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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

REPUBLIC OF ARMENIA

DRAFT LAW ON CIVIL SERVICE

CHAPTER ONE

GENERAL PROVISIONS

Article 1. Public Service

1. Public service is the implementation of authorities reserved to the State by legislation, which includes implementing policy by state and local self-government bodies, the state service and the service in local self-government bodies, as well as the civil work in the state and local self-government bodies.

2. Policy shall be implemented by state and local self-government bodies through the persons occupying political and Discretionary Positions, within the scope of authorities assigned to them by the legislation of the Republic of Armenia by adoption of political decisions and coordination of their execution.

3. State service is a professional activity, which is directed at the implementation of the objectives and functions reserved to the state bodies by the legislation of the Republic of Armenia.

State service includes Civil Service, Judicial Service and the special services, namely in the Republican Executive Bodies of Defense, National Security, Internal Affairs, Tax, Customs, Emergencies, as well as Diplomatic and other Services envisaged by the laws.

4. Service in the local self-government bodies is a professional activity, which is directed at the implementation of the objectives and functions reserved to the local self-government bodies by the Constitution and laws of the Republic of Armenia.

5. Civil work in the state and local self-government bodies is the implementation of separate objectives and functions reserved to the State by the legislation of the Republic of Armenia through hired employees.

Article 2. The Subject of Regulation of this law

This law regulates relations pertaining to the organization and administration of the Civil Service of the Republic of Armenia, the legal status of the Civil Servants, as well as other relations connected therewith.

Article 3. Principal Concepts used in this law

1. The principal concepts used in this law have the following meaning:

a/ Civil Service - a professional activity, which is performed in the bodies envisaged in Clause 1, Article 4 of this law, with the purpose of implementing the objectives and functions reserved to those bodies by the legislation of the Republic of Armenia.

b/ Civil Service Position - a position envisaged by the Roster of Civil Service Positions, having stability.

c/ Vacant Civil Service Position - a Civil Service Position unoccupied pursuant to the procedure stipulated by this law.

d/ Roster of Civil Service Positions - a list of all the Civil Service Positions approved by the procedure defined by this law.

e/ Civil Servant - a person occupying a position envisaged in the Roster of Civil Service Positions or enlisted in the Civil Service Personnel Reserve.

f/ Corresponding Body - a body envisaged by Clause 1, Article 4 of this law.

g/ Passport of the Civil Service Position - a document approved in a procedure defined by this law, describing the rights and duties stipulated by this law and other legal acts for the Civil Servant occupying the given position, to be presented to the Civil Servant from the point of view of the mastery of the professional knowledge and working skills for occupying the given position, as well as defining the requirements for having a corresponding classification grade of the Civil Service.

h/ Classification Grade of Civil Servants - a qualification criterion corresponding to the professional knowledge and working skills of the Civil Servant.

i/ Chief of Staff - the official referred to in Clause 3, Article 16 of this law.

j/ Attestation of Civil Servants - determination of the conformity of the professional knowledge and working skills of the Civil Servants to the position occupied.

k/ Training of Civil Servants - consistent improvement of the professional knowledge and working skills of the Civil Servants.

l/ Civil Service Personnel Reserve - a group of Civil Servants not occupying Civil Service Positions by the procedure stipulated by this law.

m/ Service Investigation - an investigation of the performance of the duties by the Civil Servant and of issues related thereto carried out in the cases and pursuant to the procedure defined in this law and other legal acts.

n/ Political Position- a position without stability, elected or appointed pursuant to the procedure defined by the Constitution and the laws of the Republic of Armenia, the official occupying which shall make political decisions and co-ordinate the implementation thereof within the scope of authority reserved to him/ her by the legislation of the Republic of Armenia.

o/ Discretionary Position- a position without stability, appointed pursuant to the procedure defined by the legislation of the Republic of Armenia, the official occupying which shall make decisions and co-ordinate the implementation thereof within the scope of authority reserved to him/ her by the legislation of the Republic of Armenia, which may change with the changes of the persons occupying Political Positions.

q/ Person Implementing Technical Support – implementer of technical support necessary for the implementation of the authorities of the persons occupying Political and Discretionary, as well as Civil Service Positions.

2. Within the meaning of this law, Political Positions under Item n of Clause 1 of this Article are considered the positions of the President of the Republic of Armenia, Deputies to the National Assembly of the Republic of Armenia, the Prime Minister of the Republic of Armenia, Ministers of the Republic of Armenia and the Leaders of Communities of the Republic of Armenia.

3. Within the meaning of this law, Discretionary Positions under Item o of Clause 1 of this Article are considered the positions of the Chief of Staff of the President of the Republic of Armenia, the Chief of Staff of the Government of the Republic of Armenia, the Deputy Ministers of the Republic of Armenia, the Marzpets [Regional Governors]of the Republic of Armenia (the Mayor of the City of Yerevan), as well as the positions of advisers, press secretaries and assistants to the persons mentioned in Clauses 2 and 3 of this Article.

Article 4. The Scope of Operation of this law

1. The operation of this law shall extend to the persons occupying positions envisaged in the Roster of Civil Service Positions in the following bodies:

- a) The Staff of the President of the Republic of Armenia;
- b) The Staff of the Government of the Republic of Armenia;
- c) The Staffs of the Republican Executive Bodies of the Republic of Armenia;
- d) The Staffs of the Marzpetarans [Regional Governor's Offices] of the Republic of Armenia (the Municipality of Yerevan);
- e) The Staffs of the permanently operating commissions and councils (including the Civil Service Council) created by the laws of the Republic of Armenia, with the exception of the Central Bank.

2. The operation of this law shall not extend to the persons occupying Political and Discretionary Positions, as well as the Persons Implementing Technical Support, in the bodies envisaged under Clause 1 of this Article.

Article 5. The Main Principles of the Civil Service

The main principles of the Civil Service are:

- a) the supremacy of the Constitution and laws of the Republic of Armenia, the priority of human and citizen`s rights and liberties;
- b) the stability of the Civil Service;
- c) the uniformity of the principal requirements for Civil Servants and the legal equality of Civil Servants before the law;
- d) the openness of the Civil Service;
- e) the political restraint of the Civil Servants;
- f) the equal accessibility of the Civil Service for citizens, equivalent to their professional knowledge and working skills;
- g) the professionalism of the Civil Servants;
- h) the legal and social protection of the Civil Servants;
- i) the mandatory nature of the decisions made by superior bodies and officials in the prescribed procedure for the Civil Servants;
- j) the responsibility of the Civil Servants for not performing or improperly performing their service duties;
- k) the supervisability of the activity of the Civil Servants and their being accountable;

Article 6. The Civil Service Legislation of the Republic of Armenia

1. The relationships connected with the Civil Service shall be regulated by the Constitution of the Republic of Armenia, international agreements of the Republic of Armenia, this law, the normative legal acts of the Civil Service Council, as well as by other legal acts.

