

# LAW OF GEORGIA

## ON PUBLIC SERVICE

This Law lays down legal basis for the organisation of public service in Georgia, regulates relations related to the performance of public service and determines the legal status of public employees.

### Chapter I - General Provisions

#### Article 1 - Concepts of public service and public office

1. Public service ('the Service') is employment within state and local self-government public (budgetary) institutions – public authorities.
2. Public office is a primary structural unit of state government bodies that determines the place and socio-labour status of citizens in the public service system, as well as their rights and obligations.
3. A State-Political office is the political public office provided for by the Constitution of Georgia, the Constitutions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara and the election or appointment procedures which are contained in the Constitution of Georgia, the Constitutions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara, respectively. State-Political officials are:
  - a) the President of Georgia
  - b) Members of the Parliaments of Georgia
  - c) the Prime Minister and other members of the Government of Georgia
  - d) members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara
  - e) the Heads of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara.
4. Service in public office shall mean labour relations in elected or appointed positions at institutions that exercise legislative, executive and judicial authority, state supervision and control, as well as state defence under the legislation of Georgia.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

#### Article 2 - Concept of a Government (budgetary) Institution

1. A Government (budgetary) Institution ('the Institution') is a publicly funded institution established with funds from the State Budget, the Republic Budget of the Autonomous Republic or the budget of a local self-government unit. The main objective of the Institution is to exercise public authority.
2. Working at the following public institutions shall be considered as public service:
  - a) the Parliament of Georgia, except for staff of parliamentary factions, temporary investigation commissions and other temporary commissions
  - a<sup>1</sup>) the Administration of the President of Georgia
  - b) the Administration of the Government of Georgia, the Office of the State Minister of Georgia, the ministries and state sub-agencies of Georgia
  - c) the Council of Justice of Georgia
  - d) the Constitutional Court of Georgia, common courts, the Prosecutor's Office of Georgia
  - e) the National Bank of Georgia
  - f) the State Audit Office of Georgia
  - g) the Office of the Public Defender of Georgia and its Agencies
  - h) State Trustees – the governors and their administrations
  - i) (deleted)
  - j) the Personal Data Protection Office.



3. Working at the following public institutions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara shall be considered as public service:

- a) the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara, except for the staff of factions within those bodies
- b) government agencies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara
- c) (deleted)

4. Working at the following local self-government institutions shall be considered as public service:

- a) Sakrebulo
- b) Gamgeoba, a City Hall
- c) a municipality.

*Law of Georgia No 1983 of 28 May 1999 - LHG I, No 20(27), 9.6.1999, Art. 80*

*Law of Georgia No 91 of 24 December 1999 - LHG I, No 52(59), 31.12.1999, Art. 253*

*Law of Georgia No 190 of 7 March 2000 - LHG I, No 8, 15.3.2000, Art. 18.*

*Law of Georgia No 303 of 16 March 2000 - LHG I, No 21, 1.6.2000, Art. 56*

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 5248 of 11 July 2007 - LHG I, No 29, 27.7.2007, Art. 311*

*Law of Georgia No 216 of 15 July 2008 - LHG I, No 17, 28.7.2008, Art. 132*

*Law of Georgia No 2462 of 25 December 2009 - LHG I, No 49, 30.12.2009, Art. 374*

*Law of Georgia No 3204 of 29 June 2010 - LHG I, No 34, 9.7.2010, Art. 204*

*Law of Georgia No 6550 of 22 June 2012 - website, 29.6.2012*

*Law of Georgia No 2363 of 2 May 2014 - website, 16.5.2014*

*Law of Georgia No 2641 of 1 August 2014 - website, 18.8.2014*

### **Article 3 - Types of public service**

1. Public service is unitary in Georgia.
2. Types of public service are:
  - a) civil service
  - b) service at local self-government bodies.

### **Article 4 - Concept of a public employee**

1. A public employee ('an employee') performs paid work in a state or local self-government body as provided in this Law.
2. An employeewho has working relations with the State shall be a civil servant, while a person who has labour relations with a local self-government unit is a local self-government body employee.

*Law of Georgia No 4676 of 17 May 2011 - website, 1.6.2011*

### **Article 5 - Types of a public employee**

Public service shall be performed by:

- a) a state-political official
- b) an official



c) a member of a support staff

d) a part-time employee.

#### **Article 6 - Concept and types of an official**

1. An official is a person who is appointed or elected to an established post (as a regular employee) in a government institution.
2. Officials are divided into state officials and local self-government officials.

#### **Article 7 - Concept of a member of a support staff**

A member of a support staff is a technical worker recruited at an institution to a full-time position of support staff on the basis of an employment agreement.

#### **Article 8 - Concept of a part-time employee**

A part-time employee is appointed or recruited on the basis of an employment agreement for a specific period of time to perform temporary work.

#### **Article 9 - Determining position titles and salaries of public employees**

1. Salaries of the President of Georgia, members of the Parliament of Georgia, members of the Government of Georgia, members of the Constitutional Court of Georgia, members of the Supreme Court of Georgia, as well as salaries of officials stipulated in the Constitution of Georgia who are appointed or elected by the President or by the Parliament of Georgia respectively, shall be determined by the law of Georgia.

2. The Government of Georgia, by ordinance, shall determine the upper and lower limits of the salaries of the employees according to their official ranks.

3. Within the range of upper and lower limits of official salaries of the employees specified in the second paragraph of this article:

a) the position titles and salaries of the officials and support personnel of the Staff of the Parliament of Georgia, and those of the officials and support personnel of the National Parliamentary Library of Georgia, shall be determined by the Chairperson of the Parliament of Georgia;

b) the position titles and salaries of the officials and support staff of the Administration of the President of Georgia and of the Office of the National Security Council of Georgia shall be determined by the President of Georgia;

c) the position titles and salaries of the officials and support staff of the administration of State Trustees, the governors, shall be determined by the Government of Georgia;

d) the position titles and salaries of the officials and support staff of the Administration of the Government of Georgia shall be determined by the Prime Minister of Georgia; the position titles and salaries of the officials and support staff of an office of a State Minister of Georgia shall be determined by the State Minister concerned;

e) the rate of the official salaries of members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara shall be determined by legislation of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara respectively;

f) the position titles and salaries of the officials and support staff of the Ministries and state sub-agencies of Georgia shall be determined by the heads of the respective Ministries;

g) the position titles and salaries of the officials and support personnel of the Staff of the Constitutional Court of Georgia shall be determined by the Constitutional Court of Georgia;

h) the position titles and salaries of the officials and support personnel of the Staff of the Supreme Court of Georgia shall be determined by the Supreme Court of Georgia;

i) the position titles and salaries of the officials and support personnel of the staff of the common courts of Georgia (except for the Supreme Court of Georgia) shall be determined by the High Council of Justice of Georgia;

j) the official salaries of members of the High Council of Justice of Georgia, as well as position titles and official salaries of the officials and support personnel of the Staff of the High Council of Justice of Georgia shall be determined by the High Council of Justice of Georgia;

k) the position titles and official salaries of the officials and support staff of the State Audit Office of Georgia shall be determined by the General Auditor;

l) the position titles and salaries of the officials and support staff of the Public Defender's Office of Georgia shall be determined by the Public Defender of Georgia;

l<sup>1</sup>) the position titles and official salaries of the officials and support staff of the Personal Data Protection Office shall be determined by the Personal Data Protection Official;



m) the position titles and salaries of the officials and support staff of the Central Election Commission of Georgia shall be determined by the Central Election Commission of Georgia;

n) the position titles and salaries of the officials and support staff of the National Bank of Georgia shall be determined by the President of the National Bank of Georgia;

o) the position titles and salaries of the officials and support staff of the Supreme Representative and Executive Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara shall be determined by the Heads of the Supreme Representative and Executive Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara respectively;

p) (deleted – 26.7.2014, No 2538)

q) the salaries of other employees shall be determined by the Government of Georgia.

4. The salaries of the employees of local self-government bodies shall be determined under the Organic Law of Georgia - Local Self-Government Code of Georgia and shall not be subject to the second paragraph of this article.

*Law of Georgia No 1389 of 15 May 1998 - the Gazette of the Parliament of Georgia, No 19-20, 30.5.1998, p. 74*

*Law of Georgia No 91 of 24 December 1999 - LHG I, No 52(59), 31.12.1999, Art. 253*

*Law of Georgia No 190 of 7 March 2000 - LHG I, No 8, 15.3.2000, Art. 18*

*Law of Georgia No 1079 of 28 September 2001 - LHG I, No 27, 10.10.2001, Art. 112*

*Law of Georgia No 1290 of 15 February 2002 - LHG I, No 4, 5.3.2002, Art. 21*

*Law of Georgia No 2240 of 8 May 2003 - LHG I, No 15, 4.6.2003, Art. 109*

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 4954 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 217*

*Law of Georgia No 5248 of 11 July 2007 - LHG I, No 29, 27.7.2007, Art. 311*

*Law of Georgia No 476 of 1 November 2008 - LHG I, No 30, 7.11.2008, Art. 193*

*Law of Georgia No 3204 of 29 June 2010 - LHG I, No 34, 9.7.2010, Art. 204*

*Law of Georgia No 6550 of 22 June 2012 - website, 29.6.2012*

*Law of Georgia No 6599 of 29 June 2012 - website, 13.7.2012*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

*Law of Georgia No 2363 of 2 May 2014 - website, 16.5.2014*

*Law of Georgia No 2538 of 26 July 2014 - website, 6.8.2014*

*Law of Georgia No 2641 of 1 August 2014 - website, 18.8.2014*

#### **Article 10 - Approving staff lists of Government (budgetary) Institutions**

1. The structure and staff list of the Staff of the Parliament of Georgia shall be approved under the Rules of Procedure of the Parliament of Georgia.

2. Staff lists of the Administration of the President of Georgia, Administration of the Government of Georgia, the Ministries of Georgia, the Staff of the Constitutional Court of Georgia, the Staff of the Supreme Court of Georgia, the system of the State Audit Office of Georgia, the Staff of the National Bank of Georgia, the Public Defender's Office of Georgia, the Personal Data Protection Office of Georgia shall be approved by the heads of respective bodies, while the staff list of the offices of State Ministers of Georgia shall be approved by respective State Ministers.

3. Staff lists and structure of the common courts (except for the Supreme Court of Georgia) and the High Council of Justice of Georgia shall be approved by the High Council of Justice of Georgia.

4. Staff lists of the state sub-agencies of the government agencies of Georgia shall be approved by the heads of respective agencies.

4<sup>1</sup>. The structure and staff lists of the Supreme Representative and Executive Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara shall be approved under legislation of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara respectively.

5. Staff lists of local self-government bodies shall be approved under the Organic Law of Georgia Self-Government Code of Georgia.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 4954 of 19 June 2007 - LHG I, No 24, 2.7.2007, Art. 217*



## **Article 11 - Public employees who are not subject to this Law**

1. Except as provided for in paragraph 1<sup>1</sup> and 1<sup>2</sup> of this article, this Law shall not apply to state-political officials, to members of a municipality Sakrebulo, to a municipality Gamgebeli/mayor, to a deputy Gamgebeli/mayor, to the heads of structural units of a Gamgeoba/City Hall and to district Gamgebelis of the Tbilisi municipality.

