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**LAW ON THE CIVIL SERVICE IN THE REPUBLIKA
SRPSKA ADMINISTRATION**

“Official Gazette” of Republika Srpska, 16/02, 62/02, 38/03, 42/04, 49/06

Pursuant to the Article 68, paragraph 1, items 10 and 11, Article 98 and Article 70 of the Republic of Srpska Constitution, the National Assembly, on its session held on 28.02.2002, passed the

LAW ON THE CIVIL SERVICE IN THE REPUBLIKA SRPSKA ADMINISTRATION¹

CHAPTER 1

GENERAL PROVISIONS

Article 1

This Law regulates who performs the Civil Service activities, the position, organization and activities of the Civil Service bodies, appointment, **and employment²**, and legal status of the civil servants, financing of the work of the Civil Service bodies and relations of the Civil Service bodies to the other Civil Service bodies and other entities.

Article 2

Ministries, other Republican administrative bodies and Republican administrative organizations perform the activities of the Civil Service.

For the purpose of performing certain activities of the Civil Service from the sphere of activities of the ministries, which, due to their nature, entirety and way of performing, require independence and special organization, the Civil Service bodies (administration, inspection, financial police, auditors and other forms) may be established within the ministries, when it is stipulated by the Law.

Republican administrative organizations (institutions, directorates, secretariats, agencies, commissariats, funds, centres, etc) are established for the purpose of performing the specialized duties and duties of the Civil Service when it is stipulated by the Law.

Ministries, other Republican administrative bodies and Republican administrative organizations (herein referred to as: Civil Service bodies) are established by the law.

The employees of the Civil Service bodies, performing the duties specified in the Article 30 of this Law, are regarded as civil servants.

Article 3

Certain activities of the Civil Service bodies may be transferred to the Local Administration bodies, when the Law stipulates it.

For performing the duties within the domain of the activities of the Civil Service bodies, stipulated by the Law, the regional units of these bodies may be established out of the place of residence, as an expression of de-centralization of their activities.

¹ Changes and Amendments to the Law on the Civil Service in the Republic of Srpska Administration, published in the Official Gazette of Republika Srpska 62/02 – italic; Changes and Amendments of the Law on Civil Service in the Republic of Srpska Administration, published in the Official Gazette of Republika Srpska 38/03 – underline; High Representative's Decision Enacting the Law on Amendments to the Law on Civil Service in the Administration of the Republika Srpska, published in the Official Gazette of Republika Srpska 42/04 – italic, underline.

² In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in the Law on the Civil Service in the Republika Srpska Administration (Official Gazette of RS, 16/02, 62/02, 38/03 and 42/04), in Article 1, after the word “appointment”, the word “selection” shall be deleted and the words “and employment” shall be inserted.

The regional units, ways of their connecting and their responsibilities are determined by the act of the Civil Service body.

The Government decides upon the regional units respective residences.

The Civil Service activities may also be performed by the enterprises, institutions and other non-administrative entities, when these activities are entrusted to them by the law, as the administrative authorizations.

Article 4 (deleted)³

Article 5

This Law establishes the Civil Service Agency (herein referred to as: the Agency), which is founded by the Government.

The Agency is an independent and autonomous expert body, consisting of a director, three distinguished experts from the sphere of civil administration and a secretary.

The Agency ensures administration of the recruitment process for civil servants, offers assistance to the Civil Service bodies in realization of their personnel policies and performs other activities in compliance with this Law.

Ethnic structure of state employee in the Ministries of the RS Government municipal bodies, country and municipal court is to be based on 1991 census until the Annex 7 is fully implemented in accordance with the Law on Civil Service in the BiH institutions.

The Agency particularly takes care of promoting and ensuring national equality at selection of the civil servants.

The nationality of a civil servant is established on the basis of a voluntary declaration in compliance with this Law.

(deleted)⁴

The Government **appoints** the Agency Director, distinguished experts from the sphere of civil administration and Secretary to the Agency, on the basis of an open competition. The Director has the status of an Assistant Minister. The Director's mandate lasts for **five years⁵**, with the possibility of its renewal.

The Government appoints the distinguished experts of the Agency upon the proposal of the Agency Director.

Article 6

The Civil Service Agency shall have the following competencies:

³ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, Article 4 shall be deleted.

Originally:

A civil servant is an individual employed with the Civil Service body in accordance with the procedure established by this Law.

Ministers and Deputy Ministers are not regarded as the civil servants in the sense of this Law, and their legal status is stipulated by other regulations.

⁴ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 5, Paragraph 7 shall be deleted.

Originally:

Competencies and the way of operation of the Agency shall be determined by the Rules of the Procedure, which are passed by the Agency Director with prior consent of the Government. These Rules of the Procedure shall be published in the “Official Gazette of the Republic of Srpska”.

⁵ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 5, Paragraph 8, the word “select” shall be replaced by the word “appoint” and the words “four years” shall be replaced by the words “five years”.

- a) to establish uniform rules and procedures for the recruitment, appointment, **employment and release from duty**⁶ of the civil servants;
- b) to prepare an Ethical Code for civil servants;
- c) to plan for and recruit the civil servants upon the request of the Civil Service bodies;
- d) (deleted)**⁷
- e) upon the request of the Civil Service bodies, to advertise the vacancies, establish the character and contents of an open competition and conduct the procedure for the open competition of the candidates for the Civil Service in compliance with law;
- f) to monitor and encourage administrative inspectors to perform supervision into the Civil Service body;
- g) to prepare and keep a Central Personnel Register;
- h) to prepare and conduct a Programme for Training and Professional Advancing of Civil Servants;
- i) to establish and promote the highest standards, rules and procedures in management of the Civil Service bodies;
- j) to respond to the requests of the highest legislative and executive authorities;
- k) to submit to the Government an Annual Report on Work and plan for the following year;
- l) to perform other duties in compliance with law

Article 7

At conducting the recruitment process, the Agency shall appoint specific and impartial selection committees.

Selection committees consists of at least five members, out of which at least three members shall be civil servants from the bodies to which the open competition is related and who have a demonstrable academic and professional expertise in the areas covered by the open competition, while the rest of the members are appointed from the list of experts established by the Agency.

Selection committees shall designate a Chairman among their members and adopt rules of the procedure by majority of votes of all members.

