specialty of the auxiliary position he applies to.

13.4. Additional requirements for occupation of administrative and auxiliary positions shall be determined by the legislation and job descriptions.

Chapter IV CIVIL SERVANT

Article 14. Civil servant

14.1. Civil servant shall be a citizen of the Republic of Azerbaijan who holds salaried (the salary should be exclusively paid from the state budget) civil service position in order determined by this Law, and swears an oath to the Republic of Azerbaijan while recruited to the civil service on administrative position.

14.2. Civil servants holding an administrative position and entitled to have authority shall be a state official.

Article 15. The oath of civil servant

15.1. The oath shall confirm open legal relations of duty and loyalty between the Republic of Azerbaijan and civil servant.

15.2. While recruited to civil service for the first time, before entering upon his/her performance the citizen shall swear the following oath:

“I swear to be loyal to the Republic of Azerbaijan, to adhere irrevocably the Constitution of the Republic of Azerbaijan, to keep the state and official secrets confidential, to perform the rights I am entrusted by civil service and to accomplish my official duties impartially, in good faith and solely in compliance with the laws, exerting my best efforts and in the interest of my motherland”.

15.3. The oath shall be carried out solemnly under the State flag of the Republic of Azerbaijan and the civil servant takes an oath keeping his hand on the Constitution of the Republic of Azerbaijan.

15.4. The oath shall be sworn only once. Text of the swearing civil servant’s oath shall be signed and kept in his/her personal file.

15.5. Specifics of the status of the oath in different types of civil service shall be determined in the legislative acts of the Republic of Azerbaijan.

15.6. Persons recruited to the auxiliary civil service positions shall not swear an oath.

Article 16. Professional ranks of the civil servants

16.1. Professional rank of civil servant shall indicate his/her professional level, give him/her a right to hold administrative position, receive a bonus to the official wage and use social benefits.

16.2. The following professional ranks shall be awarded in accordance with administrative positions classification:

16.2.1. for the first grade administrative positions – full state counsellor, state counselor of the 1st rank and state counselor of the 2nd rank;

16.2.2. for the second grade administrative positions – state counsellor of the 1st, 2nd and 3rd rank, chief civil service counselor;

16.2.3. for the third grade administrative positions – state counselor of the 3rd rank, chief civil service counselor and civil service counselor;

16.2.4. for the fourth grade administrative positions – chief civil service counselor, civil service counselor and junior civil service counselor;

16.2.5. for the fifth grade administrative positions – civil service counselor, junior civil service counselor and civil servant of the 1st rank;

16.2.6. for the sixth grade administrative positions – junior civil service counselor, civil servant of the 1st rank and civil servant of the 2nd rank;

16.2.7. for the seventh grade administrative positions – civil servant of the 1st rank, civil servant of the 2nd rank and civil servant of the 3rd rank;

16.2.8. for the eighth grade administrative positions – civil servant of the 2nd rank, civil servant of the 3rd rank and junior civil servant;

16.2.9. for the ninth grade administrative positions – civil servant of the 3rd rank, junior civil servant.

16.3. The following professional ranks shall be awarded in accordance with auxiliary positions classification:

16.3.1. for the first grade of auxiliary positions – chief civil service expert, senior civil service expert;

16.3.2. for the second grade of auxiliary positions – senior civil service expert, civil service expert of the 1st rank;

16.3.3. for the third grade of auxiliary positions – civil service expert of the 1st rank, civil service expert of the 2nd rank;

16.3.4. for the fourth grade of auxiliary positions – civil service expert of the 2nd rank, civil service expert of the 3rd rank;

16.3.5. for the fifth grade of auxiliary positions – civil service expert of the 3rd rank, junior civil service expert;

16.3.6. for the sixth grade of auxiliary positions – junior civil service expert.

Article 17. Award of professional ranks and deprivation of professional ranks.

17.1. Professional ranks shall be awarded in compliance with article 16 of this Law according to the holding position, length of service and service period in the professional rank of the civil servant, as well as with consideration of the previously awarded rank. Length of service of a civil servant shall also cover the period of service in state, soviet and party bodies prior to 18 October of 1991.

The person firstly accepted to the civil service shall be awarded with the lowest professional rank determined for the administrative classification of holding position.

17.2. Rank of the 3rd grade state counsellor and higher ranks shall be awarded in order anticipated in clauses 24 and 32 of article 109 of the Constitution of the Republic of Azerbaijan. Civil servants awarded with these professional ranks shall obtain a proper legal act and certificate.

Rank of the chief counsellor of civil service and lowest ranks shall be given by the head of relevant state body.

17.3. Except for the first grade administrative positions, civil servant holding administrative positions of the second-third classification shall have minimum 7-years of length of service on the positions including into these classification and minimum 3-years of length of service at the relevant position in order to receive higher (following) professional rank provided for this position. Civil servants being occupied at the third grade administrative positions shall be awarded with professional rank of the 3rd rank state counselor only if these servants have minimum 5-years of length of service at the relevant position.

