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Law of Georgia on Civil Service

This law determines the legal basis of organising civil service in Georgia; regulates relations concerning the execution of civil service; defines the legal status of a civil servant.

Chapter 1 General provisions

Article 1. Concepts of civil service and state positions

1. Civil service (hereinafter –service) is defined as employment in state and local self-government fiscal (budgetary) agencies – public governance bodies.
2. State position is a first-structure unit of state governance, which defines place and social nature of work of a citizen within the system of the civil service, as well as his/her rights and responsibilities.
3. State-political position, pursuant to the Constitution of Georgia and Constitutions of the Autonomous Republics of Abkhazia and Adjara, is a state position, which is political in nature and is filled through election or appointment, as envisaged by the Constitution of Georgia and Constitutions of the Autonomous Republics of Abkhazia and Adjara. State-political positions are as follows:
 - a. President of Georgia;
 - b. Members of the Parliament of Georgia;
 - c. Prime Minister of Georgia and other members of the Government of Georgia;
 - d. Members of the supreme representative bodies of Abkhazia and Adjara;
 - e. Heads of Governments of the Autonomous Republics of Abkhazia and Adjara.
4. Employment at the state position is defined as labour activity on elected or appointed positions in an agency, which, pursuant to the legislation, executes legislative, executive or judicial governance, state supervision and control, as well as state defence.

Article 2. Concept of fiscal (budgetary) agency

1. A fiscal (budgetary) agency (hereinafter – agency) is an agency, established by the funds of the state budget or a budget of the local self-government and funded through those budgets, the main aim of which is execution of public governance.

2. State agencies, working at which is considered civil service, are:

- a. Parliament of Georgia, excluding fractions, staff of temporary investigation commissions and other temporary commissions;
- a¹. Administration of the President of Georgia;
- b. Chancellery of the Government of Georgia, staff of the State Minister of Georgia, Ministries of Georgia and state subordinated agencies;
- c. Council of Justice of Georgia;
- d. Constitutional Court of Georgia, general courts;
- e. National Bank of Georgia;
- f. State Audit Office of Georgia;
- g. Office of the Public Defender of Georgia and agencies;
- h. Governor and his/her administration;
- i. Abolished.

3. State agencies of the Autonomous Republics of Abkhazia and Adjara, working at which is considered civil service, are:

- a. The supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara, excluding staff of fractions of those bodies;
- b. Executive agencies of the Autonomous Republics of Abkhazia and Adjara;
- c. Abolished.

4. Agencies of local self-government, working at which is considered civil service, are:

- a. Sakrebulo;
- b. Gamgeoba, Mayor's Office;
- c. Municipality.

Article 3. Types of civil service

1. Civil service in Georgia is unified.

2. Civil service is divided into the following categories:

- a) State service;
- b) Service in local self-government.

Article 4. Concept of a civil servant

1. A civil servant (hereinafter – servant) is a person, who, according to the rules set forth by this law, serves in a remunerated position in a state or local self-government agency.
2. A person, who works for the state, is a state servant. A person, who works for a local self-government unit, is a local self-government servant.

Article 5. Types of civil servants

Civil service is performed by:

- a. State-political officials;
- b. Servants;
- c. Support personnel;
- d. Freelance servants.

Article 6. Concept and types of civil servants

1. A civil servant is a person who is appointed or elected to serve on a staff in a budgetary agency.
2. Civil servants are divided into state servants and local self-government servants.

Article 7. Concept of support personnel

Support personnel are technical workers, who are recruited on the basis of a labour contract to a position of support personnel envisaged by staff of a budgetary agency.

Article 8. Concept of freelance servants

A freelance servant is a person who is appointed or recruited to the service on the basis of a labour contract for a defined term to accomplish temporary tasks.

Article 9. Establishing position titles and remunerations for civil servants

1. Remunerations 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 those officials, appointed or elected by the President of Georgia, the Parliament of Georgia pursuant to the Constitution of Georgia are defined by a law of Georgia.
2. Ordinance of the Government of Georgia defines the upper and lower limits of remunerations of state servants according to the grades of civil service positions.
3. Pursuant to paragraph 2 of this article, within the upper and lower limits of the remuneration of state servants as defined by the Government of Georgia:

- a) Remunerations and position titles of civil servants of staff and support personnel of the Parliament of Georgia, as well as civil servants and support personnel of the National Library of Georgia are defined by the Chairman of the Parliament of Georgia;
- b) Remunerations and position titles of civil servants and support personnel of the Administration of the President are defined by the President of Georgia;
- c) Remunerations and position titles of civil servants and support personnel of the National Security Council of Georgia and Administration of the Governor are defined by the Government of Georgia;
- d) Remunerations and position titles of civil servants and support personnel of the Chancellery of the Government of Georgia are defined by the Prime Minister of Georgia. Remunerations and positions titles of civil servants of the staff of the State Minister are defined by the State Minister of Georgia;
- e) Limits of remunerations of the members of the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara are determined by the laws of the relevant Autonomous Republic;
- f) Remunerations and position titles of civil servants and support personnel of the ministries of Georgia and subordinated agencies are defined by the head of the relevant ministry;
- g) Remunerations and position titles of civil servants and support personnel of the staff of the Constitutional Court of Georgia are determined by the Constitutional Court of Georgia;
- h) Remunerations and position titles of civil servants and support personnel of the Supreme Court of Georgia are determined by the Supreme Court of Georgia;
- i) Remunerations and position titles of civil servants and support personnel of the general courts of Georgia (excluding the Supreme Court of Georgia) are determined by the Council of Justice of Georgia;
- j) Remuneration of the members of the Council of Justice of Georgia, as well as remunerations and position titles of civil servants and support personnel of the staff of the Council of Justice of Georgia are determined by the Council of Justice of Georgia;
- k) Remunerations and position titles of civil servants and support personnel of the staff of the State Audit Office of Georgia are determined by the Auditor General;
- l) Remunerations and position titles of civil servants and support personnel of the staff of the Public Defender of Georgia are determined by the Public Defender of Georgia;
- m) Remunerations and position titles of civil servants and support personnel of the staff of the Central Election Commission of Georgia are determined by the Central Election Commission of Georgia;

- n) Remunerations and position titles of civil servants and support personnel of the staff of the National Bank of Georgia are determined by the President of the National Bank of Georgia;
- o) Remunerations and position titles of civil servants and support personnel of the staff of the state agencies of the Autonomous Republics of Abkhazia and Adjara are determined by the heads of the state agencies of the Autonomous Republics of Abkhazia and Adjara;
- p) Remunerations and position titles of local self-government servants are approved by the local self-government body Sakrebulo;
- q) Remunerations of other state servants are determined by the Government of Georgia.

Article 10. Approval of staff of fiscal (budgetary) agencies

1. Structure and staff of civil servants of the Parliament of Georgia are approved according to the rules of the Parliament of Georgia.
2. The list of staff of the Administration of the President of Georgia, the Chancellery of the Government of Georgia, Ministries of Georgia, staff of the Constitutional Court of Georgia, staff of the Supreme Court of Georgia, State Audit Office of Georgia, staff of the National Bank of Georgia, and the list of staff of the Office of the Public Defender of Georgia are approved by the head of the relevant agency. The list of staff of the State Minister of Georgia is approved by the State Minister of Georgia.
3. Structure and list of staff of the general courts of Georgia (excluding the Supreme Court of Georgia) and staff of the Council of Justice of Georgia are approved by the Council of Justice of Georgia.
4. List of staff of sub-departmental agencies under the institutions of the Executive Branch of the Government of Georgia are approved by the Head of the relevant agency.
- 4¹. Structure and list of staff of the staff of state agencies of the Autonomous Republics of Abkhazia and Adjara are approved in accordance with the legislation of the state agencies of the Autonomous Republics of Abkhazia and Adjara.
5. The list of staff of local self-governmental fiscal (budgetary) agencies is approved by the head of the agency in accordance with the bylaw of the agency, unless the law specifies otherwise.

Article 11. Civil servants not covered by this law

1. This law, excluding the cases covered by paragraph 11 of this article, does not cover state-political officials and members of the local self-government Sakrebulo.

1¹. Articles 1, 6, 9, 10, 39, 41¹, 66 and 121 apply to the members of the representative body of the local self-government Sakrebulo. Beside the articles listed in this paragraph, paragraph 3 of article 71 applies to state-political officials.

[1. Other than the cases determined in Article 1 Section 1, this law does not apply to political-government officials, municipality board members/mayor, district governor/mayor, deputy district governor/mayor, heads of the structural units of the District Administration/ City Hall and District Governor of the Municipality of the city of Tbilisi.

