



**REPUBLIC OF SERBIA
SECRETARIAT FOR LEGISLATION**

LAW ON CIVIL SERVANTS

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LAW ON CIVIL SERVANTS

Chapter one

I. INTRODUCTORY PROVISIONS

Content of the Law

Article 1

This Law shall regulate the rights and obligations of civil servants and certain rights and obligations of state employees.

Certain rights and obligations of civil servants in specific state authorities may be regulated in a different manner by a special law, if the nature of their work requires it.

Notion of a Civil Servant and a State Employee

Article 2

A civil servant shall be a person whose job position consists of tasks from the scope of work of the state authority, courts, public prosecutors' offices, the Republic Public Attorney, services of the National Assembly, the President of the Republic and the Government, Constitutional Court and services of the authority whose members are elected by the National Assembly (hereafter: state authorities) or, in connection with those tasks general legal duties, IT, financial, accountancy, planning and administrative tasks.

The following cannot be considered as civil servants: members of the parliament, the president of the Republic, judges of the Constitutional Court, members of the Government, judges, public prosecutors, deputy public prosecutors and other persons elected on the position by the National Assembly or appointed by the Government and persons who according to special legislation have the status of an official.

A state employee shall be the person whose job position consists of subsequent additional and technical tasks in a state authority.

Employer of Civil Servants and State Employees

Article 3

The Republic of Serbia shall be the employer of civil servants and state employees.

Rights and obligations of the employer in the name of the Republic of Serbia shall be administered by the Manager of the state authority (hereafter: the Manager), if not otherwise stipulated by this law, special law or other legislation.

Application of General Labour Legislation and Special Collective Contract

Article 4

In regard to rights and obligations of civil servants that are not regulated by this law, special law or other legislation, the general labour legislation as well as the special collective contract for state authorities (hereafter: special collective contract) shall be applied.

The special collective contract shall be concluded by the Government and the representative trade unions established on the territory of Republic of Serbia.

General labour legislation and a special collective contract shall be applied to rights and obligations of state employees, if not otherwise stipulated by this or special law.

Chapter II

WORKING PRINCIPLES OF CIVIL SERVANTS

Legality, Impartiality and Political Neutrality

Article 5

A civil servant shall be obliged to act in accordance with the Constitution, law and other legislation, in accordance with professional rules, impartially and political neutrality.

At work, a civil servant cannot express or assert his or her political beliefs.

Accountability for Work

Article 6

A civil servant shall be accountable for legality, professionalism and efficiency of his or her work.

No one can influence a civil servant to act or fail to act contrary to legislation.

Prohibition of favouritism and discrimination

Article 7

It is forbidden to favourise or to discriminate against a civil servant in his or her rights and obligations, especially on the grounds of racial, religious, sexual, national or political affiliation or for some other personal attribute.

Accessibility of Information on Work of a Civil Servant

Article 8

Information on work of civil servants shall be accessible to the public in accordance with the law that regulates the free access to information of public interest.

Equal Access to Job Positions

Article 9

During the employment of civil servants in state authorities, all job positions shall be accessible under equal conditions to candidates.

A choice between candidates shall be made according to the professional qualifications of the candidate, knowledge and skills.

Promotion and Vocational Training

Article 10

The promotion of a civil servant shall depend on his or her professionalism, working results and needs of a state authority.

A civil servant shall have the right and obligation to vocational training in accordance with the needs of the state authority.

Equal Opportunities

Article 11

All civil servants shall be equal when making a decision on promotion, rewarding and achievement of their legal protection.

Chapter III

RIGHTS AND OBLIGATIONS OF CIVIL SERVANTS

1. Rights of Civil Servants

Working Conditions

Article 12

A civil servant shall have the right to working conditions that shall not endanger his or her health, technical and other conditions necessary for the performance of his or her tasks and the right to protection in case of a threat, assault and other forms of endangering security at work.

The Manager shall be obliged to, upon the request of a civil servant, undertake measures for the protection of a civil servant's security at work.

Right to Salary

Article 13

A civil servant shall have the right to salary, compensation and other earnings in accordance with law regulating the salaries in state authorities.

Vacation and Leave

Article 14

A civil servant shall have the right to vacation and leave in accordance with general labour legislation and the special collective contract.

A civil servant shall have right to annual vacation for a minimum of 20 and maximum 30 days according to criteria determined by special collective contract.

Membership of Trade Union and Association

Article 15

A civil servant shall have the right to membership of a trade union and professional association and their management bodies.

Right of Appeal

Article 16

A civil servant shall have the right of appeal against every ruling by which it is decided on civil servant rights and obligations, if this law does not explicitly exclude the possibility of an appeal.

An appeal must be filed within a time limit of eight days from the summon of the ruling, if this law does not prescribe a shorter time limit.

An appeal shall postpone the enforcement of the ruling, except if otherwise explicitly prescribed by this Law.

Additional Rights of Civil Servants

Article 17

A special collective contract may determine for civil servants' rights that are not prescribed by this Law, in accordance with this Law and general labour legislation.

2. Obligations of Civil Servants Acting upon Order

Article 18

A civil servant shall be obliged to execute a verbal order of a superior except if he or she considers that the order is contrary to legislation, rules of the profession and that its execution may cause damage, of which he or she informs the superior.

A civil servant shall be obliged to execute the repeated written order of the superior and to inform the Manager in writing.

A civil servant shall be obliged to refuse the execution of a verbal and written order whose execution would represent a criminal offence and informs the Manager in writing, namely the authority that supervises the work of the state authority if the order was issued by the Manager.

Transferral

Article 19

A civil servant shall be obliged to accept the job position in the same or other state authority in which, according to the rules of this law, he or she was permanently or temporarily transferred.

*Temporary Performance of Tasks which are not in
the Description of the Job Position*

Article 20

A civil servant shall be obliged to, according to the written order of the Manager perform tasks which are not within description of his or her job position for which he or she fulfils requirements due to temporarily increased scope of work or replacement of an absent civil servant.

A written order shall determine the type and duration of time of other tasks for a maximum of 30 working days.

Assigned tasks may last for more than 30 days if a civil servant in an appointed position needs to replace another civil servant or if no civil servant occupies the appointed position.

Temporary Performance on Lower Ranking Job Position

Article 21

In case of natural accident, a force *majeure* or other unforeseen cases a civil servant shall be obliged to, upon the written order of a superior, perform tasks of lower ranking job positions until the end of these circumstances.

A civil servant for that time shall keep all rights that he or she is entitled to in his or her job position.

Work in Working Group

Article 22

A civil servant shall be obliged to act upon written order by which the Manager appoints him or her to work in a working group in his or her or some other state authority.

Obligation to Keep the Official and Other Secret

Article 23

A civil servant shall be obliged to keep official and other secrets determined by law and other legislation.

Respect Working Hours

Article 24

A civil servant shall be obliged to respect the working hours and rules of behaviour in a state authority.

When he or she is unable to work, he or she shall be obliged to inform the direct superior about the reasons for incapacitation in the time limit of 24 hours from the emergence of reasons of incapacitation.

3. Prevention of Conflict of Interest

Ban on Receiving Presents and Misuse of Status in State Authority

Article 25

A civil servant cannot receive presents in regard to the performance of his or her tasks, except protocol presents and occasional presents of smaller value, or any other services or other benefits for himself or herself or for other persons.

A civil servant may not use his or her status a state authority in order to influence the exercise of his or her rights or rights of people related to him.

Legislation that regulates the prevention of conflict of interest in the discharge of public function shall be applied accordingly in regard to determination of the circle of people related to a civil servant and receipt of presents.

Additional Work

Article 26

Outside the regular working hours a civil servant may, with the written approval of the Manager, additionally work for another employer if that work is not prohibited by a special law or other legislation; does not create possibilities for conflict of interest or does not influence the impartiality in performance of his or her tasks.

A permit shall not be needed for additional scientific and research work, publication of authored work, work in cultural and artistic, humanitarian, sports and similar organizations. The Manager may forbid also this work if it disables or impedes the work of civil servant or if it is damaging the reputation of the state authority.

Informing on Additional Work

Article 27

A civil servant shall be obliged to inform the Manager about his or her additional work.

When a state authority is managed by a civil servant, the consent for civil servant's additional work or prohibition of additional work is given by the state authority or body competent for the appointment of the civil servant.

Ban on Establishing Commercial Entities and Public Services

Article 28

A civil servant shall not be allowed to establish commercial entity, public service or to perform entrepreneurship activities.

Legislation regulating the prevention of conflict of interest in the discharge of public function shall be applied to the transfer of managing rights in a commercial entity to other entity.

A civil servant shall be obliged to submit to the Manager information on a person to whom he or she transferred managing rights and evidence of transferral, while the civil servant who is in the appointed position is to submit the equivalent to the Republic committee for deliberation on the conflict of interest.

Limitation of Membership in the Authorities of the Legal Person

Article 29

A civil servant may not be the director, deputy or assistant director of the legal person but may be the member of the Executive or Supervisory Board or other managing authority of the legal person only by the appointment of the Government or other state authority according to special legislation.

Stating of Interest for the Decision of the State Authority

Article 30

A civil servant shall be obliged to inform his or her direct superior immediately, in writing, about each interest that he or she or a person related to him or her may have in regard to decisions of the state authority in whose adoption he or she participates in order to be decided on his or her exemption.

When a state authority is managed by a civil servant, he or she informs in writing about the interest the state authority or body competent for his or her appointment.

In this way, there is no infringement on the rules on exemption prescribed by law that regulates the general administrative procedure.

*Application of Legislation that Regulates the Conflict of Interest
in Discharge of Public Function*

Article 31

Laws and other legislation that regulate the conflict of interest in the discharge of public office and rules of this Law on additional work and ban of establishment of commercial entity and public services and on beginning entrepreneurial activities shall be applied to civil servants on appointed positions.