The recruitment process for a civil servant encompasses having an entering interview with the candidate and checking whether the open competition requirements have been fulfilled.

(deleted)⁸

The recruitment process for civil servants **must start within 15 days**⁹ after the expiration of the deadline for submitting the applications.

The procedure of appointment and employment must be completed within not later than 75 days after the expiration of the deadline for submitting the applications to the open competition.¹⁰

Article 8

⁶ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 6, Paragraph 1, sub-paragraph a) after the words “appointment”, the words and “and selection” shall be replaced by the words “employment and release from duty”.

⁷ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 6, Paragraph 1, sub-paragraph d) shall be deleted.

Originally:

d) to prepare the way and programme for the entrance examination of the candidates for the Civil Service;

⁸ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 7, Paragraph 5 shall be deleted.

⁹ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 7, in Paragraph 6, which becomes Paragraph 5, the words “is conducted at least 30 days” shall be replaced by the words “must start within 15 days”.

¹⁰ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 7, a new Paragraph 6 shall be added.

Should a conflict of interest for a member of the selection committee exist, such member shall voluntarily resign from the committee.

Any registered candidate may ask from the Agency the names of the selection committee members.

Should the member of the selection committee not resign or a registered candidate not receive from the Agency the names of the selection committee members, the registered candidate may introduce a request before the Civil Service Board for Appeals (herein referred to as: the Board) to disqualify any member of the selection committee.

Should the registered candidate be unsatisfied with the Board decision, he/she may initiate the court proceedings before the relevant court.

The procedure of the open competition may be rendered invalid upon the request of the Board or the relevant court. In such case, the Agency shall repeat the procedure of the open competition, in compliance with the law.

Article 9

The Government establishes the Civil Service Board for Appeals, which consists of three members.

The Board, in compliance with the law and upon the request of a civil servant, Civil Service body where the civil servant is employed and the Agency, considers, upon the appeal, the decisions of the Civil Service body and the Agency, which are related to the status of the civil servants.

The decisions of the Board are communicated to the appellant within eight days from the day of their issuing.

The Board decisions are final and may be reconsidered by the relevant court.

The Board passes the Rules of the Procedure by which it stipulates the rules and the way of deciding upon an appeal.

Members of the Board are independent and impartial in their work.

The Board has a Chairman who shall be elected at the constitutive session of the Board upon the proposal of the Minister of Administration and Local Self-Governance.

The Government appoints the Board members amongst the distinguished experts, on the basis of an open competition, for the period of four years with the possibility of re-election.

Members of the Board have the status of a Secretary to the Ministry.

Article 10

In performing their activities, civil servants are obliged to behave in compliance with the Ethical Code for Civil Servants (herein referred to as the Code). The Government passes the Code upon the proposal of the Agency.

Article 11

In performing their activities and duties, civil servants are obliged to apply and respect the Constitution, laws and the Code, and particularly, the principles of professional impartiality, responsibility, honesty, transparency, publicity, efficiency and effectiveness.

Article 12

The Government determines general guidelines for work of the Civil Service bodies and passes the by-laws.

The Government may authorize the Agency to pass the by-laws that are related to the Civil Service.

Article 13

Civil servants may not be either founders or members of the political parties' management bodies.

Civil servants may not lose the civil servant's status or the position to which they were assigned due to the change of the political structure of the Republic of Srpska authorities.

Article 14

The work of the Civil Service bodies is public.

Publicity of the Civil Service bodies' work may exceptionally be limited or excluded in the cases determined by the Law.

Article 15

Funds for financing the activities of the Civil Service bodies are provided in the Republic of Srpska Budget.

CHAPTER 2

ACTIVITIES OF THE CIVIL SERVICE BODIES

1. Scope of activities

Article 16

The activities of the Civil Service bodies are stipulated by the Law.

Civil Service bodies directly apply, i.e. enforce the laws, other regulations and general acts of the National Assembly of the Republic of Srpska (herein referred to as: the National Assembly) and the Government of the Republic of Srpska (herein referred to as: the Government), and acts of the President of the Republic of Srpska (herein referred to as: the President of the Republic), decide in the administrative matters, conduct administrative supervision and perform the specialist and other activities.

The Civil Service bodies directly apply the laws, other regulations and general acts through passing the by-laws and general acts (rulebooks, orders and instructions), conducting the administrative supervision and passing administrative and other individual acts, and enforce them by performing administrative and other activities and by undertaking administrative and other measures.

Within the domain of the specialized activities, the Civil Service bodies prepare the laws, other regulations and general acts for the National Assembly and the Government, develop analytic and other materials, perform the duties pertaining to development, programming, organization and improving of the work in the spheres for which they were established and perform other activities.

Article 17

The Ministries may not take over the duties from the competence of a city of municipal authorities, unless they are duly authorized to do so by law.

2. *Relation of the Civil Service bodies to the local administration bodies, city administration bodies and to non-administrative entities entrusted with the administrative authorizations*¹¹

¹¹ Originally: "**Relation of the Civil Service bodies to the non-administrative entities entrusted with the administrative authorisations**"

Article 18

Civil Service bodies have the right and duty, in relation to the non-administrative entities, mentioned in the Article 3 of this Law, to:

1. require reports, data and information on performing the entrusted activities;
2. issue obligatory instructions;
3. warn on non-realization of certain activities and determine the deadline for their accomplishment, which may not exceed 30 days;
4. directly take over the realization of certain administrative activity should the relevant body, in spite of the warning, fail to execute it;
5. take over, for a definite period, the realization of the entrusted activities from the body which does not perform them, and, by the decision of the chief executive of the Civil Service body, determine the time and the way of their realization;
6. temporarily designate the employee of a ministry to work with the body to which the activities are entrusted;
7. prescribe requirements to be fulfilled by the employees of the body which performs the entrusted activities, in terms of type of education and degree, working experience, special skills (employee's specialist training) and number of employees, which are entered into the act on systematization of that body;
8. prescribe the way of keeping records in regard with the entrusted activities;
9. abolish or render void the acts of the body, i.e. the organization, passed in the course of performing the entrusted activities, apart from the acts passed in the administrative procedure;
10. order passing of the regulations for which the body, i.e. the organization, is authorized, and the ministry shall pass such regulations should the body, i.e. the organization, fail to pass it.

