

**NB: OSCE Translation, 1 December 1999**

**NB: The translation contains letters of the alphabet from Albanian, such as ç), dh), and gj) to enumerate points. [sic] appears in the text after these letters.**

Approved with Decree of President of Republic of Albania, Decree No. 2496, dated 9 December 1999

LAW No. 8549, dated 11 November 1999

ON THE STATUS OF THE CIVIL SERVANT

Pursuant to Articles 81 and 83, item 1 of the Constitution, on the proposal of the Council of Ministers,

THE ASSEMBLY

OF THE REPUBLIC OF ALBANIA

DECIDED:

CHAPTER I. GENERAL PROVISIONS

Article 1. Purpose and object

1. The purpose of this law is to set forth uniform regulations on conditions and procedures for entering the public service, the mode of establishment and termination of the work relations, career advancement, to guarantee the rights and define the duties of civil servants aimed to create a professional, stable and efficient civil service.

2. This law determines the framework on administration of the civil service as well as regulates the legal relationships between civil servants and institutions of central or local public administration mentioned in Article 2 of this law.

Article 2. Definitions and the scope

1. The "civil servants" for purposes of this law are those employees of institutions of central or local public administration who exercise public authority in functions of a managerial, organizational, supervisory or implementing nature as established in Article 11 of this law.

2. The "institutions of central or local public administration" for the purposes of this law are: the Parliamentary Administration, the Presidential Administration, administration of the Council of Ministers, the Ministries, independent central institutions, municipalities and regions.

3. For purposes of this law, the term "institutions of the central administration" refers to the administration of the Council of Ministers and the Ministries.

4. For purposes of this law, the term "independent institutions" refers to the independent central institutions, the Parliamentary Administration, the Presidential Administration, municipalities and regions.

5. For purposes of this law, the term "direct superior" refers to: the head of a directorate for the categories from specialist to sector chief, the secretary general for the categories from head of directorate to head of department, and to the head or the managing body of an institution for the secretary general.

6. The institutions of central or local public administration which are governed by special law shall be subject to the provisions of this law, except when the provisions of the special law differ from this law.

#### Article 3. Principles of the civil service

The civil service is formed and operates on the basis of the principles of professionalism, independence and integrity, political neutrality, transparency, service to the public, career continuity, accountability and correctness in the application of binding legislation.

### CHAPTER II. ADMINISTRATION OF THE CIVIL SERVICE

#### Article 4. The Council of Ministers

1. The Council of Ministers shall set forth the principal policies of the state for the civil service, shall supervise their implementation, and shall report at least annually to the Assembly on the state of the civil service.

2. The Council of Ministers shall issue secondary legislation to implement this law, in accordance with the general principles determined by the present law, and shall supervise the implementation of this law and of secondary legislation in the institutions of the central administration without interference with the responsibilities of the Civil Service Commission.

3. The Council of Ministers shall issue instructions on the negotiation of working conditions with labor unions or representatives of civil servants in the institutions of the central administration subordinated to it.

4. The Council of Ministers shall create a Department of Public Administration with the following competencies:

a) General competencies:

- i) Develops, implements and oversees the implementation of the Government's policies on the civil service and other personnel issues.
- ii) Prepares an annual report on the general situation of the civil service and presents it to the Government.
- iii) Exercises any competency on personnel matters not expressly attributed by law to the institutions of the central administration.

b) Specific competencies:

- i) Prepares for the Council of Ministers regulations of general application to the civil service, or amendments to the existing ones.
- ii) Opines on the legality of draft secondary legislation proposed by the ministries.
- iii) Prepares for the Council of Ministers job classifications and job assessments and modifications thereto, on the proposal of the interested ministry or institution and with the approval of the Ministry of Finance.

