

**Government of Georgia**

**Decree No 412**

**18 July 2014**

**Tbilisi**

**Approval of the Procedure of Holding Competitions, as Prescribed by the Law of Georgia on Civil Service**

In accordance with Article 29, Paragraph 2 of the Law:

**Article 1**

To approve the enclosed procedure of holding competitions, as prescribed by the Law of Georgia on Civil Service.

**Article 2**

Due to the specific needs of the diplomatic service, regulation may be established that is different from the enclosed rule for Diplomatic Service Personnel of the Ministry of Foreign Affairs, according to the normative act of the Minister of Foreign Affairs.

**Article 3**

Rules prescribed by the decree are applicable only for public competitions announced after the adoption of the decree.

**Article 4**

The decree shall come into force on the date of its publication.

**Prime Minister**

**Irakli Garibashvili**

## **The Procedure of Holding Competitions, as Prescribed by the Law of Georgia on Civil Service**

### **Article 1. Scope of the Order**

1. This law defines the procedures, general terms, and the successive stages for holding Competitions for vacant positions (hereinafter – competition) defined by the Law of Georgia on Civil Service, as well as the creation and operation rules for competitions – attestation Commissions (hereinafter-the Commission).

2. For the purposes of this order, a vacant position is defined as an unoccupied position for an official, as determined by the staff list of the institution and which, by the law of Georgia on Civil Service, is determined to be working in civil service (except for those positions for which competition is not held). In addition, this definition also applies to the staff positions of legal entities of public law (other than legal entities of public law which are created for cultural, educational or religious purposes).

### **Article 2. General Provisions**

1. A competition is the determination of a candidate's compliance with the requirements of a vacant position, in accordance with the legislation of Georgia.
2. The competition for a vacant position for which the work is related to confidential information, will be announced and held in accordance with the procedure regulated by the legislation of Georgia.

### **Article 3. Principles of Competition**

Competition principles are:

- A) Legality;
- B) Justice;
- C) Publicity;
- D) Transparency;
- E) Non-discrimination;
- F) Objectivity;
- G) Impartiality;

- H) Collegiality;
- I) Correctness.

#### **Article 4. Competition Goals and Objectives**

1. The aim of a competition is to select an appropriate candidate, in compliance with requirements, to fill vacant positions.
2. Competition's objectives are:
  - a) Equal access for all Georgian citizens to fill vacant positions;
  - b) Ensuring the process' transparency during the selection and appointment process of the candidates in order to fill the vacancy;
  - c) Evaluation of a candidate's qualifications, professional skills, knowledge, personal characteristics, and motivations.
  - d) To determine the level at which the selected candidates meet requirements.

#### **Article 5. Announcement of a Competition**

1. A competition is announced only to fill a vacant position.
2. Candidates are given 10 days from the date of publishing of the announcement to submit all relevant and necessary documents.
3. For the purposes of the Paragraph 3 of this Article, the position is considered vacant, if:
  - a) An acting civil servant is appointed to this position;
  - b) There is a justified basis for the announcement of a vacant position;
4. The competition announcement must contain the following information:
  - a) The name of the relevant institution and the title(s) of the vacant position to be filled on a competitive basis;
  - 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 relevant Commission;
  - g) Stage of the competition;

- h) The time frame of the Commission's final decision;
- i) Commission's decision-making form, in accordance with Paragraph #1 or #2 of Article 14;
- j) Additional information may be added, as per the needs of the particular Commission or position in question.

#### **Article 6. Persons Eligible to Participate in a Competition**

1. A person is eligible to participate in competition if he/she is a legally competent citizen of Georgia, who is fluent in Georgian and is of 21 years of age – for positions in local government, if the law does not specify otherwise. In the case of legal entities of public law, thenecessary age is determined by the relevant authority, in accordance with the general principles provided by law.
2. A person who has the status of a Georgian citizen residing abroad is eligible for Civil Service only if he/she is legally competent, has relevant knowledge and experience, is fluent in Georgian, is of 21 years of age and even then, only on the basis of a labor agreement.
3. A public official or staff member of a legal entity of public law has the right to take part in a competition based on common rules, regardless of the position held by him/her.