Chapter IV

TYPES OF JOB POSITIONS OF CIVIL SERVANTS

1. Appointed Positions and Executive Job Positions

Article 32

According to the complexity of tasks, responsibility and competences, all job positions of civil servants shall be classified as appointed positions and executive job positions.

Rules of this Law on division of job positions shall not be applied to police officers, customs and tax officers, civil servants who work on security tasks and civil servants who work in penitentiaries.

2. Appointed Positions

Notion

Article 33

An appointed position entails the job position for which a civil servant has a competence and responsibility in regard to the management and adjustment of work in a state authority.

An appointed position shall be acquired by the appointment by the Government or other state authority or body.

Appointed Positions in the Government and other State Authorities

Article 34

The Government shall appoint the following positions: Assistant Minister, Secretary of the Ministry, Director of the authority within the Ministry, Assistant Director of the authority within the Ministry, Director of special organisation, Deputy and Assistant Director of special organisation, Director of the Government Services, Deputy and Assistant Director of the Government Services, Deputy and Assistant of the Government General Secretariat, the Republic Public Attorney, the Deputy Republic Public Attorney and the Head of the administrative district.

Appointed positions in courts and public prosecutors' offices shall be determined by the act of the Supreme Court of Serbia, that is of the Republic Public Prosecutor, while the appointed positions in other state authorities shall be determined by their acts.

III. EXECUTIVE JOB POSITIONS

Notion and Classification according to Ranks

Article 35

Executive job positions are all those job positions that are not considered as appointed positions, including the job positions of narrow internal units in a state authority.

Executive job positions are classified according to ranks depending on the complexity and responsibility of tasks, required knowledge and requirements for work.

The ranks shall be the following: Senior Adviser, Independent Adviser, Adviser, Junior Adviser, Associate, Junior Associate, Clerk and Junior Clerk.

Senior Adviser

Article 36

The rank of a senior adviser shall entail the most complex tasks that have significant influence on the determination of policy-making or achievement of results in certain field from the scope of work of the state authority which require creativity and entrepreneurship, high level of professionalism, independence and experience with referral to superior only in regard to issues that concern policy-making.

Tasks of job position of adviser shall require a university degree and at least seven years of professional working experience.

Independent Adviser

Article 37

The rank of an independent adviser shall entail complex tasks that require specialized knowledge and experience, analytical capacity, independent work without supervision of the superior and decision-making in complex cases according to general guidelines and general directives of the superior.

Tasks of job position of an independent adviser shall require a university degree and at least five years of professional working experience.

Adviser

Article 38

The rank of an adviser shall entail complex tasks that are particularly precisely defined and entail the application of determined methods, procedures, or professional techniques with a clear framework of independent action with temporary supervision of the superior. The tasks shall require the qualifications to solve problems without individual directives of the superior and referral to the superior only on complex issues that require additional knowledge and experience.

Tasks of the adviser shall require a university degree and at least three years of professional working experience.

Junior Adviser

Article 39

The title of a junior adviser shall entail complex tasks that entail the application of determined methods, procedures, or professional techniques within clearly defined framework of action, with regular supervision of the superior and decision-making on the basis of established practice and

general and individual directives of the superior. The tasks shall require the qualifications to solve minor technical or procedural problems.

Tasks of the junior adviser shall require a university degree and completed training period.

Associate

Article 40

The rank of associate shall entail the performance of less complex tasks that consist of limited circle of mutually connected different tasks that require capacity of independent application of adequate working methods, procedures or professional techniques with general tendencies and general directives and with occasional supervision of the superior.

Tasks of an associate shall require education at diploma level and at least three years of professional working experience.

Junior Associate

Article 41

The rank of junior associate shall entail the performance of less complex tasks that are precisely defined and entail the application of adequate methods, procedures or professional techniques with capacity to solve routine problems and are performed with general and individual directives and regular supervision of the superior.

Tasks of a junior associate shall require education received at diploma level and completed training period.

Clerk

Article 42

The rank of clerk entails the performance of the administrative, technical and other tasks that are mainly routine and includes a wide circle of tasks and may require the knowledge and application of simple working methods and procedures which are performed independently and with the occasional supervision of the superior.

Tasks of a clerk shall require education received in secondary school and at least two years of professional working experience.

Junior Clerk

Article 43

The rank of clerk entails the performance of routine administrative, technical and other tasks with limited wide circle of similar tasks which may require the knowledge and application of simple procedures and working methods and with the occasional supervision of the superior.

Tasks of a clerk shall require education received in secondary school and completed training period.

IV CLASSIFICATION OF JOB POSITIONS AND TASKS BY BY-LAWS

Article 44

The regulation of the Government valid for state administration authorities, services of the Government, courts, public prosecutors' offices and the Republic Public Attorney's Office shall classify the appointed positions, job positions of managers of narrow internal units; shall determine the

types of tasks that are performed within each rank and determine criteria for definition of job description in the Regulation on internal organization and systematization of job positions.

Job positions and tasks in other state authorities shall be classified according to their acts.

Chapter V

OCCUPYING OF VACANT JOB POSITIONS I JOINT PROVISIONS

1. Requirements for Employment

Article 45

A person who is legally an adult, has the nationality of the Republic of Serbia, has prescribed professional qualifications and fulfils other requirements prescribed by law, other legislation or Regulation on internal organisation and systematisation of job positions may be employed as a civil servant, if his or her employment relationship was not earlier terminated due to grave breach of obligation from the employment relationship and if he or she was not convicted by prison sentence of at least six months.

Besides, a university degree and at least nine years of working experience is needed for the work in the appointed position.

2. Regulation on Internal Organization and Systematization of Job Positions in a State Authority

Article 46

The Regulation on internal organization and systematization of job positions in a state authority (hereafter: Regulation) shall determine the job positions in a state authority, the required number of civil servants on each job position and requirements for work on job positions in a state authority.

3. Allowing the Occupation of a Vacant Job Position

Article 47

In order to occupy a vacant job position it is necessary to fulfil two requirements: have the job position prescribed by the Regulation and that this occupation is in accordance with passed Human Resource Plan.

Upon completion of these requirements, the Manager shall decide on the need to fill the vacant job position.

4. Modes of Filling the Vacant Job Position

Article 48

A vacant executive job position shall be filled by transferral within the same or other state authority when the selected candidate is already a civil servant or by establishing the employment relationship when the selected candidate is not a civil servant.

The vacant appointed position shall always be occupied by appointment.

II OCCUPYING OF VACANT EXECUTIVE JOB POSITIONS

1. Sequence of Actions in Fulfilling Vacant Executive Job Positions in all State Authorities

Article 49

During the occupation of vacant executive job positions advantage shall be given to transferral of a civil servant from the same state authority, with or without promotion of a civil servant.

If a Manager decides not to fill the job position in this manner, an internal *conours* can be conducted and if the internal *conours* is not conducted or it was not successful, a public *conours* must be compulsory conducted.

If the public *conours* does not succeed, the job position shall not be filled. However, the Manger may decide to conduct a new public *conours*.

2. Internal and Public *Conours* in State Administration Authorities and Services of the Government

a) Internal *Conours*

Obligation of Internal *Conours*. The Right of Participation in the Internal *Conours*

Article 50

If order to occupy the vacant executive job positions in state administration authorities and services of the Government, an internal *conours* must be conducted if a vacant job position is not filled by transferring the civil servant from the same state authority.

The civil servants from the state administration authority and services of the Government who fulfil the requirements for promotion or who work on the job position which is of the same rank as the vacant position or who are unallocated shall have the right to participate in the internal *conours*.

The prior internal *conours* may be conducted only in the state administration authority and service of the Government in which the position is being occupied, under the conditions determined by the Regulation of the Government.

The internal *conours* shall be advertised by the Human Resource Management Service.

Conours Commission

Article 51

The *Conours Commission* shall conduct the internal *conours*.

The Manager shall appoint the *Conours Commission* in a way that one of its members is a civil servant from the Human Resource Management Service.

Successfulness of the Internal *Conours*. Passing of a Decision on Transferral

Article 52

The decision on transferral shall always be passed if an internal *conours* is successful and its content shall depend from the fact whether the selected candidate is from the same or another state authority.

When the selected candidate is from the same state authority a Manager shall pass a decision on his or her transferral from one to another job position, while when the selected candidate is from the other state authority a manager shall pass a decision on his or her transferral to its own state authority.

The participants of the internal *concours* shall have the right of appeal against the decision on transferral under the same conditions and in the same time limit as against the decision on transferral passed after the conducted public *concours*.

Unsuccessful Internal *Concours*. Application of Rules of this Law on Public *Concours*

Article 53

Internal *concours* shall not be successful when the *Concours* Commission determines that according to criteria of the selection procedure no candidate has fulfilled requirements for selection.

The rules of this Law on conduct of public *concours* shall be applied to the organisation of internal *concours*, except provisions on ways of advertising and time limit for submission of applications.

b) Public *Concours*

Advertising the Public *Concours*. *Concours* Commission

Article 54

The public *concours* shall be advertised by the Human Resource Management Service in the ‘Official Gazette of Republic of Serbia’ and in some of the daily newspapers that are distributed on the territory of the Republic of Serbia and it shall be submitted to the organisation competent for employment.

The *Concours* Commission which is appointed by the Manager shall conduct public *concours* by applying the provisions of this Law on the appointment of the *Concours* Commission for the conduct of the internal *concours*.