1.1 Articles 6 , 9, 10, 39, 41 (1) , 66 - and 121 apply to Municipal board members , district governor / mayor , deputy governor / mayor, of structural units heads District Administration / Mayor and the city municipality, heads of the structural units of the District Administration/ City Hall and District Governor of the Municipality of the city of Tbilisi. In addition to the ones stated in this Article, Article 71 Section 3 applies to political-government officials. (Becomes effective after the official announcement of results of the 2014 local government elections)]

2. This law applies to the servants listed in this paragraph only in cases when the Constitution of Georgia, special law or a decision on their basis does not stipulate otherwise. These servants are:

- a) Officials elected, appointed and approved on the basis of the Constitution of Georgia and Constitutions of the Autonomous Republics of Abkhazia and Adjara;
- b) Judges;
- c) Prosecutors;
- c¹) Employees of the Enforcement Police Department of the legal entity of public law under the Ministry of Justice, National Enforcement Bureau;
- d) Employees of the Ministry of Internal Affairs of Georgia;
- e) Servants of the relevant services of the Ministry of Finance of Georgia;
- f) Abolished;
- g) Servants of the State Intelligence Service of Georgia;
- g¹) Employees of the State Security Service of Georgia;
- h) Military servants;
- i) Employees of diplomatic service;
- g) Employees of the legal entity of public law, the Financial Monitoring Service of Georgia (11.07.2007 #5268, to be enforced after the liquidation of the National Commission of Securities and Insurance State Supervision Service);
- k) Abolished;
- l) Employees of penitentiary institutions;
- m) the legal entity of public law within the jurisdiction of the Ministry of Corrections and Legal Assistance of Georgia -the National Service of Execution of Non-Custodial Sentences and Probation's servants
- n) Employees of the Joint Staff and Land Forces of the Ministry of Defence of Georgia.

3. This law applies to civil servants not covered by paragraphs 1 and 2 of this article, if this law or other legislative acts on the status of these civil servants do not stipulate otherwise (17.12.2010. N4116).

4. "Service rules for the employees of General Staff and Land Forces of the Defense Ministry of Georgia." is approved by the Order of the Minister of Defense. This Order determines work relations for the employees / servants, including the appointment and dismissal from service, fulfilling of service, attestation, raise qualification, forms of encouragement and the rules and basis for disciplinary sanctions. This law shall refer to employees/servants stated in this paragraph only if legislation on relations with military personal and the Order states in this paragraph does not regulate relations in a different manner.

11¹საჯარო სამართლის იურიდიულ პირზე ამ კანონის მოქმედების გავრცელების წესი

1. Articles 29 and 32 of this law shall be applicable to LEPLs as well, with the exception of LEPLs established for Article 11¹. The rule of applying this law to the legal entities of public law (LEPL) (29.06.2012 N 6611 to be enforced religious, educational and cultural purposes.

2. Conducting the competition for LEPL employees is provided by the corresponding LEPL's contest-certifying commission and the latter is created in accordance with the rules set out in articles 362 and 363 of this law. The rules of conducting a contest for employees of LEPL are determined by the normative act in paragraph 2 of article 29 of this law.

Article 12. Language of civil service in Georgia

Language of civil service Civil service in Georgia is conducted in the Georgian language, in Abkhazia, in the Abkhazian language as well. Service in local self-government agencies is conducted according to the rules set forth by the Law on State Language.

Article 13. Main principles of the civil service

The main principles of the civil service in Georgia are:

- a) Loyalty to the state and the people of Georgia;
- b) Protection of the rule of law and the Constitution of Georgia when performing official duties;

- c) Respect of rights, freedoms and dignity of humans and citizens;
- d) Equal access to the civil service for the citizens of Georgia according to their skills and professional development;
- e) Professionalism and competence of civil servants;
- f) Publicity;
- g) Non-partisan and secular nature of the civil service;
- h) Stability of the staff;

i) Economic, social and legal protection of the servant.

Article 14. Applicability of labour legislation to civil servants

1. The labour legislation of Georgia applies to civil servants and support personnel taking into account the peculiarities of this law.

2. Relations related to the civil service and not regulated by this law, are regulated by the relevant legislation.

Chapter II

Entry into service

Article 15. Basic requirements for state servants

1. A person, who has relevant knowledge and experience, has reached 21 years, knows the state language of Georgia and is a capable citizen of Georgia can enter the state service.

2. A person who is a citizen of Georgia and a foreign country may not hold the position of President of Georgia, Prime Minister of Georgia, Chairman of the Parliament of Georgia.

Article 16. Basic requirements for local self-government servants

A person, who has completed secondary school, has reached 18 years, knows the state language of Georgia and is a capable citizen of Georgia can enter the local self-government service.

Article 16¹. Basic requirements for a Georgian citizen who lives abroad

A Georgian citizen, who lives abroad, has relevant knowledge and experience, has reached 21 years and knows the state language of Georgia can enter the state service only through a labour agreement.

Article 17. Person who cannot enter the civil service

A person cannot enter the civil service if he/she:

- a) Has been convicted of a crime committed on purpose and the conviction has not yet expired;
- b) Is under investigation or is arrested (24.09.2010.N2972 to be enforced from October 1 2010);
- c) Has been declared incapable, or with limited capacity by a decision of the court;
- d) Has been deprived of the right to occupy a certain position by the court;
- e) Does not satisfy the health requirements of the position according to the conclusion of a medical examination;
- f) After occupying the position, he/she will be under direct supervision/will directly supervise a parent, spouse, sister, brother, child, or sister, brother, or parent of the spouse;
- g) Is a candidate for the citizenship of another country except in exceptions covered by law or an international treaty.

Article 18. Special requirements

1. abolished (29/06-2012 saqarTvelos kanoni -6611- rs- vebgverdi – 12/07/2012)
2. abolished (29/06-2012 saqarTvelos kanoni -6611- rs- vebgverdi – 12/07/2012)
3. abolished (29/06-2012 saqarTvelos kanoni -6611- rs- vebgverdi – 12/07/2012)
4. Upon entry into the service, a new employee must submit to medical-narcological testing, while person under the first paragraph of Article 2 of the Law of Georgia on the “Conflict of Interests and Corruption in Public Service” should submit a notice issued by narcological service provider or Institution entitled with relevant authority, confirming the absence of the signs of addiction to the I and II list substances under special control in Georgia and the facts of using these substances without doctor's prescription.
5. A civil servant, who is registered as a candidate for election to state government or local self-government bodies, should be guided by the election legislation of Georgia.

Article 19. Additional requirements for entry into the service

1. Additional requirements for entry into the service are prescribed by law or on the basis of the law. Additional qualification requirements can be set by the head of the agency or his/her supervisor.
2. Upon the restructuring of the agency, followed by reduction of staff, the head of the agency can introduce additional qualification requirements by a normative act to determine the qualifications of the civil servant.
3. Qualification requirements are determined in accordance with the Law of Georgia on Normative Acts, by a normative act issued by an agency (head of the agency), which (who) has a right to issue such an act

Article 20. Civil servants excluded from articles 21-36 of this law

Articles 21-36 do not apply to persons elected or appointed by Parliament, as well as persons appointed by the President.

Article 21. Entry into the service for a civil servant

A civil servant enters the service either through appointment or election.

Article 22. Right to appoint a civil servant

1. A head of the relevant agency or a civil servant designated by the head of the agency has the right to appoint a civil servant.
2. A position, to which the head of the agency can appoint a civil servant, is determined by legislation.

Article 23. Service term

1. A civil servant enters the service for unspecified term, except the cases covered by paragraph 2 of this article.
2. Persons entering the service for a specified term are:
 - a) Those substituting a temporarily absent civil servant, until the servant returns to the post or is dismissed from the service;
 - b) Those performing the duties of a civil servant to be appointed through competition, until the civil servant is appointed to the position according to the results of the competition;
 - c) Assistants and advisers (experts) to the President of Georgia, Parliamentary Secretary of the President of Georgia and civil servants of the Secretariat of the President of Georgia. Their service term cannot exceed the presidential term;

c¹) A civil servant of the Secretariat of the Head of the Administration of the President of Georgia. The term of service cannot exceed the service term of the Head of the Administration of the President of Georgia;

d) Advisers and assistants to the Chairman, Deputy Chairman and Committee Chairman of the Parliament of Georgia, as well as assistants to a member of the Parliament, for the relevant service term;

d¹) Assistants to chairmen, their deputies, chairmen of the committees of the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara, for the relevant service term

d²) Advisers and assistants to the Chairman of the Autonomous Republics of Abkhazia and Adjara; The term of service cannot exceed the service term of the Chairman;

e) Deputy Minister and Parliamentary Secretary. The term of service cannot exceed the service term of the Minister;

e¹) Deputies for the Ministers of the Autonomous Republics of Abkhazia and Adjara; The term of service cannot exceed the service term of the Minister;

f) Assistants and advisers to the Minister. The term of service cannot exceed the service term of the Minister;

f¹) Assistants and advisers to the Ministers of the Autonomous Republics of Abkhazia and Adjara; The term of service cannot exceed the service term of the Minister;

g) Freelance servants, for the term needed to fulfil the tasks;

h) Other servants pursuant to the legislation.