#### **Article 7. Duties and Responsibilities of the Civil Service Bureau**

1. The official announcement of the competition is done through the website ([www.hr.gov.ge](http://www.hr.gov.ge)) which is administered by the legal entity of public law - Civil Service Bureau (hereinafter - Bureau). In addition, theinstitution is permitted to announce the competition on the website of the relevant institution, on relevant labor issue web sites, social networks and printed media.
2. The Bureau, before the announcement of the vacancy, checks that the announcement meets competition requirements and verifies its compliance with legislation within three days.
3. In the case of noncompliance of the vacancy with requirements of the law, in the time term given by the law, the Bureau is authorized to find the flaw.
4. The Institution is obligated to justify in writing the reasons why the flaw is not corrected. In such cases, the Bureau is obligated to publish the vacancy regardless of the defect.

5. The Bureau is obligated, under Paragraph 3 of this article, to reflect the shortcomings in its relevant report and submit it to the Government.

#### **Article 8. Rights and Obligations of an Institution**

1. The Institution is authorized to announce a contest for a vacant position in the manner prescribed by the law of Georgia.
2. The head of the institution or supervising head is authorized to establish additional qualification requirements for the vacant position, in accordance with the “Law on Civil Service” of Georgia.
3. The institution is authorized to make amendments to the notice of competition (technical, as well as errors made during formulation). Substantial amendments to the competition notice are regarded as an announcement of a new Competition.
4. In the case determined by Paragraph 3 of this article, the institution is obligated, by e-mail, to inform candidates about any amendments made to the competition notice and/or new time frame, after which the candidate shall be given no less than ten days to submit a new application.
5. Amendments to the notice of competition are made in the same manner as are set forth for the announcement of competition.
6. The institution is authorized, in the case of justified, objective reasons (the institution's liquidation, reorganization, lack of budgetary funds), to terminate the contest at any stage, before telling the candidate of the final decision.
7. Information regarding the termination of a competition should be sent to the Bureau and each candidate should be notified.

#### **Article 9. Rights and Obligations of a Candidate**

1. The submission of an application for participation in a competition by the candidates should be done only electronically, administered by the Bureau through the website ([www.hr.gov.ge](http://www.hr.gov.ge)). The candidate is required to provide the employer with truthful information in regard to competition requirements.
2. The candidate may make an amendment in his/her application before the expiration date of the vacancy.
3. A Candidate is entitled to submit no more than five applications for positions of a particular institution.

#### **Article 10. Rules for the Creation of a Commission**

1. A Permanent Selection and Certification Committee is to be organized in a governmental body in order to ensure the proper holding of competitions.
2. The Chairman of the Commission of each governmental body, with the exception of the Chairman of local government officials' Commissions, is to be appointed by the head of the Bureau, upon the recommendation of the head of said body.
3. Generally, the head or deputy of the body is appointed as the Chairman of the officials' Commissions.
4. The Chairman of local government officials' Commissions is appointed by the representative body of the local government.
5. The Chairman of the Commission may create a specialized team of staff, based on professional and/or territorial principles, as well as appoint a specialized head of committee, when necessary.

#### **Article 11. Composition of a Commission**

1. The Chairman will determine the number and composition of the Commission, taking into account the particular needs of the governmental body. The composition of the Commission will consist of members of official trade unions; independent experts (persons who are not affiliated with the relevant establishment) persons responsible for human resources management may also participate.
2. In the case of his or her absence, the Chairman of the Commission appoints a deputy from the Commission members.
3. In order to ensure the compliance of the Commission's composition with the law and the protection of the principles of competition, the Bureau has the right to obtain information regarding the participation of members of both the official trade unions, as well as the independent experts. This information should be provided to the Bureau in the time provided by the law.

4. If a violation of Paragraph 3 of this Article is discovered, the Bureau may address a recommendation to the Chairman of the Commission regarding the correction of the composition. If said violation is not corrected, the Bureau may reflect it in the yearly government report.
5. A person cannot be a member of the Commission, which shall make a decision regarding his/her own selection.
6. Any person is entitled to request information about the composition of the Commission, in the manner prescribed by the law.

#### **Article 12. The Forms and Conditions of a Competition**

1. The competition is conducted by the Commission of the relevant institution.
2. The competition may include the following stages:
  - a) Selection of applications;
  - b) Written Assignment;
  - c) Test;
  - d) Interview.
3. The selection of applications (the compliance of the candidates' qualification based on submitted documents and verifying that all obligatory documentation has been submitted), instructed by and with the consent of the Commission, is possible to be provided by the person(s) responsible for the management of human resources in the institution or the Secretariat, which is proved by the signatures of the members of the Commission and the Commission meeting report.
4. The competition program, stages, terms, evaluation forms and schedule of conduct is determined by the Commission, in agreement with the head of the institution.
5. The publicity of the information defined by Paragraph 2 of this article is ensured by the Chairman of the Commission.
6. The competition is organized and conducted by the institution unit responsible for the management of human resources; also, the Commission has the right to create a Commission Secretariat to carry out this function.
6. In order to hold the competition steps stated in Paragraph 2 of this Article, in

accordance with legislation, the Commission is authorized to use the financial, technical, and human resources of another organization.