Civil servants holding the fourth-seventh classification positions shall have minimum 4-years of length of service at state bodies in order to receive higher (following) professional rank provided for this position including into these categories as well as relevant position.

If civil servant does not meet any requirements specified in the first and second parts of this article, then he shall be awarded with the most junior professional rank established for grade of administrative position he holds.

While awarding the professional rank, both professional and managerial experience of the civil servant shall be considered.

Referring to the “relevant position” and “at the relevant position” in the first and second parts of article 17.3, it is accordingly supposed the civil service position occupied by the civil servant in state body where he/she serves at present.

17.4. In order to award higher professional rank within professional ranks determined for the relevant administrative positions the following requires:

17.2.1. for the fourth-sixth grades positions – service period in the professional rank shall consist 3 years;

17.2.2 for the seventh-ninth grades positions – service period in the professional rank shall consist 2 years.

In order to award higher professional rank within professional ranks determined for the relevant auxiliary positions the following requires:

for the first-third grades positions - consecutive service period in the professional rank shall consist 2 years.

for the fifth-sixth grades positions - consecutive service period in the professional rank shall consist 1 year.

17.5. Rules of professional ranks awarding to civil servants in state bodies shall be determined by the relevant executive power body.

17.6. In cases provided for in article 33.1.7 of this Law, civil servant is deprived of his/her professional rank and the relevant note shall be registered in his/her work record card.

Article 18. Principal duties of civil servant

18.0. Civil servant shall be liable to the following:

18.0.1. implement legislative and other standard legal acts passed by state bodies;

18.0.2. perform the orders, resolutions and instructions of the officials issued within their authorities;

18.0.3. follow service regulations specified in state bodies;

18.0.4. prevent any actions might complicate work of other civil servant or damage the reputation of the state body he/she serves in;

18.0.5. timely consider appeals of the citizens, enterprises, institutions and organizations and impartially settle it within his/her authorities;

18.0.6. perform an additional work upon the instruction of the official within his/her speciality if required;

18.0.7. permanently keep state secret and other secrets protected by law including in case of civil service termination;

18.0.8. keep confidential an information revealed during performance of official duties and related to the private life, honour and dignity of the citizens, not demand such information excepting the cases anticipated by law.

18.0.9. submit annual financial report on personal income and property condition to the official of the body he/she serves in, with indication of source, type and amount of additional income;

18.0.10. temporarily move to the different place of residence, serve in the different place or perform other functions in cases and order determined by legislation;

18.0.11. make medical check-up in order to determine his/her physical and mental capacity or capability to fulfil functions he/she is assigned in cases and order determined by legislation;

18.0.12. observe the ethics conduct rules.

Article 19. Principal rights of civil servant

Civil servant shall have the following rights:

19.0.1. to require and obtain from the state bodies, public organizations, enterprises, institutions and organizations the information and materials needed for fulfilment of his/her official duties in determined order;

19.0.2. to require written identification of his/her official duties and provision of conditions for its fulfilment from the state officials entitled to appoint and dismiss a civil servant from position;

19.0.3. to get state wage;

19.0.4. to claim the service promotion or increase of state salary considering professional development and fulfilment of official duties;

19.0.5. to be engaged in scientific and creative activity, to be involved in pedagogical and other paid activity with a permission of the head of state body he/she serves in;

19.0.6. to get a profit from deposits, securities, rent and lease;

19.0.7. at the first request, to acquaint with all materials of his/her personal file, references and other documents being filed therein, as well as to demand inclusion of his/her statements to the personal file;

19.0.8. to demand conducting of official examination in order to refute an information damaging his/her honour and dignity;

19.0.9. to protect his/her legal rights and interests in a relevant bodies and court;

19.0.10. to join trade unions;

19.0.11. to demand written issuance of instruction or order received from a head of the body civil servant serves in and being obligatory for execution, if he/she suspects in legality or credibility of such instruction or order;

19.0.12. to be a member of social organizations unless otherwise is provided in legislation and if it is not incompatible with performance of functions of civil servant's;

19.0.14. to be educated at the state expense and get a relevant training, as well as to take a leave with educational purpose in order anticipated in the law;

19.0.14. to take leaves (social leaves, sick leaves related to own or family members treatment, scientific leaves), to receive pensions and allowances due to own or family members disability, limitation of the health abilities in cases and order anticipated in legislation.