- iv) Prepares and publishes general guidelines, procedures, manuals and common forms on:
- description, classification, and evaluation of job positions for civil servants;
  - recruitment, selection, promotion, lateral transfer, disciplinary measures, and performance appraisal of civil servants.
- v) Drafts and executes plans aimed at improving the performance of the civil service.
- vi) Announces open and public competitions for entering the civil service, at the request of the interested institution of the central administration.
- vii) Announces the starting of procedures for promotion and lateral transfer, at the request of the interested institution of the central administration.
- viii) Prepares for the Council of Ministers criteria for the preceding items (vi) and (vii).
- ix) Drafts and executes general training programs applicable to the civil service as a whole.
- x) Oversees the application of the civil service legislation across the institutions of the central administration.
- xi) Prepares for the Council of Ministers, upon proposal from the institutions of the central administration with approval of the Ministry of Finance, staffing plans for the medium and long term.
- xii) Submits to the Prime Minister, upon proposal from the institutions of the central administration, their organizational and employment structure, consistent with the provisions of the organic law on the budget.
- xiii) Nominates as civil servants in the institutions of the central administration the winners of public competitions, as provided for in Article 13 of this law.
- xiv) Represents the Council of Ministers, and jointly with the Ministry of Finance conducts collective negotiations with civil service unions or representatives.
- xv) Keeps and manages the Central Registry of Personnel.
- xvi) With the approval of the Ministry of Finance prepares the salary structure of the employees of the central and local public administration.

#### Article 5. The Civil Service Commission

1. The Civil Service Commission is an independent institution charged with supervisory responsibility over the management of the civil service at all the institutions falling within the scope of this law. It is the administrative resort for appeals in matters related to the civil servant.

2. The Civil Service Commission consists of five members appointed by the Assembly on the proposal of: two by the Council of Ministers, one by the High State Control, and two by a meeting of local government representatives elected according to the procedure contemplated in Article 6 of this law. The institutions above shall propose three candidates for each member of the Commission.

3. The members of the CSC shall enjoy immunity equal to that of the High Court members.

4. The Commission shall elect a chairperson from among its members. The Chairman of the CSC has the following duties:

- a) will report to Parliament;
- b) will be responsible for the activity of the CSC;
- c) will represent the CSC in relations with third parties.

5. The Chair shall be replaced:

- a) at the end of his term;
- b) if he is removed from office according to Article 7, paragraph 3 of this law;
- c) if he dies;
- ç)[sic] if he resigns.

6. Membership in the Commission shall be for a period of seven and one-half years, except for the members of the first Commission to be appointed according to this law, which shall be subject to partial renewal by means of lots cast. One of the members shall be replaced one and one-half years after its creation; the second member three years thereafter, the third member four and one-half years thereafter, the fourth member six years thereafter and the chairperson seven and one-half years thereafter. Whenever a member is replaced, the same body that proposed that member shall propose his successor according to paragraph 2 of this article.

7. The members of the Commission must fulfill general hiring requirements for the civil servant as provided for in this law, and must be at least thirty years old.

8. The Civil Service Commission shall take decisions by a majority of votes of all its members.

9. The members of the Civil Service Commission shall be financially compensated as determined by the Assembly.

10. The Commission shall have a Technical Secretariat, which will carry out duties of a supporting character. The employees of the Secretariat are civil servants.

11. The Assembly shall decide on the organizational structure and staffing for the CSC's Technical Secretariat and an annual budget to fund the operation of the Civil Service Commission and its Secretariat, including salaries of both the members of the CSC and the employees of its Technical Secretariat.

12. The CSC shall draft, within three months from its establishment, internal regulations for its operation, which shall be approved by the Assembly.

13. The Civil Service Commission shall report to the Assembly about its activities at the end of each year or whenever so required.

#### Article 6. Meeting of Representatives of Local Government

1. To propose candidates for members of the Civil Service Commission, every regional council shall elect three representatives 15 days after the effective date of this law but no later than five days before the date set in paragraph 2 of this article for holding the meeting of the representatives.

2. The meeting of the representatives shall be held no later than 30 days after the effective date of this law or 10 days from the termination of the mandate or the removal of the CSC members elected by the representatives.

3. The Ministry of Local Government shall make the announcement, and arrange the necessary space and infrastructure for holding the meeting.

4. The meeting shall take decisions when at least two-thirds of the representatives are present. If this quorum is not reached in the first meeting, a second meeting shall be held after five days. If this quorum is not reached even in the second meeting, after five days a third meeting shall be held. If the quorum is not reached even in the third meeting, in the fourth meeting, which shall be held after five days, decisions shall be taken by a simple majority of votes. The meeting shall be chaired by the oldest representative.

5. The representatives shall propose no less than 10 candidates, who shall be submitted to a vote. Each of the candidates shall be proposed by at least three representatives, and one representative cannot propose more than one candidate.