### **Article 13. Recusal of a Member of Committee**

1. A member of committee/commission shall declare any and all circumstances, which may interfere with his/her objective assessment of the candidate and of the unbiased decision before the launch of the competition.
2. In case the circumstances set forth in the Paragraph 1 of this Article arise, the member of the Commission shall declare himself recused and may not participate in the evaluation and decision-making process of those candidates applying for vacant positions.
3. If a member of the Commission does not declare the existence of such circumstances as stated in Paragraph 1 of this Article, and this will become known to the Commission during the course of the competition, the assessment of the relevant Commission member should not be taken into consideration during the final decision-making stage in regard to this candidate.

### **Article 14. Commission's Activity**

1. The Commission is authorized to make decisions if half of the members are present at the Commission meeting, but with no less than 3 members. A decision is considered valid if it is supported by more than half of the members present. In the case of a tie vote, the Chairman's vote is considered decisive at the meeting.
2. The Commission is also empowered to make a decision on the basis of a scoring system, provided that the same regulations of Commission members stated in Paragraph 1 of this Article are adhered to.
3. The Commission evaluates candidates with regard to the position requirements, and in cases of necessity, listens to the opinion of an official who is authorized to make such an appointment to the position, and then makes a decision pursuant to the legislation.
4. The decision of the Commission is stated in the minutes and shall be signed by the Chairman and all members present. The Commission member has the right to attach a dissenting opinion, which shall also be recorded in the minutes.
5. According to the results of the competition, the Commission may nominate one candidate to fill the vacant position, or refuse to nominate any candidate.

6. The competition is considered to have failed, if no application was submitted or in cases where the Commission refuses to nominate a candidate.
7. The Commission is obliged to make the final decision no later than 3 months after expiration of the date for application submission. If the Commission has established a shorter time frame, the Commission may extend the expiration date. In such a case, the total time of the originally determined term and extended term combined should not exceed 3 months.
8. The Chairman of the Commission, or another authorized member of the Commission, notifies all candidates in writing or by e-mail about the decision concerning their candidacy, no more than five days after such a decision was made. The Chairman or aforementioned authorized member also notifies the official authorized to make an appointment about whether or not the Commission nominated a candidate.
9. Within one week of the end of the competition (after the decision), the Commission will present the following information about the competition to the Bureau: the name of the vacant positions, number of applications, with reference to the procedures and results of the competitions.
10. The invited Commission members can be reimbursed for the amount of work, in accordance with the Georgian law.

## **Article 15. Appeals Board**

1. An appeals board can be created by order of the head of the agency, for the purpose of examining the claims related to the procedure and results of the competition.
2. The composition of the Commission and the number of its members is defined by the head of the agency.
3. The Appeals board shall include the Chairman of the Commission, the deputy Chairman and members (including invited persons). Any member of the Commission who participated in any previous stage of the competition, may not be a member of the claims Commission.
4. If the Chairman of the Commission is absent, his/her duties shall be fulfilled by the deputy Chairman.
5. The appeals board is empowered to make a decision only if the majority of its members are present.
6. The decision of the appeals board shall be taken by a majority of the members present. When the votes are split, the vote of the Chairman shall prevail.
7. The decision of the appeals board shall be recorded in minutes, which shall be signed by the Chairman of the Commission and all members present.

8. Any member of the appeals board is entitled to append his dissenting opinion to the minutes, which shall also be reflected in the minutes.
9. An application to the appeals board can be made only in writing, no later than 2 working days from the announcement of the results of the competition (final decision taken against the applicant). Complaints addressed to the appeals board will be considered within a maximum of 3 working days. The decision will be recorded in minutes and will be presented to the Commission.
10. The final decision is taken by the Commission on the basis of the appeals board. The Commission may, if necessary, organize an extended meeting and invite members of the appeals board.

#### **Article 16. Appeal against the Competition Results**

1. The applicant has the right to appeal the results of the competition to the appeals board (in the case of its existence), and then in court, or not use the right to appeal and file a complaint in court about the competition procedures and results, in accordance with Georgian legislation.
2. Disputes related to competition procedures and outcomes, in the case of the absence of an appeals board in an institution, may be decided in accordance with Administrative Procedures, by the use of legal means for the protection of rights.