3. Upon the dismissal of a temporarily absent civil servant, excluding an assistant and an adviser to the President of Georgia, the substitute has the right to fill the position, as a civil servant recruited for an unspecified term.

4. Upon the dismissal of a temporarily absent civil servant, whose post should be filled through a competition, the substitute has the right to fill the position as an acting civil servant.

Article 24. Probation term for a civil servant

1. A person in charge of recruiting a civil servant has the right to appoint the civil servant on a probation term not to exceed six months, except the cases covered by paragraph 4 of this article.

2. During the probation term, compatibility of the civil servant's professional skills and personal qualities with the requirements of the position is tested. In case of unsatisfactory results, the civil servant may be dismissed from the position during the probation term according to the rules prescribed by this law.

3. Days missed due to temporary disability or other relevant reasons shall not count against the probation term. The probation term is included in the calculation of the length of service.

4. Probation terms shall not be used with regard to:

a) A civil servant appointed by the President;

b) A civil servant elected or appointed by the Parliament;

b¹) A civil servant appointed by the Chairman of the Parliament;

b²) A civil servant appointed by the Prime Minister;

b³) Towards selected members of the Supreme Representative Organs of the Autonomous Republic of Abkhazia and Adjara;

c) Abolished

- d) Abolished
- e) In case of appointment to substitute or perform duties of a temporarily absent civil servant.

Article 25. Documents to be presented upon entry into the civil service

1. A candidate for entry into the civil service shall submit the following documents to the official authorised to appoint the candidate (4.12.2009 #2222):

- a) A written request;
- b) Curriculum Vitae (CV) (17.05.2011. N4676 to be enforced after 30 days from publishing the law);
- c) Certificates of education or relevant qualifications;
- d) An ID card;
- e) New employee must submit to medical-narcological testing, while person under the first paragraph of Article 2 of the Law of Georgia on the “Conflict of Interests and Corruption in Public Service” should submit a notice issued by narcological service provider or Institution entitled with relevant authority, confirming the absence of the signs of addiction to the I and II list substances under special control in Georgia and the facts of using these substances without doctor's prescription.
- f) Abolished (17.12.2010. N4122).
- g) Other documents specified by the Georgian legislation.

2. Non-submission of documents might serve as a basis for not admitting the candidate to the service.

Article 26. Registration of the appointment to a position

- 1. Appointment to a position is registered by order, decree or decision.
- 2. An order or decree shall comply with the requirements for the act and shall contain the following data:
 - a) Last name and first name of the person to be appointed to the position;
 - b) Name of the agency where the person is being appointed;
 - c) Job Title, official salary and bonus
 - d) Date of appointment;
 - e) Service term – if the person enters the service for a specified term;
 - f) Probation term – if applicable.

Article 27. Annuling the appointment to a position

- 1. The official authorised to make an appointment to the position can annul the order or the decree, if:
 - a) The person appointed to the position presents the relevant request in writing before assuming the duties;
 - b) Before the assumption of duties, circumstances excluding the possibility to be appointed as stipulated by this law are revealed.
- 2. A person, whose appointment has been annulled, is obliged to return everything he/she received through the appointment.

Article 28. Oath of the civil servant

1. A person, who enters the office for the first time, presents the following oath to an appointing official: “Having considered the huge responsibility of serving in the civil service, I declare, that I will faithfully serve to the state and people of Georgia, will abide by the Constitution and laws, will respect state interests and authority, rights and freedoms of citizens, and will perform my duties in good faith.”

2. The appointing official signs the text of the oath, which is then stored in the personal file of the civil servant.

Article 29. Appointment through competition

1. A person can be appointed to the position only through competition, except in cases covered by article 30 of this law.

2. Rules of competition are determined by the ordinance of the Government of Georgia.

Article 30. Appointment to the position without competition

1. Persons who can be appointed to the position without competition are:

a) Civil servants appointed or elected by the President of Georgia, the Parliament of Georgia, the Chairman of the Parliament of Georgia or the Prime Minister of Georgia;

b) Civil servants elected by the supreme representative bodies of the Autonomous Republics of Abkhazia and Adjara;

c) Deputy Ministers, assistants and advisers to the Minister;

d) Persons who are appointed to the position which are appointed for the term of the senior authority (body)

e) Temporary substitutes;

f) Temporarily acting civil servants;

g) Acting officials for the position that should be filled only through competition.

h) Civil Servants – in the case of Promotion

i) Civil Servants – in the case of transfer into different structural entities of the same institution, if the competition standards for both positions is the same.

2. Acting officials can be appointed to a vacant position stipulated under article 2 of the Law of Georgia on the Conflict of Interests and Corruption in Civil Service, to be filled through a competitive process for not more than one year, and to other positions for no longer than three months. The same person may not be reappointed as acting official to the same position.

3. In the case which is determined by Section „h” of this Article, on the basis of written consent by the official, the head of the structural unit where the official is being transferred has the right to nominate the official.

Article 31. Announcement of competitions

1. All state funded (budgetary) organisations must announce open competitions for vacant positions via a website administered by the Civil Service Bureau. Further, applicants are given at least 10 days from the announcement of competition for submitting applications.

2. The competition announcement shall contain the following information:

- a) The title of the position to be filled and the name of the fiscal (budgetary) agency;
- b) Requirements of the candidates;
- c) Tasks to be fulfilled;
- d) Remuneration;
- e) Deadline for submission of written requests and other mandatory documents;
- f) Address of the Selection and Certification Commission.

Article 32. Submission of documents for participants in the competition

Applications for competitions are submitted only electronically through a website administered by the Civil Service Bureau.

Article 33. Evaluation of the participants of the competition

The Selection and Certification Commission evaluates candidates against the position requirements, in cases of necessity listens to the opinion of the official authorised to make an appointment to the position and makes a decision pursuant to the legislation.

Article 34. Results of the competition

1. The Selection and Certification Commission nominates one candidate to fill the vacant position or refuses to nominate such a candidate.
2. The Chairman of the Selection and Certification Commission, in case of his/her absence, the Deputy Chairman or another authorised member of the Commission, notifies in writing all candidates about the decision concerning their candidacy no more than five days after such a decision was made and notifies the official authorised to make an appointment about whether the Commission nominated a candidate or not.

Article 35. Appointment of the nominated candidate

1. A candidate nominated by the Selection Commission is appointed to the position if he/she, within the two weeks from the Commission's decision, presents the documents listed in paragraph 1 of article 25 of this law and the decision of the Selection Commission to the official authorised to make the appointment.
2. In order to be appointed to the position, the candidate shall satisfy the requirements of article 26 of this law.

Article 36. Ruined competition

The competition is considered ruined, if no application was submitted, also in cases where the Selection and Certification Commission refuse to nominate a candidate.

Article 36¹. The Selection and Certification Commissions

1. In order to hold a competition for an official's selection, a permanent Selection and Certification Commission is created in governmental bodies.
2. The following Selection and Certification Commissions conduct competitions and certifying for officials:
 - a. The Selection and Certification Commission of Georgian Parliament Apparatus officials – for officials of the Parliament Apparatus;
 - b. The Selection and Certification Commission of officials of the President of Georgia's Administration – for officials of the President of Georgia's Administration;

- c. The Selection and Certification Commission of the Chancellery of Georgian Government's officials– for the officials of the Georgian Government's Chancellery, but for the officials of the Office of the State Minister are subjected to the corresponding commission;
- d. Selection and Certification Commission of Georgia's executive bodies officials– officials of corresponding bodies;
- e. Selection and Certification Commission of the judicial bodies officials– corresponding bodies officials;
- f. Selection and Certification Commission of state corresponding institution officials– corresponding institution's officials;
- g. Selection and Certification Commission of local government officials – for officials of local governance.

3. The chairman of the Selection and Certification Commission is empowered to complete the specialised commission according professional and territorial principles.

Article 36². The chairman of the Selection and Certification Commission

- 1. The chairman of the Selection and Certification Commission, excluding the chairman of the Selection and Certification Commission of local governance officials, is assigned by the head of the Civil Service Bureau according to the corresponding institution head's claim.
- 2. The position of the chairman of the Selection and Certification Commission of the institution's officials is usually appointed the head or the deputy head of this institution.
- 3. The chairman of the Selection and Certification Commission of local government officials is appointed by the Local Authorities' City Council.
- 4. In the case of the creation of a special composition for the Competition-attestation commission, its chairman is appointed by the chairman for the Competition-attestation commission.

Article 36³. Composition of the Selection and Certification Commission

- 1. The number and composition of the Selection and Certification Commission's members is determined by the chairman of the Selection and Certification Commission. The Selection and Certification Commission is composed of members of the officials of professional unions and independent specialists.
- 2. The chairman of the Selection and Certification Commission appoints a deputy chairman of the Commission from the members of the Commission, who will act as a chairman in case of his/her absence.
- 3. An official cannot be a member of the Commission that certifies him/her.