Article 20. Liabilities related to civil service

20.1. The civil servant shall not be entitled to the following:

20.1.1. to hold an additional paid position (except for temporary position in order provided for by the labour legislation), no elective or appointed in state bodies;

20.1.2. except for scientific and creative activity, to be involved in pedagogical and other paid activity without a permission of the head of state body he/she serves in;

20.1.3. to be an attorney of the third persons on cases of state or local self-governing bodies;

20.1.4. to use for the benefit of third persons an information on issues concerning his/her civil service and state secret or any other secret being protected by the law within the terms specified by the legislation of the Republic of Azerbaijan after civil service termination;

20.1.5. to travel abroad at the expense of foreign country not notifying the head of the state body he/she is serves in;

20.1.6. to take part in activity of the political parties during fulfilment of service duties;

20.1.7. to participate in strikes and other actions damaging work of the state authorities;
 20.1.8. to use the status of civil servant in order to promote a religion and to officiate religious actions in the objects being subordinated to the state bodies;

20.2. Member of the Election commission with a decisive vote must not be engaged in civil service.

20.3. If actions of civil servant conflict with requirements of this article, he/she shall upon receipt of notification determine for himself/herself whether he/she prefers civil service or other activity and inform the head of the state body he/she serves in on this decision within thirty (30) days unless otherwise is provided in the legislation.

Article 21. **Guarantees for civil servants**

21.1. Civil servants shall be provided with the following warranties:

- 21.1.1. the state salary and other allowances ensuring decent living conditions of a civil servant;
- 21.1.2. required working conditions;
- 21.1.3. paid leave;
- 21.1.4. obligatory medical insurance for civil servants and their family members;
- 21.1.5. internship, re-training and professional development;
- 21.1.6. in case of liquidation of a state bodies or reduction of the staff to be recruited due to positional salary and profession or privilege to hold a position in state bodies corresponding to previous position;
- 21.1.7. pension allowance and state social insurance;
- 21.1.8. insurance related to fulfilment of official duties in order determined by the law;
- 21.1.9. a service transport or a relevant compensation considering nature of fulfilled official duties;
- 21.1.10. protection of a civil servant and members of his/her family from violence, threats and offence against him/her and his/her family members related to fulfilment of his/her official duties.

21.2. *(taken out)*

21.3. Civil servant may be transferred to another less paid position only with his/her own consent excepting provisions anticipated in this Law.

21.4. Changes in bodies of state power, as well as in the governance structure of state bodies shall not be a base for civil service termination.

21.5. *(taken out)*.

Article 22. **State wage**

22.1. State wage is a payment paid to a civil servant. Amount of state salary shall depend on scope of authority, rank of liability, level of professionalism required and length of service.

22.2. State wage shall consist of official salary, bonuses and allowances to the official salary (allowances paid for professional rank, length of service, etc., at civil service).

22.3. Amount of the salary of civil servant of the 9th grade administrative positions shall be equated to minimum official salary specified for administrative positions by the legislation of the Republic of Azerbaijan. Amount of the salary of civil servant of the 6th grade auxiliary position shall be equated to minimum official salary specified for auxiliary positions by the legislation of the

Republic of Azerbaijan. Amount of official salary of civil servants shall be determined in accordance with the classification of civil service positions.

22.4. There shall be determined higher coefficient for official wages in the state bodies with service conditions dangerous for life and health or especially hard. Order of coefficient determination, basis of its assignation and amount shall be specified by a relevant law of Azerbaijan Republic.

22.5. Local coefficients to official wages of civil servants shall be determined in accordance with relevant law of the Republic of Azerbaijan.

22.6. Along with passing resolution on entitling of a civil servant with power authority, an allowance to his/her salary shall be determined for performance of relevant authority in the amount specified by the legislation.

22.7. Starting from the second year of service an additional wages shall be paid to a civil servant for the length of official service and this wage shall be increased in order specified by the legislation. Amount of a wage shall be determined by the legislation. This article shall also be applied to the persons holding positions of the Prime Minister of the Republic of Azerbaijan and its deputies, the Prime Minister of Nakhchevan Autonomous Republic and its deputies, head of body of central executive power of the Republic of Azerbaijan and its deputies, head of body of central executive power of Nakhchevan Autonomous Republic and its deputies, head (chief) of body of local executive power.

22.8. Order of assignation of allowance for performance of power authority to civil servant shall be determined by the respective law of the Republic of Azerbaijan.

Article 22-1. Internship, re-training and professional development of the civil servant”

22-1.1. Internship, re-training and professional development of the civil servant shall consist additional professional education of civil servant.

22-1.2. Period of the internship, re-training and professional development of the civil servant shall be included into his/her length of service.

22-1.3. Basis for the internship, re-training and professional development of the civil servant shall be the following:

- 22-1.3.1. appointment to the higher position in the civil service;
- 22-1.3.2. entering into the reserve staff list of the civil service;
- 22-1.3.3. result of the civil servant’s attestation or appraisal of his/her service performance;
- 22-1.3.4. personal initiative of the civil servant.

22-1.4. Internship, re-training and professional development of the civil servant shall be determined by head of this state body.

22-1.5. Re-training and professional development of the civil servant shall be carried out by the state educational institutions and centers.

22-1.6. Civil servant may be sent to the foreign countries in order to receive additional professional education.

22-1.7. Additional professional education of the civil servant shall be performed through service suspension, partial suspension or non-suspension.

22-1.8. Type, form, term and financial provision of the additional professional education of the civil servant shall be regulated by the rules defined by the head of relevant executive power body.