1<sup>1</sup>. Articles 1-6, 9, 10, 38, 39, 39<sup>1</sup>, 41<sup>1</sup>, 66 and 121 of this Law shall apply to the members of a municipality's Sakrebulo. Article 71(3) of this Law shall apply to state-political officials in addition to the articles specified in this paragraph.

1<sup>2</sup>. Articles 1-6, 9, 10, 37-39, 39<sup>1</sup>, 40, 41, 41<sup>1</sup>, 66, 69 and 121 of this Law shall apply to an authorised government official – deputy governor, a deputy municipality Gamgebeli/mayor, to the head of a structural unit of a Gamgeoba/City Hall and to district Gamgebelis of the Tbilisi municipality. Articles set forth in this paragraph, except for Article 41(2) of this Law, shall apply to a municipality Gamgebeli/mayor.

2. This Law shall apply to the employees set out in this paragraph unless otherwise provided for by the Constitution of Georgia, special legislation or on the basis of the Constitution of Georgia and special legislation. Those employees shall be:

a) officials elected, appointed and approved on the basis of the Constitution of Georgia, the Constitutions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara

b) judges

c) prosecutors

c<sup>1</sup>) employees of the Enforcement Police Department of the Legal Entity under Public Law (LEPL) - the National Bureau of Enforcement within the Ministry of Justice of Georgia

d) employees of the Ministry of Internal Affairs of Georgia

e) employees of the offices of the Ministry of Finance of Georgia

f) (deleted)

g) employees of the Georgian Intelligence Service

g<sup>1</sup>) employees of the Special State Protection Service of Georgia

h) military service personnel

i) diplomatic service personnel

j) employees of the LEPL Financial Monitoring Service of Georgia

k) (deleted)

l) employees of confinement and imprisonment facilities

m) employees of the LEPL National Agency for Execution of Non-custodial Sentences and Probation within the Ministry of Corrections and Legal Assistance of Georgia;

n) officers/employees of the General Staff and armed forces of the Ministry of Defence of Georgia.

3. This Law shall apply to public employees who are not specified in the first and second paragraphs of this article unless otherwise specified by this Law and legislative acts regarding the status of employees of that category.

4. The Career Programme of the Officers/Employees of the General Staff and the Army of the Ministry of Defence of Georgia shall be approved by order of the Ministry of Defence of Georgia. The Program shall regulate the issues of labour relations of the officers/employees, including the rules and grounds for appointment and dismissal, service, certification, upgrading of qualification, forms of incentives and disciplinary actions. This Law shall apply to officers/employees specified in this paragraph unless their labour relations are otherwise regulated under this paragraph and under the legislation that regulates relations with military service personnel.



*Law of Georgia No 1020 of 20 July 2001 - LHG I, No 24, 1.8.2001, Art. 97*

*Law of Georgia No 3097 of 26 August 2003 - LHG I, No 28, 15.9.2003, Art. 203*

*Law of Georgia No 3397 of 24 February 2004 - LHG I, No 7, 16.3.2004, Art. 34*

*Law of Georgia No 861 of 29 December 2004 - LHG I, No 1, 5.1.2005, Art. 1*

*Law of Georgia No 3183 of 25 May 2006 - LHG I, No 17, 30.5.2006, Art. 128*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 4260 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 420*

*Law of Georgia No 5268 of 11 July 2007 - LHG I, No 30, 30.7.2007, Art. 339*

*Law of Georgia No 73 of 27 June 2008 - LHG I, No 12, 14.7.2008, Art. 95*

*Law of Georgia No 1935 of 3 November 2009 - LHG I, No 35, 19.11.2009, Art. 240*

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

*Law of Georgia No 2462 of 25 December 2009 - LHG I, No 49, 30.12.2009, Art. 374*

*Law of Georgia No 2727 of 9 March 2010 - LHG I, No 12, 24.3.2010, Art. 63*

*Law of Georgia No 2990 of 27 April 2010 - LHG I, No 24, 10.5.2010, Art. 155*

*Law of Georgia No 3367 of 6 July 2010 - LHG I, No 39, 19.7.2010, Art. 240*

*Law of Georgia No 3614 of 24 September 2010 - LHG I, No 52, 30.9.2010, Art. 333*

*Law of Georgia No 4116 of 17 December 2010 - LHG I, No 75, 27.12.2010, Art. 472*

*Law of Georgia No 4955 of 24 June 2011 - website, 11.7.2011*

*Law of Georgia No 1379 of 27 September 2013 - website, 9.10.2013*

*Law of Georgia No 1790 of 13 December 2013 - website, 28.12.2013*

*Law of Georgia No 1971 of 5 February 2014 - website, 19.2.2014*

*Law of Georgia No 2538 of 26 July 2014 - website, 6.8.2014*

*Law of Georgia No 2821 of 28 November 2014 - website, 3.12.2014*

*Law of Georgia No 2931 of 12 December 2014 - website, 23.12.2014*

## **Article 11<sup>1</sup> – Application of this Law to a Legal Entity under Public Law (LEPL)**

1. Articles 29–32 of this Law shall also apply to a LEPL except for a LEPL performing cultural, educational or religious activities and except for the procedure of appointing an assistant to the Public Defender of Customers' Rights within the National Regulatory Body.

2. A competition for the employees of a LEPL shall be organised by a Competition and Certification Commission of the LEPL concerned, formed under Articles 36<sup>2</sup> and 36<sup>3</sup> of this Law. The procedure for organising a competition for LEPL employees shall be determined by the normative act specified in Article 29(2) of this Law.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

*Law of Georgia No 1598 of 20 November 2013 - website, 3.12.2013*

## **Article 12 - Language of public service**

Civil service shall be conducted in Georgian in Georgia and also in Abkhazian in Abkhazia. The service at local self-government bodies shall be conducted under the Law of Georgia on the Official Language.

## **Article 13 - Basic principles of public service**

Basic principles of public service in Georgia shall be:



- a) loyalty to the State and people of Georgia
- b) observance of the Constitution of Georgia and the rule of law by employees when performing their official duties
- c) respect for human and citizen rights, freedoms and dignity
- d) equal access to public service for the citizens of Georgia according to their competency and professional qualifications
- e) professionalism and competence of public employees
- f) publicity
- g) nonpartisanship and secular character of public service
- h) stability of staff
- i) economic, social and legal protection of employees.

#### **Article 14 - Application of the labour legislation to public employees**

1. The labour legislation of Georgia shall apply to officials and support staff subject to the peculiarities set out in this Law.
2. Relations that are related to public service and are not regulated under this Law shall be governed by appropriate legislation.

### **Chapter II - Recruitment**

#### **Article 15 - Basic requirements for state officials**

1. Any legally competent citizen of Georgia with appropriate knowledge and experience who has reached the age of 21 and who knows the Official Language of Georgia may become a state official.
2. A citizen of Georgia who is simultaneously a citizen of another country shall not be appointed as the President of Georgia, the Prime Minister of Georgia or the Chairperson of the Parliament of Georgia.

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

#### **Article 16 - Basic requirements for local self-government officials**

Any legally competent citizen of Georgia with at least a secondary education who has reached the age of 18 and who knows the Official Language of Georgia may become a local self-government official.

#### **Article 16<sup>1</sup> – Basic requirements for persons having the status of compatriot residing abroad**

Any legally competent person having the status of a compatriot residing abroad, who has appropriate knowledge and experience, knows the Official Language of Georgia and has reached the age of 21 may be employed in public service only on the basis of a labour contract.

*Law of Georgia No 6436 of 12 June 2012 - website, 25.6.2012*

#### **Article 17 - Persons who shall not be recruited for public service**

A person shall not be recruited for public service if:

- a) he/she has an unexpunged conviction for committing a premeditated crime;
- b) he /she is under investigation or in custody;
- c) he/she has been declared incompetent or disabled by a court;
- d) he/she has been deprived by a court of the right to occupy the given position;
- e) according to medical opinion his/her health condition is not compatible with the occupational requirements of the given position;
- f) he/she comes under direct supervision or directly supervises his/her parent, spouse, sister, brother, child or the sister, brother, parent of his/her spouse after occupying the position;



g) he/she is an applicant for citizenship of a foreign country, except as provided for by law or international agreements.

*Law of Georgia No 3619 of 24 September 2010 - LHG I, No 51, 29.9.2010, Art. 332*

#### **Article 18 - Special requirements**

1. (Deleted – 29.6.2012, No 6611)

2. (Deleted – 29.6.2012, No 6611)

3. (Deleted – 29.6.2012, No 6611)

4. At the time of the recruitment for public service a person shall submit a certificate of medical condition and a drug test. A person specified in Article 2(1) of the Law of Georgia on the Conflict of Interests and Corruption in Public Service shall submit a certificate issued by an institution providing drug services or an institution of appropriate authority confirming the absence of signs of addiction to the substances included in lists I and II of substances that are under special control in Georgia, or their use without a doctor's prescription.

5. A public employee registered as a candidate for elections of state or local self-government bodies shall abide by the electoral legislation.

*Law of Georgia No 4260 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 420*

*Law of Georgia No 4122 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 507*

*Law of Georgia No 6247 of 22 May 2012 - website, 8.6.2012*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

*Law of Georgia No 386 of 22 March 2013 - website, 3.4.2013*

#### **Article 19 - Additional requirements for recruitment**

1. Additional requirements for recruitment shall be determined by or on the basis of the law. Additional qualifications may be determined by the head of the institution (by the institution) or by a higher official.

2. During reorganisation of an institution accompanied by lay-offs, the head of the institution (the institution) may introduce additional qualifications by a normative act in order to determine the qualifications of public officials.

3. Qualification requirements shall be determined by a normative act issued by a relevant institution (the head of the institution) authorised to adopt (issue) normative acts under the Law of Georgia on Normative Acts. Additional qualifications for the Staff of the Parliament of Georgia shall be determined by a legal act of the Chairperson of the Parliament of Georgia.

*Law of Georgia No 367 of 13 June 2000 - LHG I, No 23, 23.6.2000, Art. 58*

*Law of Georgia No 3204 of 29 June 2010 - LHG I, No 34, 9.7.2010, Art. 204*

*Law of Georgia No 3764 of 26 October 2010 - LHG I, No 62, 5.11.2010, Art. 397*

#### **Article 20 - Public officials who are not subject to Articles 21-36 of this Law**

Articles 21-36 of this Law shall not apply to persons elected or appointed by the Parliament of Georgia and persons appointed by the President of Georgia.

#### **Article 21 - Recruitment of officials**

Public officials shall be appointed or elected to office.

#### **Article 22 - Right of appointment**

1. A person may be appointed to an office by the head of the institution or an official designated by the head of the institution.