6. The list of nominations shall be submitted to a secret ballot. The six candidates receiving the most votes shall be proposed to the Assembly for membership in the Civil Service Commission.

#### Article 7. Incompatibilities and Dismissal of CSC Members

1. Members of the high steering organs of political parties may not be members of the Commission.

2. A CSC member shall be replaced:

- a) at the end of his term;
- b) if he is removed from office according to paragraph 3 of this article;
- c) if he dies;
- ç) [sic] if he resigns.

3. A CSC member may be removed from office by a three-fifths vote of the full Assembly in case he:

- a) is convicted of a criminal offense by final court decision;
- b) becomes mentally or physically incapacitated to perform his duties;
- c) conducts activities that create conflicts of interest;
- ç) [sic] is absent from duty for more than three months.

4. Members of the CSC are employed full time by the CSC and shall not hold outside employment during their tenure.

#### Article 8. Competencies of the CSC

1. The Civil Service Commission shall have the following competencies:

- a) Resolve individual appeals of decisions concerning hiring in the public service, probationary periods, promotions, lateral transfers, appraisals, disciplinary measures and the rights of civil servants.
- b) Monitor the management of the civil service in all the institutions under the scope of this law. When irregularities are uncovered, the CSC shall warn the incumbent institution giving a term of up to two months to correct the illegality. At the expiration of this term, the CSC can take the matter to court.
- c) Any other competency deriving from this law or from normative legislation set forth for its implementation and on the basis thereof.

2. The CSC shall resolve the individual appeals foreseen in point (a) within 30 days from the day the complaint was filed. If an appeal is not resolved by the CSC within this 30-day period, the plaintiff shall be entitled to appeal his case directly to the courts within a successive 30-day period. The Technical Secretariat shall publish the decisions of the CSC and notify the interested parties. The CSC's decisions can be appealed to the courts within 30 working days from the date of notification to the parties.

3. The CSC decisions taken pursuant to point (a) shall be binding on the institutions of central and local public administration. The institutions of central and local public administration may appeal the CSC's decisions taken pursuant to paragraph 2 to the courts of appeal within 30 days from the date of notification.

#### Article 9. Institutions of Central Administration

The Institutions of Central Administration shall be responsible for the administration of their subordinated civil service and shall have the following competencies:

- a) To submit to the Department of Public Administration requests for the filling of vacant positions and for promotions.
- b) To appoint as civil servant one of the three candidates proposed by the corresponding ad hoc committees according to article 13, paragraph 5, point (b) of this law.
- c) To fill their vacant positions by means of internal transfers of a temporary nature.
- ç) [sic] To set forth specific criteria to appraise job achievements in conformity with the legal framework in force and to conduct annually an appraisal of the job performance of individuals.
- d) [sic] To exercise disciplinary prerogatives on civil servants in accordance with this law and with relevant secondary legislation.
- dh) [sic] To take confirmation decisions at the end of probationary periods in accordance with this law and with secondary legislation enacted for its implementation.
- e) [sic] To prepare and execute specific measures with a view to raising job effectiveness and efficiency on the part of civil servants in accordance with secondary legislation and the general policies approved by the Council of Ministers.
- ë) [sic] To prepare and execute specific training activities for civil servants in accordance with the general training policies and programs approved by the Council of Ministers.

#### Article 10. Independent Institutions

1. The independent institutions are responsible for managing their own civil service. Those institutions shall create their own departments of personnel to manage their civil service in accordance with this law and the secondary legislation enacted for its implementation, with the following competencies:

- a) To fill their vacant positions by means of internal transfers of a temporary nature.
- b) To set forth specific criteria to appraise job performance in conformity with the legal framework in force and to conduct annually an appraisal of the job performance of individuals.

- c) To exercise disciplinary prerogatives on civil servants in accordance with this law and with relevant legal regulations.
- ç) [sic] To take decisions at the end of probationary periods.
- d) [sic] To prepare and execute specific measures with a view to raising job effectiveness and efficiency of their civil servants in accordance with the law.
- dh) [sic] To prepare and execute special training activities for their civil servants.
- e) [sic] To nominate the ad hoc committees for recruitment, promotions and lateral transfers.
- ë) [sic] To select as civil servant one of the three candidates proposed by the ad hoc committee, as defined by article 13, paragraph 5, point (c) of this law.