In cases mentioned in the paragraph 1, items 4 and 5 of this Article, the body that failed to perform certain administrative activity, i.e. fails to perform the entrusted activities, will be dispossessed of the funds purposed for financing such activities.

Should the body that performs the entrusted activities of the Civil Service fail to act in accordance with the paragraph 1, items 7. and 10. of this Article, the Civil Service body may introduce the issue of responsibility of the official in charge for the management of the body, i.e. the organization.

3. Inspection Supervision

Article 19

Inspection supervision is performed by the ministries, through inspectors, i.e. other authorized individuals in compliance with the law.

Certain activities of the inspection supervision may be entrusted to Municipal and City bodies by the law.

Article 20

Administrative Inspectors perform the supervision of the work of the Civil Service bodies in compliance with law.

Republican administrative Inspectors conduct supervision over enforcement of the laws, other regulations and general acts on the Civil Service, administrative procedure, working relations of the **(deleted)**¹² and office operations.

¹² In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 20, Paragraph 2 the words “civil servants” shall be deleted.

The supervision mentioned in the paragraph 1. of this Article, is performed by the Administrative Inspectors in the bodies to which the activities of the Civil Service are transferred, in the enterprises, institutions and other non-administrative entities, entrusted with administrative authorizations, offices of the President of the Republic, National Assembly, Government and offices performing the common affairs of certain Republican bodies.

The supervision mentioned in the paragraph 1. of this Article, is also performed in the offices of the Republic of Srpska Constitutional Court, courts, Public Prosecutor's and Public Attorney's offices, authorities in charge of the legal proceedings and penitentiaries.

Article 21

Republican administrative inspectors are civil servants of the Ministry responsible for the administration.

Administrative inspector may be an individual who graduated from the faculty of law, passed the professional examination and has at least eight years of working experience with the same level of education.

Article 22

Republican Administrative inspector may do the following:

1. order undertaking of appropriate administrative actions;
2. prohibit performing of certain administrative actions which the Civil Service bodies perform contrary to the law or other regulations;
3. submit a request for initiating the legal proceedings;
4. launch an initiative before the authorized body for suspension of the decisions contrary to the Law and other regulations;
5. undertake other measures and actions for which he is entitled by the law and other regulations.

Article 23

The Inspector makes a record on the established factual condition.

Article 24

Republican Administrative Inspector has an official identification card with the form and contents prescribed by the instructions of the minister, responsible for the administrative affairs.

Article 25

Civil Service bodies are obliged to enable the Administrative Inspector to unrestrictedly perform his inspection activities, and to submit to him the required documents for the insight and offer other requested assistance.

The Republican Administrative Inspector is obliged to keep confidential the data, which he obtains in the course of inspection.

The Republican Administrative Inspector is obliged to take in the procedure the claims of the clients and to advise the claimant on the results of the procedure.

Article 26

Should the administrative inspector, while conducting the supervision, observe certain irregularity, he shall pass a decision by which he orders its removal, and determine the deadline for such an action.

Should the responsible person fail to execute the ordered inspection measure, Administrative Inspector shall launch an initiative for establishing his responsibility.

Should a law or any other regulations foresee the other way for remedying the observed irregularity, the administrative inspector shall act in the way stipulated by that law, or other regulations.

Article 27

An appeal may be submitted against the Administrative Inspector's decision within eight days from its delivery.

The appeal does not postpone the enforcement of the decision.

Article 28

Administrative supervision over the work of the Civil Service bodies is provided through deciding in the second-instance administrative procedure.

Judicial control of legality of the Civil Service bodies administrative acts is provided in the administrative dispute, unless the law stipulates other type of court protection for certain administrative matter.

CHAPTER 3

ORGANISATION AND POSITIONS IN THE CIVIL SERVICE BODIES

Article 29

Civil Service bodies are established by the Law, which also stipulates their competencies.

Article 30

1. Internal organization

The Government determines the main principles for the internal organization and systematization of the positions within the Civil Service bodies.

The main principles comprise:

1. number of civil servants accorded with determined standards;
2. professional profile of civil servants
3. organizational structure of the Civil Service Bodies

Article 31

Internal organization and systematization of the positions within the Civil Service Body is determined in the act, passed by the chief executive of the Civil Service Body.

The Government gives consent on the acts in the paragraph one of this Article.

Article 32

2. Positions in the Civil Service

The positions in the Civil Service are the following:

1. Assistant Minister
2. Secretary to the Ministry
3. Inspectors
4. Head of the Administrative Organization

5. Deputy and Assistant Head of the Administrative Organization
6. Senior Advisor
7. Head of the Internal Organizational Unit (department, section, bureau, group, clerk office, accounting office, etc)
8. Senior Specialist
9. Specialist

The Government determines the categories of the civil servants within the positions listed in the paragraph 1 of this Article.

The main organizational units in the Civil Service body are field and sector, and the internal organizational units are department, section, bureau, group, clerk office, accounting office, etc.

Article 33

Civil Service bodies may establish a service for common affairs in order to perform the financial-material, administrative-technical, bureau-technical and information-documentation related activities, mechanic-graphic data processing, current and investment maintenance and security of certain business premises and providing the other working conditions.

The Government establishes the service for common affairs with an act by which it stipulates organization, way of operation, Service management and other issues of interest for its work.

Article 34

Assistant Minister manages the main organizational unit (field or sector) and is responsible for management of the financial, material and human resources of the main organizational unit.

The Assistant Minister is responsible for his work to the Minister.

Article 35

Secretary to the Ministry performs the duties related to: internal organization and the work of the Ministry, coordination of the work of fields or sectors, realization of cooperation between the Ministry and other bodies, enterprises, institutions and other subjects, realization of the Work Programme of the Ministry and management of the financial, material and human resources of the Ministry.

The Secretary to the Ministry is responsible for his work to the Minister.

Article 36

Head of the Administrative Organization manages its work and is responsible for management of the financial, material and human resources of the administrative organization.

Head of the Administrative Organization within the Ministry is obliged to act in accordance with the orders and instructions of the Minister and is responsible for his work to the Minister.

Article 37

A deputy of the Administrative Organization is replacing the Head of the Administrative Organization and performing tasks assigned by him

*Assistant Head of the Administrative Organization manages the main organizational unit of the organization (sector) and is performing tasks defined by the Regulation on internal organization and systematization of work positions.*¹³

Deputy or Assistant Head of the Administrative Organization is responsible for his work to the Head of the Administrative Organization.