Content of the Public *Concours*. Time for Submission of Applications

Article 55

An advertisement on public *concours* shall contain data on the state authority, job position, requirements for employment to the job position, working location, professional qualifications, knowledge and skills which are evaluated in the selection procedure and modes for their verification, the time limit for the submission of applications for the public *concours*, personal name of the person responsible for giving information on public *concours* and the address for submission of applications and evidence that are enclosed with the application.

The time limit for submission of application for the *concours* may not be shorter than 15 days and no longer than 30 days from the day of advertisement of the public *concours* in the ‘Official Gazette of Republic of Serbia’.

The *Concours* Commission shall reject by a conclusion untimely, non-permitted, incomprehensible and incomplete applications and applications missing the enclosed evidence against which the special appeal is not permitted.

Selection Procedure

Article 56

The *concours* commission shall make a list of candidates who fulfil requirements for employment at the job position and then undertake selection procedure amongst them.

In the selection procedure, the results of the candidate according to the criteria prescribed for selection shall be determined by evaluating the professional capacity of a candidate, their knowledge and skills.

A selection procedure may be conducted in several phases, by written verification of professional qualifications, by interview and in any other corresponding way.

Making the Selection List. Selection of Candidates

Article 57

A *concours* commission shall put candidates who with the best results fulfilled the criteria for on the selection list, which is then submitted to the Manager.

The Manager shall be obliged to select one candidate from the selection list.

If a selected candidate is not a civil servant a Manager shall pass a ruling on his or her employment, while if a chosen candidate is a civil servant, a Manager shall pass the ruling on his or her transfer in accordance with the provisions of this Law on transferral after the internal *concours*.

A ruling on employment shall contain the personal name of the candidate that is employed, title of the state authority in which a person will be employed and the rank of the job position where he or she is allocated.

Commencement of Work

Article 58

A selected candidate shall be obliged to commence his or her employment within a time limit of 15 days from the day the ruling on employment relationship, namely on transferral becomes final, except if the Manager for unjustified reasons extends the time limit.

If a chosen candidate does not commence work within the determined time limit, it shall be considered that the ruling is not passed and the Manager may choose another candidate from the selection list.

Employment rights and obligations of a candidate from the employment relationships in the state authority shall start from the day of employment or transferral.

Right of Appeal for the Participant in a Public *Concours*

Article 59

A ruling on the employment relationship, namely on transferral, shall be submitted to all participants of the public *concours*.

A participant in the public *concours* shall have a right of appeal within a time limit of eight days from the day the ruling was served, if he or she believes that he or she fulfils requirements for employment in the job position and did not participate in the selection procedure; that the chosen candidate does not fulfil requirements for employment on the job position or there was a significant irregularities in the selection procedure which could influence the objectivity of the outcome of the selection.

A participant in the public *concours* shall have a right to, under the supervision of the official of the state authority, examine the documentation of the *concours*.

Unsuccessful Public *Concours*

Article 60

A public *concours* shall be considered unsuccessful when the *concours* commission determines that no candidate fulfilled the criteria of the selection procedure.

All candidates shall be informed that the public *concours* was not successful.

3 Internal and Public *Concours* in other State Authorities

Article 61

Rules of this Law on the conduct of the internal and public *concours* in state administration authorities and services of the Government, except for rules on the composition of the *concours* commission and the competences of the Human Resource Management Service shall be also applied to occupying vacant executive job positions in other state authorities.

The composition of the *concours* commission, professional capacity, knowledge and skills which are evaluated in the selection procedure, ways of verifying these requirements and criteria for the selection of civil servants for job positions shall be prescribed by the Supreme Court of Serbia for courts and by the Republic Public Prosecutor for public prosecutors' offices and in other state authorities by the bodies determined by their acts.

The conduct of internal and public *concours* for occupying executive job positions in all state authorities shall be regulated in more detail by the regulation of the Government.

4. Duration of Employment

Non Fixed-Term Employment

Article 62

A civil servant shall, by rule, be employed for a non fixed-term.

Non fixed-term employment may terminate only in cases prescribed by law.

Fixed-Term Employment

Article 63

Fixed-term employment may be established in the following cases:

1. in order to replace a temporarily absent civil servant, until his or her return;
2. due to temporarily increased scope of work, which is not possible to perform with the existing number of civil servants, for a maximum of six months;
3. for job positions in the *cabinet*, until the expiry of the term of office of the official;
4. in order to train trainees until the expiry of the traineeship period;

Fixed-term employment is established without the internal and public *concours*, except for employment of a trainee.

Fixed-term employment may not develop into non fixed-term employment, except in cases when a trainee passes state or special professional exam.

5. Probation Period

Obligation and Duration of Probation Period

Article 64

A probation period shall be compulsory for those who are employed for the first time in the state authority and who are not trainees or work in the *cabinet*.

A probation period shall last for six months for non fixed-term employment.

For fixed-term employment the probation period shall be compulsory only if the employment is for a period longer than six months and it shall last for two months.

Appointed civil servants shall not be subjected to probation work.

Assessment of Probation Period

Article 65

The work of civil servant on a probation period shall be monitored by his or her direct superior who shall, upon the expiry of the probation, submit a written opinion to the Manager in which the superior shall state if the civil servant was successful on the probation period.

An employment relationship of a civil servant who is not successful on the probation period shall terminate, without the right of compensation for dismissal.

III OCCUPYING VACANT APPOINTED POSITIONS

1. Sequence of Actions in Occupying Vacant Appointed Positions in all State Authorities

Article 66

The internal and public *concours* shall be undertaken in order to occupy vacant appointed positions. Internal *concours* is compulsory when the vacant appointed position is filled by the Government. In other state authorities, the public *concours* can be immediately conducted.

2. Appointment without the *Concours*

Article 67

A civil servant may, upon expiry of the time for which he or she was appointed to the position be re-appointed to the same appointed position without undertaking the internal and public *concours*.

3. Procedure when the Vacant Appointed Position if Filled by the Government

Advertising the *Concours*. *Concours* Commission

Article 68

When the vacant appointed position is filled by the Government, the internal and public *concours* shall be advertised by the Human Resource Management Service and conducted by the *concours* commission.

For each individual case a *concoirs* commission shall be appointed by the High Civil Service Council amongst its members and experts for certain fields, from whom one member can be a civil servant from the state authority in which the appointed position is being occupied.

Right to Participate in the Internal *Concoirs*

Article 69

When the vacant appointed position is filled by the Government the following shall have the right to participate on the internal *concoirs*: civil servant from state administration authority and services of the Government fulfilling the requirements for promotion to the appointed position; those who already work in appointed position or those whose work in the appointed position terminated due to the resignation, expiry of time for which they were appointed or abolishment of the position.

Selection Procedure

Article 70

The selection procedure shall be undertaken by the *concoirs* commission.

Upon the completed selection procedure the *concoirs* commission shall make a list of at most three candidates who with the best results fulfil requirements for selection.

Powers of the Person Competent to Propose the Appointment

Article 71

The *concoirs* commission shall submit the list of candidates to the Manager, i.e. to the other person competent to propose appointment to the position to the Government.

The Manager, namely the other competent person, shall not be obliged to propose to the Government the candidate for appointment to the position, but he or she shall be obliged to inform the High Civil Service Council and the Human Resource Management Service about his or her reasons for not proposing a candidate.

If the *concoirs* commission determined that no candidate fulfils criteria prescribed for selection, the candidate for appointment to the position shall not be proposed to the Government.

Relationship between the Internal and Public *Concoirs*. Unsuccessful Internal and Public *Concoirs*

Article 72

A public *concoirs* shall be undertaken if the internal *concoirs* fails.

Internal *concoirs* shall not be successful if the candidate was not proposed for appointment to the position, or the Government does not appoint the proposed candidate.

If, after the undertaken public *concoirs*, the candidate for appointment to the position is not proposed to the Government or the Government does not appoint the proposed candidate, the public *concoirs* shall be conducted.

Disputing the Ruling on the Appointment. Commencement of Office

Article 73

An appeal shall not be allowed against the ruling on the appointment, while the administrative dispute may be initiated.

A civil servant shall take his or her position and shall begin to exercise his or her employment rights and obligations in the position when the ruling on the appointment becomes final.

Application of Rules on Conduct of *Concours* in Filling the Executive Job Positions

Article 74

Rules of this Law on the internal and public *concours* in filling the vacant executive job positions shall be applied to internal and public *concours* that are conducted for filling vacant appointed position by the Government.

4. Filling the Vacant Appointed Positions in other State Authorities

Article 75

Rules of this Law on undertaking internal and public *concours* in filling positions by the Government, except for provisions on the composition of the *concours* commission and competences of the High Civil Service Council and the Human Resource Management Service shall be applied accordingly to filling the appointed positions in other state authorities.

The composition of the *concours* commission, professional capacity, knowledge and skills which are evaluated in the selection procedure, ways of verifying these requirements and criteria for appointment to the positions in courts shall be prescribed by the Supreme Court of Serbia and by the Republic Public Prosecutor for public prosecutors' offices and, in other state authorities, by bodies determined by their acts.

The conduct of internal and public *concours* for occupying the vacant positions in all state authorities shall be determined in details by the regulation of the Government.

5. Termination of Work in an Appointed Position

a) *Reasons for Termination of Work in Appointed Position*

All reasons

Article 76

Work in an appointed position shall terminate for a civil servant due to the expiry of time for which he or she was appointed; submission of written resignation; commencement of office in a state authority, authority of the autonomous region or local self-government; abolishment of appointed position; completion of years of service; termination of employment relationship in case of his or her written resignation; and dismissal from appointed position.

Abolishment of Appointed Position

Article 77

An appointed position shall be abolished when the state authority is abolished and its scope of work is taken by another state authority; if the state authority is abolished and its scope of work is not taken by any other state authority; if a part of the scope of work of the state authority is taken by another state authority, and tasks of appointed position fall within the scope of work that was taken over or if the appointed position is abolished by the adoption and amendment of the Regulation on internal regulation and systematisation of job positions.