Article 23. Pension guarantees for civil servants

23.1. Foundation for pension guarantee of a civil service and its order shall be determined by a relevant Law of the Republic of Azerbaijan considering provisions of this article.

23.2. Amount of civil servant pension shall depend on length of civil service and amount of state salary. Minimum limit of service years required for assignation of state pension shall be 5 years.

23.3. In accordance with relevant legislation a civil servant voluntarily retiring due to attaining the retirement age, disability or health abilities limitation, not having minimum limit of years in civil service and right for labour pension shall be assigned with lifelong allowance in amount determined by the legislation.

23.4. Amount of pension and allowance of civil servant shall be re-calculated in order specified by a relevant body of executive power according to the following increase of amount of state salary of acting state servant.

23.5. In case of death of a civil servant or retiree, family members having a right to receive a labour pension due to loss of family head shall receive a percentage of the pension specified by the relevant law.

Article 24. Reward of civil servants

24.1. Diligence service of civil servant during performance of his/her official duties shall be comprehensively rewarded. Types and rules of civil servants reward shall be defined by the legislation.

24.2. Professional development and loyalty to official duty and oath of a civil servant shall be rewarded by the state. Confirmation of services of civil servant by the state shall consist of three ranks of insignia "For the service for Motherland", a medal "For merits in civil service", rewarding of other orders and medals, as well as award of honorary titles of the Republic of Azerbaijan. The regulations and rules on awarding of civil servants by orders and medals as well as honorary titling shall be determined by the legislation.

Articles 25. Liabilities of the civil servant

25.1. Unless otherwise is provided in the law, non-performance or unduly performance of the duties assigned to civil servants, as well as non-compliance of liabilities determined by this Law shall be a cause of disciplinary responsibility.

25.2. If civil servant infringes requirements anticipated in articles 18, 20 and 25.8 of this Law, one of the following disciplinary penalty actions may be applied to such civil servant:

25.2.1. a rebuke;

25.2.2. reduction in salary from 5% up to 30% for a period of one year;

25.2.3. transfer to the same grade position but with the lower official salary;

25.2.4. transfer to the lower grade position;

25.2.5. demotion of professional rank for one level;

25.2.6. dismissal from the civil service.

25.3. If causes for the application of disciplinary penalty under article 25.2 of this Law are available, then the investigation shall be carried out under order of the head of relevant executive power body and the civil servant shall present written explanation. Head of the relevant executive power body may appoint service inspection, if required. Refusal of the civil servant to present written explanation shall be registered and shall not interfere with application of the disciplinary action.

25.4. Order of the service inspection shall be determined by the relevant executive power body.

25.5. Disciplinary actions may be applied to the civil servants within one month from the day of revelation of causes provided for in article 25.2 of this Law. Period of stay of civil servant in business trip, annual leave, temporary disability, as well as service investigation or criminal investigation brought against civil servant shall not be included into this term.

25.6. Disciplinary penalty actions provided for in article 25.2.6 of this Law may be applied under gross or regular infringements during obligations performance or non-observance of liabilities provided for in article 20 of this Law.

25.7. Disciplinary penalty actions provided for in articles 25.2.1-25.2.6 of this Law may be applied by the head of the state body where the civil servant serves in, and disciplinary penalty actions provided for in article 25.2.1 of this Law may be also applied by the official (officials) authorized by head of the state body where the civil servant serves in.

25.8. Order on applied disciplinary penalty action may be appealed to the relevant executive power body within 7 working days after its signing. Then this body shall either cancel or remain in force disciplinary penalty action within 10 working days. The rules for appealing of the disciplinary penalty actions are determined by the relevant legislation of the Republic of Azerbaijan.

25.9. A civil servant may be called to administrative or criminal responsibility in cases and order anticipated by the legislation.

25.10. Civil servant shall bear material responsibility for the damage caused by his/her fault in order determined by the legislation. Damage caused by legal actions of civil servants shall be fully reimbursed at the expense of state budget.

25.11. Civil servant must be called to the disciplinary responsibility if he/she does not observe requirements set forth in article 5.1 of the Law of the Republic of Azerbaijan "On combat against corruption" or commits law infringements set forth in article 9 of this law (if they do not create administrative or criminal responsibility).

Article 26. Liability of civil servant on performance of illegal instruction

26.1. Civil servant shall be responsible for legality of his/her actions.

26.2. If in spite of the protest of civil servant considering instruction of an official as illegal this official holds his/her instruction in force and higher official does not cancel such instruction then civil servant shall be exempted from liability.

Chapter V CIVIL SERVICE

Article 27. Right to be recruited to the civil service

27.1. Citizens of the Republic of Azerbaijan aged 16 owning professional skills in accordance with requirements of the relevant position and being fluent in state language of the Republic of Azerbaijan shall have the right to be recruited to the civil service regardless of race, nationality, religion, language, sex, social origin, property status, place of residence, beliefs, membership in social and other organizations.