Article 36⁴. Field of work of the Selection and Certification Commission

Rules of the Selection and Certification Commission's activity, as well as the remuneration of invited Commission members, are regulated by the laws of Georgia.

Chapter III
Rights and guarantees of the civil service

Article 37. Remuneration (salary)

1. Based on article 9 of this law, a civil servant shall have the right to receive remuneration (salary) from the day of entry into the service to the day of dismissal. Remuneration (salary) of the servant includes wages, bonuses and additional pay envisaged by the law. Additional pay shall be made within the limits of assignments set by the budget law for spending agencies.
2. The head of a state agency has the right to determine other additional pay during the fiscal year, taking into consideration overtime work or an especially important workload of a civil servant, within the limits of the salary fund and pursuant to the rules.
3. Additional pay envisaged by this article is not given or may be reduced during the period of disciplinary punishment of the civil servant.
4. The source of the salary fund of the civil servants is a relevant budget. Reduction of budgetary assignments cannot be made at the expense of reducing remuneration (salary) and the financing of other guarantees envisaged by this law.
5. Under this article remuneration (salary) is paid to the employee in the form of non-cash payments.

Article 38. Reimbursement of business trip expenses

1. A civil servant shall have the right to reimbursement of business trip expenses in accordance with the rules and within the amount set by the legislation of Georgia.
2. While on the business trip, the servant retains the position of civil servant or support personnel and the relevant remuneration (wage, additional pay).

Article 39. Long-term business trip abroad

1. The sending of a civil servant abroad for a period exceeding one month is considered a long-term business trip abroad.
2. Rules for sending a civil servant abroad on a long-term business trip, amount and rules of reimbursement of business trip expenses and compensations, as well as other social guarantees, are determined by the legislation of Georgia.

3. Rules for sending a civil servant on a business trip to the diplomatic representations and consulates of Georgia abroad on rotation, amount and conditions of reimbursement of business trip expenses and compensations, as well as other social guarantees are determined by the legislation of Georgia.

Article 39¹. Reimbursement of business trip expenses

1. Rules of reimbursement of business trip expenses of civil servants are determined by the Government of Georgia.
2. Rules of reimbursement of business trip expenses for members of Parliament and civil servants of the staff of the Parliament are determined by the chairman of the Parliament.

Article 40. Working hours and break

1. Working hours of a civil servant are a part of the calendar time, when the servant shall perform his/her duties.
2. Civil servants shall work five days per week. Working hours shall not exceed 40 hours per week.
3. Breaks are determined taking into consideration the requirements of the labour legislation.

Article 41. Annual leave

1. A civil servant shall be entitled to 30 calendar days of paid leave per year.
2. A civil servant may be granted unpaid leave not to exceed one year, in accordance with the rules set by the legislation.
3. A civil servant can use the annual leave envisaged by paragraph one of this article in parts.

Article 41¹. Maternity leave, assistance and compensation

1. A civil servant shall be granted 183 days of paid maternity leave, and 200 days in cases of complicated childbirth or twins. A civil servant is entitled to assistance pursuant to the legislation due to maternity leave.
2. In addition to the assistance envisaged by the legislation, a civil servant shall be granted compensation during maternity leave to make up the full amount of her remuneration.
3. A civil servant can divide the maternity leave envisaged by paragraph one of this article between pregnancy and the post-childbirth period.
4. Compensation due to maternity leave envisaged by paragraph 2 of this article is covered by the agency from assignments allocated by the Law on State Budget of Georgia.
5. Absence of the civil servant due to medical examinations during pregnancy shall be considered a reasonable excuse after presentation of documents certifying medical examinations and the salary shall not be reduced (19.03.2008 #5946).

Article 42. Abolished

Article 43. Transfer to another position or charging with tasks beyond the scope of the position

Transfer to another position or another location, or charging the civil servant with tasks beyond the scope of his/her position shall be allowed only with his/her consent, except cases covered by articles 53, 54 and 57 of this law.

Article 44. Remuneration in case of illegal transfer of the civil servant

A civil servant shall be entitled to receive remuneration during the whole period of his /her illegal transfer, if during this period he/she was forbidden from performing old duties and he/she has notified in writing the official or agency issuing the illegal decision.

Article 45. Transfer of the civil servant due to health conditions

A civil servant, whose health condition according to a medical conclusion is not adequate for the position occupied, shall be granted the right to be transferred to another position in the same agency more suited for his/her health condition, except those positions that should be filled through competition. If there is no position suitable for his/her health conditions in the agency, or the civil servant does not satisfy other requirements, he/she shall be dismissed pursuant to the rules set forth.

Article 46. Temporary easing of working conditions or temporary transfer of a civil servant

1. Based on a medical conclusion, a civil servant shall be entitled to request easing of working conditions or temporary transfer to a position more suitable for his/her health conditions, except a position that should be filled through competition. The servant receives remuneration according to the new position, if it exceeds the amount of the previous remuneration. If the remuneration for the new position is less than the previous remuneration, the civil servant shall retain the previous remuneration.

2. In cases where easing of the working conditions or transfer to another position is not possible, the civil servant shall be relieved from performing the duties for the period specified by the medical conclusion, but for no more than three months. Requirements of this article are applicable to pregnant women during pregnancy.

3. This Article applies to pregnant women in the period of pregnancy.

Article 47. Abolished

Article 48. Sabbatical leave to improve qualifications

A state servant shall be granted a paid sabbatical leave of up to three months for improving qualifications once every five years.

Article 49. Assistance in case of death or disability of a civil servant

1. In cases of the death of a civil servant due to an attack on him/her while performing duties, the family of the deceased shall receive 10 000 GEL as a one-time assistance.
2. A civil servant, who, while performing duties, receives a body injury following an attack, resulting in mutilation and disability, shall receive 5000 GEL as a one-time assistance.
3. In cases of the death of a civil servant with special title in the Ministry of Defence, due to an attack on him/her while performing duties, the family of the deceased shall receive 15 000 GEL as a one-time assistance.
4. A civil servant with special title in the Ministry of Defence, who, while performing duties, receives a body injury following an attack, resulting in mutilation and disability, shall receive 7000 GEL as a one-time assistance.

Article 50. Maximum age of civil servants and provision of pension

1. A civil servant shall retire pursuant to the rules set by the legislation.

Article 51. Other rights and guarantees of civil servants

1. Civil servant shall have rights and guarantees:
 - a) To consider an issue within his/her competence and make a relevant decision, to request and receive information pursuant to the rules before performing duties;
 - b) To receive organisational technical equipment and conditions necessary for performing duties;
 - c) To request investigation to revoke information humiliating his/her honour and dignity;
 - d) To become a member of a professional union and participate in its activities in his/her spare time.
2. The legislation of Georgia might envisage additional rights and guarantees for civil servants, as well as exceptions.

Chapter IV Service duties

Article 52. Obligation to perform duties and abide by legal acts

1. A civil servant must perform his/her duties, as determined by this law, other laws, job instructions and other legal acts.

2. A civil servant must, without further instruction, abide by those legal acts concerning the service and the place of work, except cases covered by paragraph 1 of articles 55 and 56.

Article 53. Following a decree not connected with the place of work

1. A civil servant must follow a one-time direct decree on work issues issued by a direct supervisor or the head of the agency, performing of which is not connected with the place of work, except in cases covered by paragraph 1 of article 55 and 56. A civil servant shall notify his/her direct supervisor about the decree issued by the head of the agency.

2. In cases where following the decree described in paragraph 1 of this article may interfere with the job duties of the civil servant, he/she must notify the person issuing the decree and in cases where the decree is repeated, must execute it.

Article 54. Performing a task beyond the scope of the job

1. A civil servant must perform a task beyond the scope of the job, assigned by the head of the agency if such a performance is necessary to avoid natural disasters and accidents in a timely manner, to protect property from being destroyed or damaged, except in cases when performing such a task contradicts the health of the civil servant or exceeds his/her capabilities.

2. A civil servant, temporary relieved from performing his/her duties pursuant to paragraph 1 of this article, shall retain his/her remuneration.

Article 55. Illegal decree

1. A decree shall be prohibited, if it:

- a) Violates the law;
- b) Exceeds the authority of the person issuing such a decree;
- c) Requires such actions the person receiving the decree does not have the right to perform.

2. A civil servant must notify the issuer of the decree and a supervisor without delay if there is a doubt concerning the legality of the decree. If the decree is repeated in writing, it must be executed, except the cases covered by paragraph 1 of article 56.

Article 56. Basis for refusal to perform a task not connected with the place of work

1. A civil servant may refuse to perform tasks described in paragraph 1 of article 53, paragraph 1 of article 54 and paragraph 2 of article 55, if performing such tasks:

- a) Would be against his/her spouse, parent, brother, sister, child or other close person;
- b) Contradicts his/her health condition;

- c) Does not allow for enjoying the benefits determined for raising a child;
- d) Requires higher qualification and other professional training than the civil servant has.