2. The labour relationships of the Civil Servants shall be regulated by the labour legislation of the Republic of Armenia, if peculiarities regulating such relations are not defined by the legislation on the Civil Service.

3. The service relationships among the Civil Servants shall be regulated by labour disciplinary rules.

The internal labour disciplinary rules of the Corresponding Body shall be approved by the Chief of Staff on the basis of the exemplary rules for labour discipline.

Article 7. Exemplary rules for labour discipline

1. The internal labour disciplinary rules of the Corresponding Body shall include at least the following:

- a) keeping the working regime (start and end of working hours, interval for rest and lunch).
- b) the procedure and conditions for being present in the Corresponding Body on days off, holidays, and after the end of working hours.
- c) the procedure for communicating orders and instructions connected with the Civil Service.
- d) the time and place for paying the salary.
- e) the general rules for labour and fire safety.
- f) the procedure for informing about absence from work for good reasons.

2. On employing the Civil Servant, the Chief of Staff is obligated to acquaint him/her with the internal labour disciplinary rules, and the Civil Servant is obligated to ratify the fact of becoming acquainted with his/ her signature.

3. The Chief of Staff shall secure the possibility for the Civil Servant to become acquainted with the internal labour disciplinary rules.

CHAPTER TWO

THE CLASSIFICATION OF CIVIL SERVICE POSITIONS AND THE CLASSIFICATION GRADES OF THE CIVIL SERVANTS

Article 8. Classification of the Civil Service Positions

1. The Civil Service Positions shall be classified into groups on the basis of the necessary level of responsibility for work organization and management, authority to take decisions, contacts and representations, complexity of issues and the requirement for their creative solution for the persons occupying the position concerned, as well as their knowledge and skills.

2. The Civil Service Positions shall be classified into the following groups:

- a) the highest Civil Service Positions;
- b) the chief Civil Service Positions;
- c) the leading Civil Service Positions;
- d) the junior Civil Service Positions.

3. The group of the highest Civil Service Positions referred to in Clause 2 of this Article shall be broken down into Subgroups 1 and 2, and the groups of the chief, leading and junior Civil Service Positions shall be broken down into Subgroups 1, 2 and 3. Subgroup 1 in the groups of Civil Service Positions is considered the highest subgroup of the given group.

Article 9. Classification Grades of the Civil Servants

1. The following classification grades shall be granted to the Civil Servants:
 - a) The classification grades of State Counsellor of the 1st and 2nd class of the Civil Service of the Republic of Armenia shall be granted to the Civil Servants occupying the highest Civil Service Positions.
 - b) The classification grades of Counsellor of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia, as well as the classification grade of State Counsellor of the 2nd class of the Civil Service of the Republic of Armenia, shall be granted to the Civil Servants occupying the chief Civil Service Positions.
 - c) The classification grades of Leading Servant of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia, as well as the classification grade of Counsellor of the 3rd class of the Civil Service of the Republic of Armenia, shall be granted to the Civil Servants occupying the leading Civil Service positions.
 - d) The classification grades of Junior Servant of the 1st, 2nd and 3rd classes of the Civil Service, as well as the classification grade of Leading Servant of the 3rd class of the Civil Service of the Republic of Armenia, shall be granted to the Civil Servants occupying the junior Civil Service positions.
2. The highest classification grades, State Counsellor of the 1st and 2nd classes of the Civil Service of the Republic of Armenia, shall be bestowed by the President of the Republic of Armenia.
3. The classification grades of Counsellor of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia shall be bestowed by the Civil Service Council.
4. The classification grades of Leading Servant of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia and of Junior Servant of the 1st, 2nd and 3rd class of the Civil Service of the Republic of Armenia shall be bestowed by the officials mentioned in Clause 2 of Article 16 of this law.
5. A corresponding classification grade of the Civil Service shall be granted to the Civil Servant simultaneously with making the appointment to the position.
The Civil Servant shall be granted a higher classification grade as a result of an attestation.
A corresponding classification grade shall be granted to a person occupying a Civil Service Position for the first time at the end of the probation period envisaged by this law.
6. The Civil Servant shall be deprived of the classification grade of the Civil Service if released from office in the cases envisaged under Items b, c, j, k, l, and o of Clause 1 of Article 34 of this law.
7. Downgrading of the classification grade of the Civil Service, with the exception of the classification grade of State Counsellor of the 1st and 2nd class of the Civil Service of the Republic of Armenia, shall be performed through judicial procedure.

Article 10. The Roster of Civil Service Positions

1. The Roster of Civil Service Positions shall be approved by the Civil Service Council upon presentation by the officials referred to in Clause 2 of Article 16 of this law.
2. The Roster of Positions to be included in each group of the Civil Service, as well as that of the equivalent positions, shall be approved by the Civil Service Council.

Article 11. The Passport of the Civil Service Position

The Passports of the Civil Service Positions shall be approved by the officials referred to in Clause 2 of Article 16 of this law, with inclusion of at least the following criteria of work history and experience.

a) the highest Civil Service Positions - higher education, at least 2 years of experience in the chief Civil Service Positions, or at least 5 years of Civil Service work history and the classification grade of Counsellor of the 3rd class of the Civil Service, or at least 2 years of work history in Political or Discretionary Positions during the last 5 years.

b) the chief Civil Service Positions - higher education, at least 2 years of work history in the leading Civil Service Positions, or at least 5 years of Civil Service work history and the classification grade of Leading Servant of the 3rd class of the Civil Service, or at least 1 year of work history in Political or Discretionary Positions during the last 3 years, or a scientific degree and at least 3 years of professional work history.

c) the leading Civil Service Positions - higher education, at least 2 years of work history in Civil Service Positions, or at least 1 year of work history in Political or Discretionary Positions during the last 2 years, or at least 3 years of professional work history.

d) the junior Civil Service positions - without any requirement for work history and experience.

CHAPTER 3

APPOINTMENT TO THE CIVIL SERVICE POSITION

Article 12. Persons having the right to be appointed to the Civil Service Position

Citizens of the Republic of Armenia not envisaged under Article 13 of this law, mastering the Armenian language, having attained 18 years of age, meeting the requirements established by the Passport of the given position have the right to be appointed to a Civil Service Position, regardless of nationality, race, gender, creed, political or other convictions, social origin, property or other status.

Article 13. Restrictions of the Right to be Appointed to the Civil Service Position

The person cannot be appointed to a Civil Service Position, who:

a) has been recognized incapable or of limited capacity through a judicial procedure;
 b) has been deprived of the right to occupy a Civil Service Position envisaged in the Roster of Civil Service Positions through a judicial procedure;

c) is suffering from an illness that may impede the performance of service duties and implementation of authorities in case of being appointed to a Civil Service Position. The Government of the Republic of Armenia shall approve the list of those illnesses.

d) has been sentenced for a crime and whose criminal record has not been removed or cleared by the prescribed procedure.

e) has avoided the mandatory term of military service.