27.2. Any person shall not be recruited to the civil service in the following cases:

27.2.1. if his/her incapability or limited capability is confirmed by court decision;

27.2.2. if the convictions are not cancelled or expunged;

27.2.3. in case of close or kin relationship (spouses, their parents, brothers, sisters, children) with civil servant subject to direct subordination or supervision;

27.2.4. if there is available effective judicial decision on application to him/her coercive actions of the medical nature;

27.2.5. in other cases determined by legislation.

27.3. Possibility to accept to the civil service a person applied for recruitment to the civil service shall be preliminary verified. The order of verification shall be determined by the relevant executive power body. Private (family) life details shall not be verified.

Article 28. **Recruitment to the civil service**

28.1. Citizens shall be recruited to the civil service on the basis of competition or interview.

28.2. Relevant executive power body shall advertise a competition for recruitment to the civil service on vacant positions corresponded to the sixth-ninth grades administrative positions. Advertisement of the competition only for one gender representatives is prohibited except for cases provided for in the legislation. Relevant state body shall submit information on vacant positions under application of the relevant executive power body during 20 working days from submission of the application.

28.3. Persons wishing to participate in the competition shall submit documents to the relevant executive power body within 10 days from the day of advertising a competition.

28.4. A competition shall be held within 10 days after closing day of advertisement and consist of single test examination and interview. The procedure for advertisement, holding and passing respective decision on the results of the competition shall be determined by the relevant legislation of the Republic of Azerbaijan.

28.5. Persons successfully passed testing shall be allowed to interview. Test samples shall be prepared and approved in order determined by relevant legislation of the Republic of Azerbaijan.

28.6. Unless otherwise is provided by the legislation, candidates successfully passed competition shall be introduced to the head of state body. While selecting one of the introduced candidates, the head of state body shall recruit him/her for 1 year as a probationer and appoint to a vacant position. During this period, a supervisor assigned by the head of a state body, shall direct the work of a probationer, control his/her performance and upon probation completion, the supervisor shall submit the recommendation on whether to recruit the probationer to the civil service for the trial period or no. Unless otherwise is provided in the legislation, in case of positive recommendation, the probationer shall be recruited under signing a labour contract for 6 months trial period. The contract shall determine service conditions during trial period. Sample of labour contract concluded with a person recruited to the civil service for trial period shall be determined by the relevant executive power body. If the contract is not violated during trial period then the head of state body following the terms of the

contract shall issue an order on permanent recruitment of this person to the civil service upon completion of trial period and conclude relevant labour agreement with him/her. Sample of labour contract concluded with a person recruited to the permanent civil service shall be determined by the relevant executive power body.

28.7. If a person recruited to the service as a probationer again successfully passes the competition during this period in accordance with article 28 of this Law and is appointed to the new position, the length of service on the previous position shall be considered. If a person recruited to the civil service for the trial period again successfully passes the competition in accordance with article 28 of this Law, he shall be repeatedly appointed to the new position for trial period with consideration of the previous trial period.

28.8. If persons recruited to the permanent civil service and dismissed from the civil service under article 33.1 of this Law (except for persons holding assisting position) have been re-recruiting to the civil service, probation and trial periods provided for in article 28.6 of this Law shall not be applied referring to such persons.

28.9. Persons being educated abroad in framework of the “State Program on education of the youth of Azerbaijan in foreign countries in 2007-2015” shall be kept as reserve staff in the relevant executive power body and this body shall present submission to the relevant executive power body for recruitment of these persons to the civil service hors concours in accordance with legislation.

28.10. Recruitment to the permanent civil service shall be approved by a document of the respective state body on behalf of the Republic of Azerbaijan.

Article 29. Holding of administrative positions

29.1. Holding of the positions corresponding to the 1st-5th grade administrative positions of the classification shall be performed by competition or promotion.

29.2. Holding of positions corresponding to the 6th-9th grade administrative positions in state bodies (except for the relevant executive power body) shall be performed by competition on the basis of decision of the head of this state body in order provided for in article 28 of this Law or interview under articles 29.3-29.9 of this Law.

Provisions of this article shall not be applied to the civil servant that is transferred to the lower position in the body he/she serves in by his/her consent, as well as under transferring to the position corresponded to the classification of the holding administrative position and being similar to the position title and service functions.

Civil servant may be transferred to the position in other state body with similar or lower classification than present administrative position without application of provisions of this article with the mutual consent of the heads of these state bodies.

Filling of vacant positions corresponding to the 6th-9th administrative positions grades in the relevant executive power body shall be performed only through an interview on the basis of decision of the head of this state body in accordance with articles 29.4, 29.6-29.8 of this Law.

29.3. Holding of the positions corresponding to the 6th-9th grade administrative positions in state bodies (except for the relevant executive power body) by persons serving as civil servants at the administrative positions in the same or other state bodies and having professional rank corresponded to the administrative position classification, as well as persons having minimum 5 years service experience and working at the administrative positions shall be performed by an interview.