### CHAPTER III. CLASSIFICATION OF CIVIL SERVANTS AND HIRING IN THE CIVIL SERVICE

#### Article 11. Categories

1. The categories of civil servants are as follows:

- a) civil servant of high-level management;
- b) civil servant of medium-level management;
- c) civil servant of low-level management; and
- ç) [sic] civil servant of the implementing level.

2. The following are considered civil servants of high-level management:

- a) Secretaries General;
- b) directors of departments;
- c) directors of general directorates; and
- ç) [sic] equivalent positions of the first three types in the institutions of central and local public administration.

3. The following are considered civil servants of medium-level management:

- a) directors of directorates; and
- b) equivalent positions.

4. The following are considered civil servants of low-level management:

- a) sector chiefs;
- b) office chiefs; and
- c) equivalent positions.

5. Specialists are considered civil servants of the implementing level.

6. The Council of Ministers and the independent institutions shall make classifications or set levels within each category, respectively, for the institutions of the central administration and the respective independent institutions.

#### Article 12. General requirements for hiring in the civil service

A person who fulfills the following general requirements shall be eligible to be hired in the civil service:

- a) he is an Albanian citizen;
- b) he has full capacity to act;

- c) he fulfills the legal requirements concerning educational background and has the requisite professional capacity for the job in question;
- ç) [sic] he is in good health to carry out his duties;
- d) [sic] he has not been sentenced for a crime by final court decision;
- dh) [sic] he has not been dismissed from the public service for a serious disciplinary offense.

#### Article 13. Hiring

1. Hiring in the civil service is carried out by means of open competition based on merit.

2. In the central administration the announcement of the competition is made by the Department of Public Administration at the request of the interested agency. In the independent institutions, the announcement is made by the personnel department.

3. The announcement shall be published in two newspapers with the widest circulation at least 30 days before the date scheduled for the competition.

4. The announcement of a competition shall include a list of general and specific criteria to be met by the candidates, including the areas of knowledge to be assessed as part of the competition, which shall be determined by the Department of Public Administration in collaboration with the proposing agency, or by the department of personnel in the independent institutions.

5. The competition shall be held in three phases:

a) The first phase shall involve the selection of candidates to be examined and verification of whether the candidates fulfill the general and specific requirements set forth in the announcement of the competition. Only those who have fulfilled the requirements will be permitted to take part in the examination phase. This phase is carried out by the Department of Public Administration for the institutions of the central administration and by the personnel department in the independent institutions.

b) The second phase shall involve the administration of exams. To organize this phase, the Department of Public Administration, for the institutions of the central administration, or the relevant personnel department, for the independent institutions, shall establish ad hoc committees composed of five members: one representative of the Department of Public Administration for the central institutions or of the relevant personnel department for the independent institutions, two representatives of the institution of central or local public administration that proposed filling the vacant position, and two professors from the faculty or chair of the field in question or two distinguished experts in that field. The ad hoc committee shall produce a short list of the three best candidates, based primarily on the examination results, but also on qualifications, professional experience, scholarly publications and on the particular aptitudes of the candidates. The examination results shall account for 70 percent of the candidate's total score, while qualifications, professional experience, scholarly publications and the particular aptitudes of the candidates shall account for 30 percent.

c) The third phase shall involve the final selection of candidates. In this phase, the direct superior to whom the civil servant will report shall choose one of the three candidates presented by the ad hoc committee.

6. Appeals with regard to the conduct and results of the competition may be filed with the Civil Service Commission within 30 working days of the publication of the results in two newspapers with the widest circulation. If an appeal is successful, the plaintiff shall be proposed to the institution for the next available position of similar category and level.

7. The service relationship of the civil servant shall begin with the act of his appointment to the civil service and shall be indefinite. The act of nomination shall be signed, after the deadline has passed for filing an appeal under paragraph 6, by the Department of Public Administration for the institutions of central administration or by the personnel departments of the independent institutions.

#### Article 14. Probationary period

1. Civil servants shall be subject to a probationary period lasting one year from the date of the act of their appointment. During this period, they shall be under the care of a senior employee and shall be appraised by their closest superiors. General and special training activities are obligatory for civil servants on probation.

2. At the end of the probationary period, the direct superior shall take one of the following decisions:

- a) confirm the appointment of the civil servant;
- b) extend the probationary period one time only, for a period of up to six additional months; or
- c) dismiss him from the civil service and return him to his previous position.