Reasons for Dismissal

Article 78

A civil servant shall be dismissed from the appointed position if his or her employment relationship is terminated due to: prison sentence for the duration of at least six months; final decision by which he or she was issued a disciplinary sanction of termination of employment; final decision by which he or she was given a negative grade on the extraordinary evaluation; pronounced measure of publication of recommendation for dismissal by the Republic Board for deliberating on conflict of interest or any reason prescribed by general labour legislation that regulate the termination of an employment relationship independently from the will of the employee and employer.

A civil servant shall be dismissed from the appointed position if he or she was by final decision graded twice but not necessarily consecutively with 'not satisfactory'.

b) Determination of Termination of Work in an Appointed Position

Article 79

Termination of work in the appointed position shall be determined in the ruling passed by the state authority or authority competent for the appointment of a civil servant, in the time limit of 8 days from the emergence of reasons for termination of work in the appointed position.

A ruling shall contain reasons for which the work in the appointed position was terminated and the day of termination of work in the appointed position.

An appeal shall not be allowed against the ruling, while the administrative dispute may be initiated.

v) Consequences of Termination of Work in an Appointed Position Consequences Resulting from Expiry of Time of Appointment, Resignation, Change in the Internal Organisation of the State Authority and Negative Grading of Work

Article 80

A civil servant whose work in the appointed position terminated at the expiry of time for which he or she was appointed, due to resignation, or abolishment of the position by the new or amended regulation on internal organisation and systematisation of job positions in a state authority shall have the right to be transferred to another job position for which he or she fulfils requirements in the same state authority if there is a job position and if there is none, he or she shall become 'unallocated' civil servant.

The civil servant whose work in the appointed position was terminated due to dismissal since he or she was twice, but not necessarily consecutively, graded with 'unsatisfactory' shall immediately become 'unallocated'.

Consequences due to Changes in the Organisation of State Authority

Article 81

A civil servant whose work in the appointed position was terminated due to the abolishment of a state authority shall have the right to, until the expiry of time for which he or she was appointed, be appointed to the position in the state authority that took over the scope of work of the abolished authority, if the new regulation prescribes the same or similar appointed position and if he or she fulfils requirements for it. If there is no such appointed position, he or she shall have the same rights and obligations as if his or her appointed position was terminated due to the expiry of time for which he or she was appointed.

A civil servant whose work in the appointed position was terminated due to the fact that the part of the scope of work of a state authority, in which the tasks for the appointed position are included, was taken over by the other state authority shall have the same rights and obligations.

A civil servant whose work in the appointed position was terminated due to the abolishment of the state authority whose scope of work was not taken over by any other state authority shall become 'unallocated'.

Chapter VI

GRADING AND PROMOTION OF CIVIL SERVANTS

1. GRADING

Aim and Subject of Grading

Article 82

Grading aim is to identify and remove deficiencies in work of civil servants, encouragement of civil servants to achieve better results and creation of conditions for proper decision-making on promotion and professional training of civil servants.

The following shall be graded: results achieved in the realisation of tasks of a job position and defined aims; independence, creativity and initiative; entrepreneurship, precision and conscientiousness in work; quality of cooperation with other civil servants and other qualifications that are required for the job position.

Period of Grading. Exemptions from Grading

Article 83

A civil servant shall be regularly graded once a year in a calendar year the latest until the end of February of the current year for the previous year.

The following shall not be graded: a civil servant who manages the state authority, a civil servant who worked less than six months in a calendar year, regardless of the reason, or a civil servant who is employed for a fixed-term.

Type of Grades. Determination of Grade

Article 84

Grades shall be the following: unsatisfactory, satisfactory, distinction, and exceptional distinction.

A grade shall be determined by the Manager in a ruling.

Criteria for grading and grading procedure in all state authorities shall be determined in detail by the regulation of the Government.

Extraordinary Grading

Article 85

A civil servant who is graded with grade 'unsatisfactory' may be referred to additional professional training.

In any case, he or she shall be graded extraordinarily after 90 days from the day when the ruling becomes final in which he or she was given a grade 'unsatisfactory'.

Termination of Employment Relationship

Article 86

An employment relationship of a civil servant who on the extraordinary grading is given the grade 'unsatisfactory' shall be terminated on the day when the ruling becomes final.

A ruling by which a grade 'unsatisfactory' was given on the extraordinary grading shall contain the statement that the employment relationship of a civil servant has been terminated.

II PROMOTION

Forms of Promotion

Article 87

A civil servant shall be promoted by transferral to a directly higher-ranking executive job position or by appointment to the appointed position or higher-ranking appointed position in the same or other state authority.

A directly higher-ranking executive job position shall be the job position which tasks are performed under directly higher rank or within the same rank but on the job position of the Manager of the internal unit in the state authority.

A civil servant may be promoted by transferral to higher pay scale without changing the job position in accordance with law that regulates the pay system in state authorities.

Promotion to the Higher-Ranking Executive Job Position

Article 88

A Manager may transfer a civil servant to directly higher-ranking executive job position if he or she is at least two consecutive times graded with 'exceptional distinction' or for four consecutive times with grade 'distinction'; if there is a vacant job position and if he or she fulfils requirements for work on that job position.

Exceptionally, a civil servant who is transferred to directly higher-ranking job position after two consecutive grades 'exceptional distinction' may, even if he or she does not fulfil the requirements in regard to required working experience, be transferred to the directly higher-ranking job position if he or she again gets graded with the same grade 'exceptional distinction'.

A grade that was the basis for a previous promotion shall not be taken into account for future promotion.

Promotion to the Appointed Position or to the Higher-Ranking Appointed Position

Article 89

A civil servant may be promoted to each higher-ranking position and not exclusively to the next higher-ranking position.

All conditions in regard to the relationship of grades, existence of vacant job position and working experience which are required for promotion to the higher-ranking executive job position must be fulfilled.

Chapter VII

TRANSFERRAL OF CIVIL SERVANTS DUE TO WORKING NEEDS

1. Notion and Types of Transferral

Article 90

A civil servant may due to working needs be transferred, temporarily or permanently, to another corresponding job position in same state authority or temporally transferred to another state authority.

The approval of the civil servant shall not be required for transferral due to the working needs.

A civil servant who works in the appointed position shall not be transferred.

2. Notion of Corresponding Job Position

Article 91

A corresponding job position shall be the one whose tasks are performed under the same rank as tasks of the job position from which a civil servant is transferred and for which a civil servant fulfils all prescribed requirements.

3. Transferral within the Same State Authority

Permanent Transferral

Article 92

A civil servant may be permanently transferred to another corresponding job position in the same state authority, if it is required by the organisation or rationalisation of tasks and other justified reasons.

Temporary Transferral

Article 93

A civil servant may be temporarily transferred to another corresponding job position in the same state authority due to the replacement of an absent civil servant or due to temporarily increased scope of work. He or she shall keep all the rights that he or she is entitled to in his or her job position.

An appeal shall not postpone the enforcement of the ruling

A temporary transferral shall last a maximum of one year, after which period a civil servant shall have the right to return to his or her job position where he or she used to work before the transferral.

4. Temporary Transferral to another State Authority

Reasons and Duration

Article 94

A civil servant may be temporarily transferred to a corresponding job position in another state authority due to increased scope of work. A civil servant shall exercise employment rights in the state authority from which he or she was transferred.

Temporary transferral to another state authority may last a maximum of six months and exceptionally it can be extended for the same length.

Upon expiry of time of transferral a civil servant shall have the right to return to the job position in which he or she used to work before the transferral.

Modes of Temporary Transferral to another State Authority

Article 95

Managers shall sign a written agreement on the temporary transferral of a civil servant from one to another state authority.

Following that, a Manager of the state authority in which a civil servant is being transferred shall pass a ruling on the transferral.

An appeal shall not postpone the enforcement of the ruling.

Chapter VIII

PROFESSIONAL TRAINING AND QUALIFICATION

I PROFESSIONAL TRAINING AND ADDITIONAL EDUCATION

1. Professional Training

Notion

Article 96

A civil servant shall have the right and obligation to improve professionally in accordance with the needs of state authority.

Funds for training shall be provided in the budget of the Republic of Serbia.

Programmes

Article 97

Programmes of professional training shall be based on programmes that determine the types and contents of professional training and amount of necessary assets.

The Government shall pass the general programme of professional training for civil servants in state administration authorities and services of the Government, at the proposal of the Human Resource Management Service.

The Manager shall make the programme of special professional training of civil servants in the state authority, according to the special needs of the state authority.

2. Additional Education in the Interest of the State Authority

Notion. Internal *Concours*

Article 98

Civil servants may be enabled to undergo additional education significant for the state authority.

Selection of civil servant for additional education shall be carried out by an internal *concours* within the state authority, and preference will be given to civil servants who have higher average work assessments during the last three years.

Costs of additional education shall be borne by the state authority.

Rights and Obligations Regarding Additional Education

Article 99

Rights and obligations of a civil servant selected for additional education shall be governed by a contract.

A civil servant shall have the right of stay of employment relationship if the additional education requires the temporary absence from work.

Upon termination of additional education, a civil servant shall be obliged to keep working for the state authority for at least double the time of the duration of the education. Contrariwise, he or she shall be obliged to reimburse the costs of additional education in a single payment.

II PROFESSIONAL EXAM

State Professional Exam

Article 100

A civil servant employed for a non-fixed term must pass a state professional exam.

The Government shall determine in detail the programme and manner of passing the state professional exam by a regulation.