2. Positions to which officials may be appointed by the head of the institution shall be determined by legislation.

#### **Article 23 - Term of office**

1. Officials shall be recruited for a vacant position for an unspecified term, except as provided for by the second paragraph of this article.





2. The following shall be recruited for a specified term:

- a) a substitute for an official who is temporarily out of office – until the substituted public official returns to the office or is dismissed
- b) a person performing the functions of an official who is to be appointed through a competition – until the appointment of the official on the basis of the competition results
- c) an assistant and an adviser (an expert) to the President of Georgia, a Parliamentary Secretary of the President, an official of the Secretariat of the President of Georgia – for not more than the term of office of the President
- c<sup>1</sup>) an official of the Secretariat of the Head of Administration of the President of Georgia – for not more than the term of office of the Head of Administration of the President of Georgia
- d) an assistant and an adviser to the Chairperson of the Parliament of Georgia, to the Deputy Chairperson of the Parliament of Georgia, to the Chairperson of the Committee as well as an assistant to a Member of Parliament – for their respective terms of office
- d<sup>1</sup>) assistants to the Chairpersons, Deputy Chairpersons of the Supreme Representative Bodies and the Committee Chairpersons of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara – for their respective terms of office
- d<sup>2</sup>) advisers and assistants to the Chairpersons of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara – for not more than the Chairperson's term of office
- e) a deputy minister and a parliamentary secretary – for not more than the term of office of the minister
- e<sup>1</sup>) deputy ministers of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara – for not more than the terms of office of the ministers
- f) an assistant and an adviser to a minister – for not more than the term of office of the minister
- f<sup>1</sup>) advisers and assistants to the ministers of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara – for not more than the terms of office of the ministers
- g) part-time employee – for the period of performing the task
- h) other employees as provided for by the legislation.

3. If a temporarily absent official is dismissed, except for assistants and advisers of the President, the new official may occupy that position for an unspecified term.

4. If a temporarily absent official is dismissed from the position that is to be filled through competition, the substitute may occupy the position as an acting official appointed to that position through competition.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 3204 of 29 June 2010 - LHG I, No 34, 9.7.2010, Art. 204*

*Law of Georgia No 2423 of 14 May 2014 - website, 22.5.2014*

#### **Article 24 - Probation period of officials**

1. A person entitled to hire officials may appoint an official for a probation period of not more than six months, except as provided for by the fourth paragraph of this article.

2. Compatibility of the official's professional skills, capabilities and personal characteristics with the occupied position shall be checked during the probation period. In the case of unsatisfactory results the official may be dismissed from the occupied position during the probation period as provided for by this Law.

3. The probation period shall not include periods of absence from work due to temporary disability or any other justifiable reasons. Probation periods shall be included in work experience.

4. Probation periods shall not be applied to:

- a) an official appointed by the President of Georgia
- b) an official elected or appointed by the Parliament of Georgia
- b<sup>1</sup>) an official appointed by the Chairperson of the Parliament of Georgia
- b<sup>2</sup>) an official appointed by the Prime Minister of Georgia
- b<sup>3</sup>) an official elected by the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara



- c) (deleted – 29.6.2012, No 6611)
- d) (deleted – 29.6.2012, No 6611)
- e) a substitute or an acting official appointed to the position of a temporarily absent official.

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

#### **Article 25 - Documentation to be submitted when applying for a position in public service**

1. Applicants for a position in public service shall submit the following documentation to the person entitled to appoint an applicant to an office:

- a) an application form
- b) a Curriculum Vitae (CV)
- c) a certificate of education or corresponding qualification
- d) an identity document
- e) a medical-drug test certificate; a person specified in Article 2(1) of the Law of Georgia on the Conflict of Interests and Corruption in Public Service shall submit a certificate issued by an institution providing drug services or an institution of appropriate authority confirming the absence of signs of addiction to the substances included in lists I and II of substances that are under special control in Georgia, or their use without a doctor's prescription
- f) (deleted)
- g) other documents specified by the legislation of Georgia.

2. If a person fails to submit those documents, he/she may be refused to be recruited to public service.

*Law of Georgia No 4260 of 29 December 2006 - LHG I, No 51, 31.12.2006, Art. 420*

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

*Law of Georgia No 4122 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 507*

*Law of Georgia No 4676 of 17 May 2011 - website, 1.6.2011*

*Law of Georgia No 6247 of 22 May 2012 - website, 8.6.2012*

*Law of Georgia No 386 of 22 March 2013 - website, 3.4.2013*

#### **Article 26 - Documenting an appointment**

1. Appointment to an office shall be documented by an order, a decree or an ordinance.

2. An order or a decree shall meet the requirements determined for those acts and shall include the following data:

- a) the name and surname of the appointee
- b) the name of the institution where the person is to be appointed
- c) the position title, salary and allowances
- d) the date of appointment to the position
- e) term of office – if a person is recruited for a specified term
- f) duration of the probation period – if a probation period is applied.

#### **Article 27 - Cancellation of an appointment**

1. The Appointing Person may cancel an order or a decree if:

- a) the appointed person submitted a respective statement before the commencement of his/her official duties;



b) circumstances that would prevent the appointment under this Law have become known before the commencement of official duties.

2. A person whose appointment was cancelled shall return everything he/she received upon appointment.

### **Article 28 - Oath of a public employee**

1. A person who is recruited for the first time for public service shall present the following oath to the official who appointed him/her:

'Being aware of great responsibility imposed on me in public service, I declare that I will serve faithfully Georgia and its people, observe the Constitution and the laws of Georgia, respect state interests and authority, rights and freedoms of citizens and fulfil my duties in good faith'.

2. The Appointing Person shall sign the text of the oath, which is then maintained in the personal file of the official.

### **Article 29 - Appointment to an office through a competition**

1. A person may be appointed to an office only through a competition, except as provided for in Article 30 of this Law.

2. The competition procedure shall be determined by ordinance of the Government of Georgia.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

### **Article 30 - Appointment to office without a competition**

1. The following officials may be appointed to office without a competition:

a) officials who are elected or appointed by the President of Georgia, the Parliament of Georgia, the Chairperson of the Parliament of Georgia, the Prime Minister of Georgia

b) officials who are elected by the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara

c) deputy ministers, assistants and advisers to the ministers

d) persons appointed for the term of office of an official (a body)

e) acting officials

f) persons temporarily holding those vacant positions that are to be filled through a competition

g) officials – in cases of promotion

h) officials – in cases of transfer to another structural unit within the same institution, provided that similar competition requirements are determined for the position held by them through a competition and the future position.

2. An acting official may be appointed to the vacant position specified in Article 2 of the Law of Georgia on the Conflict of Interests and Corruption in Public Service, which is to be filled through a competition, for not more than one year and to other positions that are to be filled through a competition, for not more than three months. The same person may not be appointed as an acting official to the same position for a second time.

3. In the case specified in paragraph 1(h) of this article, with the written consent of the official, the head of the structural unit of the institution to which the official is to be transferred shall have the right to nominate the public official to the given position.

*Law of Georgia No 2884 of 14 April 2006 - LHG I, No 11, 1.5.2006, Art. 80*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

*Law of Georgia No 143 of 21 December 2012 - website, 30.12.2012*

*Law of Georgia No 386 of 22 March 2013 - website, 3.4.2013*

### **Article 31 - Announcement of a competition**

1. A Government (budgetary) Institution concerned shall announce a public competition for a vacant position of an official on the website administered



by the Civil Service Bureau. At the same time, the candidates shall have at least ten days after the announcement of the competition to submit their applications. The moment of the last announcement shall be considered as the date of opening of the competition.

2. An announcement on a competition shall include at least the following data:

- a) the name of the Government (budgetary) Institution and the position title which is to be occupied on a competitive basis
- b) requirements of the candidates
- c) the work to be performed
- d) the amount of salary
- e) the deadline for submitting an application and other necessary documentation
- f) the address of the Competition and Certification Commission.

*Law of Georgia No 1178 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 52*

*Law of Georgia No 4676 of 17 May 2011 - website, 1.6.2011*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

### **Article 32 - Submission of applications for a competition**

Applications for a competition may be submitted only in an electronic form through the web-site administered by the Civil Service Bureau.

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

*Law of Georgia No 4676 of 17 May 2011 - website, 1.6.2011*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

### **Article 33 - Evaluation of competition participants**

The Competition and Certification Commission shall evaluate the compatibility of a candidate with the requirements for occupying the vacant position; if necessary it shall hear the opinion of the candidate eligible for the given position and shall make a decision as provided for in the legislation.

### **Article 34 - Results of a competition**

1. The Competition and Certification Commission shall nominate or refuse to nominate one of the candidates for appointment to the vacant position.

2. The chairperson of the Competition and Certification Commission, or in case of his/her absence, the deputy chairperson or any other authorised member of the Commission, not later than five days after making the decision, shall notify each candidate in writing of the decision made in their regard and shall inform the person entitled to appoint applicants to the vacant position about the nomination by the Commission or on the refusal of the Commission to nominate a candidate.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

### **Article 35 - Appointment of a nominated candidate**

1. A candidate nominated by the Competition and Certification Commission shall be appointed to an office if, within two weeks after the decision is made by the Commission, he/she submits documentation specified in Article 25(1) of this Law and the Commission's decision to the person who is authorised to appoint him/her.

2. Requirements of Article 26 of this Law shall be met upon appointment.

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

### **Article 36 - Failed competition**

A competition shall be considered failed if no applications have been submitted or if the Commission refuses to nominate a candidate for appointment.

### **Article 36<sup>1</sup> – Competition and Certification Commissions**



1. Appropriate standing Competition and Certification Commissions shall be established at state institutions to organise competition and certification of officials.

2. The following Competition and Certification Commissions shall organise competition and certification of officials:

a) the Competition and Certification Commission of the Officials of the Staff of the Parliament of Georgia – for officials in the Staff of the Parliament of Georgia

b) the Competition and Certification Commission of the Officials of the Administration of the President of Georgia – for officials in the Administration of the President of Georgia

c) the Competition and Certification Commission of the Officials of the Administration of the Government of Georgia – for officials in the Administration of the Government of Georgia, and a respective Competition and Certification Commission for officials in the Office of State Minister of Georgia

d) the Competition and Certification Commission of Officials of the Government Agencies (ministries, state sub-agencies) of Georgia – for the officials in the respective government agencies

e) the Competition and Certification Commission of Officials of Judicial Bodies (the Constitutional Court, common courts) of Georgia – for officials of corresponding judicial bodies

f) the Competition and Certification Commission of respective state institutions of Georgia – for officials in those institutions

g) the Competition and Certification Commission of officials in local self-government bodies – for officials in local self-government bodies

3. A chairperson of a Competition and Certification Commission may form a specialised composition of the Commission based on professional and territorial principles.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

*Law of Georgia No 2363 of 2 May 2014 - website, 16.5.2014*

#### **Article 36<sup>2</sup> – A chairperson of a Competition and Certification Commission**

1. A chairperson of a Competition and Certification Commission, except for a chairperson of a Competition and Certification Commission of a local self-government body, shall be appointed by the Head of the Civil Service Bureau on the recommendation of the head of the institution concerned.