Article 14. Notification of the Civil Service Council about the emergence of a Vacant Civil Service Position

In the event of the emergence of a Vacant Civil Service Position, the Chief of Staff within a three-day period shall notify the Civil Service Council about that in writing.

Article 15. Competition for occupying a Vacant Civil Service Position

1. In the event of the emergence of a Vacant Civil Service Position, the position shall be occupied through a competition, with the exception of the case referred to in Article 19 of this law.

2. The announcement on holding a competition for occupying the highest and chief Vacant Civil Service Positions is published by the Civil Service Council, and the announcement for occupying the leading and junior Civil Service Positions is published by the Corresponding Bodies no later than one month before holding the competition in a press outlet having a print-run of at least 3,000 and other mass media.

3. The Preparatory works of the competition for occupying a Vacant highest and chief Civil Service Position shall be implemented by the staff of the Civil Service Council, and for occupying a Vacant leading and junior Civil Service Position by the staff of the Corresponding Body.

4. The Competition Commission shall not permit a citizen to participate in the competition if the future work is connected with immediate subordination or oversight in relation to a close relative or an in-law (parent, husband, child, brother, sister, parent-in-law, stepchild, brother-in-law or sister-in-law).

5. The competition shall be held also if only one participant has applied for the competition.

6. The competition shall be held in two stages: testing and interview.

7. The testing may be held by computer or in writing.

Tests shall be constructed out of the questions installed in the computer and 100 questions selected randomly from these by the procedure determined by the Civil Service Council for checking the participants' knowledge in the following areas:

a) the Constitution of the Republic of Armenia;

b) the legislation on the Civil Service of the Republic of Armenia;

c) the requirements envisaged by the Passport of the Civil Service Position concerned;

d) the legislation of the Republic of Armenia defining the jurisdiction of the Corresponding Body;

e) checking logic and the ability to orientate in different situations.

The list of the questions installed in the computer shall be published no later than one month before the competition.

Test assignments shall comprise questions and problems. Each question (problem) shall have three or four probable answers. Each question (problem) shall have one unambiguous answer.

8. Those participants who answered correctly at least 90 per cent of the test assignments obtain the right to participate in the second stage of the competition - the interview.

The interview with the participants shall be held with the purpose of checking their practical skills in regard to the authorities defined by the Passport of the given Civil Service Position.

The Competition Commission in the result of the interview shall conduct a closed secret vote for each participant. Each member of the Competition Commission shall vote for or against.

The winners of the competition shall be considered those participants who received more than half of the votes of the members having participated in the vote of the Competition Commission as a result of the closed secret vote.

9. The competition results shall be published officially within a three-day period after holding the competition, in a press outlet having a print-run of at least 3,000 and other mass media. If no application is submitted for appealing the results of the competition within a three-day period after official publication of the results, the corresponding Competition Commission shall forward a conclusion on the participants selected as winners as a result of the competition to the official having the jurisdiction to make appointments to the position concerned.

10. If as a result of the competition no participant has given correct answers to at least 90 percent of the test assignments, or no interview participant has received more than half of the votes as a result of the closed secret voting of the members of the Competition Commission having participated in the vote, then no competition winner shall be recognized as the result of the competition and a second competition shall be held.

11. If no application was submitted for participating in the competition, or none of the applications submitted satisfied the requirements defined in this Article, the competition shall be considered not held and a second competition shall be held.

12. A competition held in violation of the procedure defined in this Article shall be ruled invalid through judicial procedure.

A second competition shall be also held in the case the competition has been ruled invalid.

13. A second competition shall be held on common grounds.

14. In the event the second competition is also ruled not held (invalid), or no winner is recognized as a result of the second competition, then the new competition for occupying the given Vacant Civil Service Position shall be announced two months after the second competition.

15. The Civil Service Council shall determine the procedure for holding a competition on the basis of this law.

Article 16. Appointment to the Civil Service Position

1. The person appointed to the Civil Service Position shall be unchangeable.

2. Appointments to and releases from the highest Civil Service Positions shall be made by the following persons:

a) President of the Republic of Armenia - in the Staff of the President of the Republic of Armenia;

b) Prime Minister of the Republic of Armenia- in the Staff of the Government of the Republic of Armenia;

c) Heads of the Republican Executive bodies of the Republic of Armenia - in the staffs of those bodies;

d) Marzpets (Mayor of the City of Yerevan)- in the Staffs of the Marzpetarans of the Republic of Armenia (the Municipality of the City of Yerevan);

e) Heads of the Standing Commissions (Councils) formed by Laws of the Republic of Armenia - in the staffs of those Standing Commissions (Councils);

3. Appointments to and releases from the chief, leading and junior Civil Service Positions shall be made by the following persons:

a) the Chief of Staff of the President of the Republic of Armenia - in the staff of the President of the Republic of Armenia

b) the Chief of Staff of the Government of the Republic of Armenia - in the staff of the Government of the Republic of Armenia;

c) the Chiefs of Staff of the Republican Executive bodies of the Republic of Armenia - in the staffs of those bodies;

d) the Chiefs of Staff of the Marzpetarans of the Republic of Armenia (of the Municipality of Yerevan) - in the staffs of the Marzpetarans (the Municipality of Yerevan) of the Republic of Armenia;

e) the Chiefs of Staff of the Standing Commissions (Councils) created by the laws of the Republic of Armenia - in the staffs of those Standing Commissions (Councils).

4. The appointment to the Civil Service Position out of the participants recognized as winners as the result of the competition envisaged in Article 15 of this law shall be made within a three-day period after receiving the conclusion under Clause 9 of Article 15 of this law.

5. The appointment of a person occupying a Civil Service Position for the first time shall be made for the probation period of up to six months in accordance with the procedure defined by the labour legislation of the Republic of Armenia.

Article 17. Oath of the Civil Servant upon Appointment to the Civil Service Position

1. The person occupying a Civil Service Position for the first time shall assume office in a solemn ceremony with the following oath given in the presence of the official with the jurisdiction to appoint him/her to office and a representative of the Civil Service Council: “Upon assuming the position of the Civil Servant of the Republic of Armenia I solemnly swear to serve the people of the Republic of Armenia faithfully, maintain strictly the Constitution and laws of the Republic of Armenia, the human and citizen rights, liberties and lawful interests, assist in maintaining the Constitutional order, bear the high title of the Civil Servant with dignity, unreservedly perform my service duties.”