Article 38

Senior Advisor is specialized for the particular type of activities that require a special expertise.

Senior Advisor submits a report on his work to the Assistant Minister or to the Head of the Organizational Unit.

Article 39

Head of the Internal Organizational Unit manages the work of the internal organizational unit and is responsible for management of the financial, material and human resources of the unit.

Head of the Internal Organizational Unit is responsible for his work to the Assistant Minister, or to the Secretary to the Ministry should there be no Assistant Minister in position.

Article 40

Senior Specialist performs the most complex specialized activities in the particular field, regulated by the act on internal organization and systematization of the positions.

Senior Specialist submits a report to the Head of the Organizational Unit.

Article 41

Specialist performs the technical, administrative and other duties, regulated by the act on the internal organization and systematization of the positions.

Article 42

The Agency establishes the principles, rules and procedures for recruitment, selection and appointment of the civil servants.

The principles, rules and procedures, mentioned in the paragraph 1 of this Article, encompass and ensure a fair and open competition and selection of the candidates with best professional, specialist and ethical qualities and abilities.

The committee shall carry the interviews with registered candidates.

The principles, rules and procedures shall come into operation six months after passing of this Law.

CHAPTER 4

EMPLOYMENT AND APPOINTMENT TO THE CIVIL SERVICE¹⁴

1. Vacancies and recruitment

¹³ Originally: "A Deputy or Assistant Head of the Administrative Organization manages the main organizational unit of the organization (sector) and is responsible for management of the financial, material and human resources of the unit."

¹⁴ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06, Chapter IV. "SELECTION AND APPOINTMENT TO THE CIVIL SERVICE" shall be amended to read as follows: "EMPLOYMENT AND APPOINTMENT TO THE CIVIL SERVICE".

Article 43

A vacancy within the Civil Service body is filled by:

1. internal advertisement
2. open competition
- 3. act on an appointment of up to 90 days¹⁵**
4. promotion

The Agency announces the results of an open competition and informs in writing all the candidates about the results they have achieved, in accordance with this Law.

Article 44

In conducting the recruitment procedure for civil servant, the selection committee examines and performs the selection of the candidates on professional merit, in the same way for all the candidates applying for the same vacant position.

The candidates' rating is performed on the basis of the results achieved by the candidates and national diversity.

Article 45

The Agency advertises for filling the vacant position.

An internal advertisement is announced in the Civil Service body where the vacant position occurs and in public media, at least fifteen days¹⁶ before the deadline for submitting applications.

The internal advertisement includes the following:

1. description of the vacant position and number of executive officials
2. general requirements for admittance into work
3. list of required documents, date and place for their submitting
4. special academic and professional conditions required for the vacant position; and
5. other requirements

An open competition is announced in the public media, and remains open 21 days after its publication in the daily newspapers.¹⁷

The open competition for appointment of civil servants contains requirements listed in the paragraph 3 of this Article.

Article 46

¹⁵ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 43, Paragraph 1, sub-paragraph 3 shall be amended to read as follows: “act on an appointment of up to 90 days”.

Originally:

3. act on appointment

¹⁶ Originally: one month

¹⁷ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, In Article 45, Paragraph 4 shall be amended to read as follows:

“An open competition is announced in the public media, and remains open 21 days after its publication in the daily newspapers.”

Originally:

An open competition is announced in the public media, at least thirty days before the deadline for submitting the application.

For the purpose of filling the vacant position of a Specialist, the Civil Service body where the vacant position occurs, first advertises internally.

Should the position of a Specialist not be filled in the way determined in the paragraph one of this Article, the vacant position is announced for an open competition.

Article 47

For the purpose of filling the vacant positions of a Senior Specialist and a Senior Advisor, the Agency organizes an open competition.

Article 48

The Government appoints the senior officials within the Civil Service bodies (Assistant Minister, Secretary to the Ministry, Head of the Administrative Organization, Deputy and Assistant Head of the Administrative Organization) from the shortlist of the successful candidates, the number of which is established before announcing the open competition.

Selection and appointment of Assistant Ministers, Secretaries to the Ministries, Heads of the RS Administration and Administrative Organizations, shall be carried out for the period of five years, with the possibility of renewal of the mandate.¹⁸

The Government passes the Act on Appointment upon the proposal of the Agency.

The appointment is performed by an administrative act, which is announced in the "Official Gazette of the Republic of Srpska".

Should the Government after the end of the mandate release from duty a civil servant who performs the managerial duties, the civil servant shall be returned to the same or similar previous position, at latest within three months from the day on which the decision on release is passed.¹⁹

2. Performance evaluation and promotion in the Civil Service

Article 49

Evaluation of a civil servant performance involves supervision, appraisal of the performance and working results within the scope of activities of the particular position in the course of the service.

The Minister performs evaluation of performance of the Assistant Minister and Secretary to the Ministry.

Evaluation performance of all other civil servants is directly performed by the superior civil servant, at least once a year.

¹⁸ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06, in Article 48, after paragraph 1, new paragraph 2 shall be added to read as follows:

"Selection and appointment of Assistant Ministers, Secretaries to the Ministries, Heads of the RS Administration and Administrative Organizations, shall be carried out for the period of five years, with the possibility of renewal of the mandate."

¹⁹ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06, Paragraph 4 shall be amended to read as follows:

"Should the Government after the end of the mandate release from duty a civil servant who performs the managerial duties, the civil servant shall be returned to the same or similar previous position, at latest within three months from the day on which the decision on release is passed."

Previous paragraphs 2, 3, and 4 shall be become paragraphs 3, 4, and 5.

Originally:

Should the Government release from duty a civil servant who performs the managerial duties, the civil servant is returned to the same or similar previous position, at latest within three months from the day on which the decision on release is passed.

The Agency determines the rules and criteria for performance evaluation of a civil servant.

At performing the evaluation, the starting point represent the results achieved in performing the duties attached to the particular position.

Civil servants shall have an unrestricted access to their performance appraisals and the opportunity to, within a reasonable time, issue written comments to their appraisals.

Should an appraisal be unsatisfactory, the civil servant shall, in order to improve his/her professional knowledge, undergo a special programme, which shall be agreed between him and his direct supervisor.