2. As a rule, a head or a deputy head of the institution shall be appointed as a chairperson of the Competition and Certification Commission of the officials of that institution.

3. A local self-government Sakrebulo shall appoint the head of the Competition and Certification Commission of the local self-government officials.

4. In the case of formation of a specialised composition of a Competition and Certification Commission, its chairperson shall be appointed by the chairperson of the Competition and Certification Commission.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

#### **Article 36<sup>3</sup> – Composition of a Competition and Certification Commission**

1. Given the urgent necessity, the number of members and composition of a Competition and Certification Commission shall be determined by the chairperson of the Commission. Members of trade unions of the officials and independent specialists shall be included in the composition of the Competition and Certification Commission.

2. The chairperson of the Competition and Certification Commission shall appoint one of the members of the Commission as a deputy chairperson who shall substitute the chairperson in case of his/her absence.

3. An official may not be a member of the Competition and Certification Commission that is responsible for his/her certification.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

#### **Article 36<sup>4</sup> – Activity of a Competition and Certification Commission**

The rule of activity of the Competition and Certification Commission, as well as conditions and amount of remuneration of the invited members of the Commission shall be determined by the legislation of Georgia.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*



### **Article 37 - Remuneration (salary)**

1. Under Article 9 of this Law public employees shall have the right to receive remuneration (salary) from the day of entry into public service up to their dismissal. Remuneration of a public employee shall include salary, bonus and other additional allowances determined by law. The allowances shall be paid within the limits of the allocations approved for spending institutions under the Law on Budget.
2. Within the limits of the annual savings made in the payroll fund, the head of a state institution may, in a prescribed manner, grant other allowances during a financial year to the officials taking into account their overtime work or critical operational workloads.
3. The allowance determined under this article shall be reduced or shall not be given to public employees for the period of disciplinary action imposed on them.
4. The source of the payroll fund of public employees shall be the relevant budget. Reduction of budgetary allocations shall not cause a reduction in the financing of salaries and other guarantees of public employees provided for by this Law.
5. Remuneration (salary) provided for in this article shall be paid to public employees by non-cash settlement.

*Law of Georgia No 1248 of 20 February 1998 - the Gazette of the Parliament of Georgia, No 11-12, 14.3.1998, p. 29*

*Law of Georgia No 642 of 5 December 2000 - LHG I, No 47, 14.12.2000, Art. 132*

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

*Law of Georgia No 2801 of 23 March 2010 - LHG I, No 14, 30.3.2010, Art. 87*

### **Article 38 - Reimbursement of business trip expenses**

1. Business travel expenses of a public employee shall be reimbursed in the manner and in the amounts determined by the legislation of Georgia.
2. An employee shall maintain his/her position of an official or member of support staff and the corresponding remuneration (salary) during a period of business travel.

*Law of Georgia No 1248 of 20 February 1998 - the Gazette of the Parliament of Georgia, No 11-12, 14.3.1998, p. 29*

### **Article 39 - Long-term business trips abroad**

1. Sending a public employee abroad for more than one month shall be considered as a long-term business trip.
2. The procedure for sending a public employee abroad on a business trip, the amount and conditions of reimbursing his/her business travel expenses and compensation, as well as other social guarantees in this regard shall be determined by the legislation in force.
3. The procedure for sending a public employee on a business trip by rotation at diplomatic missions and consular offices of Georgia abroad, the amount and conditions of reimbursing his/her business travel and other expenses and compensation, as well as other social guarantees in this regard shall be determined by the legislation of Georgia.

*Law of Georgia No 2189 of 25 June 1999 - LHG I, No 29(36), 10.7.1999, Art. 150*

### **Article 39<sup>1</sup> – Reimbursement of business trip expenses**

1. The rule of reimbursing business trip expenses of public employees shall be determined by the Government of Georgia.
2. The rule of reimbursing business trip expenses of the members of the Parliament of Georgia and of public employees on the Staff of the Parliament of Georgia shall be determined by the Chairperson of the Parliament of Georgia.

*Law of Georgia No 1710 of 17 June 2005 - LHG I, No 35, 4.7.2005, Art. 218*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

### **Article 40 - Work time and rest time**

1. The work time of a public employee shall be a part of calendar time during which he/she is obligated to perform official duties.
2. A public employee shall work five days a week and the duration of working hours shall not exceed 40 hours per week.
3. The rest time of a public employee shall be determined under the labour legislation of Georgia.



#### **Article 41 - Leave of a public employee**

1. A public employee shall enjoy a paid leave of 30 calendar days annually.
2. A public employee may enjoy an unpaid leave of not more than one year as provided for by the legislation.
3. A public employee may use the leave specified in the first paragraph of this article in parts.

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

#### **Article 41<sup>1</sup> – Maternity leave, allowances and compensation**

1. Public employees shall be granted paid maternity leave of 183 calendar days and in the case of difficulties with giving birth or in the case of giving birth to twins – 200 calendar days. Allowances determined by the legislation of Georgia shall be granted to public employees during their maternity leave.
2. During the maternity leave public employees shall be granted, in addition to the allowances determined by law, compensation to fully reimburse the amount of remuneration payable to them during the period of leave.
3. Public employees may distribute the period of their maternity leave specified in the first paragraph of this article, between the pregnancy and postnatal periods, as they consider necessary.
4. Compensation during the maternity leave specified in the second paragraph of this article shall be paid by the institution from its respective budgetary allocations.
5. Hours of absence from work of public employees due to medical examinations during pregnancy shall be considered as valid and they shall maintain their salary if they submit appropriate documents evidencing the medical examination.

*Law of Georgia No 3402 of 23 June 2006 - LHG I, No 24, 29.6.2006, Art. 195*

*Law of Georgia No 5946 of 19 March 2008 - LHG I, No 8, 28.3.2008, Art. 51*

*Law of Georgia No 3204 of 29 June 2010 - LHG I, No 34, 9.7.2010, Art. 204*

*Law of Georgia 1394 of 27 September 2013 - website, 9.10.2013*

#### **Article 42 - (Deleted)**

*Law of Georgia No 2492 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 429*

#### **Article 43 - Transfer to another position or assigning tasks outside the official duties**

Officials may be transferred to another position or to another workplace or may be assigned tasks outside their official duties only with their consent. Cases specified in Articles 53, 54 and 57 of this Law shall be exceptions.

#### **Article 44 - Remuneration in case of unlawful transfer of public officials**

Public officials shall have the right to receive remuneration for the whole period of their unlawful transfer if they were prohibited from fulfilling former official duties and they informed in writing the person or the institution that issued the unlawful act.

#### **Article 45 - Transfer of public officials for health reasons**

Officials, who according to medical opinion should not continue performing official duties for health reasons may occupy another position within the same institution compatible with their state of health, except for the positions which are to be filled through a competition. If there is no other position at the institution compatible with the state of health of the official or if the official fails to meet other requirements, he/she shall be dismissed in a prescribed manner.

#### **Article 46 - Temporary alleviation of working conditions of officials and their temporary transfer**

1. On the basis of medical opinion a public official may request temporary alleviation of working conditions or temporary transfer to another position compatible with his/her state of health, except for positions which are to be occupied through a competition. The public official shall receive the salary corresponding to his/her new position if it exceeds his/her previous salary. If the salary of the new position is less than that of the former position, the public official shall maintain his/her previous salary.



2. If working conditions of an official cannot be alleviated and if he/she cannot be transferred to a relevant position, the official shall be exempted from official powers and duties for the period indicated in the medical opinion, but for not more than three months.

3. This article shall apply to pregnant women during their pregnancy.

#### **Article 47 - (Deleted)**

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

#### **Article 48 - Study leave for upgrading qualifications**

Study leaves for up to three months may be granted to civil servants once in five years for upgrading qualifications. Salary shall be maintained for public employees during their study leaves.

#### **Article 49 - Death or disability allowances for public employees**

1. If the death of a public employee is caused by an assault on him/her in the line of duty, his/her family shall be paid a one-time allowance of GEL 10 000.

2. If a public employee was injured as a result of an assault in the line of duty and was maimed or declared disabled, he/she shall be paid a one-time allowance of not more than GEL 5 000.

3. If an officer of the Ministry of Defence of Georgia, who has a special rank, dies in the line of duty, his/her family shall be paid a one-time allowance of GEL 15 000 from the State Budget of Georgia.

4. If an officer of the Ministry of Defence of Georgia, who has a special rank, is wounded/maimed in the line of duty or is declared disabled, he/she shall be paid a one-time allowance of not more than GEL 7 000 according to the seriousness of the bodily injury.

*Law of Georgia No 5030 of 22 June 2007 - LHG I, No 26, 11.7.2007, Art. 237*

*Law of Georgia No 4116 of 17 December 2010 - LHG I, No 75, 27.12.2010, Art. 472*

#### **Article 50 - Retirement benefits of public employees**

A public employee shall retire as laid down in the legislation of Georgia.

*Law of Georgia No 2569 of 23 July 2003 - LHG I, No 24, 20.8.2003, Art. 184*

*Law of Georgia No 2464 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 405*

*Law of Georgia No 358 of 20 March 2013 - website, 2.4.2013*

#### **Article 51 - Other rights and guarantees of public employees**

1. Public employees shall have the following rights and guarantees:

a) to consider an issue and make a relevant decision within their authority, to request and obtain information in a prescribed manner to fulfil their duties;

b) to be provided with necessary organisational and technical means and conditions to fulfil their duties;

c) to request internal investigation in order to refute information that denigrates their honour and dignity;

d) to join and participate in the activities of trade unions in their free time.

2. Other additional rights and guarantees as well as corresponding exceptions may be determined for public employees under the legislation of Georgia.

### **Chapter IV - Official Duties**

#### **Article 52 - Obligation to perform official duties and to observe legal acts**

1. Public employees shall perform their official duties determined by this Law, by other laws, by their job description and other legal acts.





2. Public employees shall observe legal acts related to their work and position without any special instructions, except for cases referred to in Articles 55(1) and 56(1) of this Law.

#### **Article 53 - Executing instructions that are not related to the place of work**

1. A public employee shall execute a one-time direct order of the immediate superior or the head of the institution on those work-related issues that are not related to their place of work, except as provided in Article 55(1) and Article 56(1) of this Law. A public employee shall inform his/her immediate superior about the order given by the head of the institution.

2. If the execution of the order specified in the first paragraph of this article may interfere with the fulfilment of the official duties of the public employee, he/she shall inform the ordering person about it and execute the order if it is given again.

#### **Article 54 - Performing tasks that are outside official duties**

1. Public employees shall perform an instruction of the head of the institution that are outside their official duties if its performance is necessary for avoiding natural disasters and accidents at the institution, for saving property from loss and damage, except where the performance of such duties poses a risk to the health of the public employee or clearly exceeds his/her capabilities.

2. A public employee that is temporarily exempted from official duties on the basis of the first paragraph of this article shall maintain his/her previous salary.