2. Each Civil Servant shall take the oath individually through reading out loud the text of the oath.

3. The Civil Servant shall sign the text of the oath read out loud by him/her.

4. An entry on taking the oath by the Civil Servant shall be made in his/her personal file.

Article 18. The Civil Service Work History

1. The Civil Service work history includes the entire period of occupying the Civil Service Position by the Civil Servant and of his/her being enlisted in the Civil Service Personnel Reserve, as well as the entire period of his/her having worked in Corresponding Bodies before the entry into force of this law.

2. The Civil Service work history shall be calculated within the Civil Servant’s general and professional work history.

3. In case of secondment of the Civil Servant through the defined procedure with the purpose of improving professional knowledge and working skills the following shall be preserved:

a) the Civil Service Position, monetary satisfaction and the Civil Service work history, in case of secondment of up to one year, with permission of the official having jurisdiction to appoint him/her to the position.

b) the Civil Service Position and the Civil Service work history in case of secondment from one to three years, with permission of the official having jurisdiction to appoint him/her to the position, in agreement with the Civil Service Council.

4. In the event of a secondment for more than three years with permission of the Civil Service Council, the Civil Servant shall be released from the position occupied, and the work history of the period of secondment (training period) shall be made equal to the Civil Service work history.

5. The work history of the period of occupying Political and Discretionary Positions of the person released from the Civil Service Position on the grounds envisaged in Subclause h of Clause 1 of Article 34 shall be made equal to the Civil Service work history.

Article 19. Conclusion of a Term Employment Contract with the Civil Servant and Mandatory Secondment of the Civil Servant

1. In the event of the emergence of a temporarily Vacant Civil Service Position (pregnancy and childbirth leave, mandatory military service, cases under Points a and b of Clause 3 of Article 18 and other cases envisaged by law), of no candidate being selected as a result of the competition for occupying the Civil Service Position, as well as of the Civil Servant's temporary inability to perform his/her service duties, the position in question shall be occupied through the following:

a) conclusion of a term employment contract with a Civil Servant enlisted in the Civil Service Personnel Reserve and meeting the requirements in the Passport of the given position, but if impossible

b) mandatory secondment of another Civil Servant occupying an equivalent Civil Service Position for a period of no more than six months.

2. The Civil Service Council shall define the procedure for concluding a term employment contract with the Civil Servant and for the mandatory secondment of the Civil Servant on the basis of this law.

CHAPTER 4

ATTESTATION, TRAINING OF THE CIVIL SERVANTS AND THE CIVIL SERVICE PERSONNEL RESERVE

Article 20. Attestation of the Civil Servant

1. Every year at least one third of the Civil Servants of the Corresponding Body shall be subject to mandatory attestation.

2. Regular attestation of the Civil Servant shall be carried out once every three years.

3. Extraordinary attestation of the Civil Servant shall be carried out at least one year after the regular attestation.

4. Extraordinary attestation of the Civil Servant shall be carried out on the basis of a reasoned order by the official having jurisdiction to appoint him/her to the position, or at the Civil Servant's wish.

5. The attestation shall be carried out with the immediate participation of the Civil Servant.

6. The following persons shall not be subject to attestation:

a) the Civil Servants occupying the given position for less than one year, if they have not expressed such a wish;

b) the Civil Servants on pregnancy leave or on leave for care of a child under age 3, if they have not expressed such a wish.

The Civil Servants on pregnancy leave or on leave for child care shall be subject to attestation no sooner than one year after coming back from the leave of absence, if the latter have not expressed a wish for an earlier attestation.

The Civil Servants subject to attestation but on leave, on secondment, as well as temporarily unable to work, are subject to attestation within one month after coming back to work.

7. The Civil Servants subject to attestation shall be informed about the attestation and the timetable no later than one month before the attestation.

8. At least two weeks before the attestation the immediate manager shall forward the service description of the Civil Servant.

The service description shall contain information on the Civil Servant, a well-grounded assessment of his/her practical, human skills and the service activity results. The assessment shall be based upon the conclusions by the immediate manager of the Civil Servant on the reports produced by the Civil Servant each quarter regarding the works performed by himself/ herself in the period after the previous attestation.

If the immediate manager of the Civil Servant has been released from the Civil Service Position within the period between the attestations on the grounds of non-conformity to the position occupied as revealed in the result of the attestation (in the case of managers occupying Political and Discretionary Positions, on the grounds of dismissal or removal), the conclusions made by the latter shall have no legal force. If the conclusions given by such a manager include more than two thirds of the period between attestations, then the service description on the Civil Servant shall not be submitted.

The Civil Servant shall become acquainted with the service description at least one week before the attestation, about which the Civil Servant shall sign on the description paper in the space left for that purpose.

Failure to submit a service description by the procedure defined in this Article cannot have a negative effect on the Civil Servant's attestation results.

9. Attestation shall be held in two ways: documentary and testing.

10. The Civil Servants who have the highest Civil Service classification grade envisaged by this law for the group of the position occupied shall be subject to documentary attestation.

Documentary attestation shall be held on the basis of the service description.

In case of a failure to submit a service description by the procedure defined in this Article, the Civil Servant shall be subject to attestation through testing.

As a result of documentary attestation the Attestation Commission shall adopt one of the following decisions:

a) conforms to the position occupied.

b) is subject to attestation through testing.

11. The following persons shall be subject to attestation through testing:

a) the Civil Servants not subject to documentary attestation;

b) the Civil Servants in regard to whom the Attestation Commission has adopted the decision mentioned in Subclause b of Clause 10 of this Article.

Testing may be held by computer or in writing.

The tests are produced and the results assessed by the Attestation Commission by the procedure defined in Article 15 of this law.

12. The Attestation Commission shall adopt one of the following decisions on the basis of the testing results:

- a) grant a higher classification grade;
- b) conforms to the position occupied;
- c) conforms to the position occupied, on the condition of undergoing training and receiving a positive grade as the result of the training.
- d) does not conform to the position occupied.

13. The attestation results shall be submitted to the official having jurisdiction to appoint the Civil Servant to the position, who shall adopt one of the following decisions:

- a) on granting a corresponding higher Civil Service classification grade to the Civil Servant;
- b) on training of the Civil Servant;
- c) on releasing the Civil Servant from the position occupied. Such a decision shall be made also in case the Civil Servant receives a negative grade as a result of the training.

14. The head of the Corresponding Body on the basis of the attestation results shall adopt a corresponding decision no later than within a three-day period from the day of the Civil Servant's attestation.

15. The period of the Civil Servant's temporary disability to work and that of his/her leave of absence, as well as the training period, shall not be included in the period noted in Clause 14 of this Article.

16. The Civil Service Council shall define the procedure for conducting attestation of Civil Servants on the basis of this law.