2. In case of a refusal to perform the task, the civil servant must cite a circumstance envisaged by paragraph 1 of this article to the person assigning the task.

Article 57. Performing duties of an absent civil servant

1. A person, authorised to make appointments, in cases of necessity to replace an absent civil servant or fill a vacant position, when the absence of a civil servant may cause delays in the agency, can:

- a) Divide duties of the absent civil servant among other servants without relieving them from performing their duties;
- b) Charge another civil servant with the duties of the absent civil servant and relieve him/her from his/her duties.

2. A civil servant may refuse to perform the duties prescribed by paragraph 1 of this article, if performing such duties contradicts his/her health condition or requires higher qualification and other professional training than the civil servant has.

3. A civil servant shall perform the duties of an absent civil servant based on paragraph 1 of this article for no more than one month per year. Performing the duties of an absent civil servant for a time period exceeding one month shall be possible in cases where the civil servant charged with such duties consents to it.

4. Civil servants, replacing an absent civil servant based on subparagraph “a” of paragraph 1 of this article, shall, in addition to their salary, receive additional pay in the amount of the remuneration of the absent civil servant.

5. A civil servant, replacing an absent civil servant based on subparagraph “c” of paragraph 1 of this article, shall receive the remuneration of the absent servant in cases where it exceeds his/her remuneration. If the remuneration of the absent civil servant is less than that of the replacing civil servant, the later shall retain his/her remuneration.

Article 58. Transfer of property and clerical work

1. Before the annual leave, or before leaving the job, a civil servant must address the relevant person concerning return of property assigned to him/her. Such a person must take the clerical work and property.

2. Duties and responsibilities of a civil servant concerning the return of such property are determined by the acting legislation.

Article 59. Protection of a secret

Pursuant to the law, while performing duties or upon the dismissal from the service, a civil servant must refrain from disseminating state and commercial secrets, also information related to other people's families and private lives, as well as information he/she obtained while performing duties. Pursuant to the law of Georgia an employee, during the period of employment and after dismissal from service must not disseminate state and commercial secrets, other information related to peoples personal and family life, also any information which he/she became aware of in connection with the performance of official duties (taking into Consideration Article 50 Section 4 of the Criminal Procedure Code of Georgia).

Article 60. Limitation of entrepreneurial activity

A civil servant may not be a permanent head or member of a controlling, supervising or revising body of an enterprise.

Article 61. Limitation on party activities

A state servant may not use his/her work position for party activities.

Article 62. Limitation related to job supervision

1. A civil servant must not receive income from organisations, the supervision of which is his/her duty.
2. A civil servant shall not be charged with the supervision of organisations, where members of his/her family serve on management bodies.

Article 63. Engaging in entrepreneurial activity

A civil servant may not engage in entrepreneurial activity. He/she shall only possess stocks and shares.

Article 64. Incompatibility with the civil service

1. A state servant may not occupy another position or take other paid jobs in other state or local self-government agencies, be a member of a representative or legislative body of any level, unless the law stipulates otherwise.
2. A state servant may perform other paid jobs within the limits determined by the Constitution of Georgia and other legislative acts.
3. A state servant may occupy an additional position and perform other paid jobs only within the system of the same agency.

Article 65. Limitation on entry into the service

A civil servant dismissed from the service may not for three years from the day of the dismissal serve in an agency or start working in the enterprise he/she has been systematically supervising for the last three years. He/she may not receive any income from such an agency or enterprise during those three years.

Article 66. Limitation on arrangements

1. A civil servant must not:
 - a) Purchase agency property assigned to him/her;
 - b) Make a property arrangement with an agency, where he/she serves, except the exceptions determined by the legislation;
 - c) As a civil servant make an arrangement with his/her enterprise, party or other agency;
 - d) As a civil servant make a property arrangement with his/her spouse, grandmother, grandfather, parent, child, grandchild or those of his/her spouse.
2. An arrangement made in violation of the requirements prescribed by paragraph 1 of this article shall be annulled.
3. A civil servant must transfer his/her share of the capital (holding of shares) in an enterprise to another person by warrant for the duration of the service in accordance with the rules and conditions determined by the legislation.

Article 67. Participation in rallies

Participation of a state servant in rallies is determined according to the Law on Assembly and Manifestations of Georgia.

Article 68. Other duties and limitations of civil servants

Additional duties and limitations may be determined by the legislation of Georgia for different types of civil servants.

Chapter V Position ranks in the civil service

Article 69. Position ranks in the civil service

1. According to competence and authority, positions in the civil service are divided into following ranks:
 - a) Chief civil position;
 - b) Leading civil position;
 - c) Senior civil position;
 - d) Junior civil position.
2. Specific list of civil positions according to rank is determined by the Registry of Civil Service Positions, which is approved by the Government of Georgia

Article 70. Class of civil servants

1. The class of a civil servant describes the compatibility of his/her professional level and skills with the requirements of the position.
2. Civil servants may be granted the following class in accordance with the position they occupy in the civil service:
 - a) On chief civil position – Genuine State Adviser, 1st class state adviser, state adviser;
 - b) On leading civil position – 1st class, 2nd class, 3rd class adviser;
 - c) On senior civil position – 1st class, 2nd class, 3rd class adviser of the civil service;
 - d) On junior civil position – 1st class, 2nd class, 3rd class referent of the civil service.
3. In accordance with the legislation of Georgia, diplomatic ranks and additional classes are determined in the civil service. Different uniforms may be prescribed for different classes.

Article 71. Granting a class

1. A civil servant shall be granted or deprived of a class according to the results of certification.
2. A class is granted by:
 - a) The Prime Minister of Georgia – to state advisers;
 - b) An agency (official) authorised to elect (make an appointment) the relevant position - to 1st, 2nd, 3rd class advisers, civil service advisers and civil service referents.
3. A civil servant, who has been granted a class, shall receive additional pay in accordance with the legislation of Georgia. In case of transfer to another position (other agency), the civil servant shall retain the pay for the class. The pay shall be calculated according to the remuneration determined for the position occupied by the civil servant.
4. A retired civil servant retains the class with a note “retired”.

Chapter VI Agency regulation

Article 72. Content of the agency regulation

Agency regulation determines:

- a) Start-time and end-time of the working day;
- b) Break time;
- c) Conditions and rules of being in the office during holidays and breaks, as well as after working hours;
- d) Rules informing civil servants about a decree on work-related issues;
- e) Place and time for receiving salary;
- f) General safety instructions;
- g) Rules for absence notifications.

Article 73. Establishment of agency regulations and serving it to civil servants

1. Two weeks prior to approval of the agency regulation, the head of the agency sends a draft to civil servants for their comments and suggestions. The head of the agency is not bound by those comments and suggestions, except the cases when they proceed from the law.
2. The agency regulation is approved by the head of an agency. A copy is sent to the labour inspection according to the location of the agency and to the representative body of the civil servants.
3. The agency regulation enters into force on the second day of the approval, unless the regulation itself determines a later date.
4. The head of the agency must familiarise a civil servant with the agency's regulation upon his/her entry into the service (confirmed by a receipt), and also ensure, that the agency regulation is available any time for the servants.

Chapter VI1 (12.06.2009 N 1183)
General rules of behaviour for civil servants

Article 73¹. Goal and area of operation of the general rules of behaviour

1. The goal of the general rules of behaviour is to introduce general principles regulating behaviour during the performance of duties by a civil servant.
2. Different types of civil servants and/or different agencies may be subject to special rules in addition to the general rules of behaviour determined by this chapter.
3. The head of the agency must make the general rules of behaviour available to and familiarise civil servants with the rules.
4. A civil servant must obey the general rules of behaviour.
5. A civil servant reports to his/her direct supervisor, unless the law or the agency regulation do not stipulate otherwise.

Article 73². General rules of behaviour

1. A civil servant must perform his/her duties in accordance with the legislation of Georgia and the general rules of behaviour.
2. A civil servant must comply with the requirements set forth for him/her and the position occupied. A civil servant must perform his/her duties without bias and in good faith.
3. A civil servant must act based on the principle of collectivity, taking in consideration job duties. While interacting with the civil society, especially a citizen using his/her services, the civil servant must comply with the general rules of behaviour set forth by this law.
4. A civil servant must comply with the principles of efficiency and effectiveness while performing his/her duties. He/she shall not abuse job funds in order not to waste them.

5. A civil servant shall notify the head of the agency in case he/she has been arrested, detained, or he/she has information that he/she is under supervision, or a criminal prosecution has been launched against him/her.
6. A civil servant must avoid any action, which might damage his/her reputation, the reputation of his/her agency or the civil service.
7. A civil servant must use his/her authority and work identification cards, symbols and other means of identification in good faith, only for work purposes and not to gain any privileges.
8. When making a decision, a civil servant must be guided by the principles of transparency and lawfulness. Issuing instructions and/or assigning a task contradicting the legislation of Georgia or state interests are prohibited.