#### **Article 55 - Orders that may not be given**

1. Orders may not be given if:

- a) they contradict legislation;
- b) they exceed the authority of the person giving the order;
- c) they require performing actions that exceed the authority of the person receiving the order.

2. If the public employee has doubts about the lawfulness of the given order he/she shall immediately inform the person giving the order and the superior officer. The order shall be executed if it is given again in writing, except as provided for in Article 56(1) of this Law.

#### **Article 56 - Grounds for refusing to perform tasks that are not related to the place of work**

1. A public employee may refuse to perform the tasks specified in Articles 53(1), 54(1) and 55(2) of this Law if those tasks:

- a) are directed against his/her spouse, parent, brother, sister, child and other relatives;
- b) pose a risk to his/her state of health;
- c) prevent enjoyment of benefits determined for raising children;
- d) require higher qualification and professional training other than the ones that the public employee has.

2. If the public employee refuses to perform the assignment he/she shall notify the person giving the assignment about the circumstances specified in the first paragraph of this article.

#### **Article 57 - Performing duties of an absent official**

1. In order to appoint a substitute for a temporarily absent official or to fill a vacant position in emergency cases when such absence may hinder normal operation of the institution, the Appointing Person may:

- a) distribute the duties of the absent official among other officials without exempting them from performing their official duties;
- b) assign the duties of the absent official to another official and exempt this official from performing his/her official duties.

2. A public official may refuse to temporarily perform the duties specified in the first paragraph of this article, if their performance poses a risk to his/her state of health or requires higher qualifications and professional training than the ones that the official has.

3. Under the first paragraph of this article a public official may perform duties of an absent official within the same institution for not more than one month during a calendar year. With the consent of the official, he/she may perform the duties of an absent public official for more than one month.

4. Officials who are substituting for other officials under paragraph 1(a) of this article shall, in addition to their salary, receive an allowance in the amount of the salary of the substituted official.



5. Officials who are substituting absent officials under paragraph 1(b) of this article shall receive the salary of the absent official if it exceeds their salary; if the salary of the absent official is less than the salary of the substituting official, the latter shall retain his/her own salary.

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

#### **Article 58 - Transfer of documentation and property**

1. Before taking leave or before dismissal, a public employee shall approach, with the intention of returning the property entrusted to him/her in connection with his/her work, a specially designated person who shall accept the documentation and the property.
2. The obligation and responsibility of a public employee for returning and transferring property shall be determined by legislation.

#### **Article 59 - Keeping secrets**

Under the legislation of Georgia, a public employee, both during employment and after dismissal, shall not disclose state and commercial secrets, or information regarding the family and personal life of other persons, also other information (subject to Article 50(4) of the Criminal Procedure Code of Georgia) received in the line of duty.

*Law of Georgia No 1733 of 11 December 2013 - website, 25.12.2013*

#### **Article 60 - Restriction on entrepreneurial activity**

A public employee may not be a full-time manager or a member of a controlling, monitoring or audit body of a business entity.

#### **Article 61 - Restriction on political party activity**

Civil servants may not use their official position for political party activities.

#### **Article 62 - Restriction on official supervision**

1. A civil servant may not receive profit from the organisations the supervision of which is part of his/her official duties.
2. An official may not be tasked with official supervision of the organisations where his/her family members hold managerial positions.

#### **Article 63 - Participation in entrepreneurial activity**

Officials may not participate in any entrepreneurial activity. They may only hold shares or stakes in an enterprise.

#### **Article 64 - Incompatibility of office**

1. A civil servant may not hold other positions or concurrently perform other paid work at other state or local self-government institutions, be a member of any representative or legislative body at any level, unless otherwise provided for by law.
2. A civil servant may concurrently perform other paid work, taking into consideration the restrictions set forth in the Constitution of Georgia and other legal acts.
3. A civil servant may concurrently hold another position and perform paid work only within the system of the same state institution.

*Law of Georgia No 1610 of 30 September 1998 - LHG I, No 2, 26.10.1998, Art. 19*

*Law of Georgia No 3318 of 13 February 2004 - LHG I, No 6, 9.3.2004, Art. 26*

*Law of Georgia No 3397 of 24 February 2004 - LHG I, No 7, 16.3.2004, Art. 34*

#### **Article 65 - Restriction on entry on duty**

A dismissed civil servant may not start work for three years after his/her dismissal at the institution or at the enterprise which was under his/her systematic official supervision during the past three years. In addition, he/she may not receive profit from such institution or enterprise during that period.



#### **Article 66 - Restriction on conclusion of deals**

1. A public employee may not:

- a) purchase the property of the institution entrusted to him/her for concluding a deal;
- b) conclude a property deal with the institution where he works, except as provided for by legislation;
- c) conclude a deal in the capacity of a public employee with his/her business entity, party or other institution;
- d) conclude a property deal in the capacity of a public employee with his/her spouse, with his/her own or the spouse's grandparents, parents, brothers, sisters, children or grandchildren;

2. A deal concluded in violation of the first paragraph of this article shall be void.

3. On the basis of a power of attorney a public employee shall, for the period of the term of office, give the right of management of his/her equity interest (block of shares) in a business entity to another person in the manner and under the conditions determined by the legislation.

#### **Article 67 - Participation in mass rallies**

The issue of participation of civil servants in mass rallies shall be regulated by the Law of Georgia on Assembly and Demonstrations.

#### **Article 68 - Other obligations and restrictions of public employees**

The legislation of Georgia may determine other obligations and restrictions on certain categories of employees.

### **Chapter V - Ranking of Public Service Positions**

#### **Article 69 - Ranking of public service positions**

1. According to the scope of authority and the level of powers, positions in public service shall be ranked as follows:

- a) main public position
- b) leading public position
- c) senior public position
- d) junior public position.

2. A specific list of public employee ranks shall be determined by the register of public positions approved by the Government of Georgia.

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

#### **Article 70 - Class ranks of public officials**

1. Class rank of a public official indicates compatibility of his/her professional level and background with the qualification criteria determined for the given position.

2. Officials may be awarded the following class ranks according to the position held:

- a) on main public position – active state advisor, first class state advisor, state advisor
- b) on leading public position – first, second, third class advisor
- c) on senior public position – first, second, third class public service advisor
- d) on junior public position – first, second, third class public service assistant.

3. Diplomatic ranks and other class ranks shall be determined within the public service under the legislation of Georgia. Different types of uniforms may be determined according to class ranks in public service.

#### **Article 71 - Awarding class ranks**



1. Public officials shall be awarded or deprived of class ranks on the basis of certification results.
2. Class rank shall be awarded:
  - a) to state advisors – by the Prime Minister of Georgia;
  - b) to the first, second, third class advisors, to public service advisors and assistants – by the body (the official) authorised to select (appoint) persons to respective positions;
3. An official who has been awarded a class rank shall receive a salary increment under the legislation of Georgia. An official shall retain the salary increment determined for the given class rank in the case of transfer to another position (another institution). The salary increment shall be calculated on the basis of the salary determined for the position held by the official.
4. In the case of resignation, the public official shall retain the class rank with the indication of 'retired'.

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

*Law of Georgia No 339 of 23 October 2008 - LHG I, No 29, 4.11.2008, Art. 174*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

## **Chapter VI - Internal Regulations of an Institution**

### **Article 72 - Content of internal regulations of an institution**

Internal regulations of an institution shall determine:

- a) starting and ending working time
- b) time of rest breaks during a working day
- c) conditions and procedures for staying at the institution on weekends and holidays, as well as after working hours
- d) procedures for communicating decrees on work-related issues to employees
- e) place and time of salary payment
- f) general instructions on work and fire safety
- g) absence notification procedures.

### **Article 73 - Determining and communicating internal regulations to employees**

1. Two weeks before approving internal regulations, the head of the institution shall present the draft internal regulations to the employees in order to receive their comments and proposals. Those comments and proposals shall not be binding for the head of the institution, unless they are based on legislation.
2. The head of the institution shall approve the internal regulations; a copy of the internal regulations shall be forwarded to the Labour Inspection Service according to the location of the institution, and to the Employee Representative Organisation.
3. The internal regulations of the institution shall enter into force on the day following its approval, unless a later date for entry into force is determined by the internal regulations.
4. The head of the institution shall familiarise new employees with the internal regulations upon their recruitment (with written acknowledgement); the head of the institution shall also ensure that employees have the opportunity to become familiar with the internal regulations at any time.

## **Chapter VI<sup>1</sup> - General Rules of Conduct for Public Employees**

*Law of Georgia No 1183 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 54*

### **Article 73<sup>1</sup> – Purpose and scope of general rules of conduct**

1. General rules of conduct are intended to establish general principles regulating the conduct of public employees when performing official duties.
2. Special rules may be applied to individual categories and/or individual institutions within the scope of the general rules of conduct determined by this Chapter.



3. The head of an institution shall ensure availability and familiarisation of the general rules of conduct for his/her subordinate public employees.
4. Public employees shall observe the general rules of conduct.
5. A public employee shall be accountable to his/her immediate superior, unless otherwise provided for by law or the statute (regulations) of the institution.

*Law of Georgia No 1183 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 54*

#### **Article 73<sup>2</sup> – General rules of conduct**

1. Public employees shall perform their duties according to the general rules of conduct and the legislation of Georgia.
2. Public employees shall observe the requirements that apply to them or to their positions. Public employees shall perform their official duties impartially and in good faith.
3. Public employees shall act with the principle of collegiality, taking into consideration their official duties; they shall observe general rules of conduct determined by this Law in relations with civil society, particularly with those citizens who use their services.
4. When performing official duties, public employees shall observe the principle of economic efficiency and effectiveness. They shall not misuse work resources in order to prevent their waste.
5. If a public employee is detained or arrested or if he/she has information that he/she is under supervision, or under criminal prosecution, the public employee shall notify the head of the institution.
6. A public employee shall avoid any action that will defame himself/herself or his/her institution or public service.
7. A public employee shall use official authority and the certificates, symbols and other means of identification evidencing his/her official authority, in good faith and only for official purposes, and shall not use them for gaining any privilege.
8. A public employee shall make decisions based on the principles of transparency and legality. A decree and/or an order that contradicts the legislation or the state interests of Georgia shall not be issued.

*Law of Georgia No 1183 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 54*

#### **Article 73<sup>3</sup> – General rules of conduct on dissemination and use of public information**

1. The head of the institution shall ensure availability and unhindered dissemination of public information.
2. A public employee shall not disseminate doubtful, unverified and/or false information intentionally.
3. A public employee shall release public information as provided for by the legislation of Georgia and in full conformity with norms and requirements of the institution where he/she is employed.
4. If a public employee is authorised to restrict public availability of certain information, he/she shall strictly observe the criteria determined by the legislation of Georgia. If necessary, the public employee shall immediately raise an issue of restricting public availability of information as prescribed by law.
5. A public employee shall take necessary measures to ensure confidentiality of information (information containing state secrets, or related to the reputation of public service, or obtained in the course of official duty and other information (subject to Article 50(4) of the Criminal Procedure Code of Georgia) the list of which shall be determined by the relevant code of conduct). This rule shall be effective even after dismissal of the public employee.