Exceptions from Passing the Professional State Exam

Article 101

Civil servants in courts, public prosecutors' offices and Republic Public Attorney's Office who are obliged to pass the Bar exam or other civil servants in other state authorities who have passed the Bar Exam shall not be obliged to pass the state professional exam.

Another professional exam which is passed instead of state professional exam for employment on job positions with special obligations and authorities can be prescribed by law.

Time Limit for Passing State Professional Exam

Article 102

A civil servant on probation work who is employed for non-fixed term shall pass the state professional exam by the expiry of probation period.

A trainee shall pass the state professional exam within the termination of traineeship period.

III. PROFESSIONAL QUALIFICATION – TRAINEESHIP

Notion of Trainee

Article 103

A trainee shall be a person who enters into an employment relationship for the first time in his or her profession in order to qualify for independent work.

A trainee shall enter into a fixed-term employment relationship, upon a conducted public *concours*.

Duration of Traineeship Period

Article 104

A traineeship period in job positions with university degree shall last for one year, nine months with diploma degree, and six months for secondary education.

Longer or shorter duration of traineeship period determined by this Law may be prescribed by a special law.

A traineeship period shall be prolonged for a trainee who is absent from work longer than one month for justified reasons, for the duration of absence.

Trainee Qualification Programme

Article 105

Trainees shall be trained for independent work according to a programme passed by the Manager.

A state authority manager shall designate a mentor for monitoring the qualification of a trainee.

The mentor shall determine the individual programme of qualification of the trainee and the civil servants who monitor his or her work in different time periods.

A mentor shall submit a written opinion on the level of qualification of the trainee, upon completed traineeship period.

Continuation of Work for Non-Fixed Term Employment

Article 106

Upon expiry of traineeship period and passing the state or special professional exam, the trainee may be employed for a non-fixed term, if there is an appropriate job vacancy where he or she can be allocated and if the allocation is in accordance with the passed Human Resource Plan.

Chapter IX

CIVIL SERVANTS' LIABILITY

I. DISCIPLINARY LIABILITY

1. Notion of Disciplinary Liability. Types of Violations of Duties from the Employment Relationship

Article 107

A civil servant shall be disciplinary liable for violations of duties from employment relationships.

Liability for a criminal offence or petty offence does not exclude disciplinary liability.

Violations of duties from employment relationship may be minor and grave.

2. Minor Violations of Duty from the Employment Relationship

Article 108

Minor violations of duty shall be:

- 1) frequently being late to work, unjustified absence from work during working hours or leaving work early;
- 2) unconscientiously keeping official documents or data;
- 3) unjustified absence from work for a day;
- 4) failure to inform the direct superior on being prevented to come to work within 24 hours from the occurrence of reasons for absence without a justified reason;
- 5) violation of the code of ethics of civil servants which is not included within some of the violations of duties from the employment relationship prescribed by this or special law.

3. Grave Violations of Duty from the Employment Relationship

Article 109

Grave violations of duty from employment relationship shall be:

- 1) failure to perform working obligations or performing of working obligations and execution of superior's order in an unconscientiously, untimely or negligent fashion;
- 2) illegal work of failure to take actions to which civil servant is authorised in order to prevent unlawfulness or cause of damage;
- 3) abuse of employment relationship rights;
- 4) violation of principle of impartiality and political neutrality or expression of political beliefs at work;
- 5) disclosure of professional or other secret;
- 6) receipt of presents in regard to the performance of tasks outside the rules of this Law, receipt of services or benefits for him or herself or for another person or use of work in state authority to influence the exercise of his or her rights or rights of person connected with him or her;
- 7) additional work contrary to conditions prescribed by this Law;
- 8) taking over the obligation of a director, deputy or assistant director in a legal person or limitation of membership in authorities of the legal person;
- 9) establishment of commercial entity or public service and commencement of entrepreneurship;
- 10) non-transferral of managing rights of a commercial entity to another person or non-submission of information to a Manager on a person to whom the managing rights have been transferred or non-submission of evidence on transferral of managing rights to the Manager;
- 11) non-reporting of interest of a civil servant or of a person in relation with him or her may have in regard to decisions of state authority in whose decision-making he or she participates;
- 12) illegal disposal of assets;
- 13) violation of rights of other civil servants and state employees;
- 14) improper, violent and offensive behaviour towards parties and associates;
- 15) actions which impede parties to exercise their rights and interests before the state authority;
- 16) unjustified absence from work for at least two consecutive days;
- 17) repetition of minor violations of duty established by a final decision in which the disciplinary sanction is being pronounced.

4. Disciplinary Sanctions

Types

Article 110

For minor violations of duty from employment relationship, a fine may be pronounced of up to 20% of salary for full time work, paid for the month in which the decision on sanction is passed.

Disciplinary sanctions for grave violations of duty shall be the following:

1) a fine of from 20 to 30 % of salary for full time work, paid for the month in which the decision on sanction is passed, for up to six months;

2) prohibition of promotion for two to four years;

3) termination of employment.

A fine shall always be executed in an administrative manner.

Moment of Termination of Employment Relationship

Article 111

The employment relationship shall terminate for a civil servant who was subject to disciplinary sanction on the day when the ruling in which the decision on disciplinary sanction is passed becomes final.

5. Disciplinary Proceeding

Initiation

Article 112

A disciplinary proceeding shall be initiated by the Manager, at his or her own initiative, or at the proposal of person superior to the civil servant.

A disciplinary proceeding shall be initiated by a written conclusion, which is served to the civil servant. An appeal against this conclusion shall not be permitted.

Each civil servant who finds out a committed violation of duty from employment relationship may make a submission for initiation of disciplinary proceeding.

Conducting a Proceeding

Article 113

A Manager shall conduct the disciplinary proceeding and decide on disciplinary liability.

A Manager may form a disciplinary commission for conducting the disciplinary proceedings of three members who shall, instead of him or her, initiate and conduct a disciplinary proceeding and decide on disciplinary liability.

Members of the disciplinary commission must have a university degree and at least five years of working experience and one member must be a qualified lawyer.

Verbal Hearing

Article 114

In disciplinary proceedings a hearing shall be held in which the civil servant has the right to present his defence.

A civil servant may defend himself or herself or through a representative and may also serve a written defence.

A hearing may be held without the presence of civil servant, if there are important reasons for doing so, and the civil servant was duly summoned.

Other issues concerning the conducting of disciplinary proceedings will be governed by the provisions of law regulating general administrative procedure.

Criteria in Choice and Ruling out Disciplinary Sanction

Article 115

When choosing and selecting the disciplinary sanction, the following shall be taken into account: degree of liability of civil servant, the gravity of consequences incurred and the subjective and objective circumstances under which the violation was made.

Whether a disciplinary sanction had been pronounced on the civil servant before shall be taken into account only if a disciplinary sanction has not been erased from the human resource records.

6. Removal from Work

Reasons and Procedure for Removal from Work

Article 116

A civil servant against whom disciplinary proceedings have been initiated for grave violations of duty from employment relationship, may be removed from work until the conclusion of the disciplinary proceedings, if his or her presence would harm the interest of the state authority or would hinder the course of disciplinary proceedings.

A ruling on removal from work shall be passed by the Manager or disciplinary commission depending on who is conducting the disciplinary proceeding.

A ruling on removal may be revoked if the reasons for which it was passed cease, ex officio or at the proposal of a civil servant.

Appeal

Article 117

A civil servant may file an appeal against the ruling on removal within five days from the day it was served.

An appeal does not postpone enforcement of the ruling.

The Appeals Commission shall be obliged to decide on the appeal within five days from the day it was served, otherwise it will be taken that the appeal is rejected.

7. Statute of Limitations

Article 118

Statute of limitations for initiating disciplinary proceedings for minor violations of duty from employment relationship shall be six months from the day the violation was committed, and one year for grave violations.

Statute of limitations for conducting disciplinary proceedings for minor violations of duty from employment relationship is one year from initiation, and two for grave violations from the initiation of disciplinary proceeding.

Statute of limitations for enforcement of disciplinary sanction is two months from the day the ruling on disciplinary sanction becomes final.

Statute of limitations does not run during the time for which it is not possible to initiate disciplinary proceedings or conduct them due to absence of civil servant or other justified reasons.

8. Entry and Erasure of Disciplinary Sanction in Human Resource Records

Article 119

A disciplinary sanction pronounced in the final ruling shall be entered in the human resource records.

Disciplinary sanctions shall be erased from human resource records if a disciplinary sanction is not pronounced to the civil servant in the next two years from the day the ruling for minor violations becomes final, that is, during four years from the day the pronounced disciplinary sanction for grave violations becomes final.

9. Disciplinary Procedure against a Civil Servant in Appointed Positions

Article 120

The disciplinary proceedings shall be conducted by the High Civil Service Council against a civil servant appointed by the Government while disciplinary proceedings against a civil servant appointed by some other state authority or body shall be conducted by an authority prescribed by the acts of state authority.

A disciplinary proceeding against a civil servant appointed by the Government shall be initiated at the proposal of the Manager and if the state authority is managed by a civil servant the procedure shall be initiated at the proposal of the Government.

An appeal shall not be allowed against the ruling which pronounced a disciplinary sanction to a civil servant in the appointed position, while the administrative dispute may be initiated.

II LIABILITY FOR DAMAGE

1. Liability for Damage Caused to State Authority

Liability Requirements

Article 121

A civil servant shall be liable for damage he or she causes to a state authority at work or in relation to work intentionally or with gross negligence.

Establishing Existence of Damage and its Payment

Article 122

Occurrence of damage, its amount and circumstances under which it occurred shall be established by the Manager or a person so authorised in writing by the Manager.

If the establishment of the amount of damage would incur disproportional costs, damages may be established in a flat sum.

If the civil servant refuses to pay the damages, the right to damages may be realised in civil litigation.