Should there be two successive unsatisfactory appraisals, the Agency shall initiate the dismissal procedure for the civil servant, and he/she shall be dismissed by the relevant body i.e. chief executive.

A civil servant may appeal to the Board for re-consideration of the decision on dismissal. The Board decision is final.

Article 50

Promotion in the Civil Service is performed on the basis of a positive performance evaluation given by the chief executive of the Civil Service body.

The chief executive of the Civil Service body gives a proposal for the promotion in the Civil Service.

Selection amongst the proposed candidates shall be made on the basis of the rules established by the Agency.

3. Requirements for admittance of a civil servant into work

Article 51

In order to acquire the status of a civil servant, an individual must fulfill the following general requirements:

1. to be a citizen of the Republic of Srpska or Bosnia and Herzegovina (~~deleted~~)²⁰;
2. to be over 18 years of age
3. to have a general health ability
4. to be worth the dignity of a civil servant with his working and human qualities
5. not to be sentenced for a criminal offence to a non - paroled sentence of at least six months of imprisonment or for a criminal offence which would make him inappropriate for performing the activities in the Civil Service body;
6. to fulfill other conditions required by the law, other regulations or the act on systematization of the positions within the Civil Service body;

Along with the general requirements, a candidate must also fulfill the following special requirements:

1. to have the appropriate educational level,
2. to have passed professional examination, and
3. to have the appropriate working experience.

4. Probationary Period

Article 52

The Civil Service body may determine for a candidate to spend some time on probation before the appointment in the Civil Service for an indefinite period, according to the plan developed by the Agency.

²⁰ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 51, Paragraph 1, Item 1, after the words “Bosnia and Herzegovina” the words “and reside in the Republika Srpska” shall be deleted.

The probationary period may last from 30 to 60 days and is determined in accordance with the type and complexity of the duties attached to the particular position.

At entering into the probationary period, the employee is advised on the scope of activities and duties attached to the particular position, as well as on the way of monitoring and performance appraisal.

Should the candidate's appraisal be:

- a) satisfactory, the Agency confirms the appointment of the civil servant
- b) unsatisfactory, the agency releases from duty the civil servant, who loses his/her status without any compensation

A dismissed civil servant has the right to require from the Agency to reconsider the decision on his dismissal.

5. Probation period and trainees

Article 53

A candidate, admitted into work in the capacity of a trainee is due to pass a professional or other appropriate examination at the expiration of the determined period.

A Civil Service body is obliged to advise the trainee with the contents of the curriculum and the way of monitoring his training.

Probation period for the persons who completed secondary school level of education lasts for six months, for the persons who completed two-year college it lasts for nine months and for the persons with the university level of education, it lasts for one year.

The Agency develops the curriculum for the professional training of the trainees and determines the way for taking the examination.

CHAPTER FIVE

DURATION AND CONDITIONS OF WORK IN CIVIL SERVICE

1. Transfer

Article 54

Due to the increased scope of activities, a civil servant may be transferred to another Civil Service body in the same place without his consent, should the officials who manage the activities of these bodies agree upon that.

The employee mentioned in the paragraph 1 of this Article may be transferred in the period while the conditions for the transfer last, and at longest for three months.

The employee mentioned in the paragraph 1 of this Article exercises his rights, duties and responsibilities from the employment with the body he is transferred to.

Article 55

A civil servant may be temporarily transferred without his consent to a position outside of the residence of the Civil Service body where he is employed, for the period of no longer than six months within two years.

After expiration of the period mentioned in the paragraph 1 of this Article, the employee continues to work at the same position where he had been working before he was deployed outside of the Civil Service body residence.

Article 55a

“An external transfer and a reassignment of a civil servant from a Civil Service body to an Institution of Bosnia and Herzegovina may take place in case of establishment of a new institution of Bosnia and Herzegovina pursuant to a transfer of competence(ies) from the Republika Srpska to Bosnia and Herzegovina, or upon assumption by Bosnia and Herzegovina, under the Constitution, of responsibilities previously exercised by the Republika Srpska.

The recruitment procedure for external transfer provided for in Paragraph 1 of this Article may be regulated by law of Bosnia and Herzegovina. When the external transfer recruitment procedure conducted pursuant to the law of Bosnia and Herzegovina does not provide enough candidates to be transferred from the Republika Srpska to the Institution of Bosnia and Herzegovina, the Civil Service body shall propose to the Head of the Institution of Bosnia and Herzegovina that the Civil Service body reassigns (a) civil servant(s) to such Institution. Should (a) civil servant(s) not accept the position to which he/she is reassigned, he/she shall be made redundant and shall be entitled to the rights related to redundancy provided by law.

Notwithstanding Paragraph 1 of Article 56 of this Law, a redundant civil servant referred to in Paragraph 2 of this Article shall not be deployed to the positions within the same Civil Service body.

The civil servant(s) transferred and reassigned pursuant to this Article shall not be entitled to the rights related to the termination of employment provided by laws.

2. Redundancies

Article 56

Should there occur a reduction in the number of selected or appointed officials within a Civil Service body, due to the change of the organization and methodology of work, or due to scaling down of activities or their cessation, the selected or appointed officials and the other employees shall be deployed to the positions within the same or within the other Civil Service body, which correspond to their professional qualifications.

The decision on deployment of the civil servants mentioned in the paragraph 1 of this Article, is passed by the body, which selected or appointed them, or by a chief executive of the Civil Service body where the civil servant is deployed.

Should a civil servant not accept the position to which he is deployed in accordance with the paragraphs 1 and 2 of this Article, his/her employment shall terminate.

Should it not be possible to deploy a civil servant in accordance with the paragraphs 1 and 2 of this Article, the body, i.e. the chief executive mentioned in the paragraph 2 of this Article, shall pass a decision by which it is established the termination of that civil servant's employment.

Article 57

Should two or more of the Civil Service bodies merge into one, all the civil servants from these bodies shall have the status of non-deployed civil servants.

In accordance with the needs of the particular Civil Service body and upon the proposal of the Agency, the relevant body i.e. the chief executive of the Civil Service body, passes the decision on deployment of a non-deployed civil servant.

3. Daily break

Article 58

A civil servant working fulltime has the right to the break within working hours of 30 minutes. The chief executive of the Civil service body is making arrangements for using of this break.

4. Weekly break

Article 59

A civil servant has the right to the week break of at least 24 hours continuously.