Article 21. Training of the Civil Servant

1. Training of the Civil Servant shall be held on the basis of the attestation results of the Civil Servant, in case of changing the passport of the given Civil Service Position, as well as on the basis of the application of the Chief of Staff.

2. Every Civil Servant shall be subject to mandatory training at least once every three years.

3. The expenses connected with the training of Civil Servants shall be made at the expense of the resources of the state budget, as well as at the expense of other resources not prohibited by the legislation of the Republic of Armenia.

4. The Civil Service Council shall approve the list of educational institutions conducting training of Civil Servants and the training syllabus to be used by those institutions for training of Civil Servants.

5. The Civil Service Council shall determine the procedure for conducting training of Civil Servants on the basis of this law.

Article 22. The Civil Service Personnel Reserve

1. The following persons shall be enlisted in the Civil Service Personnel Reserve:

- a) the persons released from the Civil Service Position on the grounds envisaged in Subclauses d, f and g of Clause 1 of Article 34 of this law;

b) the persons released from the Civil Service Position on the ground envisaged in Subclause h of Clause 1 of Article 34 of this law, after the end of their term of office in Political or Discretionary Positions, with the exception of the cases of dismissal and removal;

c) the persons released from the Civil Service Position after the end of the secondment on the ground envisaged in Subclause o of Clause 1 of Article 34 of this law;

2. The maximum one-time period for the Civil Servant to be enlisted in the Civil Service Personnel Reserve shall be six months, but not more than his/her having attained age 65.

3. The Civil Service Council shall define the procedure for enlisting in the Civil Service Personnel Reserve and of removal therefrom on the basis of this law.

CHAPTER 5

THE LEGAL STATUS OF CIVIL SERVANTS

Article 23. The Principal Rights of the Civil Servant

The principal rights of the Civil Servant are:

a) getting acquainted with the legal acts defining his/her rights and duties in the position occupied;

b) getting acquainted with all the materials contained in his/her personal file, the assessments of his/her activities and other documents, as well as presenting explanations;

c) receiving by the defined procedure information and materials necessary for the performance of his/her service duties;

d) adopting decisions and participating in discussions of issues by the procedure prescribed;

e) demanding a service investigation with the purpose of removing any in his/her opinion ungrounded accusations or suspicions in regard of him/her, or in cases of applying disciplinary penalties towards him/her;

f) protection of work, monetary satisfaction and health, the ensuring of safe and necessary working conditions;

g) social protection and security;

h) legal protection, including from political persecutions;

i) upgrading of the Civil Service classification grade by the defined procedure;

j) training at the expense of the resources of the state budget, as well as resources not prohibited by the legislation of the Republic of Armenia;

k) appealing the results of the competition and attestation, including through judicial procedure;

l) submitting proposals on the organisation and improvement of the Civil Service;

m) other rights envisaged by this law and other legal acts;

Article 24. The Principal Duties of the Civil Servant

1. The principal duties of the Civil Servant are;

a) performing the requirements of the Constitution, the laws and other legal acts of the Republic of Armenia;

b) ensuring professional and other necessary knowledge;

- c) performing the duties assigned to him/her by the legislation of the Republic of Armenia in an accurate and timely manner;
 - d) performing the assignments and decisions given by superior bodies and officials by the defined procedure;
 - e) following labour disciplinary rules;
 - f) reviewing and taking action on proposals, petitions and complaints by the procedure and within the time period defined;
 - g) keeping state, service and other secrets protected by law, including after the end of office by the procedure defined by law;
 - h) following the ethics rules for the Civil Servant approved by the Civil Service Council;
 - i) submitting the declaration of his/her revenues by the procedure defined by law;
 - j) other duties provided by this law and other legal acts.
2. The concrete duties of the Civil Servant arising from the principal duties defined by this law shall be defined by the Passport of the corresponding Civil Service Position.

Article 25. Restrictions applied to the Civil Servant

1. The Civil Servant shall not have the right to:
- a) perform other paid work, with the exception of scientific, pedagogical, and creative work;
 - b) be personally engaged in entrepreneurial activity;
 - c) be the representative of third persons in the relations connected to the body where he/she is employed, or which is immediately subordinate to or supervised by himself/herself;
 - d) implement violations of the principle of the political restraint of the Civil Servants, that is, to use his/her service position in the interests of parties, non-governmental organizations, including religious associations, proselytise in their favour or implement other political or religious activities;
 - e) take business trips at the expense of other persons in the cases not stipulated by the legislation of the Republic of Armenia;
 - f) violate the requirements determined by the legislation of the Republic of Armenia concerning working with documents containing a state, service or other secret protected by law, including refusing to undergo the defined procedure for drawing up permission to deal with such secret;
 - g) receive an honorarium for publications or speeches arising from the performance of his/her service duties;
 - h) use material and technical, financial and information resources, other state property and service information for non-service purposes;
 - i) receive gifts, amounts of money or services from other persons for his/her service duties, with the exception of the cases envisaged by the legislation of the Republic of Armenia;
 - k) as a state representative, conclude property transactions with the persons noted in Clause 3 of this Article, except for the cases envisaged by the legislation of the Republic of Armenia.
2. Within a period of one month after appointment to a Civil Service Position, a Civil Servant, in case of having 10 % and more shares in the statutory capital of any commercial organization, is obligated to hand it over for entrusted management by the procedure defined by the legislation of the Republic of Armenia. The Civil Servant shall have the right to receive income from the property handed over for entrusted management.

3. It is forbidden to the Civil Servant to work together with close relatives or in-laws (parent, spouse, child, brother, sister, spouse's parent, child, brother and sister), if their service is connected with direct subordination to or supervision over one another.

4. The Civil Servant shall not have the right to become employed by an employer or become an employee of an organization over which he/she had implemented immediate control for the last year of holding the Civil Service Position within a period of one year after his/her release from the Civil Service Position.

Article 26. Restrictions for giving Assignments to the Civil Servants

1. Civil Servants cannot be given such oral or written assignments which:

- a) contradict the Constitution and laws of the Republic of Armenia;
- b) are beyond the authorities of either the issuer or the receiver thereof.

2. In the cases of issuing assignments in violation of Clause 1 of this Article, the Civil Servant is obligated to immediately report in writing on his/her doubts on the lawfulness of the assignment to the issuer thereof and to the superior of the latter, or to the persons substituting for them. If the superior, and in case of his/ her absence, the person substituting for him/her or the one who had given the assignment affirm the assignment in writing, the Civil Servant shall be obliged to perform it and inform the Civil Service Council about that in writing, with the exception of cases when the performance of the assignment will lead to criminal or administrative liability determined by the legislation of the Republic of Armenia. The liability for the performance of the assignment by the Civil Servant shall rest upon the person having affirmed it in writing.