A Manager and a civil servant may sign a written agreement on the amount of damage and manner of payment of damages and this agreement is an executive title.

Release from Liability

Article 123

If damage was incurred due to execution of a superior's mandate, and the civil servant has previously indicated the possibility of incurrance of damage, such civil servant shall be released from liability.

2. Liability for Damage Caused to a Third Person

Article 124

The Republic of Serbia shall be liable for damage that a civil servant causes to a third person due to illegal or incorrect work of a civil servant.

The injured party shall also have the right to request damages directly from a civil servant if a civil servant deliberately caused damage.

If the Republic of Serbia pays damage to an injured party caused by the civil servant to third person intentionally or with gross negligence, it shall have the right to compensatory claim against the civil servant in the amount of damages paid in the time limit of six months from the day of payment of caused damage.

3. Liability of Republic of Serbia for Damage Caused to a Civil Servant

Article 125

The Republic of Serbia shall be liable for damage caused to a civil servant during work or in relation to work, according to general rules of law on contracts and torts.

A Manager and a civil servant may sign a written agreement on amount and manner of payment of damages which shall an executive title.

Chapter X

TERMINATION OF EMPLOYMENT RELATIONSHIP

1. Manner of Termination of Employment Relationship

Article 126

An employment relationship of a civil servant shall be terminated by:

- 1) expiry of time for which it was concluded;
- 2) agreement;
- 3) notice;

- 4) the force of law (*ex lege*);
- 5) in another manner provided by this or special law.

The employment relationship shall terminate for a civil servant whose work in the appointed position ceases due to dismissal for pronounced measure of publication of recommendation for dismissal by the Republic Board for deliberating on a conflict of interest on the day when the ruling pronouncing the termination of employment in the appointed position becomes final.

2. Termination of Fixed-Term Employment Relationship after the Expiry of prescribed Time

Article 127

A fixed-term employment relationship shall be terminated by the expiry of time for which it was concluded.

An appeal shall not postpone the enforcement of a ruling pronouncing the termination of fixed-term employment.

3. Agreed Termination of Employment Relationship

Article 128

A Manager and a civil servant may sign a written agreement on termination of employment relationship.

A written agreement shall determine the day of termination of employment relationship.

An employment relationship of a civil servant in the appointed position cannot terminate by written agreement.

4. Civil Servant's Notice

Article 129

A civil servant may hand in a written notice at least 30 days prior to the day he or she designates in a written notice as the day of termination of his or her employment relationship.

A civil servant in the appointed position shall submit a written notice to a state authority or a body competent for his or her appointment.

5. Employer's Notice

Article 130

A Manager shall give a notice to civil servant in the following cases:

- 1) if he or she refuses transferral or allocation in the case when his or her consent is not needed or unjustifiably does not commence work on the job position to which he or she is transferred or allocated;
- 2) if he or she does not satisfy in probation period;
- 3) if upon termination of reasons for the stay of employment he or she does not commence work within the time limit of 15 days;
- 4) if he or she does not pass the professional exam;

The employment relationship in case of employer's notice shall be terminated by the day the ruling on notice becomes final.

6. Termination of Employment Relationship by the Force of Law

Reasons

Article 131

The employment relationship of a civil servant shall be terminated by the force of law:

- 1) when he or she reaches retirement age - reaches 65 years of life and least 15 years of insurance time;
- 2) if he or she is convicted by up to a six months prison sentence - on the day the judgment becomes finally binding;
- 3) if he or she becomes 'unallocated' and he or she is not transferred to other job position – on the day after the expiry of six months from the day he or she became 'unallocated'.

An employment relationship of a civil servant shall terminate by the force of law and for other reasons prescribed by general labour legislation irrespective of the will of the employee and the employer.

Determination of Termination of Employment Relationship by the Force of Law

Article 132

The Manager shall pass a ruling on the termination of the employment relationship for a civil servant by the force of law in which he or she shall state the reason why the employment relationship terminated and the day when the employment relationship was terminated.

An appeal against the ruling shall not be allowed, but the administrative dispute may be initiated.

Chapter XI

RIGHTS OF CIVIL SERVANTS IN CASE OF CHANGE OF ORGANISATION OF STATE AUTHORITIES

1. Change of Internal Organisation of System of State Authorities

Regulation Amendments

Article 133

If, due to the amendments of the Regulation some job positions are abolished or the number of necessary civil servants is reduced, surplus civil servants shall be transferred to other corresponding job positions but the preference shall be given to those who have the best average grades in the last three years.

If there is no corresponding job position, a surplus civil servant may, with his or her consent, be transferred to a lower-ranking job position corresponding to his or her education. If there are no such job positions or he or she does not give his or her consent for transferral, the Manager shall pass a ruling on him or her being 'unallocated'.

An appeal shall not postpone the enforcement of the ruling on transferral and ruling determining that the civil servant became 'unallocated'.

Passing of New Regulation

Article 134

In case of passing a new Regulation, all civil servants shall be allocated to corresponding job positions during which a Manager shall take into account tasks they performed before the allocation.

If the new Regulation abolishes some job positions or reduces the number of civil servants, the provisions of this Law regulating the possibility of amending the Regulation (Article 133 of this Law) shall apply to surplus civil servants.

2. Change of Organisation of System of the State Authority

Abolition of a State Authority with Taking over its Scope of Work

Article 135

If a state authority is abolished and its scope of work is taken over by some other state authority, this authority shall take over civil servants from the abolished authority, by a ruling passed by the Manager of the authority which took over the scope of work of the abolished authority.

Until the passing of a new Regulation in the state authority that took over the scope of work of the abolished authority the taken civil servants shall continue to perform tasks they have performed in the abolished authority. They shall exercise the right to salary in accordance with the existing rulings.

After the passing of the new Regulation, the provisions of this Law shall be applied concerning the cases when the new Regulation was passed only for the purpose of changing the internal organisation of the state authority (Article 134 of this Law).

Change of Scope of Work of State Authority

Article 136

If part of a state authority's scope of work is taken over by another state authority, it shall take over the civil servants working on tasks within the scope of work that was taken over.

In other issues, the provision of this Law in relation to cases of abolishment of state authority whose scope of work was taken over by another state authority shall apply.

Abolishment of State Authority and its Scope of Work

Article 137

If the state authority is abolished and its scope of work is not taken over by another state authority, civil servants from the abolished authority shall become 'unallocated' by the day of abolishment of the authority.

In case of abolishment of the state authority and service of the Government, rulings determining that civil servants became 'unallocated' are passed by the Manager of the Human Resource Management Service.

3. Status of an 'Unallocated' Civil Servant

Article 138

During the time he or she is 'unallocated', a civil servant shall have the right to compensation of salary according to the law governing salaries in state authorities.

All rights from the employment relationship a civil servant shall exercise in the state authority whose Manager passed a ruling on 'unallocated civil servant'.

The employment relationship of an 'unallocated' civil servant shall be terminated if he or she is not transferred to another state authority within six months', after the undertaken internal or public *concoures*.

4. Special Rules on Unallocated Civil Servants from State Authorities and Services of the Government

Article 139

A final ruling on 'unallocated' civil servants in state administration authorities and Government services shall be forwarded to the Human Resource Management Service.

The Human Resource Management Service shall include data on unallocated civil servants in the records on internal labour market and establish possibilities for their transfer.

Chapter XII

DECISION-MAKING ON RIGHTS AND OBLIGATIONS OF CIVIL SERVANTS

1. POWERS FOR DECISION-MAKING

Genuine Powers. Conferred Powers

Article 140

The Manager shall decide on rights and obligations of a civil servant by a ruling, if not otherwise stipulated by this or other law and other legislation.

The Manager may authorise in writing a civil servant with a university degree and at least five years of professional experience to decide on the rights and obligations of civil servants instead of him or her.

Powers may be limited in regard to content and duration.

The Law regulating the general administrative procedure shall be applied in deciding on rights and obligations of civil servants, except when deciding on the liability for damage.

Decision-Making on Rights and Duties of a Civil Servant Managing the State Authority

Article 141

If a state authority is managed by a civil servant, the High Civil Service Council shall decide on his or her rights and obligations when a civil servant is appointed by the Government, if not otherwise provided by this Law, namely the body determined by the state authority or body competent for the appointment of the civil servant.

An appeal shall not be allowed against the ruling deciding on rights and obligations of civil servant who is managing the state authority, while the administrative dispute may be initiated.

II APPEALS COMMISSION

1. Joint Rules for all Appeals Commissions

Competence of Appeals Commissions

Article 142

The Appeals Commission shall decide upon appeals of civil servants against the ruling in which in the administrative procedure it is decided on their rights and obligations and on appeals of candidates of the internal and public *concours*.

The Appeals Commission shall apply the Law that regulates the general administrative procedure.

Time Limit for Deciding upon Appeal. Right to Administrative Dispute

Article 143

The Commission shall be obliged to decide upon the appeal within a time limit of 30 days from the day it was served, if not otherwise provided by this Law. Otherwise, it shall be considered that the appeal was rejected.

The administrative dispute may be initiated against the decision of the appeals commission.

Types of Appeals Commissions

Article 144

The Appeals Commission of the Government shall decide on appeals of civil servants in state administration authorities, services of the Government and Republic Public Attorney's Office, while the appeals of civil servants in courts and public prosecutors' offices shall be decided by the Judicial Appeals Commission.

The appeals commission established by acts of other state authorities shall decide upon appeals of civil servants from those authorities.

Work of the Appeals Commission

Article 145

The Appeals Commissions shall work in panels of three members and shall be independent in their work.

Each Appeals Commission shall have its Rules of Procedure that shall regulate, among other things the number of panels and methods of their establishment.

Appeals Commission shall have their stamps in accordance with the Law that regulates the stamp of state authorities.