5. Annual leave

Article 60

A civil servant with at least six months of continuous working has the right to the annual leave of at least 18 workdays.

The annual leave mentioned in the paragraph 1 of this Article, is extended for one day per each three years of employment completed, and the total annual leave may not exceed 30 workdays.

Article 61

A civil servant who has not completed six months of continuous employment with the Civil Service body is entitled to an annual leave of one workday per each month of employment completed.

Article 62

Annual leave is used, by rule, continuously.

The annual leave may exceptionally be used partly, in accordance with the possibilities and needs of the Civil Service body, with the condition for one part of the leave to be used for at least twelve days in continuance.

At making arrangements for the annual leave, the civil servant's preferences may also be taken into the consideration.

Article 63

In exercising the right to annual leave and other rights, whose realization does not depend on the continuous employment, any other absence from work for which the civil servant realized remuneration for the salary, shall not be considered as the discontinuance of work.

6. Paid leave

Article 64

A civil servant is entitled to a paid leave during one calendar year in the following cases:

1. entering into marriage – five workdays
2. death of the family member – five workdays
3. death of a relative – two workdays
4. serious illness of the family member, mentioned in the paragraph 1 item 2. of this Article – one workday
5. moving into another apartment – two workdays
6. child birth – five workdays
7. celebration of his/her religious holiday – three workdays
8. taking the professional examination – one workday

The paid leave, mentioned in the paragraph 1 of this Article, may not exceed seven workdays during one calendar year.

The chief executive of the Civil Service body may, upon the civil servant's request in justified cases, approve a paid leave of over seven days during the calendar year.

7. Unpaid leave

Article 65

A civil servant is entitled to an unpaid leave in order to:

1. perform urgent personal or family affairs, which he is due to explain in his request;
2. prepare and sit for an examination at the faculty or other educational, scientific or scientific-research institution in the course of his graduation or in the course of his post-graduate studies;
3. visit the family member who lives abroad;
4. professional or scientific advanced training abroad;
5. take care of the family member who is seriously ill.

The unpaid leave may last up to three months, except in the cases of professional or scientific advanced training abroad, which may last for up to one year.

The contributions to pension and invalids fund during the unpaid leave, are to be paid by the employee on the unpaid leave.

During the unpaid leave, the civil servant's rights and duties related to the employment, are inactive.

8. Working Hours

Article 66

Full number working hours for a civil servant is forty per week, distributed to five workdays, excluding Saturday and Sunday.

Shortened hours for a civil servant are determined in compliance with the law.

Overtime for the civil servants may be introduced by a body or a chief executive of a body in cases of unplanned increase of the scope of work, in cases of force majeure, and in other cases stipulated by the law.

Overtime may not exceed 10 hours per week, i.e. 150 hours during one calendar year.

9. Responsibility of civil servants

Article 67

A civil servant may be materially and disciplinary held accountable for violation of the duties and tasks, stipulated by this Law and other regulations.

The accountability for criminal offence or violation does not exclude disciplinary accountability for the same offence, which was the matter of the criminal or petty offence proceedings, without regard to whether the civil servant has been acquitted from accountability for a criminal or a petty offence.

a) Material Responsibility

Article 68

A civil servant is responsible for a damage done to the Civil Service body, which he intentionally caused at work.²¹

²¹ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 68, Paragraph 1 shall be amended to read as follows: “A civil servant is responsible for a damage done to the Civil Service body, which he intentionally caused at work.”

Originally:

A civil servant is responsible for a damage done to the Civil Service body, legal entity or an individual, which he intentionally or due to the ultimate negligence caused at work or which is work-related.

A special commission, which is established by the chief executive of the Civil Service body, investigates about the existence of the damage, its scope, circumstances under which it occurred, the perpetrator and the way for its compensation.

Article 69

Should the payment of the compensation for damage done to the Civil Service body endanger the existence of a civil servant and his family – the civil servant may be partially released from the obligation of paying such compensation under the conditions specified by the special regulations.

b) Disciplinary accountability

Article 70

A civil servant may be disciplinary held accountable for violation of official duties.

Article 71

The violations of official duties are the following:

- 1) failure to execute the official duties, failure to consciously and timely execute official duties;
- 2) expressing or lobbying for political attitudes while performing the duties and tasks within the Civil Service bodies;
- 3) indecent, offensive or in any other way inappropriate attitude towards the citizens, legal entities and individuals, as well as towards the other parties in the procedure before the Civil Service body;
- 4) rejection to disclose data or disclosure of the incorrect data to the Civil Service bodies, legal entities and individuals, in cases when the law or other regulations, passed on the basis of a law, prescribe the disclosure of such data;
- 5) abuse of the official position or exceeding of the authorizations;
- 6) illegal disposal of the material assets;
- 7) undertaking actions which may impede the citizens, legal entities and other parties in realization of their respective rights and interests in the procedures at the state bodies;
- 8) refusal to perform the tasks of the position to which he is appointed or refusal to execute an order of the chief executive of the Civil Service body;
- 9) unexcused absence from work of five days in the course of six months, or unexcused absence from work of three days successively;
- 10) coming to work drunk or consuming alcohol or other opiates, which reduce working ability during the working hours.

Article 72

The following disciplinary sanctions may be ordered for the violations of the official duties stated in the Article 71:

- 1) written reprimand,
- 2) **suspension of the right to take part in civil service open competitions for two years,**²²
- 3) suspension of salary of **20% for the duration up to six months**²³ of the total amount,

²² In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 72, Paragraph 1, item 2 shall be amended to read as follows: “suspension of the right to take part in civil service open competitions for two years”.

Originally:

2) exclusion from work for two days to six months,

- 4) termination of employment.

Article 73

All civil servants may launch an initiative for commencing of the disciplinary procedure, which must have a rationale.

The chief executive of the Civil Service body or a person he authorizes shall initiate the disciplinary procedure against a civil servant.

The disciplinary procedure against the civil servant is held by the disciplinary commission.

The chief executive of the Civil Service body appoints the disciplinary commission from amongst the civil servants. The Commission has three to five members, and the Civil Service body chief executive may not be a member of the Commission.

Article 74

The chief executive of the Civil Service body orders the disciplinary procedure mentioned in the Article 72, taking into the consideration the place, time, manner and consequences of the committed violation.