In order to hold positions corresponding to the 6th-9th classifications of administrative positions there may be carried out an interview, first of all, providing for participation of the civil servants

serving on administrative positions in the state body and having professional rank in accordance with the classification of administrative positions under decision of the head of this body. The interview is carried out in order provided for in article 29.6 of this Law considering requirements of articles 29.4-29.9 of this Law.

If administrative position is not held in result of the interview carrying out in accordance with the second part of this article, then there may be carried out an interview anticipating the participation of other persons stipulated in the first part of this article under articles 29.4-29.9 of this Law or competition in order provided for in article 28 of this Law on the basis of the relevant decision of state body's head.

29.4. A competition advertisement shall be given one month prior to the date of an interview, with exception of the case provided for in the second part of article 29.3 of this Law, through mass media by the state body the administrative position referred to or relevant executive power body basing on request of this state body.

The decision of the head of state body on conducting of the interview according to the second part of article 29.3 of this Law shall be officially advertized in this state body one month prior to the date of conducting of the interview.

29.5. Civil servants serving in the administrative positions of no more than two categories lower than the category of the advertised position, as well as persons had been serving in the administrative positions not lower than for two categories may participate in an interview.

Civil servant, whom the disciplinary action was applied to, shall not be accepted to the competition and interview.

The first part of this article shall not be applied to the holding of the positions corresponding to the 6th-9th classifications of administrative positions in the judicial power bodies with the participation of the persons serving in these bodies.

29.6. An interview shall be held by a commission established by a head of the relevant state body in order determined by the relevant executive power body.

29.7. Commission provided for in article 29.6 of this Law shall consist of minimum three members including representative of the relevant executive power body.

29.8. Eligibility to the relevant position shall be determined by knowledge level, professional development, general world-view, abilities required for an interviewing position that are revealed during an interview.

29.9. The following shall be considered during an interview:

29.9.1. professional rank;

29.9.2. attestation results;

29.9.3. re-training and professional development according to requirements of a vacant position.

29.10. The decision on holding of the relevant administrative position shall be made due to results of an interview.

29.11. If relevant administrative position is not occupied in result of an interview, competition may be held in order provided for in article 28 of this Law on the basis of decision of the head of state body about holding such position on competitive ground.

Article 30. **Terms of civil service**

30.1. Working time in civil service shall be 40 hours per week. Shortened working time may be determined by law for different categories of civil servants.

30.2. If service requires, the head of a state body in exceptional cases may increase the working time up to 5 hours per month without additional remuneration. If working time is increased for more than 5 hours the civil servant shall be paid overtime for each additional hour.

30.3. Civil servants holding administrative position shall have the paid annual leave for a period of 30 calendar days annually. An additional paid leave shall be granted for the length of service in the following order:

30.3.1. for service from 5 to 10 years – 2 calendar days;

30.3.2. for service from 10 to 15 years – 4 calendar days;

30.3.3. for service more than 15 years – 6 calendar days.

Civil servant may be sent to unpaid leave at his/her own will and by consent of the head of state body.

30.4. Civil servants sent to the business trip shall be provided with the following:

30.4.1. accommodation in a hotel or service living area, and separate service housing area if business travel lasts more than 6 months;

30.4.2. workplace, possibility to use communication facilities;

30.4.3. other required technical and social services, including services financed by the body sent him/her to a business trip.

30.5. A civil servant, temporarily transferred to another location for service, shall have a right to take the family with him/her. He/she shall be provided with service apartment equipped with all domestic accessories according to living standards; his/her living area at the place of previous service shall also be kept. Family members of civil servants shall be supported in employment or arrangement to educational institutions, placed in pre-school institutions and, if necessary, shall be rendered with medical services at the expenses of body sending civil servant to the business travel. Different issues related to temporary transfer of civil servant to another service shall be regulated by the Labour Code of the Republic of Azerbaijan.

30.6. The labour relations of civil servants holding auxiliary positions shall be regulated by the Labour Code of the Republic of Azerbaijan with consideration of provisions of this Law.

Article 30-1. Performance appraisal of the civil servants

30-1.1. The service performance of civil servants holding administrative positions shall be appraised in the end of each calendar year. Aim of the service performance appraisal of the civil servant is to assess performance of his duties during the year, carrying out of requirement on holding position, as well as to define future development of the employee. The service performance appraisal results shall be taken into consideration during attestation of the civil servant.

30-1.2. Performance appraisal of the civil servant shall be carried out by his direct supervisor.

30-1.3. Service performance of the civil servant shall be assessed due to the following criteria:

30-1.3.1. professional knowledge;

30-1.3.2. attitude to the service positions;

30-1.3.3. ability to analyze, problem-solving and decision making;

30-1.3.4. creativeness and initiative;

30-1.3.5. labor discipline

30-1.3.6. working experience and sharing such experience

30-1.3.7. ability to team-working, sociability, relations between workers.

30-1.4. Besides points indicated in article 30-1.3 of this Law service performance of the managing servants shall be assessed on the following basis:

30-1.4.1. analysis and forecasting;

30-1.4.2. management;

30-1.4.3. ability to influence and inspire inside the team;

30-1.4.4. ability to build a team.