Article 27 Social Guarantees for the Civil Servant

1. The state shall guarantee the following for the Civil Servant:

- a) safe and necessary working conditions for the performance of service duties;
- b) monetary satisfaction, bonuses for classification grade and other payments envisaged by the legislation of the Republic of Armenia;
- c) an annual paid vacation;
- d) training, keeping the position in the meantime and the monetary satisfaction envisaged for that;
- e) mandatory state social insurance in the cases and by the procedure defined by law;
- f) in the event of the Civil Servant's disability or death while performing service duties, corresponding financial compensation to the Civil Servant or to his/her family members by the procedure defined by the legislation of the Republic of Armenia;
- g) on the basis of the application by the Civil Servant, ensuring of protection for himself/herself and his/her family members from violence, intimidation and other encroachments connected with the performance of his/her service duties;
- h) reimbursement of transportation, accommodation and other expenses connected with service business trips by the procedure defined by the legislation of the Republic of Armenia;

2. The Civil Servant shall be given a means of transportation or reimbursement of transportation expenses in the cases and by the procedure defined by the legislation of the Republic of Armenia.

Article 28. Monetary Satisfaction of the Civil Servant

1. Each Civil Servant, without any discrimination, shall have the right of equivalent monetary satisfaction equivalent to his/her work.

2. The Civil Servant, including one enlisted in the Civil Service Personnel Reserve, shall receive monetary satisfaction by the procedure and within the time-period defined by the Law on Monetary Satisfaction of the Civil Servants.

Article 29. Social Security of the Civil Servant

The social, including retirement, security of the Civil Servant shall be provided by the procedure defined by the legislation of the Republic of Armenia.

Article 30. Legal Status of the Civil Servant during Reorganization of the Corresponding Body

Restructuring of the Corresponding Body shall not serve as a ground for releasing the Civil Servant from his/her position, with the exception of cases when the reorganization is accompanied by a reduction in the number of positions. In case of reduction of the number of positions, the right of priority to continue the work activity shall be given to the Civil Servant having a higher classification grade.

Article 31. Personal File of the Civil Servant and the Register of Civil Servants

1. The course of the service activity of the Civil Servant shall be reflected in his/her personal file, which is maintained by the Corresponding Body.

2. The information on the Civil Servants shall be entered in the Register of Civil Servants, which is maintained by the Civil Service Council.

3. The Civil Service Council shall approve the procedure for maintaining the personal files of Civil Servants and the Register of Civil Servants.

CHAPTER 6

INCENTIVES FOR CIVIL SERVANTS, SUBJECTING THEM TO DISCIPLINARY PENALTIES AND REMOVING FROM THE POSITION

Article 32. Types of incentives applied to the Civil Servant

1. The following types of incentives may be applied to a Civil Servant for lengthy service, as well as for excellent performance of service duties and special assignments:

- a) citation of gratitude;
- b) award of a one-time financial remuneration;
- c) award of a souvenir;
- d) provision of additional paid leave;
- e) salary raise in the procedure defined by law;

f) other types of incentives defined by law.

2. The incentives to the Civil Servant envisaged in Clause 1 of this Article shall be applied by the official who has the jurisdiction to appoint him/her to the position.

Article 33. Disciplinary Penalties applied to the Civil Servant

1. The following disciplinary penalties shall be applied to the Civil Servant by the procedure defined by the legislation of the Republic of Armenia for not performing or improperly performing service duties for an invalid reason, as well as for exceeding service authorities, violating the rules of labour discipline:

- a) preliminary warning;
- b) reprimand;
- c) severe reprimand;
- d) salary reduction by the procedure defined by law;
- f) removal from the position occupied, with the agreement of the Civil Service Council.

2. Before assigning a disciplinary penalty an explanation shall be demanded from the Civil Servant who has allowed the disciplinary violation.

The disciplinary penalty shall be assigned if no more than one month has passed from the day of discovering the disciplinary violation, not counting any illness or leave of absence.

A disciplinary penalty cannot be assigned if more than six months have passed from the day of committing the disciplinary violation.

The disciplinary penalty shall be announced through an order and communicated to the Civil Servant no later than within a three-day period after assigning the disciplinary penalty, taking a signature from him/her.

For each disciplinary violation one disciplinary penalty may be assigned.

If the Civil Servant has not been subjected to another disciplinary penalty within one year from the day of assigning the disciplinary penalty, he/she shall be considered not subjected to a disciplinary penalty. The disciplinary penalty may be removed before the end of one year, if the Civil Servant has not allowed another disciplinary violation and had showed himself/herself as a diligent servant.

3. The disciplinary penalties envisaged in Clause 1 of this Article shall be applied to the Civil Servant by the official having jurisdiction to appoint him/her to the position.

4. In the cases and through the procedure established by the Civil Service Council, the disciplinary penalties envisaged in Clause 1 of this Article shall be applied after the service investigation.

5. During the service investigation the performance of the service duties of the Civil Servant may be suspended for a period of up to one month, preserving the monetary satisfaction of the Civil Servant.

Article 34. The Grounds for relieving the Civil Servant from the Position

1. The grounds for relieving the Civil Servant from the position are:

- a) the personal application;
- b) failure to submit declaration of his/her revenues by the procedure envisaged by law;
- c) a second application of one of the disciplinary penalties under Subclauses b, c, or d of Clause 1 of Article 33 of this law within one year;

- d) expiration of the term employment contract under Article 19 of this law;
- e) determining non-conformity to the position occupied as a result of attestation;
- f) reduction in number of positions and liquidation of the Corresponding Body;
- g) failure to appear at work more than six months in one year due to temporary work disability, not counting pregnancy and childbirth leave;
- h) election or appointment to Political or Discretionary Positions;
- i) violation of the procedure defined by this law for appointment to the Civil Service Position;
- j) failure to maintain the restrictions envisaged in Clauses 1-3 of Article 25 of this law;
- k) termination of the citizenship of the Republic of Armenia;
- l) being sentenced to imprisonment;
- m) reaching the maximum age defined by this law for occupying a Civil Service Position;
- n) failing the probation period defined by this law;
- o) the case envisaged in Clause 4 of Article 18 of this law;
- p) being recognized through judicial procedure as incapable or of limited capacity to work;
- q) being deprived of the right to occupy a Civil Service Position through judicial procedure;
- r) catching one of the illnesses envisaged in Subclause c of Article 13 of this law;
- s) other grounds defined by law.

2. The duties of the Civil Servant shall be considered terminated in the event of his/ her death.

3. Pregnant Civil Servants as well as those looking after children up to age 3 shall not be relieved from a Civil Service Position occupied on the grounds envisaged in Subclauses e, f , g and n of this Article.

3. The Civil Servant shall be released from his/her position by the official having jurisdiction to appoint him/her to the position.