On the basis of the decision of the Civil Service body chief executive, the Agency releases the civil servant from duty upon the termination of the employment mentioned in the Article 72, item 4.

Article 75

The chief executive of the Civil Service body issues a decision on suspension from work of the civil servant in the following cases:

- a) should a criminal proceedings be initiated against him for a violation committed in performing his official duties and tasks;
- b) should a civil servant be held in detention;
- c) should the criminal proceedings be initiated against a civil servant for a serious criminal offence.

In case of the ordered preventive exclusion from work, a civil servant is entitled to 50% of his salary, until the exclusion lasts.

Article 76

More detailed provisions on initiating, holding and statutory limitations of the procedure for establishing the violation of the official duties and other issues of importance for protection of working discipline, are regulated by the act of the Agency.

10. Termination of employment

Article 77

A civil servant's employment may be terminated in the following cases:

- a) voluntary resignation from the Civil Service;
- b) fulfillment of the legal requirements related to the duration of employment and legally prescribed retirement age;
- c) permanent incapacity to perform his official duties due to his health status, providing that the civil servant is not fit for transfer to another appropriate position within the Civil Service;

²³ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 72, Paragraph 1, Item 3, the number “50%” shall be replaced by the “20% for the duration up to six months”.

- d) unsatisfactory probationary period;
- e) two successive negative performance evaluations;
- f) effective sentence for a serious criminal offence with imprisonment of over six months
- g) dismissal from the service as a result of the disciplinary procedure
- h) ordered disciplinary measure of termination of employment in the Civil Service body

Should a civil servant be one of the chief executives, the Agency or the Government releases him from duty on the basis of the previously obtained opinion of the Agency. Should the civil servant be unsatisfied with the decision, he may require from the Board to reconsider it.

11. Salaries of civil servants

Article 78

A civil servant is entitled to the salary, which corresponds to his position, complexity of the duties he performs and the time he spends at work.

Article 79

Civil servants are divided in five salary groups:

- | | |
|----------------------------|---|
| In the first salary group | - Assistant Ministers, Secretary to the Minister and Head of the Administrative Organization, |
| In the second salary group | - Senior Advisor, Deputy and Assistant Head of the Administrative Organization, |
| In the third salary group | - Head of the Internal Organizational Unit |
| In the fourth salary group | - Senior Specialist |
| In the fifth salary group | - Specialist. |

Article 80

Basic salary for full hours is determined by multiplying the minimum wage, being the measuring value for the simplest work, with the corresponding coefficients *which are determined by the Government Decision*²⁴, and the total value is then increased by 0,5% for each commenced year of employment, up to maximally 20%.

The Government determines the minimum wage.

Trade union also participates in determining the minimum wage, mentioned in the paragraph 2 of this Article.

Coefficients from the Paragraph 1 of this Article may increased on the basis of performing the most complex duties up to 30%.

Article 81

*The Government in its decision shall determine the coefficients for individual salary groups.*²⁵

²⁴ Originally: "which are determined by this Law"

²⁵ Originally: "The following coefficients are determined for the particular salary groups:

I salary group (20,0); II salary group (19,0); III salary group (18,0); IV salary group (17,0) V salary group (15,0)

The coefficient mentioned in the paragraph 1 of this Article, is increased on the basis of performing the most complex duties according to the salary groups in the following way:

I	-	30%	II	-	25%	III	-	20%	IV	-	15%
V	-	10%									

For the civil servants who perform the supervisory inspection, the coefficient is increased by 30%."

Article 82

The civil servants have the right to compensation of salary during their annual leave, to the amount of their salary.

Article 83

A civil servant shall be entitled to:

1. Compensation of costs of transportation to and from work
2. Compensation for food rations
3. Annual leave cash grant
4. Death of the civil servant or one of his family members
5. Compensation of the costs of moving from the place of permanent residence to the place where the official apartment is located and back
6. Compensation for education expenses
7. Anniversary rewards
8. Retirement severance pays.

The Government shall define the types and amounts of compensations and allowances listed in the first paragraph of this Article.

Article 84

In case of releasing a civil servant from duty, due to the redundancy mentioned in the Articles 56 and 57 of this Law, the dismissed civil servant has the right to severance pay to the amount of his six-month salary.

Should the civil servant have at least one year left to fulfill the requirements for retirement, the severance pay is increased to the amount of twelve monthly salaries.

CHAPTER SIX

RIGHTS AND DUTIES OF CIVIL SERVANTS

1. Rights and duties of the civil servant

Article 85

A civil servant shall have the right to:

1. a permanent tenure of office until the time the requirements for pension are met, unless otherwise provided in this Law;
2. a leave of absence as established by law, continuance of work in the same or similar position when the leave ends;
3. a reward according to the duties and performance as established by this Law;
4. support in advancing career and professional development;
5. protection of his physical and moral integrity by the state, during performance of his official duties;
6. be treated by his superiors with respect to his moral integrity and human dignity;
7. be entitled to establish and to join a Trade Union or an association in compliance with the law and other acts;

8. go on strike in compliance with the law.

A civil servant has the right to a fair and honest treatment in the employment policy, disregarding his political opinion, nationality, place of residence, age, physical disability, sex and religion.

2. Duties of the civil servant

Article 86

A civil servant shall have the following duties:

1. to perform the tasks assigned in the job description;
2. to apply, implement and ensure compliance with the provisions of the Constitution, laws and other regulations;
3. to execute orders of the chief executive of the Civil Service body or his direct supervisor

Should a civil servant reject to receive a lawful order, he/she must resign.

Should a civil servant consider the order allegedly illegal, he shall apply the following procedure:

- he shall draw the attention of the issuer of the order to its illegality;
 - should the issuer of the order repeat the order, the civil servant shall request a written confirmation indicating the identity of the issuer and the precise content of the order;
 - should the order be confirmed, the civil servant is obliged to execute it, unless it would constitute a criminal offence – in such case, he shall refuse to execute the order and denounce the matter to the competent authority.
4. to protect the dignity of the Civil Service body
 5. a civil servant shall be politically impartial and unbiased and in particular:
 - refrain from any action or failure in his performance, which are incompatible with his duties as established by this Law and other regulations;
 - not pursue or accept any gain, benefit, advantage in money, services and alike, for himself or for his relatives, other than those legally permitted;
 6. in performing his duties, a civil servant shall be guided by the public interest and in particular:
 - assist in realization of the public interest;
 - provide to the interested parties, public institutions and public in general, the information related to the sphere of activities he performs, in compliance with the law.
 7. to realize other duties established by this Law.