3. The decision of the direct superior shall be based in any case on the appraisal of the achievements of the individual's work.

4. The civil servant may appeal to the Civil Service Commission within 30 working days of the announcement of the decision.

5. Should the person in question be dismissed, he shall enjoy the rights of a civil servant only for the probationary period.

#### CHAPTER IV. PROMOTION, LATERAL TRANSFER, APPRAISAL AND TRANSFER

##### Article 15. Promotions and lateral transfers

1. Before hiring procedures for civil service are initiated, the vacant position shall be offered to existing civil servants by means of lateral transfer procedures and, if the vacancy is not filled, by means of promotion procedures.

2. A lateral transfer consists in changing to another job of the same category or level within the same institution or to another institution of central or local public administration, according to the procedure defined by paragraph 3.

3. In the central administration the vacancy shall be announced by the Department of Public Administration at the request of the respective institution. In independent institutions the vacancy shall be announced by the personnel departments. The announcement shall be published in two newspapers with the widest circulation at least 30 days before the date scheduled for the review of the candidatures and shall include a list of general and specific

requirements to be met by the candidates, which shall be determined by the Department of Public Administration in collaboration with the proposing institution of central administration, or by the personnel departments of the independent institutions. The interested persons must submit their documentation before the date set in the announcement for the review of the candidatures.

The direct superior according to the category of the civil servant shall select one of the candidates based on his qualifications, professional experience, scholarly publications, particular aptitudes and the evaluation of individual job performance. The procedures provided by article 13, paragraph 7 and article 14 shall also apply to these cases.

4. The promotion consists in changing to another job of a higher level or category in the same institution or in another institution of central or local public administration when such higher level exists. The civil servants shall be promoted by competition among existing civil servants, based on merit and according to the procedures defined in articles 13 and 14 of this law.

5. Appeals related to the conduct of the competition may be submitted to the Civil Service Commission within 30 working days of the publication of its results in two newspapers with the widest circulation.

#### Article 16. Appraisal of individual job performances

Decisions related to probation, promotions and lateral transfers taken in accordance with articles 14, 15 and 27 of this law shall be based on the appraisal of individual job performances. The appraisal period shall be one calendar year. The Council of Ministers shall enact secondary legislation to provide for the methodology for the appraisal of individual job performances for all institutions of central or local public administration.

#### Article 17. Necessitated transfers

On the proposal of an institution with a vacancy in cases of temporary need, the Department of Public Administration for the institutions of central administration or the personnel departments of independent institutions shall determine whether a necessitated transfer is justified. If such a necessity is determined to exist, a civil servant may be required to transfer to another position of the same level or category. Such transfers may last for a period of up to six months.

The civil servant may not be forced to accept a transfer if the new place of work is more than 30 kilometers away from the original place of work.

### CHAPTER V. STRUCTURE OF SALARY AND COMPENSATION

#### Article 18.

The salary of a civil servant shall have the following components:

1. Basic salary. The basic salary has three subcomponents:

- a) group salary based on the education level required by the position;
- b) seniority supplement;
- c) training supplement.

2. Supplement for the position to reflect its relative value and special circumstances.

3. Supplement for the working conditions of the job to reflect special working conditions.

4. Bonuses for superior job performance may be awarded based on performance reviews and subject to the availability of budgetary resources in each institution. Such bonuses may be paid only once a year and shall not become part of the salary.

Supplements under paragraphs 2 and 3 of this article shall vary according to the position held by a civil servant.

The Council of Ministers shall issue regulations on the operation of this salary structure. Based on the general pay structure defined by this law, the Council of Ministers may establish special schemes for particular professional groups.

## CHAPTER VI. DUTIES AND RIGHTS OF THE CIVIL SERVANT

### Article 19. Duties

A civil servant shall have the following duties:

a) To know, respect, implement and act in accordance with the Constitution, the Administrative Procedures Code and the other law and regulations.

b) To provide to the general public, interested parties and public institutions such information as is required, with the exception of state secrets, confidential information and information for internal use only, in accordance with laws and regulations.

c) To respect working hours and use them only for the fulfillment of their official duties. Hours and length of work are to be regulated for the civil service in the institutions of central administration by a decree of the Council of Ministers and for the civil service of the local administration by a decree of the organs of local government.