Article 73³. General rules of behaviour regarding provision and usage of public information

1. The head of the agency must ensure access to and normal functioning of the mechanism of provision of public information.
2. A civil servant shall not disseminate questionable, unverified and/or false information on purpose.
3. A civil servant must provide public information in cases prescribed by the legislation of Georgia and in accordance with norms and requirements set forth for the agency where he/she works.
4. If limiting the publicity of information falls under the authority of a civil servant, he/she must precisely follow the criteria prescribed by the legislation of Georgia. In cases of necessity, he/she shall immediately raise the issue of limiting the publicity of this information pursuant to the rules set by law.
5. A civil servant must take necessary measures to ensure the confidentiality of information (information that includes state secrets; relates to the reputation of a civil servant; obtained while performing duties; and other types of information, the lists of which is determined by relevant Code of Behaviour). This rule is applicable upon the dismissal of the civil servant as well.

Article 73⁴. General rules of behaviour in case of incompatibility of interests

1. A civil servant may not offer or receive any profit related to his/her position in the civil service, except the cases covered by the legislation of Georgia.
2. A civil servant must:
 - a) Pay attention to any real or potential incompatibility of interests;
 - b) Take measures to eliminate any case of incompatibility of interests;
 - c) Declare the incompatibility of interests before being appointed (elected) to a position or as soon as he/she becomes aware of such a fact.

3. A civil servant must within one month after appointment (election), and then before February 1st of every following, year publicly announce any related person working in the same agency as the civil servant. A written statement of the civil servant about the fact, containing the identification of such a related person, as well as information about the degree of the relationship, shall be provided to and registered by the Human Resources department of the agency.

4. For that reason, a “related person” means “a family member” or “a close relative” as defined by the Law of Georgia on Incompatibility of Interests and Corruption in the Civil Service, as well as any other person the civil servant is maintaining a joint household with, or a special relation, which may affect conditions of their service or economic results.

Article 73⁵. General rules of behaviour to avoid corruption delinquency

1. A civil servant shall not receive any present or service, which may affect the performance of his/her duties.

2. If it is not clear whether the civil servant can receive a present or gain or take the offer, he/she shall declare about such a situation.

3. If a civil servant is offered inadequate profit, he/she must:

- a) Refuse to take the inadequate profit;
- b) Try to identify the person making such an offer;
- c) Limit contact with such a person and try to determine a basis for making such an offer;
- d) Hand the present within three days to a relevant state service legal entity of public law – Service Agency of the Ministry of Finance, if it is not possible to refuse or return the present;
- e) Rely on witness testimonies (in cases where they exist);
- f) Notify his/her direct supervisor about the attempt of the offer within three business days.

4. A civil servant must:

- a) Report to the supervising official of another civil servant about any illegal or criminal act committed by him/her in cases where there is evidence or a well-founded doubt;
- b) Report to law-enforcement agencies in cases where there is no supervising official.

5. A supervising official must:

- a) Take necessary measures, and in case of necessity, notify law–enforcement agencies within three business days after receiving a report prescribed by subparagraph “a” of paragraph 4 of this article;
- b) Not disclose the identity (identification data) of the reporter and the related person;
- c) Not allow damage to the reputation of the reporter and the related person;
- d) Protect the reporter, in order not to deteriorate his/her duties or limit his/her authority.

Chapter VII
Incentives, promotion and disciplinary sanctions

Article 74. Forms of incentives

1. Following forms of incentives are determined for a civil servant for excellent performance of duties, long-term service in good faith or performance of an especially difficult or important task:

- a) A note of appreciation;
- b) A one-time bonus;
- c) A valuable gift;
- d) The raising of a remuneration category.

2. Several forms of incentives can be used simultaneously.

Article 75. A person authorised to give incentives

1. A supervisor, who is authorised to issue orders, shall award a note of appreciation to a civil servant.

2. The agency of an official authorised to grant entry to the service, shall award a single bonus, a valuable gift or raise a remuneration category simultaneously.

3. Every agency and supervisor can recommend a civil servant for any form of incentive.

Article 76. Right of promotion of a civil servant

An official or an agency, authorised to appoint a civil servant, shall have the right to promote him/her to a higher position.

Article 77. Rules for career promotion

1. Abolished (29.06.2012 N 6611 should enter into force after 30 days of publishing this law).

1¹. It is possible to put forward a civil servant for a higher position if he/she was appointed on the basis of competition and has served at least 1 year on the position.

2. The written consent of the civil servant is necessary for career promotion.

3. In cases where several civil servants have been nominated for promotion to the same position, the servant with the higher certification scores shall be appointed to the position.

4. A civil servant cannot be promoted during a period of disciplinary punishment.

Article 78. Disciplinary misconduct

1. Disciplinary misconduct is:

a) Non-performance or inadequate performance of professional duties (if found guilty);

- b) Causing damage to property of the agency or actions threatening to cause damage to property (if found guilty);
- c) An action (guilty behaviour) violating general moral norms or discrediting the civil servant or the agency, no matter whether it is committed at work or outside of work.

Article 79. Disciplinary sanctions

1. An official or an agency, authorised to appoint a civil servant to a position, shall impose the following disciplinary sanctions in case of disciplinary misconduct:

- a) Reprimand;
- b) Warning;
- c) Reduction of pay by a sum amounting to no more than 10 working days of the remuneration;
- d) Suspension from the office for no more than 10 working days. During that period the civil servant shall not receive any remuneration;
- e) Reduction of the remuneration grade, for a period not to exceed one year;
- f) Dismissal from the civil service pursuant to this law.

2. Only one sanction can be applied at a time for a disciplinary misconduct.

Article 80. Lifting of disciplinary sanctions

1. A disciplinary sanction shall be recorded in the personal file of a civil servant.

2. An official or agency imposing a disciplinary sanction may lift it before expiration of the sanction, if the civil servant has not committed a new misconduct and has served in good faith.

3. If no new sanction has been imposed on a civil servant within a year, he/she shall be deemed not to have incurred a disciplinary sanction.

4. Lifting of a disciplinary sanction before the expiration shall be registered in writing with two copies. One copy shall remain with the official or the agency lifting the sanction before its expiration, the second copy shall be served to the civil servant.

5. Lifting of the disciplinary sanction before its expiration shall be recorded in the personal file of the civil servant.

Chapter VIII Certification of civil servants

Article 81. Concept of certification

1. According to the law, certification shall be defined as an evaluation of professional habits, qualifications, skills and private qualities of a civil servant against the requirements for a position he/she occupies (will occupy).

2. Rules for certification are determined by an ordinance of the Government of Georgia.

Article 82. Persons subject to certification

1. Certification applies to:

- a) A civil servant – once in three years (certification period);
- b) Abolished
- c) Abolished;
- d) A candidate for a civil servant position, if the position should be filled through competition.

2. Certification does not apply to:

- a) A civil servant who is appointed or elected to the position by the President of Georgia, the Prime Minister of Georgia, the Parliament of Georgia, the Chairman of the Parliament of Georgia or a local self-government body;
- a¹) A civil servant who is elected to the position by the supreme representative bodies of the Autonomous Republic of Abkhazia and Adjara;
- b) A civil servant who enters the service for a specified term.

Article 83. Certification time

1. Certification time is determined by the head of the state or local self-government agency in agreement with the chairman of the Selection and Certification Commission.

2. A civil servant, who by the time of the certification has only served less than six months, shall be subject to certification during the following year.

Article 84. Selection and Certification Commissions;

Abolished

Article 85. Chairman of the Commission;

Abolished

Article 86. Composition of the Commission;

Abolished

Article 87. Work of the Commission;

Abolished

Chapter IX
Suspension of duties of a civil servant

Article 88. Suspension of duties of a civil servant

1. Suspension of duties of a civil servant is defined as temporary dismissal of the civil servant from the service and lifting the relevant agency from the duty to provide a job for the servant.
2. During the period of suspension of duties, the civil servant shall retain remuneration, additional pay or is given other kind of compensation in cases and according to the rules defined by law, except in the case of compulsory military conscription according to subparagraph “f” of article 89 of this law (21.06.2002 N 1533).

Article 89. Basis for suspension of duties

Duties shall be suspended:

- a) On the basis of a written request of the civil servant, if the official or the agency authorised to recruit the civil servant into the service is not against it;
- b) During annual leave;
- c) During temporary disability;
- d) When the civil servant has been charged with performing other duties in cases and in accordance with the rules prescribed by law;
- e) When a civil servant is nominated a candidate for presidential election or election to the representative bodies, unless the law determines otherwise;
- f) Upon military conscription, while in reserve military service, as well as during mobilisation of reserve military servants, if the civil servant is not able to perform their duties ;
- f') In case, the victim of domestic violence is sent to a shelter or centre for crisis, therefore a public servant is unable to carry out his work duties, but not for more than 30 calendar days per year; At the same time, the responsibility on reporting rests on the service organization;

- g) In cases when the civil servant is asked to perform duties in another job location and he/she refuses to do so;
- h) During the removal of the civil servant in cases stipulated by paragraph 1 of articles 90 and 91 of this law, as well as during the removal of the civil servant based on another lawful basis;
- i) In other cases of temporary dismissal of the civil servant (pursuant to the law or based on the law).