*Law of Georgia No 1183 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 54*

*Law of Georgia No 1733 of 11 December 2013 - website, 25.12.2013*

#### **Article 73<sup>4</sup> – General rules of conduct in cases of conflict of interests**

1. A public employee may not offer or receive any benefit related to his/her official position, except as provided for by the legislation of Georgia.
2. A public employee shall:
  - a) pay attention to any existing or possible conflicts of interest;
  - b) take measures to prevent any conflicts of interest;
  - c) declare any conflicts of interest before appointment (election) to an office or after the appointment (election) as soon as that fact becomes known to him/her.
3. Within one month after the appointment (election) and later, before 1 February of each subsequent calendar year, a public employee shall declare



publicly about persons related to him/her employed at the same institution where the public employee works. A written statement of the public employee in this regard, containing identification data of the related person as well as information indicating their relation, shall be submitted and registered at the human resources department of the institution.

4. For the purposes of this Chapter, 'a person related' to a public employee shall include 'a family member' and 'a close relative' under the Law of Georgia on the Conflicts of Interest and Corruption in Public Service, as well as any other person with whom the public employee maintains a common household, i.e. such special relationship that may affect conditions or economic outcomes of their activity.

*Law of Georgia No 1183 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 54*

#### **Article 73<sup>5</sup> – General rules of conduct to prevent corruption offences**

1. A public employee may not accept any gift or service that may affect performance of his/her official duties.

2. If it is unclear whether a public employee has the right to accept any offered gift or benefit and/or service, he/she is obliged to declare it.

3. If a public employee is offered an undue benefit he/she shall:

a) refuse to accept the undue benefit;

b) try to identify the person making the offer;

c) limit communication with that person and try to determine the basis for such offer;

d) transfer the gift to the relevant state agency – the LEPL Service Agency of the Ministry of Finance of Georgia within three days after acceptance if it is impossible to refuse or return the gift;

e) use the witness statements (if any);

f) notify his/her immediate superior in writing of the attempted offer within three working days after the benefit was offered.

4. A public employee shall:

a) expose another public employee by informing a higher official about any unlawful or criminal act committed by that public employee if he/she has any evidence or reasonable doubt in this regard;

b) apply to a law enforcement body if he/she has no higher official.

5. A higher official shall:

a) take appropriate measures within three working days after receiving the notification specified in paragraph 4(a) of this article, or, if necessary, inform law enforcement authorities;

b) not disclose the identity (identification data) of the whistle-blower and persons related to him/her;

c) protect the whistle-blower and persons related to him/her against defamation;

d) protect the whistle-blower in order to prevent worsening of his/her working conditions or limitation of his/her official authority.

*Law of Georgia No 1183 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 54*

### **Chapter VII - Incentives and Promotion; Disciplinary Sanctions against Officials**

#### **Article 74 - Types of incentives**

1. The following types of incentives shall be determined for a public employee for exemplary performance of official duties, long-term and honourable service and fulfilling assignments of special difficulty or importance:

a) commendations

b) a one-time cash bonus

c) a valuable gift

d) salary upgrade.

2. Several types of incentives may be used simultaneously.

#### **Article 75 – A person authorised to give incentives**



1. A commendation may be awarded to a public employee by a superior officer entitled to issue an order.
2. A public employee may be awarded a one-time cash bonus, a valuable gift or a salary upgrade by the appointing person or authority.
3. Each superior officer and institution shall have the right to submit a reasoned proposal on application of any form of incentive.

#### **Article 76 - Right to promote a public official**

An immediate superior or an institution may recommend an official for promotion.

*Law of Georgia No 386 of 22 March 2013 - website, 3.4.2013*

#### **Article 77 - Promotion procedure**

1. (Deleted – 29.6.2012, No 6611)

1<sup>1</sup>. An official may be recommended for promotion if he/she has been recruited by competition and has held the position for at least one year.

2. Written consent of the official is required for his/her promotion.

3. If several officials are recommended for promotion to one position, the official with the highest certification results shall be appointed.

4. An official may not be promoted during a period of disciplinary action.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

*Law of Georgia No 386 of 22 March 2013 - website, 3.4.2013*

#### **Article 78 - Disciplinary fault**

1. Disciplinary fault shall be:

a) culpable neglect or improper performance of official duties

b) damage to the property of the institution or culpable creation of danger of such damage

c) indecent behaviour (culpable behaviour) against generally accepted ethical norms or intended to discredit an official or an institution, irrespective of whether it is committed at or outside of work.

#### **Article 79 - Disciplinary sanctions**

1. In cases of disciplinary fault, an appointing person or authority may apply the following disciplinary sanctions against a public official:

a) a reproof

b) a warning

c) deduction of not more than ten working days salary

d) suspension from work without pay – for not more than ten working days

e) transfer to a lower salary grade – for not more than one year

f) dismissal on the basis of this Law.

2. Only one disciplinary action may be applied for one disciplinary fault.

#### **Article 80 - Removal of disciplinary sanctions**

1. Application of disciplinary sanctions shall be indicated in a personal file.

2. An official or an institution imposing disciplinary sanctions on an official shall have the right of early removal of the sanctions if the public employee has not repeatedly committed disciplinary fault or has proved himself/herself as a conscientious worker.

3. If new disciplinary sanctions were not imposed on an official for one year, he/she shall be considered as not having been subjected to disciplinary sanctions.



4. Early removal of disciplinary sanctions shall be documented in writing in two copies. One copy shall remain with the official or the institution responsible for early removal of the disciplinary sanctions from the official and the other copy shall be given to the official.

5. Early removal of disciplinary sanctions shall be included in the personal file of the official.

## Chapter VIII - Certification of Officials

### Article 81 - Concept of certification

1. Under this Law, certification of officials shall be the evaluation of compatibility of professional skills, qualification, capabilities and personal characteristics of an official with the requirements of the position occupied (to be occupied) by him/her.

2. The certification procedures shall be determined by ordinance of the Government of Georgia.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

### Article 82 - Persons subject to certification

1. The following persons shall be subject to certification:

a) an official - once in three years (certification period)

b) (deleted – 22.3.2013, No 386)

c) (deleted)

d) a candidate nominated to a position of an official, if the position is to be filled through competition.

2. The following persons shall not be subject to certification:

a) an official who is appointed or elected by the President of Georgia, the Prime Minister of Georgia, the Parliament or the Chairperson of the Parliament of Georgia, respectively

a<sup>1</sup>) an official who is elected by the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara

b) an official who is recruited for a specified period of time.

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 3653 of 10 November 2006 - LHG I, No 44, 27.11.2006, Art. 301*

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

*Law of Georgia No 386 of 22 March 2013 - website, 3.4.2013*

*Law of Georgia No 2478 of 29 May 2014- website, 2.6.2014*

### Article 83 - Time of certification

1. Time of certification shall be determined by the head of the state or local self-government institution in coordination with the chairperson of the Competition and Certification Commission.

2. An official who performed official duties for less than six months during the last year of the certification period shall be subject to certification the following year.

### Article 84 - (Deleted)

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*





#### **Article 85 - (Deleted)**

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

#### **Article 86 - (Deleted)**

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

#### **Article 87 - (Deleted)**

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

### **Chapter IX - Suspension of Labour Relations with Officials**

#### **Article 88 - Suspension of labour relations with officials**

1. Suspension of labour relations with an official means his/her temporary release from official duties and temporary release of the institution concerned from the duty of providing the official with work.

2. During the suspension of labour relations an official shall retain his/her salary, allowances or other compensation as prescribed by law, except for a call-up for compulsory military service specified in Article 89(f) of this Law and placement of victims of domestic violence in shelters or crisis centres as provided for in Article 89(f<sup>1</sup>) of this Law.

*Law of Georgia No 1533 of 21 June 2002 - LHG I, No 21, 12.7.2002, Art. 84*

*Law of Georgia No 2509 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 6*

#### **Article 89 - Grounds for suspending labour relations**

Labour relations shall be suspended:

- a) on the basis of a written application of an official unless the appointing person or authority are against it;
- b) during a leave;
- c) during temporary disability;
- d) when a public official is charged with other official duties in the manner and in cases provided for by law;
- e) when nominating an official as a candidate in presidential elections or in the elections of a representative body, unless otherwise provided for by law;
- f) in case of conscription for compulsory military service, military reserve service or during mobilisation of military reserves, if an official is no longer able to perform official duties;
- f<sup>1</sup>) during the placement of an official in a shelter or a crisis centre as a victim of domestic violence if he/she is no longer able to perform official duties, but for not more than 30 calendar days a year; at the same time, the obligation of notifying the institution shall rest with the service provider organisation;
- g) when an official is requested to perform assignments at another place of work and he/she refuses;
- h) when suspending an official from office under Articles 90(1) and 91(1) of this Law or on the basis of any other valid reason for suspending an official;
- i) in other cases of temporary dismissal of an official (under or on the basis of law).

*Law of Georgia No 1610 of 30 September 1998 - LHG I, No 2, 26.10.1998, Art. 19*

*Law of Georgia No 1533 of 21 June 2002 - LHG I, No 21, 12.7.2002, Art. 84*

*Law of Georgia No 4323 of 29 December 2006 - LHG I, No 2, 4.1.2007, Art. 40*

*Law of Georgia No 2509 of 28 December 2009 - LHG I, No 3, 13.1.2010, Art. 6*



**Article 90 - Suspension of a drunken official from work**

1. A superior officer shall suspend a drunken official from work for the given working day.
2. The official suspended from work under the first paragraph of this article shall not receive remuneration for the period of suspension.

**Article 91 - Suspension of an official from work during disciplinary proceedings**

1. A person entitled to apply disciplinary sanctions, may suspend an official from work during disciplinary proceedings.
2. The official suspended from work under the first paragraph of this article shall retain his/her salary together with the allowances.

**Article 92 - Documentation of the suspension of labour relations**

Suspension of labour relations shall be documented by an order or decree.

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

**Chapter X - Dismissal from Work****Article 93 - Dismissal from work**

An appointing person or authority shall have the right to dismiss an official.

**Article 94 - Dismissal due to expiration of the term of office**

1. A person who was appointed or elected to an office for a specified period shall be dismissed upon the expiration of the term of office.
2. Labour relations specified in the first paragraph of this article shall be terminated on the day following the expiration of the term of office.
3. A person appointed or elected to an office for a specified period of time shall not be dismissed if he/she has been re-appointed or re-elected to the same position.

**Article 95 - Resignation**

A person shall be dismissed on his/her own initiative if an appointing person or authority satisfies his/her written request.