30-1.5. Service performance of the civil servant shall be appraised as follows:

30-1.5.1. perfect;

30-1.5.2. good;

30-1.5.3. satisfactory;

30-1.5.4. unsatisfactory.

30-1.6. Results of the service performance appraisal of the civil servant shall be made officially through document on service performance appraisal. Performance of the civil servant shall be appraised in this document due to all criteria and relevant comments shall be given. The opinion of the civil servant, whose service performance has been appraised, shall be added to the document on service performance appraisal.

30-1.7. The standard acts on rules referring to the service performance appraisal of the civil servant shall be accepted by the relevant executive power body.

30-1.8. Results of the service performance appraisal of the civil servant shall be added to his/her personal file.

Article 31. **Attestation of civil servants**

31.1. Each civil servant holding administrative and auxiliary positions shall pass an attestation not more than once in five years unless otherwise is provided for by this Law.

31.2. An attestation shall be performed collectively, impartially with involvement of the executive power body representative and independent specialists. Structure of attestation commission shall be approved by the head of relevant executive body.

31.3. Professional, diligence and ethical competences of civil servant shall be evaluated during attestation and conclusion on his/her eligibility for holding position shall be made.

31.4. Main objectives of attestation shall be as follows:

31.4.1. determination of eligibility of a civil servant for holding position;

31.4.2. revealing of possibility to use potential abilities, encouraging him/her to professional development;

31.4.3. determination of civil servant's need for internship, re-training or professional development.

31.5. Terms and schedule of the attestation shall be determined by the relevant state body in agreement with relevant executive power body; civil servants those to be passed the attestation shall be informed thereby not later than one month prior.

31.6. Members of the attestation commission may ask civil servant questions only concerning occupied position, job descriptions, speciality, performed works and their results, as well as questions

concerning rights, service functions in order to determine conformity with the holding position. Evaluation of the assessing civil servant on his/her political views and convictions shall not be allowed.

31.7. Civil servants holding their positions less than 1 year, as well as probationers and servants with the trial period shall not pass the regular attestation. Civil servant being on a leave for child care shall pass an attestation not earlier than one year after service continuation.

31.8. In order to carry out an attestation, attestation commission consisting of the chairman, secretary and minimum three commission members shall be approved. Structure of the attestation commission is periodically changed and may include highly qualified specialists, invited scientific experts.

31.9. Service reference drafted by the direct supervisor of civil servant to be ought to pass an attestation shall be issued to such servant not later than two weeks prior to the attestation and this civil servant shall acquire with this reference.

The reference shall assess service performance of the civil servant; specify his/her personal abilities, strengths and weaknesses, performance results for previous period. Attestation lists of previous attestations shall also be presented at the following attestations.

31.10. Direct supervisor of the civil servant may be invited to the attestation of this servant. Attestation commission shall hear his information on performance of the civil servant holding an attestation and consider presented materials.

31.11. In case of non-attendance of civil servant in the meeting of attestation commission due to unreasonable excuse, an attestation shall be considered as held and disciplinary penalty actions provided for in article 25.2 of this Law may be applied to this civil servant. In case of non-attendance of civil servant in the meeting of attestation commission due to reasonable excuse, an attestation shall be considered as cancelled. In case of non-attendance of civil servant in the meeting of attestation commission due to unreasonable or reasonable excuse, this civil servant shall pass regular attestation.

31.12. Attestation commission shall give the following evaluations on the basis of results of civil servant's attestation:

31.12.1. eligible for holding position;

31.12.2. eligible for the holding position subject to work improvement and fulfilment of commission recommendations with the assumption of repeated attestation in one year;

31.12.1. not eligible for the holding position.

31.13. In accordance with results of the attestation, the attestation commission may give recommendations on reward of different civil servants for achieved progress, inclusion into reserve staff list for promotion, internship, re-training and professional development of the civil servants passed attestation, service performance and work results improvement, demotion or dismissal. In this case, commission shall ground raised recommendations.

31.14. Assessment given to the performance of civil servant and recommendations of commission shall be passed through open voting in the absence of the assessing civil servant.

31.15. Attestation and voting shall be carried out with participation of minimum two third of attestation commission members. Voting results shall be defined by majority vote. In case of equal vote, civil servant passing an attestation shall be considered as eligible for the holding position. If civil servant holding an attestation is an attestation commission member, he shall not participate in voting. Civil servant shall be informed on attestation results immediately after the voting.

31.16. Attestation results (assessment and recommendations) shall be included into attestation list drafted in one copy and signed by the chairman, secretary and attestation commission members participated in voting.

31.17. Attestation list and reference of assessed civil servant shall be kept in his/her personal file and its copy shall be given to a civil servant passed an attestation.