Article 35. Maximum Age for occupying a Civil Service Position

1. The maximum age for occupying a Civil Service Position shall be 65 years.

2. In case of attaining the maximum age for occupying a Civil Service Position, by decision of the official having jurisdiction to appoint to the position and agreement of the Civil Service Council, the Civil Servant may continue to occupy his/her position for up to three more years.

Article 36. Appealing the Decision on releasing from the Civil Service Position

1. The Civil Servant may appeal the decision on releasing him/her from the Civil Service Position through judicial procedure.

2. In the event of recognizing the decision on releasing the Civil Servant from the Civil Service Position as illegal, the Civil Servant shall be restored in his/her position within five days after the court decision enters into legal force and receive a compensation for the forced leave in the manner and in the amount defined by the legislation of the Republic of Armenia.

CHAPTER 7

THE BODIES FOR THE MANAGEMENT AND ORGANIZATION OF THE CIVIL SERVICE

Article 37. The Bodies for the Management and Organization of the Civil Service

The following shall be the bodies for the management and organization of the Civil Service:

1. the Civil Service Council;
2. the Chiefs of Staff.

Article 38. The Civil Service Council

1. The Civil Service Council shall implement the uniform state policy of the Civil Service.
2. The Civil Service Council shall:
 - a) implement methodical management and supervision over the personnel activities of the Corresponding Bodies;
 - b) apply to court for eliminating acts contradicting the requirements of the Civil Service legislation;
 - c) submit suggestions on the Civil Service issues arising during reorganization and liquidation of the Corresponding Bodies;
 - d) review suggestions, applications and complaints relating to the Civil Service by the procedure defined by the legislation of the Republic of Armenia;
 - e) conduct service investigation in the defined cases and procedure;
 - f) agree to applying a second disciplinary penalty to the Civil Servant within one year and his/her dismissal from office;
 - g) receive necessary information and materials related to the Civil Service from Corresponding and other Bodies;
 - h) approve the procedure for using financial resources by the Civil Service Council;
 - i). submit drafts of corresponding legal acts related to the Civil Service for discussion to the President of the Republic of Armenia, the Government of the Republic of Armenia and the Prime Minister of the Republic of Armenia;
 - j) adopt normative legal acts envisaged by this law, as well as ones for securing the execution of this law;
 - k) implement other authorities envisaged by this law, other laws, legal acts arising therefrom and its Charter.
3. The Chairman of the Civil Service Council shall participate in the sessions of the Government of the Republic of Armenia with an advisory vote.
4. The organizational and technical security of the Civil Service Council shall be implemented by the staff of the Civil Service Council.
5. The Civil Service Council shall be financed at the expense of the resources of the state budget, as well as other resources not prohibited by law.

The list of the number of positions of the Civil Service Council and its staff, the sizes of their salaries and bonuses shall be approved by the Civil Service Council.

The staff of the Civil Service Council shall produce and submit its application for budgetary financing each year (Draft Estimate of Expenses of the Civil Service Council) for the coming year

to the Ministry of Finance and Economy by the procedure defined by the Law of the Republic of Armenia On the Budgetary System of the Republic of Armenia and within the time limits under the Decree of the Prime Minister of the Republic of Armenia on starting the budgetary process for the coming year.

Reconciliation of the indicators of the application for budgetary financing of the Civil Service Council and incorporation of these into the draft State Budget shall be implemented through the procedure defined by the Law of the Republic of Armenia On the Budgetary System of the Republic of Armenia.

The copy of the application for budgetary financing of the Civil Service Council presented to the Government of Armenia shall, together with the draft State Budget for the coming year, be presented to the National Assembly of the Republic of Armenia.

In the expense section of the State Budget the expenses of the Civil Service Council are presented as a separate line item.

6. The Civil Service Council shall approve its Charter and its staff's organizational structure, charter and maximum number of employees.

7. The activities and decisions of the Civil Service Council shall be subject to appeal through judicial procedure in the manner defined by the legislation of the Republic of Armenia.

8. The Civil Service Council shall submit annual communications on its activities to the National Assembly of the Republic of Armenia.

Article 39. Composition of the Civil Service Council

1. The Civil Service Council shall consist of seven members: Chairman, Deputy Chairman and five members.

2. The members of the Civil Service Council shall be appointed to office and relieved therefrom by the President of the Republic of Armenia upon submission by the Prime Minister of the Republic of Armenia.

3. The members of the Civil Service Council, except for the first members of the Civil Service Council, shall be appointed for six years.

4. Those citizens of the Republic of Armenia who have higher education, work experience in the state administration and master the Armenian language can be appointed members of the Civil Service Council.

5. The positions of the Civil Service Council members shall be considered civil positions.

6. The work history of the Civil Service Council members shall be equalised to the work history in the Civil Service.

7. The Civil Service Council members cannot occupy any other position or perform any other paid work, except for academic, pedagogical and creative work during their term of office.

8. The authorities of the Civil Service Council members shall terminate:

- a) on the basis of a personal application;
- b) in case of completing the term of office;
- c) in case of impossibility to perform his/her duties due to work disability for three months uninterrupted, not counting pregnancy and child-birth leave;
- d) in case of terminating the citizenship of the Republic of Armenia;
- e) in case of an accusatory court sentence on them entering into legal force;
- f) in case of judicial recognition as incapacitated or missing;
- g) in case of occupying another position;

h) in case of violating the law.

The duties of the Civil Service Council members shall be considered terminated in case of their death.

In case of early termination of the authorities of a Civil Service Council member, another appointment to the position in question shall be made for the rest of that member's term of office.

Article 40. The Chief of Staff

1. The Chief of Staff, with the exception of the Chief of Staff of the President of the Republic of Armenia and the Chief of Staff of the Government of the Republic of Armenia, shall be a Civil Servant.

2. The Chief of Staff shall be guided by the legislation on the Civil Service for organization of the Civil Service.

3. The authorities of the Chief of Staff shall be defined by this law, the Charter of the Corresponding Body and other legal acts.

Article 41. Competition and Attestation Commissions of the Civil Service

1. The competition to occupy Civil Service Positions and attestation of the Civil Servants shall be carried out respectively by the Civil Service Competition and Attestation Commissions.

2. The competitions to occupy the highest and chief Civil Service Positions and attestation of the Civil Servants occupying those positions shall be conducted by Competition and Attestation Commissions formed by the Civil Service Council.

3. Competitions to occupy the leading and junior Civil Service Positions and attestation of the Civil Servants occupying those positions shall be conducted by Competition and Attestation Commissions formed by Corresponding Bodies.

4. The compositions of the Civil Service Competition and Attestation Commissions shall be selected from the candidates input in the computer for that purpose and randomly selected no sooner than 18 hours before the competition or attestation, with the following ratio:

one third - representatives from the Civil Service Council;

one third - representatives from Corresponding Bodies;

one third - representatives from academic institutions and public associations of the given area.