**Article 96 - Dismissal due to the liquidation of an institution**

1. An official may be dismissed due to the liquidation of an institution.
2. Reorganisation of an institution shall not cause dismissal of an official. If reorganisation is accompanied by reduction in the number of posts in the institution, an official may be dismissed under Article 97 of this Law.
3. If reorganisation of an institution is accompanied by reduction in the number of posts, the head of the institution is authorised to take into consideration certification results.
4. Changing the subordination status of an institution shall not cause dismissal of an official.
5. Under the first paragraph of this article an official shall be dismissed on the day of termination of operation of the institution.

*Law of Georgia No 367 of 13 June 2000 - LHG I, No 23, 23.6.2000, Art. 58*

**Article 97 - Dismissal due to the reduction in the number of posts**

1. An official may be dismissed due to the reduction in the number of posts in the institution or reinstatement of an unlawfully dismissed official.
2. (Deleted)
3. An official shall be dismissed under the first paragraph of this article on the first day after the notice period expires.



#### **Article 98 - Dismissal due to incompatibility with the occupied position**

1. An official may be dismissed due to incompatibility with the occupied position under the following circumstances:

- a) on the basis of unsatisfactory results of a probation period;
- b) on the basis of certification results;
- c) due to absence of documents necessary to occupy the position;
- d) due to insufficient knowledge of the official language and inability to communicate properly;
- e) if the state of the health of the official prevents him/her from properly performing official duties;
- f) due to unsatisfactory professional skills;
- g) if a periodic testing of consumption of substances subject to special control in Georgia conducted on the basis of a random selection confirms that the official has consumed substances included in lists I and II that are subject to special control in Georgia, unless they were consumed for medical purposes.

2. (Deleted)

*Law of Georgia No 200 of 24 June 2004 - LHG I, No 19, 15.7.2004, Art. 86*

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

*Law of Georgia No 6247 of 22 May 2012 - website, 8.6.2012*

#### **Article 99 - Dismissal due to disciplinary fault**

1. An official may be dismissed due to the disciplinary fault determined by this Law.
2. An official may be dismissed due to the breach of official duties if he/she is already under any other disciplinary action.
3. In case of flagrant breach of official duties, an official may be dismissed even if he/she is under no disciplinary action.
4. Under the first paragraph of this article an official shall be dismissed on the day when the relevant document is communicated to him/her. An official who leaves work without authorisation (for more than five days) shall be dismissed on the day following the unauthorised absence.

#### **Article 100 - Dismissal due to long-term disability**

1. An official may be dismissed for being absent due to illness or mutilation for four consecutive months or for six months during a calendar year.
2. An official may be dismissed under the first paragraph of this article only for the period of a temporary disability certificate.
3. Labour relations with an official, who become temporarily disabled in the course of his/her duties, shall be suspended until the official is recovered or until his/her disability is determined and they shall retain his/her position.
4. Under the first paragraph of this article an official shall be dismissed from office on the day indicated in the relevant document (on dismissal).

#### **Article 101 - (Deleted)**

*Law of Georgia No 358 of 20 March 2013 - website, 2.4.2013*

#### **Article 102 - Dismissal of an official due to conscription for military or alternative service**

1. An official shall be dismissed due to conscription for military or alternative service unless his/her labour relations are suspended under Article 89(a) and (f) of this Law.
2. Under the first paragraph of this article an official shall be dismissed not later than the third day after conscription.

*Law of Georgia No 1533 of 21 June 2002 - LHG I, No 21, 12.7.2002, Art. 84*

#### **Article 103 - Dismissal due to entry into force of a judgement of conviction**



An official shall be dismissed due to entry into force of a judgement of conviction under which he/she was given a sentence for a premeditated offence, or a sentence which excludes the continuation of work. The official shall be dismissed on the day following the entry into force of the judgement of conviction.

#### **Article 104 - Dismissal due to violation of recruitment requirements**

1. An official shall be dismissed if requirements determined by law were violated during his/her appointment or election.
2. An official shall not be subject to dismissal if grounds for dismissal were eliminated.

#### **Article 105 - Dismissal due to transfer to another institution**

1. An official shall be dismissed if he/she has been elected or appointed to a position at another institution, unless he/she is elected or appointed as a member of a management and supervisory body of an enterprise established with state participation.
2. Under the first paragraph of this article an official shall be dismissed on the day when he/she is elected or appointed to another position.
3. An official dismissed under the first paragraph of this article shall not terminate labour relations with the State if he/she is elected or appointed to another public office.
4. If a local self-government official dismissed under the first paragraph of this article is elected or appointed to another position within the same self-government institution, he/she shall not terminate labour relations with the local self-government unit.

#### **Article 106 - Dismissal due to change of citizenship**

An official shall be dismissed due to renunciation of Georgian citizenship or voluntary acceptance of the citizenship of any other country.

#### **Article 107 - Dismissal due to death**

Labour relations with an official shall be terminated on the day following his/her death.

#### **Article 108 - Notification of an official of dismissal**

1. An official shall be notified one month before the dismissal due to liquidation of the institution, reduction in the number of posts or unsatisfactory results of certification. In case of dismissal due to long-term disability, an official shall be notified in writing at least two weeks before the dismissal.
2. If the time frames provided in the first paragraph of this article are violated, the official shall receive remuneration for each overdue day in addition to the compensation determined by Article 109 of this law.
3. If an official is notified under the first paragraph of this article, the dismissal may be refused only on the basis of written consent of the official. In case of refusal, the official shall be dismissed on the same basis and shall be given compensation determined by Article 109 of this Law.

*Law of Georgia No 358 of 20 March 2013 - website, 2.4.2013*

#### **Article 109 - Compensation for dismissal**

1. In case of dismissal due to liquidation of an institution or reduction in the number of posts, an official shall receive compensation in the amount of two months' salary.
2. In case of dismissal due to long-term disability, conscription for military or alternative service, an official shall receive compensation in the amount of one month's salary.

*Law of Georgia No 1857 of 19 March 1999 - LHG I, No 10(17), 1.4.1999, Art. 35*

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

#### **Article 110 - Documenting dismissal**

Dismissal shall be documented by an order, a decree or an ordinance.

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*



### **Article 111 - Limitation of dismissal during certain periods**

1. An official shall not be dismissed due to reduction in the number of posts or due to certification results during a period when his/her labour relations are suspended because of: paid leave, conscription for compulsory military service, reserve training, mobilisation of reservists, nomination as a candidate in a presidential or representative body elections, unless otherwise provided by law.
2. A woman official may not be dismissed due to reduction in the number of posts, long-term disability or the state of health, or certification results during the period of pregnancy or raising a child up to three years.
3. Limitations of dismissal laid down in the first and the second paragraphs of this article shall not apply to persons specified in Article 30(d) of this Law.

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

*Law of Georgia No 4137 of 17 December 2010 - LHG I, No 76, 29.12.2010, Art. 510*

*Law of Georgia No 358 of 20 March 2013 - website, 2.4.2013*

### **Article 112 - Right to claim in case of unlawful dismissal**

An unlawfully dismissed official may demand to invalidate the dismissal, to change the grounds for dismissal and to receive salary. Remuneration for a period of forced leave shall be given to the official in the amount of not more than three months' salary.

*Law of Georgia No 4650 of 5 May 2011 - website, 13.5.2011*

## **Chapter XI - Reserves of Officials**

### **Article 113 - Formation of a reserve of officials**

1. A reserve of officials shall be formed only in cases explicitly determined by the legislation of Georgia.
2. The period of being in the reserve of officials under the first paragraph of this article shall be included in the working experience only if provided for by law.

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

### **Article 114 - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

### **Article 115 - (Deleted)**

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

### **Article 116 - (Deleted)**

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

### **Article 117 - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

### **Article 118 - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*



**Article 119 - (Deleted)**

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

**Article 120 - (Deleted)**

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

**Chapter XII - Working Experience**

**Article 121 - Calculating working experience**

Working experience shall include:

- a) the period of service as an official, an assistant or a part-time worker at state or local self-government institutions
- b) (deleted)
- c) the period of studies if a person was sent for studies by the institution or if he/she had already had the working experience.

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

**Article 122 - Termination of working experience**

Working experience of a person shall be terminated if he/she is dismissed, commits a crime or renounces Georgian citizenship.

*Law of Georgia No 3549 of 21 July 2010 - LHG I, No 46, 4.8.2010, Art. 296*

**Article 123 - Confirmation of working experience**

Working experience shall be confirmed by the institution with an appropriate document.

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

**Chapter XIII - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

**Article 124 - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

**Article 125 - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

**Article 126 - (Deleted)**

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

**Chapter XIV - Resolution of Disputes**



## **Article 127 - Resolution of disputes in court**

1. An official may appeal to court orders, decrees or decisions issued in connection with work-related issues, as well as actions within one month as laid down by legislation.
2. An assistant employee may apply to a court within one month for resolving a work-related dispute.
- 2<sup>1</sup>. The limitation period for appealing legal acts specified in the first and second paragraphs of this article shall start from the date of communicating the act to the person concerned as provided in legislation.
- 2<sup>2</sup>. Submission of an appeal by a person on an administrative act of dismissal shall not result in stay of execution of the contested act.
3. An official may request the court to declare the order, decree, decision or action partially or fully unlawful.
4. A work-related dispute originated at governmental institutions shall be considered and resolved on the basis of the Law of Georgia on Structure and Rules of Operation of the Government of Georgia.
5. If a court declares the order, decree or decision on dismissal or transfer as unlawful, the official shall be immediately reinstated, unless he/she refuses to be reinstated.
6. Invalidation by the court of the order, decree or decision on dismissal or transfer shall not result in an immediate reinstatement of the official if according to the court decision the institution concerned is obliged to issue another order, decree or decision after the examination and evaluation of circumstances related to the dismissal or transfer. The downtime payment required by an official shall be made in the amount determined by Article 112 of this Law only if the institution reinstates the official to work; otherwise the downtime payment shall not be made.

*Law of Georgia No 1802 of 24 June 2005 - LHG I, No 36, 11.7.2005, Art. 241*

*Law of Georgia No 4650 of 5 May 2011 - website, 13.5.2011*

## **Chapter XV - State Policy in the Area of Public Service**

### **Article 128 - Public service bodies**

1. State policy in the area of public service shall be determined by the Parliament of Georgia.
2. A Public Service Council within the Government of Georgia shall be formed in order to develop a unified state policy in the area of public service, to coordinate activities related to public service and to prepare decisions on other issues of public service as provided for by law.

*Law of Georgia No 200 of 24 June 2004 - LHG I, No 19, 15.7.2004, Art. 86*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

### **Article 128<sup>1</sup> – Public Service Council**

1. The Public Service Council is an advisory body to the Government of Georgia.
2. The chairperson of the Public Service Council shall be the Prime Minister of Georgia. The deputy chairperson of the Public Service Council shall be a member of the Government who performs the duties of the First Vice Prime Minister of Georgia.
3. The Public Service Council shall consist of the chairperson, the deputy chairperson, the secretary of the council and three representatives from each legislative, executive, judicial authorities and local self-government bodies. The secretary and other members of the council shall be appointed by the Prime Minister.
4. The secretary of the Public Service Council is simultaneously the head of the Civil Service Bureau.
5. The statute of the Public Service Council shall be approved by the Government of Georgia.