31.18. Head of the state body where the civil servant serves in may pass decisions on reward of different civil servants for achieved progress, inclusion into reserve staff list for promotion, his/her transfer to the higher position, his/her internship, re-training and professional development in reference with service performance, transfer to the lower position, dismissal of civil servants not conformed to the holding position due to results of attestation under evaluation issued by attestation commission, considering recommendations and in accordance with effective legislation.

31.19. Decisions provided for in article 31.18 of this Law shall be passed not later than 2 months since day of civil servant attestation. Decision on transferring of the civil servant to the lower position or his/her dismissal of civil servant under attestation results shall not be allowed upon this period expiration.

31.20. Time of absence of civil servant due to reasonable excuse, business trip and annual leave shall not be included into this two-month period.

31.21. Civil servant may appeal attestation results to the relevant executive power body during 7 working days. Relevant executive power body shall consider the complaint during 20 working days after its entrance.

Article 32. Right of promotion at civil service

32.1. Civil servant may be promoted in the civil service through service promotion in order set forth by this Law, as well as resulting of competition or interview.

32.2. Right of promotion at civil service shall be carried out with consideration of successful and fair performance of duties by civil servants, existence of vacant position, as well as results of internship, re-training and professional development in accordance with requirements of vacant position.

32.3. *(taken out)*

32.4. *(taken out)*

Article 33. Termination of civil service

33.1. Civil service may be terminated on the following bases:

33.1.1. at own will of the civil servant;

33.1.2. liquidation of the state body;

33.1.3. civil servants' staff and number reduction;

33.1.4. recruitment with violation of legislation requirements;

33.1.5. if head of state body where the civil servant serves in, passes relevant decision on nonconformity of the civil servant to the holding position due to insufficiency of his/her professionalism, business and moral competencies in accordance with assessment and recommendation presented by the attestation commission called under this Law;

- 33.1.6. dismissing from the civil service under article 25.2.6;
- 33.1.7. renunciation of citizenship of the Republic of Azerbaijan;
- 33.1.8. election to the legislative or local self-government bodies, as well as due to appointment as a judge, if they do not refuse such positions;
- 33.1.9. non-fulfillment of the labor functions by the civil servant in relation with full disablement for a period over six months uninterruptedly unless more long-term period is provided for by the legislation;
- 33.1.10. effective accusing sentence or effective judicial decision on application of the coercive actions of the medical nature;
- 33.1.11. death of the civil servant, as well as if the court considers him/her as missing or declares as deceased.

33.2. In case of voluntary retirement of civil servant due to attainment of retirement age in accordance with relevant legislation, such person shall be granted with lump-sum in the amount of six-fold monthly pension calculated in general order (not depending on assignment of other pension under the legislation) and taxes shall not be withheld from this amount.

33.3. Civil servant shall continue civil service during 1 month after submission of the application on resignation from civil service in case of existence of decision of head of state body on continuation of the civil service. If requires, head of state body may prolong this period for one addition month.

Chapter IV FINAL PROVISIONS

Article 34. Other issues of civil service

Other issues related to performance of civil service not regulated by this Law and legislation acts passed in accordance with this Law shall be regulated by labour legislation of the Republic of Azerbaijan.

Article 35. Effectiveness of this Law

This Law shall become effective from the 1st of September, 2001.

**Heydar Aliyev
The President of the Republic of Azerbaijan**

Baku city, 21 July 2000
No 926-IQ

With amendments made on the basis of laws No 74-IIQD dated of 13 February 2001; No 359-IIQD dated of 02 July 2002; No 398-IIQD dated of 03 December 2002; No 569-IIQD dated of 30 December 2003; No 597-IIQD dated of 05 March 2004; No 646-IIQD dated of 04 May 2004; No 684-IIQD dated of 08 June 2004; No 751-IIQD dated of 10 September 2004; No 886-IIQD dated of 15 April 2005; No 914-IIQD dated of 10 May 2005; No 980-IIQD dated of 01 September 2005; No 78-IIIQD dated of 03 March 2006; No 108-IIIQD dated of 12 May 2006; No 122-IIIQD dated of 30 May 2006; No 159-IIIQD dated of 10 October 2006, No 179-IIIQD dated of 28 November 2006, No 246-IIIQD dated of 16 February 2007, No 303-IIIQD dated 10 April 2007, No 356-IIIQD dated of 31 May 2007; No 420-IIIQD dated of 1 October 2007; No 424-IIIQD dated of 1 October 2007; No 458-IIIQD dated of 19 October 2007; No 462-IIIQD dated of 19 October 2007; No 504-IIIQD dated of 7 December 2007; No 510-IIIQD dated of 7 December 2007; No 536-IIIQD dated of 1 February 2008; No 546-IIIQD dated of 12 February 2008; No 579-IIIQD dated of 1 April 2008, 624-IIIQD dated of 2 June 2008; No 638-

IIIQD dated of 13 June 2008; No 648-IIIQD dated of 13 June 2008; No 654-IIIQD dated of 24 June 2008; No 755-IIIQD dated of 30 December 2008; No 806-IIIQD dated of 28 April 2009; No 820-IIIQD dated of 26 May 2009