Article 90. Removal of a civil servant under the influence of alcohol

- 1. A supervisor shall remove a civil servant under the influence of alcohol for the period of the working day.
- 2. A civil servant removed based on paragraph 1 of this article shall not receive salary for the period of removal.

Article 91. Removal of a civil servant during disciplinary proceedings

- 1. A person, authorised to impose disciplinary sanctions, may remove the civil servant during disciplinary proceedings.
- 2. A civil servant removed based on paragraph 1 of this article shall retain remuneration and additional pay.

Article 92. Registration of the suspension of duties

Suspension of duties is registered by order or decree.

Chapter X Dismissal from the service

Article 93. Dismissal from the service

A civil servant shall be dismissed by a person or an agency authorised to grant entry into the service.

Article 94. Dismissal due to expiration of the service term

- 1. Upon expiration of the service term, a person elected or appointed to a position for a specified term shall be dismissed.
- 2. Service duties are terminated on the second day after expiration of the service term in accordance with paragraph 1 of this article.

3. A person elected or appointed to a position shall not be dismissed upon expiration of the service term, in cases where he/she is re-elected/reappointed to the position.

Article 95. Dismissal based on the initiative of the civil servant

A civil servant shall be dismissed from the service following his/her initiative, if the person or the agency authorised to grant the entry into the service satisfies his/her written request.

Article 96. Dismissal from the service due to liquidation of the agency

1. A civil servant may be dismissed from service due to liquidation of the agency.
2. Reorganisation of the agency shall not form the basis for dismissal of the civil servant. When reorganisation of the agency is followed by reduction of staff, the civil servant may be dismissed pursuant to article 97 of this law.
3. During reorganisation of the agency, followed by reduction of staff, the head of the agency may consider the results of certification.
4. Change of subordination of the agency shall not constitute the basis for dismissal of a civil servant.
5. A civil servant shall be dismissed from the service on the day of the liquidation of the agency in accordance with paragraph 1 of this article.

Article 97. Dismissal from the service due to staff reduction

1. A civil servant may be dismissed from the service in cases of reduction of the positions envisaged by the staff, or in cases of restoration of a previously unlawfully dismissed civil servant.
2. Abolished.
3. A civil servant is dismissed from the service on the first day of the expiration of warning, in accordance with paragraph 1 of this article.

Article 98. Dismissal from the service due to incompatibility with the requirements of the position

1. A civil servant may be dismissed from the position due to incompatibility with the requirements of the position:
 - a) Based on unsatisfactory performance during the probation period;
 - b) Based on the results of Certification;
 - c) Due to non-submission of a document required for the occupation of the position;
 - d) Due to unsatisfactory knowledge of the state language and inability to communicate properly;
 - e) If his/her health condition does not allow him/her to adequately perform the duties;

f) Due to insufficient professional skills.

g) In case of the consumption of specially controlled substances regulated by Georgian legislation, listed in the lists I and II, which is revealed on the basis of periodic or random [drug] testing, except when substances are used by a public servant for medical purposes only.

2. Abolished.

Article 99. Dismissal due to disciplinary misconduct

1. A civil servant may be dismissed from the service due to disciplinary misconduct described in this law.
2. In cases of violation of service duties, a civil servant may be dismissed from the service if any other disciplinary sanction has already been imposed on him/her.
3. A civil servant may be dismissed from the service without imposition of a disciplinary sanction, if he/she grossly violates service duties.
4. A civil servant is dismissed from the service in accordance with paragraph 1 of this article, after being served appropriate documentation. A civil servant, who is wilfully absent (for more than five days) from the job is considered dismissed on the second working day of such an absence.

Article 100. Dismissal due to long-term incapacity

1. A civil servant may be dismissed from the service in cases of being absent from the job for four consecutive months, or for a period of six months per year due to illness or mutilation.
2. A civil servant may be dismissed from the service according to paragraph 1 of this article only during the period stated on the certificate of temporary incapacity.
3. Duties of a civil servant, who became temporary incapable due to the service, shall be suspended until his/her recovery or granting of a disability status and the servant shall retain his/her position.
4. A civil servant is dismissed from the service in accordance with paragraph 1 of this article from the day stated in the appropriate document (on dismissal).

Article 101. Dismissal due to age

abolished. (21 /12/2013 saqarTvelos kanoni 358 – IIs –vebgverdi – 02/04/2013)

Article 102. Dismissal due to conscription of a civil servant to military or alternative service

1. A civil servant is dismissed from the service due to conscription to military or alternative service, except the cases when his/her duties are suspended based on subparagraphs “a” and “f” of article 89 of this law.
2. A civil servant is dismissed from the service in accordance with paragraph 1 of this article no later than three days after conscription.

Article 103. Dismissal due to entry into force of a court conviction

A civil servant is dismissed from the service due to entry into force of a court conviction, according to which he/she has been given a punishment for a crime committed on purpose, or punishment, which excludes the continuation of duties. The civil servant is dismissed from the service on the second day after the entry into force of the court conviction.

Article 104. Dismissal due to violation of requirements determined during the entry into service

1. A civil servant is dismissed from the service if requirements determined by the legislation have been violated during his/her election/appointment to the position.
2. A civil servant shall not be subject to dismissal, if the basis for the dismissal has been eradicated.

Article 105. Dismissal due to transfer to another agency

1. A civil servant is dismissed from the position, if he/she has been elected/appointed to a position in another agency, except in cases when he/she is elected or appointed as a member of a management and supervising body of an enterprise established with state participation.
2. A civil servant is dismissed from the position in accordance with paragraph 1 of this article on the day of election or appointment to another position.
3. A civil servant, who has been dismissed from the position in accordance with paragraph 1 of this article, does not cease his/her service for the state if he/she has been elected or appointed to a position in another relevant state agency.
4. A local self-government servant who was dismissed in accordance with paragraph 1 of this article and has been elected or appointed to another position in the same local self-government agency does not cease his/her service for the local self-government unit.

Article 106. Dismissal due to change of citizenship

A civil servant, who abandoned Georgian citizenship or wilfully became a citizen of another state, is dismissed from the service.

Article 107. Dismissal due to death

The service is considered terminated on the second day of death of a civil servant.

Article 108. Warning of a civil servant about dismissal

1. A civil servant shall be notified about dismissal due to liquidation, reduction of the position, unsatisfactory results of the certification or age one month in advance. In cases of dismissal during long-term incapacity, the servant shall be notified in writing at least two weeks prior to the dismissal.

2. In cases of violation of the term specified in paragraph 1 of this article, in addition to compensation pursuant to article 109 of this law, the civil servant shall receive a salary for every overdue day.

3. If a servant has been warned in accordance with paragraph 1 of this article, a refusal to be dismissed can only be made with the written consent of the servant. In case of refusal, the servant shall be dismissed from the service on the same basis and shall receive compensation envisaged by article 109 of this law.

Article 109. Compensation for dismissal from the service

1. In cases of dismissal due to liquidation of the agency or staff reduction, a civil servant shall be granted compensation in the amount of two months' remuneration.

2. In cases of dismissal due to a health condition, long-term incapacity or conscription to military or alternative service, a civil servant shall be granted compensation in the amount of one month's remuneration.

Article 110. Registration of dismissal from the service

Dismissal from the service is registered by order, decree or decision.

Article 111. Limitation on dismissal from the service during certain periods

1. A civil servant cannot be dismissed from the service due to staff reduction, age or results of Certification during the period of suspension of his/her duties; during paid annual leave; during conscription to compulsory military service, training or mobilisation of reservists; upon nomination of a civil servant as a candidate for presidential elections or elections to representative bodies except in cases covered by law.

2. A civil servant (a woman) may not be dismissed from the service due to staff reduction, long-term incapacity or health condition, as well as the results of Certification during pregnancy or for up to three years during the child-raising period.

3. Limitation on dismissal from the service, determined by the first and second paragraph of this article, does not apply to persons determined by article 30 (d) (17.12.2010. N4137).

Article 112. Right to challenge illegal dismissal from the service

A civil servant dismissed illegally from the service shall have the right to request to declare the dismissal illegal, to change the basis of dismissal and to request salary. Remuneration for the period of forced absence from the service should not exceed three months' salary.

Chapter XI **Reserve of civil servants**

Article 113. Creating a reserve of civil servants

1. A reserve of civil servants should be created if it is directly determined under the Georgian legislation.
2. In accordance with the first paragraph of this article, a period of being included in the reserve is considered as the length of service if it is directly determined by the law.