Number and Status of Members of the Appeals Commissions

Article 146

The number of members of the Appeals Commission shall be determined by the state authority or body competent for appointment and dismissal of members of the Appeals Commission in a way that the number is not less than five.

The President and members of the Appeals Commission shall be appointed for five years and may be re-appointed.

Members of the appeals commissions shall have right to compensation for work in the Commission. The amount of compensation shall be decided by the Government.

Termination of Duty in the Appeals Commission

Article 147

The obligation of membership in the Appeals Commission shall end in case of expiry of time for which he or she was appointed, submission of written resignation, reaching retirement age or dismissal.

A new member shall be appointed instead of the member of the appeal commission until the end of term of office of the Appeals Commission.

Dismissal from the Appeal Commission

Article 148

A member of the Appeals Commission shall be dismissed if he or she negligently performs his or her duties or if he or she is sentenced to at least six months in prison or for a punishable offence that makes him or her undignified of duty in the Appeals Commission.

A member of the Appeals Commission appointed among civil servants shall be dismissed if he or she ceases to be a civil servant or he or she is pronounced a disciplinary sanction by a final ruling.

The President of the Appeals Commission shall be dismissed from his or her function if he or she negligently or unsuccessfully performs his or her obligations.

An appeal shall not be allowed against the ruling on dismissal, but the administrative dispute may be initiated.

Reports on the Work of the Appeals Commissions

Article 149

Appeals Commission shall submit reports at least once a year on their work to the state authorities and bodies competent for the appointment of their members.

2. Special Rules on Appeals Commission of the Government and Judicial Appeals Commission

Appointment and Composition of the Appeals Commission of the Government

Article 150

The Government shall appoint presidents and the members of the Appeals Commission among civil servants who are qualified lawyers and have at least five years of working experience in the legal profession, upon the proposal of the Manager of the Human Resource Management Service.

During the proposal of candidates the Manager of the Human Resource Management Service must take into account the candidates' knowledge of labour legislation in state administration and administrative procedure.

Appointment and the Composition of the Judicial Appeals Commission

Article 151

The Supreme Court of Serbia and the Republic Public Prosecutor shall jointly appoint the members and the president of the Judicial Appeals Commission among civil servants from courts and public prosecutors' offices.

Special Rule on Presidents of Appeals Commission of the Government and Judicial Appeals Commission

Article 152

The Presidents of the Appeals Commission of the Government and Judicial Appeals Commission shall execute only the function of a president as civil servants and upon termination of duty they shall have the right to return to their original or other corresponding job position in a state authority.

Expert-technical Tasks for the Needs of the Appeals Commission of the Government and the Judicial Appeals Commission

Article 153

Expert-technical and administrative tasks for the Appeals Commission of the Government shall be performed by the Human Resource Management Service that shall secure means for the work of the Commission.

Expert-technical and administrative tasks for the Judicial Appeals Commission shall be performed by the Secretariat of the Supreme Court of Serbia that shall secure means for the work of the Commission.

Chapter XIII

ORGANISATION OF HUMAN RESOURCE SYSTEM

I HUMAN RESOURCE PLAN

Content of the Human Resource Plan

Article 154

The Human Resource Plan shall contain the presentation of the number of civil servants according to job positions and determination of the number of civil servants who are employed for non-fixed term needed for the year for which the Human Resource Plan is passed; the number of trainees whose employment is planned and the number of civil servants whose employment for a fixed-term is planned due to possible increased scope of work.

Preparation of the Human Resource Plan

Article 155

Each state authority shall prepare the draft of its Human Resource Plan at the same time when the draft budget law is prepared, thus to be adjusted and submits the draft to the authority which prepares the draft proposal of the Human Resource Plan.

Human Resource Management Service shall prepare the proposal of the Human Resource Plan for state administration authorities and the services of the Government.

The Ministry competent for judicial issues shall prepare the proposal of the Human Resource Plan for courts and public prosecutors' offices.

The preparation of the draft and proposal of the Human Resource Plan in all state authorities shall be regulated in detail by the regulation of the Government.

Passing of Human Resource Plan

Article 156

The Human Resource Plan shall be passed in a time limit of 30 days from the passing of the Budget Law in accordance with the means secured in the budget of the Republic of Serbia.

The Human Resource Plan for state administration authorities and the services of the Government shall be passed by the Government, while the Ministry competent for judicial issues, upon ensuring the consent of the Ministry competent for financial issues shall pass the Human Resource Plan for courts and public prosecutors' offices.

In other state authorities the Manager shall pass the Human Resource Plan if not otherwise prescribed by special legislation upon ensuring the consent of the Ministry competent for financial issues.

The Human Resource Plan shall consist of collective and individual data for state authorities that it covers.

Responsibility for Implementation of the Human Resource Plan

Article 157

Each state authority shall implement the part of the Human Resource Plan which refers to it. The Manager shall be responsible for the implementation of the Human Resource Plan.

II HUMAN RESOURCE MANAGEMENT SERVICE. HUMAN RESOURCE RECORDS

1. Human Resource Management Service

Article 158

Expert tasks in regard to human resource management in state administration shall be performed by the Human Resource Management Service which is established by the Government.

The Human Resource Management Service shall have the following tasks: to advertise vacant job positions in state administration and services of the Government; to ensure the harmonised undertaking of the reorganisation of state administration; to consult the state administration authorities and services of the Government in human resource management; to organise professional training of civil servants; to provide professional and technical assistance to the High Civil Service Council; to perform tasks of importance for the human resource policy of the Government and other tasks prescribed by the law and regulation of the Government in regard to human resources in state administration.

The Director shall manage the Human Resource Management Service and he or she shall be accountable to the President of the Government.

2. Human Resource Records

a) Central Human Resource Record

Notion and Competences for Conduct of Central Human Resource Record

Article 159

Central human resource records shall serve the policy of human resource management and other needs in the field of employment relationship.

Central human resource records on civil servants and state employees in state administration authorities and services of the Government shall be kept by the Human Resource Management Service. Central human resource records shall be kept as an IT database.

Data Entered in the Central Human Resource Record

Article 160

The following data on civil servants are kept in central human resource records:

- 1) personal name, address and unique citizens' number;
- 2) type of employment relationship and date of its establishment;
- 3) job position since entering into employment relationship in state administration authorities or services of the Government;
- 4) education, passed professional exams, other forms of professional training, special knowledge and other data on professional qualification of a civil servant;
- 5) years of service, years of insurance, privileged years of service;
- 6) data on completed years of service;
- 7) annual grades;
- 8) pronounced disciplinary measures and determined material liability;
- 9) data necessary for accounting salary;
- 10) data on termination of employment relationship.

Central human resource records may contain other data prescribed by law and other legislation.

The manner of keeping the central human resource records and providing data for entry in Central human resource records shall be regulated in more detail by a Government regulation.

Submission and Use of Data

Article 161

State administration authorities shall be under obligation to provide the data on which depends the entry of data into central human resource records at the latest within eight days from the day the data have occurred.

Data from central human resource records shall be at disposal to Managers, other persons deciding on rights and obligations of civil servants and administrative inspectors.

Each civil servant shall have the right of insight into data kept in central human resource records that relate to him or her.

Records on State Employees

Article 162

The rules of this Law on data entered for civil servants shall be applied accordingly to record keeping on state employees entered in the central human resource records.

The rules of this Law which are valid for civil servants shall be applied to the submission and use of data on state employees that are entered in the central human resource records.

b) Records of Internal Labour Market

Article 163

Human Resource Management Service keeps records of the internal labour market for state administration authorities and the service of the Government.

Records of internal labour market shall include data on vacant job positions, civil servants who want permanent or temporary transfers to other job positions, data on ‘unallocated’ civil servants and other human resource needs.

Data on civil servants shall be entered in the records of internal labour market based on data from central human resource record.

Each civil servant may obtain data on human resource needs from internal labour market records.

III HIGH CIVIL SERVICE COUNCIL

Competences of the High Civil Service Council

Article 164

The High Civil Service Council shall be established.

By legislation valid for the state administration authorities and services of the Government, the High Civil Service Council shall prescribe what kind of professional qualifications, knowledge and skills are evaluated in the selection procedure and modes of their verification; shall prescribe criteria for selection to job positions; shall pass a Code of Conduct for civil servants and perform other tasks prescribed by this Law.

The legislation of the High Civil Service Council shall be published in the ‘Official Gazette of the Republic of Serbia’.

The High Civil Service Council shall be independent in its work and shall pass its Rules of Procedure.

Appointment and the Composition of the High Civil Service Council

Article 165

The High Civil Service Council shall have nine members appointed by the Government for a term of six years.

Four members are appointed among experts from the field important for the work of state administration, upon the proposal of the president of the Government.

Five other members are appointed among civil servants who are appointed to their positions by the Government, upon proposal of the Manager of the Human Resource Management Service.

The President of the High Civil Service Council shall be chosen by the members of the Council between themselves, by secret ballot.

Bans and Restrictions for the Appointment in the High Civil Service Council

Article 166

Officials in state authorities cannot be appointed as member of the High Civil Service Council.

The same person may be re-appointed a maximum of two times.

Passing of Decision. Compensation for Members. Stamp

Article 167

The High Civil Service Council shall pass decision by a majority vote of its members.

Compensation shall be granted to the President and the members of the High Civil Service Council according to the criteria determined by the act of the Government.

The High Civil Service Council shall have its stamp in accordance with the Law that regulates the stamps of state authorities.

Termination of Duty in the High Civil Service Council

Article 168

The term of office of the High Civil Service Council shall terminate: upon the expiry of the time period for which they have been appointed; by resignation; completion of years of service or by dismissal.