ç) [sic] To improve their professional capabilities and to take part in training activities to this end.

d) [sic] Not to seek or accept any moral or material gain in the fulfillment of their obligations, with the exception of payments and other benefits accorded to them by Article 18.

dh) [sic] Not to undertake work or other activities that present a conflict of interest with, or hinder the performance of, their official duties and to inform the institution where they are employed of any gainful activity carried out outside of their official duties.

e) [sic] Not to use government property for private gain.

ë) [sic] To bear full responsibility for the legality of their activities during the fulfillment of their duties and, if they are not convinced of the legality of the orders and decrees they are carrying out, to immediately inform the

order-giving organs or levels as well as the organs or levels to which the latter report. Civil servants are not obliged to comply with unlawful orders.

f) [sic] Not to go on strike.

g) [sic] Not to behave in a manner that is inconsistent with the rules of ethics.

Violation of the duties referred to in numbers (d) [sic], (dh) [sic], (e) [sic] and (f) [sic] of this article shall result in dismissal from the civil service, if proved through the respective disciplinary procedures.

#### Article 20. Rights

A civil servant shall have the following rights:

a) To have a guaranteed job in the civil service in accordance with the provisions of this law.

b) To be promoted and transferred laterally in accordance with Article 15 of this law.

c) To be protected by the State in the performance of his duties.

ç) [sic] To work and exercise other lawful activities beyond his duties and outside of working hours if such work and activities do not present a conflict of interest with, and do not hinder the performance of, his official duties.

d) [sic] To form and be members of labor unions and professional organizations. A special law shall set forth rules on labor union activities of the civil servants.

dh) [sic] To take part, through labor unions or representatives, in decision-making processes relating to working conditions. To be members of political parties, but not of their central steering committees.

ë) [sic] To take annual paid leave and other leaves in cases and on conditions to be specified by the Council of Ministers.

f) [sic] To enjoy health benefits for themselves and dependent members of their families in accordance with the law.

g) [sic] To receive supplementary compensation and be reimbursed for expenditures for work outside of working hours and official travel in accordance with criteria set forth by the Council of Ministers.

gj) [sic] To work, with the approval and authorization of the Ministry of Foreign Affairs and the clearance of the [civil servant's] Personnel Director, for international organizations of which Albania is a member or for foreign governments where this is in the interests of the Republic of Albania. Upon conclusion of this activity, the official in question shall return to the same or an equivalent job.

h) To [sic] be trained in relation to his job on a regular basis, at the expense of the state.

Should a civil servant be denied the rights guaranteed under this law, or should his rights be infringed upon, he may file an appeal in writing to the Civil Service Commission.

#### CHAPTER VII DISMISSAL AND SUSPENSION FROM THE CIVIL SERVICE

##### Article 21. Dismissal from the civil service

1. A civil servant shall be dismissed from the civil service:

- a) if he resigns;
- b) if he reaches the age of retirement;
- c) if he becomes permanently incapable of fulfilling his official duties for health reasons;
- ç) [sic] if he is given a prison sentence by final court decision;
- d) [sic] if it has been concluded that he is incapable of fulfilling his duties after at least two consecutive negative appraisals of his job performance;
- dh) [sic] in the cases contemplated in Article 23 of this law;
- e) [sic] it has been concluded that he is "unadapted" pursuant to Article 24 of this law;
- ë) [sic] if disciplinary measures have been taken by the competent body to dismiss him from the civil service pursuant to the procedures contemplated in Article 25.

2. In those cases contemplated under (d) [sic], immediately after the second negative appraisal, the institution in question shall propose to the Department of Public Administration that the civil servant be dismissed from his duties. The decision shall be taken within 10 working days.

#### Article 22. Suspension

1. Suspension is the temporary interruption of working relations for as long as the reason of the interruption persists. At the end of such period the civil servant shall resume his position in the civil service, except if he is given a prison sentence.

2. A civil servant shall be suspended:

- a) when criminal proceedings are initiated against him because of his duty or for a serious crime, until a final decision has been taken;
- b) while he is serving in the armed forces;
- c) while he exercises a political function in accordance with the law;
- ç) [sic] during periods of study of more than six months undertaken at his own initiative but related to the profession he exercises.

3. A civil servant shall not be paid while suspended. In cases under (a) above, the civil servant shall be entitled to his basic salary from the time of the suspension if the criminal case is closed or if he is acquitted by a final court judgment.