*Law of Georgia No 200 of 24 June 2004 - LHG I, No 19, 15.7.2004, Art. 86*

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

### **Article 129 - Civil Service Bureau**

1. The LEPL Civil Service Bureau shall be established to facilitate development of a unified state policy and coordination of activities in the area of public service, to implement the main policies established in this Law, to provide organisational, technical, informative and expert support to the Public Service Council and its members, to monitor the receipt of asset declarations of public officials, publicity of assets of public officials and timely



submission of asset declarations, as well as to perform other functions as provided in the legislation of Georgia.

2. The statute, structure and staff list of the Civil Service Bureau shall be determined by the Government of Georgia.

3. State supervision of the activity of the Civil Service Bureau shall be conducted only by the Ministry of Finance of Georgia under Article 12(1)(b)(c) and Article 12(2) of the Law of Georgian on Legal Entities under Public Law.

*Law of Georgia No 200 of 24 June 2004 - LHG I, No 19, 15.7.2004, Art. 86*

*Law of Georgia No 1178 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 52*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

#### **Article 130 - Functions of the Civil Service Bureau**

1. Functions of the Civil Service Bureau shall be determined by this Law and the Law of Georgia on Conflicts of Interest and Corruption in Public Service.

2. The Civil Service Bureau shall:

- a) study and analyse the situation and observance of respective normative acts in the area of public service and report to the Government of Georgia;
- b) provide coordination and methodological assistance to human resources management processes in public service, to professional training, re-training and upgrading qualifications of public employees;
- c) coordinate activities of human resources departments of state agencies (institutions);
- d) study and generalise experience of other countries in the area of public service and cooperate with international organisations in order to improve public service management;
- e) exercise other authorities as determined by the legislation of Georgia.

*Law of Georgia No 200 of 24 June 2004 - LHG I, No 19, 15.7.2004, Art. 86*

*Law of Georgia No 1178 of 12 June 2009 - LHG I, No 12, 29.6.2009, Art. 52*

*Law of Georgia No 1262 of 20 September 2013 - website, 8.10.2013*

#### **Article 131 - Civil service bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara**

Public service bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara shall be established under the legislation of the Autonomous Republic of Abkhazia and the Autonomous Republic of Adjara respectively.

#### **Article 132 - Human Resources Department of an institution**

Human Resources Department of an institution shall:

- a) organise competitions and certifications for vacant public positions;
- b) keep personal files of public employees;
- c) advise public employees on their legal status, limitations and other issues related to public service;
- d) analyse the level of professional training of public employees, organise re-training (re-qualification) and upgrading qualifications of public employees.

*Law of Georgia No 2222 of 4 December 2009 - LHG I, No 45, 21.12.2009, Art. 322*

#### **Article 132<sup>1</sup> – Continuous training of local self-government officials**

In order to upgrade qualifications of local self-government officials, the Government of Georgia shall issue an ordinance determining the system of continuous training of local self-government officials, the authority of the bodies involved in the system and the principles and procedures for the functioning of the system.

*Law of Georgia No 2538 of 26 July 2014 - website, 6.8.2014*





### **Article 133 - Bringing normative acts of Georgia in compliance with this Law**

The Parliament of Georgia, the President of Georgia, state and local self-government bodies shall ensure that the normative acts adopted (issued) before the entry into force of the Law of Georgia on Public Service conforms to this Law.

### **Article 134 - Measures to be taken for putting this Law into force**

In order to put this Law into force:

- a) the Parliament of Georgia, before 1 April 1998, shall debate and adopt the Law of Georgia on Salary Rates of the President of Georgia, the Members of the Parliament of Georgia and of other State Officials provided for by the Constitution of Georgia and the Law of Georgia on Salaries and Position Titles of Civil Servants;
- b) the President of Georgia shall be asked to adopt, before 1 April 1998, normative acts on Salary Rates of the Officials and Assistant Employees of the State Chancellery of Georgia, on the Positions of Public Officials who are Appointed by the Heads of Institutions, on Competition and Certification Commissions, on Reimbursement of Business Travel Expenses to Public Employees, on the Reserve of Officials, on the Procedure of Submission, Keeping and Use of Financial and Assets Declarations of Public Employees;
- c) the Government of Georgia shall develop and submit, before 1 June 2006, to the Parliament of Georgia a draft legislative act on determining salaries of members of the Government of Georgia;
- d) until the legislative acts referred to in sub-paragraph (c) of this article enter into force, the remuneration of members of the Government of Georgia shall be determined by the edict of the President of Georgia;
- e) the Civil Service Bureau, before 1 June 2006, shall develop and submit to the President of Georgia drafts of respective edicts specified in Articles 29(3) and 81(2) of this Law;
- f) the Government of Georgia shall adopt the ordinance required by Article 132<sup>1</sup> of this Law not later than 1 December 2014.

*Law of Georgia No 1153 of 11 December 1997 – the Gazette of the Parliament of Georgia, No 47-48, 31.12.1997, p. 119*

*Law of Georgia No 2945 of 28 April 2006 - LHG I, No 15, 16.5.2006, Art. 98*

*Law of Georgia No 2538 of 26 July 2014 - website, 6.8.2014*

### **Article 134<sup>1</sup> – Procedure of payment upon dismissal**

1. Until 1 January 2005, due amounts (except for compensation determined by this Law) shall be paid to dismissed public employees according to the procedures for covering budget debt accumulated in previous years.

*Law of Georgia No 481 of 13 July 2000 - LHG I, No 30, 27.7.2000, Art. 93*

*Law of Georgia No 691 of 13 December 2000- LHG I, No 50, 27.12.2000, Art. 147*

*Law of Georgia No 1290 of 15 February 2002 - LHG I, No 4, 5.3.2002, Art. 21*

*Law of Georgia No 1947 of 29 January 2003 - LHG I, No 5, 19.2.2003, Art. 27*

### **Article 134<sup>2</sup> – Announcement of a public competition by a local self-government body**

Until 1 January 2014, a local self-government body shall be entitled to announce a public competition for a vacant position of an official in an appropriate publication.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

### **Article 134<sup>3</sup> – Submitting applications for participation in a public competition announced by a local self-government body**

Until 1 January 2014, applications for participation in a public competition announced by a local self-government body for a vacant position of an official may also be submitted non-electronically, to the address of a respective Competition and Certification Commission.

*Law of Georgia No 6611 of 29 June 2012 - website, 12.7.2012*

### **Article 134<sup>4</sup> – Temporary rules of organising competition and certification of local self-government officials**



1. Until 1 July 2015, a mandatory stage of a competition that must be passed by a person for appointment to a position of a local self-government official shall be testing conducted under this Law and the relevant ordinance of the Government of Georgia. A public official appointed under this paragraph shall be subject to certification as provided in Articles 82 and 83 of this Law.

2. Until 1 July 2015, a mandatory stage of certification of a local self-government official shall be the testing. Certification shall be conducted under this Law and the relevant ordinance of the Government of Georgia.

3. A local self-government official who has not undergone certification shall be subject to certification until 1 July 2015 if six months have passed since his/her appointment. If less than six months have passed since the appointment of a local self-government official, the official, except for officials appointed under the first paragraph of this article, shall be subject to certification under the second paragraph of this article after six months from his/her appointment, but not later than 1 July 2015. An official shall be notified about certification not later than two weeks before the certification.

4. In order to organise testing determined by the first and the second paragraphs of this article, the municipality concerned shall receive corresponding services on the basis of an agreement from the institution determined by the Government of Georgia. The Government of Georgia shall make a decision on this issue by not later than 15 September 2014.

5. According to the relevant ordinance of the Government of Georgia, the LEPL Civil Service Bureau, in coordination with the Ministry of Regional Development and Infrastructure of Georgia, shall develop and approve the methodology and subject matter, as well as assessment criteria of the testing specified in the first and second paragraphs of this article not later than 15 September 2014.

*Law of Georgia No 2538 of 26 July 2014 - website, 6.8.2014*

## **Chapter XVII - Final Provisions**

### **Article 135 - Calculation of working experience**

The working experience of a civil servant calculated according to the legislation before the entry into force of this Law shall be included in the total working experience of the public employee.

*Law of Georgia No 1153 of 11 December 1997 – the Gazette of the Parliament of Georgia, No 47-48, 31.12.1997, p. 119*

### **Article 136 - A normative act to be annulled in connection with the entry into force of this Law**

The Law of 29 June 1995 of the Republic of Georgia on Civil Service (the Gazette of the Parliament of Georgia, 1994-1995, No 27-30, Art. 650) shall be annulled upon entry into force of this Law.

*Law of Georgia No 1153 of 11 December 1997 – the Gazette of the Parliament of Georgia, No 47-48, 31.12.1997, p. 119*

### **Article 137 - Entry into force of the Law**

1. This Law shall enter into force from 1 December 1997.

2. Article 71(3) of this Law shall be suspended (except as provided for by the Law of Georgia on the State Budget of Georgia) until the Code of Public Service takes effect.

3. (Deleted).

*Law of Georgia No 1153 of 11 December 1997 – the Gazette of the Parliament of Georgia, No 47-48, 31.12.1997, p. 119*

*Law of Georgia No 1248 of 20 February 1998 - the Gazette of the Parliament of Georgia, No 11-12, 14.3.1998, p. 29*

*Law of Georgia No 1857 of 19 March 1999 - LHG I, No 10(17), 1.4.1999, Art. 35*

*Law of Georgia No 91 of 24 December 1999 - LHG I, No 52(59), 31.12.1999, Art. 253*

*Law of Georgia No 481 of 13 July 2000 - LHG I, No 30, 27.7.2000, Art. 93*

*Law of Georgia No 604 of 10 November 2000 - LHG I, No 41, 21.11.2000, Art. 115*

*Law of Georgia No 691 of 13 December 2000- LHG I, No 50, 27.12.2000, Art. 147*

*Law of Georgia No 1290 of 15 February 2002 - LHG I, No 4, 5.3.2002, Art. 21*

*Law of Georgia No 1947 of 29 January 2003 - LHG I, No 5, 19.2.2003, Art. 27*

*Law of Georgia No 3211 of 31 December 2003 - LHG I, No 33, 31.12.2003, Art. 251*

*Law of Georgia No 861 of 29 December 2004 - LHG I, No 1, 5.1.2005, Art. 1*



*Judgement No 1/3/301 of the first Panel of the Constitutional Court of Georgia – LHG IV, No 9, 28.3.2005, p.3*

*Law of Georgia No 2464 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 405*

*Law of Georgia No 2470 of 23 December 2005 - LHG I, No 56, 28.12.2005, Art. 411*

*Law of Georgia No 2884 of 14 April 2006 - LHG I, No 11, 1.5.2006, Art. 80*

*Law of Georgia No 4244 of 29 December 2006 - LHG I, No 50, 30.12.2006, Art. 395*

**President of Georgia**

**Eduard Shevardnadze**

**Tbilisi,**

**31 October 1997**

**No 1022 – IS**