5. The Civil Service Council and Corresponding Bodies shall approve respectively the working procedures of the Civil Service Competition and Attestation Commissions.

CHAPTER 8

SOLUTION OF DISPUTES AND RESPONSIBILITY FOR VIOLATING THE LEGISLATION ON THE CIVIL SERVICE

Article 42. Solution of Disputes and Responsibility for violating the Legislation on the Civil Service

1. Disputes related to the application of the legislation on the Civil Service shall be solved by the procedure defined by the legislation on the Civil Service, as well as through judicial procedure.

2. The persons violating the legislation on the Civil Service shall bear responsibility through the procedure defined by the legislation of the Republic of Armenia.

CHAPTER 9

CLOSING AND TRANSITIONAL PROVISIONS

Article 43. Entry of this law into force

This law shall enter into force from the moment of official promulgation.

Article 44. Conforming other legal acts to this law

Within six months after the entry of this law into force conform to this law the legal acts containing norms regulating the Civil Service and relationships connected therewith. Before that, they shall operate insofar as they do not contradict this law.

Article 45. Formation of the Civil Service Council

1. The period of authorities of the first members of the Civil Service Council shall be defined as follows:

- a) one year - for one member;
- b) two years - for two members;
- c) three years - for one member;
- d) four years - for one member;
- e) five years - for one member, the Deputy Chairman of the Civil Service Council;
- f) six years - for one member, the Chairman of the Civil Service Council.

The President of the Republic of Armenia upon the presentation by the Prime Minister of the Republic of Armenia shall approve the first membership of the Civil Service Council within a 20-day period after the date of the entry into force of this law.

2. The Civil Service Council shall approve the Charter of the Civil Service Council within a one-month period after the date of approval of the first members of the Civil Service Council.

3. Before making appointments to the Civil Service Positions in the staff of the Civil Service Council by the procedure defined by this law, the Chairman of the Civil Service Council

shall sign term employment contracts by the procedure defined by the legislation of the Republic of Armenia.

Article 46. Determining the Staff Position Units for the Chief of Staff

In the procedure established by the legislation of the Republic of Armenia the staff position units for Chiefs of Staff in the Corresponding Bodies shall be determined and corresponding appointments made within two months` time after the entry of this law into force.

Article 47. Adopting Legal Acts arising from this law

The legal acts arising from this law shall be adopted by the Government of the Republic of Armenia and the Civil Service Council within six months` time after the entry of this law into force.

Article 48. Approving the Roster of Civil Service Positions

The Roster of Civil Service Positions shall be subject to approval by the defined procedure beginning with the first day of the eighth month after the entry of this law into force.

Article 49. Approving the List of Number of Positions, the maximum number of employees and Passports of the Civil Service Positions of the Corresponding Bodies

1. The list of the number of positions, maximum number of employees and Passports of the Civil Service Positions of the Corresponding Bodies shall be subject to approval (change) within one month after the approval of the Roster of Civil Service Positions by the procedure defined by the legislation of the Republic of Armenia.

2. In case there is a reduction of the number of positions in the Corresponding Bodies, the working rights and guarantees of the employees subject to release from those bodies shall be secured by the procedure defined by the legislation of the Republic of Armenia.

Article 50. Restrictions for Appointments to Civil Service Positions in the Corresponding Bodies after the Approval of the List of Number of Positions

Within two months after the approval (change) of the list of the number of positions in the Corresponding Bodies envisaged by Article 49 of this law only the employees with termless employment contracts may be appointed to the positions envisaged in the Roster of Civil Service Positions.

Article 51. Considering the employees of the Corresponding Bodies Civil Servants

1. In the Corresponding Bodies the employees occupying Civil Service Positions envisaged in the Roster of Civil Service Positions shall be considered Civil Servants beginning with the first day of the eleventh month after the date of entry of this law into force.

2. The employees of the Corresponding Bodies shall be considered Civil Servants by the procedure defined by this Article, taking into account the requirements of Articles 11 - 13, Clause 3 of Article 25 and Article 35 of this law.

3. The corresponding first Civil Service classification grade shall be granted to the employees of the Corresponding Bodies recognized as Civil Servants by the procedure defined by this Article as the result of the first attestation under this law.

4. Beginning with the first day of the eleventh month after the entry of this law into force, in case of the emergence of a Vacant Civil Service Position in the Corresponding Bodies that position shall be occupied through a competition.

Article 52. Dissolution of term employment contracts in the Corresponding Bodies

The term employment contracts concluded with the employees occupying the Civil Service Positions under the Roster of Civil Service Positions in the Corresponding Bodies shall be considered dissolved beginning with the first day of the ninth month after the entry of this law into force, if in the contracts any earlier dates for their dissolution are not mentioned.

Article 53. The Competition conducted for occupying Civil Service Positions in the Staff of the Civil Service Council

The competition for occupying Civil Service Positions in the Staff of the Civil Service Council shall be conducted by the procedure defined by this law, and the corresponding appointments shall be made during the eighth month after the entry of this law into force.

Article 54. The first training of the Civil Servants of the Corresponding Bodies

The first training of the Civil Servants of the Corresponding Bodies shall be held in accordance with the syllabus developed by the Public Administration School of the Republic of Armenia and approved by the Civil Service Council, beginning with the first day of the eleventh month after the entry of this law into force.

Article 55. The first attestation of the Civil Servants of the Corresponding Bodies

The first attestation of the Civil Servants in the Corresponding Bodies having undergone training shall be held beginning with the first day of the thirteenth month after the entry of this law into force.

Article 56 Consideration of the previously applied Disciplinary Penalties

When releasing the Civil Servant from his/her position on the grounds mentioned in Subclause c of Clause 1 of Article 34 of this law, the disciplinary penalties having been applied to him/her before then shall be taken into consideration.

Article 57. Maintaining the classification grades and special titles previously granted to persons having been considered Civil Servants

The classification grades and special titles (qualification grades) previously granted to persons having been considered Civil Servants shall be maintained through the procedure and within the time limits defined in the legal acts considered grounds for granting them.

Article 58. Deadline for Adoption of Law on Monetary Satisfaction of Civil Servants

The law on Monetary Satisfaction of the Civil Servants shall be subject to adoption before May 1, 2002.

Article 59. Deadlines for Adoption of Laws regulating peculiarities connected with Service in Staffs of individual Republican Executive Bodies

1. The peculiarities connected with service in the staffs of the Tax and Customs Republican Executive bodies shall be subject to regulation by separate laws before January 1, 2002.

2. The peculiarities connected with service in the staffs of the Republican Executive bodies for Defence, National Security, Home Affairs and Emergencies shall be subject to regulation by separate laws before July 1, 2002.

PRESIDENT OF THE REPUBLIC OF ARMENIA