4. Periods of suspension from duty will count in calculating seniority in the civil service.

#### Article 23. Closing and Restructuring

1. If an institution of public administration is closed, a civil servant whose position has been declared redundant shall be dismissed from the civil service.

2. If an institution of public administration is restructured, civil servants whose positions are declared redundant shall be offered a position of the same rank in another ministry or institution of the central or local public administration or, this being impossible, a position of a lower rank. The civil servant shall continue to enjoy the rights of his previous position until he is offered another position but for no longer than one year. If a civil servant

declines to accept the offered position, he shall relinquish his rights as a civil servant.

3. Civil servants declared redundant shall be entitled to unemployment benefits in accordance with law.

#### Article 24. Change of requirements for a position

1. If the requirements for a position change because of changes in its job description, a six-month period will be provided to the incumbent civil servant to allow him to adapt to the new requirements. During this period the civil servant shall attend obligatory training activities. The Council of Ministers shall provide specific training for the incumbent civil servant to assist him in adapting to the new position.

2. If, after six months and application of the relevant appraisal procedures as provided in Article 16, it is concluded that the civil servant has not adapted to the new position, the provisions of Article 23, paragraph 2 shall apply.

### CHAPTER VIII DISCIPLINARY MEASURES

#### Article 25.

1. Disciplinary measures shall be taken against a civil servant if he does not fulfill his official duty, if he violates work discipline or the rules of ethics, or in other cases contemplated by this law.

2. Disciplinary measures shall be taken by the direct superior, in accordance with administrative procedures guaranteeing the right to be informed, heard, defended, and to appeal. The direct superior shall notify the Department of Public Administration, for institutions of central administration, or the personnel department of the independent institutions of his decision to take disciplinary measures. The Department of Public Administration or the personnel departments shall give a written opinion on the disciplinary measure and, for measures under (c) and (d)[sic] of the subsequent paragraph, shall communicate that opinion to the person subject to the measure and to the Civil Service Commission. Only one disciplinary measure shall be taken for one infringement. Not all disciplinary measures need be exhausted before a civil servant is subject to dismissal.

3. The following are the types of disciplinary measures:

- a) written reprimand;
- b) reprimand with admonition;
- c) suspension from the right to promotion for a period of up to two years;
- ç) [sic] demotion to a position of a lower level or category for a period of thirty days to one year;
- d) [sic] dismissal from the civil service.

Disciplinary measures may be deleted if, within one year for measures under (a) and (b), and within three years for measures under (c) and (ç) [sic], the civil servant has not been subject to another disciplinary measure. Deleted disciplinary measures shall be deleted from the personnel file.

### CHAPTER IX PERSONNEL REGISTRY

Article 26. Personnel Registry

1. The Department of Public Administration shall be charged with the creation and administration of a Central Personnel Registry. This registry shall include relevant professional and career data on civil servants.
2. Every institution of public administration shall keep personnel files for its officials.
3. The personnel files and the Central Personnel Registry are confidential, but every civil servant has the right to access the information in his personnel file. Such information can be released to the CSC and the courts for purposes of resolving disputes.
4. The Council of Ministers shall establish the specifications of the Registry and the files as well as the type of information to be maintained therein. Such data shall be utilized in accordance with Law "On the Right of Access to Official Documents" no. 8503 dated 30 June 1999.
5. Independent institutions shall hold the same data in their personnel registry.

CHAPTER X. TRANSITORY PROVISIONS

Article 27.

Incumbent employees who, on the effective date of this law, hold positions that are deemed to be civil service positions shall be on probation and subject to the provisions of Article 14. Probationary period shall be one year for secretaries general, 18 months for directors of personnel departments and two years for the remaining civil servants.

Article 28.

Until the establishment of the regions, their powers shall be exercised by the district councils, which shall delegate two representatives to the Meeting of Representatives in accordance with Article 6 of this law.

CHAPTER XI FINAL PROVISIONS

Article 29.

The Council of Ministers, within six months from the effective date of this law, shall enact regulations for its implementation in accordance with the general principles defined in Articles 13 to 26 of this law.

Article 30.

Law "On the Civil Service of the Republic of Albania" No. 8095 of 21 March 1996, excepting the provisions on political functionaries, shall be repealed. All other provisions that are inconsistent with this law shall be repealed.

Article 31.

This law shall become effective 15 days after its publication in the Official Journal.