Article 114. Abolished

Article 115. Abolished

Article 116. Abolished

Article 117. Abolished

Article 118. Abolished

Article 119. Abolished

Article 120. Abolished

Chapter XII **Length of service**

Article 121. Calculation of the length of service

The length of service includes:

- a) A period of service at a state or local self-government agency in the capacity of a civil servant, support personnel or freelance servant;
- b) Abolished;
- c) A period of study, if the person has been sent to study by the agency or already had length of service.

Article 122. Termination of the length of service

Length of service shall be terminated upon the dismissal of the person from the service, in cases of committing a crime or abandoning citizenship of Georgia.

Article 123. Confirmation of the length of service

Length of service shall be confirmed by appropriate documentation filled by the agency.

Article 124. Abolished

Article 125. Abolished

Article 126. Abolished

Chapter XIII Abolished

Chapter XIV Dispute resolution

Chapter 127. Dispute resolution through court

1. A civil servant has the right to dispute in court any order, decree or decision, as well as action related to the service issues within a month, in accordance with the rules set by the legislation.
2. Support personnel have a right to apply to court for resolution of a work dispute within a month.
- 2¹. The expiration of the term for appeal of the legal acts pursuant to paragraphs 1 and 2 of this article shall be calculated in accordance with the rules set by legislation from the day of getting acquainted with the act (24.06.2005 N 1802).
- 2². An appeal of the administrative act of dismissal of a person from the service does not suspend the disputable act (24.06.2005 N 1802).
3. A servant may request the court to declare an order, decree, decision or action partially or fully illegal.
4. A work-related dispute in the agency of the executive government is considered and resolved based on the Law of Georgia on the Rules of Structure and Activities of Executive Government.
5. If the court declares an order, decree or decision of the dismissal from the service or transfer illegal, the civil servant shall be subject to immediate restoration, except in cases where he/she refuses to be restored.
6. The annulment of the resolution on decision on the termination of the employment / dismissal or transfer of the employee made by the Court shall not cause immediate rehiring, if in accordance with the Court's decision, organization is obliged to issue new order, resolution or a decision, after investigation or assessment of circumstances regarding dismissal or transfer. Lost wages requested by the servant subject to the article 112 of this law shall be reimbursed only if the organization rehires the servant, in any other cases lost wages shall not be reimbursed.

Chapter XV State policy in the field of the civil service

Article 128. Service bodies

1. State policy in the field of civil service is determined by the Parliament of Georgia.
2. The Civil Service Council is established under the Government of Georgia in order to elaborate unified state policy in the field of the civil service, coordinate activities related to the civil service and prepare decisions on other issues of the civil service determined by law.

Article 128¹. The Civil Service Council

1. The Civil Service Council is the advisory body of the Government of Georgia
2. The Prime minister of Georgia is the Chairman of the Civil Service Council. The Head of the Administration of the President of Georgia is the Deputy Chairman of the Civil Service Council.
3. The Civil Service Council is comprised of the chairman, deputy chairman, secretary of the Council, and representatives of the legislative, executive, judicial and local self-government bodies – three from each. The secretary of the Council and members of the Council are appointed by the Prime-Minister of Georgia.
4. The secretary of the Civil Service Council is simultaneously the head of the Civil Service Bureau.
5. Laws of the Civil Service Council are approved by the Government of Georgia

Article 129. The Civil Service Bureau

1. The Civil Service Bureau is a legal entity of public law established in order to facilitate elaboration of unified state policy in the field of the civil service and coordinate relevant actions, to implement basic directions determined by this law, to provide organisational, material and technical assistance for the activities of the Civil Service Council and its members, to receive asset declarations of officials, to ensure publicity and control timely submission of asset declarations of officials, as well as to implement other functions determined by the legislation of Georgia
2. By laws, structure and list of staff of the Civil Service Bureau are approved by the Government of Georgia.
3. The activities of the Civil Service Bureau shall be controlled only by the Ministry of Finance pursuant to subparagraphs “b” and “c” of paragraph 1 and paragraph 2 of article 12 of the Law of Georgia on Legal Entities of Public Law.

Article 130. Functions of the Civil Service Bureau

1. Functions of the Civil Service Bureau are determined by this law and the Law of Georgia on Incompatibility of Interests and Corruption in the Civil Service.
2. The Civil Service Bureau:
 - a) Studies and analyses the situation in the field of civil service, implements relevant normative acts and submits a report to the Government of Georgia;

- b) Coordinates and provides methodical assistance to the process of human resources management, activities of professional training and development of civil servants in the civil service;
- c) Coordinates activities of human resources departments of state bodies (agencies);
- d) Studies and generalises best practices of other states and cooperates with international organisations in order to perfect management of the civil service;
- e) Performs other duties pursuant to the legislation of Georgia.

Article 131. Bodies of state service of the Autonomous Republics of Abkhazia and Adjara

State service bodies in the Autonomous Republics of Abkhazia and Adjara are established pursuant to the legislation of the Autonomous Republics of Abkhazia and Adjara.

Article 132. Human Resources Departments of the agencies

Human Resources Departments:

- a) Ensure the carrying out of competition to fill a vacant state position and certification;
- b) Manage personal files of civil servants;
- c) Provide consultations to civil servants regarding their legal status, limitations and other issues connected with the service;
- d) Assess the professional level of the servants, organise professional training (requalification) and professional development activities.

Chapter XVI Transitional provisions

Article 133. Bringing normative acts in accordance with this law

The President of Georgia, the Parliament of Georgia, state and local self-government bodies shall ensure the bringing of normative acts issued prior to entry into force of the Law of Georgia on Civil Service in accordance with this law.

Article 134. Measures to be taken due to entry into force of this law

Due to entry into force of this law:

- a) The Parliament of Georgia shall ensure the discussion and adoption of the Law on Remuneration Grades of the President of Georgia, members of the Parliament of Georgia, and other state servants envisaged by the Constitution of Georgia and Law on Remuneration and Position Titles of the State Servants before April 1 1998;

- b) The President of Georgia shall be asked to ensure the adoption of normative acts on “Remuneration Grades of the civil servants and support personnel of the Chancellery of the Government of Georgia”, “Positions of civil servants heads of agencies are authorised to approve”, the “Selection and Certification Commission”, “Reimbursement of business trip expenses of a civil servant”, the “Reserve of civil servants” and the “Rules of submission, storage and usage of financial and property declarations of civil servants” before April 1 1998;
- c) The Government of Georgia shall prepare and present to the Parliament of Georgia a draft legal act on determining remunerations of the members of the Government of Georgia before June 1 2006
- d) Remunerations of the members of the Government of Georgia shall be determined by the ordinance of the President of Georgia before the relevant legal act specified in subparagraph “c” of this article enters into force
- e) The Civil Service Bureau shall prepare and present to the President of Georgia draft ordinances envisaged by paragraph 3 of article 29 and subparagraph 2 of article 81 of this law before June 1 2006

Article 134¹. Rules for settling when dismissing from the service sums (except the compensation envisaged by this law) owed to the civil servant dismissed before January 1 2005, shall be granted in accordance with the rules of paying off the budgetary debts of the previous years.

Article 134².

Until January 1 2014, the Body of Local Authorities is empowered to announce a vacant position by means of a printing body as well.

Article 134³.

Until January 1 2014, to hold a vacant position announced by the bodies of local authorities, submission of documents can be non electronic, submitted to the address of the competition-certifying commission. (29/06-2012 saqarTvelos kanoni -6611- rs- vebgverdi – 12/07/2012)

[Article 134 4

1. Following the 2014 Local Government elections all local self-government officials shall be considered as temporary executives, and they will carry out their duties until the position is filled through selection contest.
2. The positions envisaged by the first paragraph of this article, which, in compliance with the Georgian Legislation, shall be filled/taken on a competitive basis; a person shall be appointed through selection contest not later than the 120th day after the official announcement of results of 2014 local government elections. (the said shall be effective from the date of the official announcement of the 2014 Local Government Election results)]

Chapter XVII
Final provisions

Article 135. Calculating length of service

The length of service of a civil servant is calculated in accordance with the acting legislation before the adoption of this law shall be included in the calculation of the length of service of a civil servant.

Article 136. Normative act to be annulled due to entry into force of this law

Upon entry into force of this law, the Law of the Republic of Georgia on State Service of June 29 1995 shall be annulled(Saqartvelos parlamentis utskebani, 1994-1995 y, NN 27-30, article 650).

Article 137. Effective date of the law

1. This law shall enter into force from December 1 1997.
2. Paragraph 3 of article 71 of this law shall be suspended before entry into force of the Code of Civil Service (except the cases covered by Law of Georgia on the Budget of Georgia).
3. Abolished.

President of Georgia Eduard Shevardnadze
Tbilisi
October 31, 1997 N 1022 – Ie