A new member shall be appointed in place of a member of the High Civil Service Council whose obligation expired before the time for which he or she was appointed. The term of office of the new members shall end with the termination of the term of office of the High Civil Service Council.

Dismissal from the High Civil Service Council

Article 169

A member of the High Civil Service Council shall be dismissed if he or she does not perform his or her tasks conscientiously or is convicted to a prison sentence by of at least six months or he or she committed a punishable offence which makes him or her undignified of duty in the High Civil Service Council.

Besides, the member of the High Civil Service Council appointed among civil servants shall be dismissed if his or her capacity of a civil servant ends or if he or she is pronounced a disciplinary sanction by final ruling.

An appeal shall not be allowed against the ruling on dismissal, while an administrative dispute may be initiated.

Chapter XIV

SPECIAL RULES ON STATE EMPLOYEES

Job Positions of State Employees

Article 170

The Government classifies job positions of state employees by a regulation.

A Regulation shall determine job positions of state employees, requirements for work in job positions and their number.

In order to fill the vacant job position of the state employee it is necessary to prescribe the job position by the Regulation and that its occupation is in accordance with the passed Human Resource Plan.

Employment of the State Employee

Article 171

A state employee shall enter into an employment relationship by a contract of employment.

The contract of employment shall contain provisions according to which the employer by its ruling may alter those elements of the contract whose unilateral change is allowed by law.

A Manager, namely a civil servant authorised in writing by the Manager shall decide on rights and obligations of state employee by a ruling.

A state employee shall have the right to salary, compensation and other earning according to law regulating the salaries in state authorities.

Transferral and Allocation of the State Employee

Article 172

Provisions of this Law on transferral and allocation of civil servants shall apply to state employees accordingly.

The ruling on transferral that is on allocation shall replace by the force of law the corresponding provisions of the contract of employment.

If a civil servant refuses transferral, that is allocation the contract of employment is cancelled.

A contract of employment of the state employee shall be cancelled whenever, due to change of organisation of the state authority or organisation of the system of state authorities there is no job position in which a state employee may be transferred, that is allocated.

Chapter XV

SUPERVISION OVER IMPLEMENTATION OF THE LAW

Competence for Supervision

Article 173

Supervision of the implementation of this Law shall be done by the Ministry competent for administration, through administrative inspection.

Subject of Supervision

Article 174

An administrative inspector shall supervise:

- 1) compatibility of regulation with the Law and other legislation;
- 2) compatibility of employment with the regulation and human resource plan;
- 3) legality of undertaking the internal and public *concours*;
- 4) legality of allocation, transferral and promotion of civil servants;
- 5) timeliness and regularity of submission of data for entry in the Central Human Resource Records;
- 6) other issues in relation to the employment relationship in state authorities.

Obligations and Powers of Administrative Inspector

Article 175

The administrative inspector shall be obliged to act upon every complaint from its competence and to inform whoever submitted a complaint of the outcome of his or her action.

If an administrative inspector establishes illegality or irregularity in the implementation of the Law, other legislation and general act, he or she shall take measures for which he or she is authorised by law that regulates administrative inspection.

An administrative inspector may propose to the Appeals Commission to, according to his or her official supervision annul illegal final acts by which an obligation or right of civil servant was decided on.

An annulment of ruling on appointment to a position, employment or transfer, shall bear no relevance to the legal validity of acts or actions passed or taken by the civil servant until the establishment of the nullity of the ruling.

Chapter XVI

TRANSITIONAL AND FINAL PROVISIONS

Time Limit for Passing Regulations

Article 176

The Government shall pass regulations prescribed by this Law by 31 January 2006.

Establishment of Human Resource Management Service. Appointment of Members of the High Civil Service Council and Appeals Commission

Article 177

The Government shall form the Human Resource Management Service and appoint the Director of the Human Resource Management Service by 31 December 2005.

Members of the High Civil Service Council shall be appointed by 31 March 2006 where the President of the Government shall also propose those members of the High Civil Service Council who are not experts from the field important for the work of state administration that is among appointed persons who have at least five years of service in state administration authorities and service of the Government.

Members of the Appeals Commission shall be appointed by 15 July 2006.

Passing of Acts

Article 178

The acts of the Supreme Court of Serbia and Republic Public Prosecutor shall determine, by 30 November 2005 appointed positions that shall exist in courts and public prosecutors' offices.

The acts of the President of the Republic, National Assembly, the Constitutional Court and authorities whose members are appointed by the National Assembly, shall determine by 31 March 2006, the appointed positions that exist in services of these authorities, classify appointed positions and job positions of managers of narrow internal units and shall determine types of tasks that are performed under each rank prescribed by this Law.

By 31 June 2006 the High Civil Service Council shall pass its Rules of Procedure and other acts from its competence.

The Director of the Human Resource Management Service shall pass a Regulation on internal organisation and systematisation of job positions in service by 31 January 2006.

Status of Appointed Persons

Article 179

The appointed persons in state administration authorities whose job positions shall become appointed positions, shall continue their work until the appointment of civil servants in appointed positions according to rules which were valid on the day of their appointment, including rules on termination of their duty.

If the term of office of appointed person terminates before the appointment to the position of a civil servant, a new person shall be appointed according to rules which were valid on the day of the appointment of his or her predecessor whose term of office ceased.

Ako postavljenom ili imenovanom licu dužnost prestane pre postavljenja državnog službenika na položaj, novo postavljenje ili imenovanje sprovede se prema propisima koji su važili na dan postavljenja ili imenovanja lica kome je dužnost prestala.

Conducting *Concours* for Appointed Positions

Article 180

A public *concours* for appointment to positions shall be completed by 1 July 2007.

The duty of appointed persons who work in job positions that according to this Law become appointed positions shall terminate by 1 July 2007.

Application of Legislation to Judges and Employees in the Petty Offence Authorities

Article 181

Rules that are valid for civil servants and state employees in courts shall be applied from the day of entering into force of this Law, to employees in petty offence authorities.

Provisions of the Law on Employment Relationship in State Authorities shall be applied to judges from petty offence offices until the commencement of work of petty offence courts.

Allocation of Civil Servants and Concluding of Contracts of Employment with State

Employees

Article 182

By 15 July 2006 the allocation of civil servants according to the regulations on internal organisation and systematization of job positions in state authorities adjusted with this Law and subsequent by-laws shall be completed.

A civil servant found in a job position for which he or she does not meet the requirements in terms of prescribed years of working experience may be allocated to the same job position under the conditions of the regulation prescribing the allocation of job positions and tasks in state administration authorities, services of the Government, courts, public prosecutors' offices and the Republic Public Attorney (Article 44, paragraph 1 of this Law).

By 15 July 2005 contracts of employment will be signed with state employees which shall regulate the continuation of their employment relationship.

Completion of Initiated Proceedings

Article 183

Proceedings for deciding on rights, obligations and liabilities of employees initiated by the entry into force of this Law shall be completed according to the provisions of legislation according to which they were initiated.

Right to Salary upon Termination of Office

Article 184

Persons who, by the entry into force of this Law, acquire the right to salary upon termination of office according to the Law on Employment Relations in State Authorities, shall continue to exercise that right in accordance with the Law on Employment Relations in State Authorities.

Probation and Traineeship Period

Article 185

A probation and traineeship time initiated by the entry into force of this Law shall be completed according to the provisions of legislation according to which they were initiated.

Professional Exam

Article 186

Until the entering into force of the regulation governing the manner and programme of passing the state professional exam, the Regulation on Professional Exam of Employees in State Administration Authorities ('RS Official Gazette', No. 80/92 and 62/01) shall apply.

Persons who have passed professional exam for employees in state administration authorities shall not pass the state professional exam.

Application of Special Collective Contract in Force for State Authorities

Article 187

Until the signing of the special collective contract for state authorities according to this Law the Special collective contract for state authorities ('RS Official Gazette', No. 23/98) shall continue to apply, except for provisions that are contrary with this Law.

Taking over of Employees in Human Resource Management Service

Article 188

The Human Resource Management Service shall, by 15 January 2006, take over the employees who have performed tasks from its scope of work within the Ministry of State Administration and Local Self-Government, the corresponding objects, equipment, records, archive and assets.

Until the entry into force of this Law, the Human Resource Management Service shall prepare the introduction of Central Human Resource Records, perform expert-technical tasks of assistance to the High Civil Service Council and organise training of employees for the application of this Law.

Legislation Applied in Authorities of Autonomous Province and Local Self-Government

Article 189

The provisions of the Law on Employment Relationship in State Authorities shall continue to apply accordingly to authorities of autonomous province and local self-government until the passing of a special law.

Termination of Validity of Certain Legislations

Article 190

On the day of the entry into force of this Law, the Law on Employment Relationship in State Authorities ('RS Official Gazette', No. 48/91, 66/91, 44/98, 49/99, 34/01 and 39/02) shall not be applied to employment relationships in state authorities.

On the day of the beginning of implementation of this Law, the following cease to be valid:

- 1) Article 23 of the Law on Public Services ('RS Official Gazette', No. 42/91 and 71/94),
- 2) in the part relating to monitoring the human resource needs in administration, Article 6 of the Law on Ministries ('RS Official Gazette', No. 19/04 and 84/04);
- 3) Article 6 paragraph 3 and Article 121, paragraph 8 of the Law on Bases of the Education System (('RS Official Gazette', No. 62/03, 64/03, 58/04 and 62/04).

Entry into Force

Article 191

This Law shall enter into force on 1 July 2006, except for provisions from Article 158, paragraphs 1 and 3, Article 164, paragraph 1, Article 165-167, Article 176, Article 177 paragraphs 1 and 2, Article 178 and Article 188 which shall enter into force on the eighth day from the day of its publication in the 'RS Official Gazette'.