3. Incompatibilities

Article 87

A civil servant may not exercise a function, activity or be in a position which constitutes a conflict of interests with his official duties, and may not in particular perform the activities for which remuneration is provided, unless the Minister or Head of the Administrative Organisation has approved it.

The Government of the Republika Srpska shall provide by its order for such cases for which the approval under Paragraph 1 of this Article may be given.²⁶

4. Realization and protection of the civil servant's rights

Article 88

In order to exercise his rights, a civil servant address in writing to the chief executive of the Civil Service body.

A civil servant is entitled to submit an objection to any decision or other act, which regulates his rights and duties.

The objection is submitted, within eight days from reception of the decision or other act, to the chief executive of the Civil Service body, who is obliged to decide upon it within 30 days from the day of submitting the objection.

In considering the submitted objection, the chief executive of the Civil Service body reviews his decision and he is entitled to alter or amend it.

A civil servant has the right to submit an objection also in case when the chief executive of the Civil Service body fails to issue the decision upon his objection and the right to which it relates, within 15 days from the day of submitting the objection.

Should the chief executive of the Civil Service body fail to issue a decision upon the submitted objection within the determined deadline, or should a civil servant be unsatisfied with the decision upon the submitted objection, the civil servant may address to the relevant court of law within 30 days from the day of its reception.

Article 89

Administrative inspector performs the supervision of implementation of the regulations related to the rights and duties of the civil servants.

For the purpose of providing the protection of the civil servants' rights, the administrative inspector conducts the supervision of the application of the general acts which stipulate their rights and obligations.

In performing the supervision, administrative inspector is entitled to review general and individual acts in the Civil Service body, and to obtain necessary information in some other way.

Article 90

A civil servant may address to the administrative inspector in order to protect his rights.

²⁶ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, Article 87 shall be amended to read as follows:

“A civil servant may not exercise a function, activity or be in a position which constitutes a conflict of interests with his official duties, and may not in particular perform the activities for which remuneration is provided, unless the Minister or Head of the Administrative Organisation has approved it.

The Government of the Republika Srpska shall provide by its order for such cases for which the approval under Paragraph 1 of this Article may be given.”

Originally:

A civil servant may not exercise a function or be in a position which constitutes conflict of interests with his official duties, or perform the activities for which remuneration is provided, unless otherwise stipulated by the law.

A civil servant may not be a member of managing or other boards and bodies of the political parties, or express his affiliation with political parties in performing the duties.

A civil servant may not perform self-supporting activities or be an owner of the private or other sort of enterprise.

A civil servant is obliged to, when selected or appointed, disclose all the information on his property, as well as the information on the activities and functions performed by his family members.

A civil servant, apart of those appointed by the RS Government, returns to the same or similar working post, the latest within a month as of the following situations happen: failure in the elections, end of the mandate or cease of the function in legislative or executive body at any governing level in BH.

Should the administrative inspector find that the civil servant's right has been violated, it shall advise the relevant body on the committed violation.

Should the administrative inspector find that a final decision constitutes an apparent violation of a civil servant's right, and that the corresponding legal proceedings have been initiated in that regard, it shall, with its decision upon the civil servant's claim, postpone the enforcement of the final decision until an effective court judgement is passed.

An appeal does not postpone the enforcement of the decision, mentioned in the paragraph 3 of this Article.

An administrative dispute may not be initiated against the final decision, mentioned in the paragraph 3 of this Article.

CHAPTER SEVEN

FINANCING OF THE CIVIL SERVICE BODIES

Article 91

The funds for financing the Civil Service activities are the following:

- 1) funds for paying the civil servants' salaries;
- 2) funds for material expenses;
- 3) funds for special purposes;
- 4) funds for purchasing and maintenance of equipment;
- 5) funds for annual leave subsidies and other special remuneration and solidarity funds (herein referred to as: special remuneration).

Funds for financing the Civil Service activities are provided from the Republic of Srpska Budget.

Article 92

The Civil Service body may realize certain income through its activities, should the law stipulate it.

Article 93

In establishing the amount of funds for financing the Civil Service bodies' activities, it is started primarily from the need for providing a full and efficient realization of these activities, their scope and nature and other requirements stipulated by a special law.

Article 94

The funds for payment of the civil servants' remuneration are provided for the following:

- 1) civil servants' salaries;
- 2) allowances for the non-deployed civil servants;
- 3) allowances for the redundant civil servants and other redundant employees.

Providing of the funds for the salaries and determining of the amounts for salaries of the employees in the Civil Service bodies is performed on the basis of the criteria regulated by this Law and the Joint Employment Contract.

Article 95

The funds for material expenses are provided for the following:

- 1) costs of disposable materials and small inventory purchase, heating, electricity, rent and maintenance of the premises, postal and telecommunication services;
- 2) costs of professional publications and literature purchase and printing of the materials;
- 3) costs of insurance and maintenance of the equipment and assets;
- 4) travel expenses and other expenses which do not represent personal income, and which are recognized by the administrative body as a material costs;
- 5) other costs provided for performing the activities in the Civil Service body, which, according to their purpose, are recognized as material costs.

Article 96

The funds for special purposes are provided for the following:

- 1) certain needs related to the activities of the Civil Service body (witnesses' fees, experts, interpreters, costs of procedures, etc.);
- 2) retirement severance pay for the employees who are being retired;
- 3) professional education and advancing of the employees;
- 4) funds for modernization of the Civil Service body;
- 5) fees based on the contracts with scientific-research and other organizations;
- 6) other purposes, stipulated by a special law.

Article 97

Equipment assets consist of inventory and other necessary assets, which the Civil Service body uses in performing its activities, and which life span, under the normal utilization conditions, is longer than one year, unless otherwise provided by the law.

Equipment assets also encompass the funds purposed for purchase of equipment.

Article 98

Distribution of funds for material expenses, funds for special purposes and funds for equipment purchase and maintenance, is performed by the pre-calculation which is issued by the chief executive of the Civil Service body, in line with determined budget.

The chief executive of the Civil Service body is responsible for legal utilization of the funds purposed for **salaries**²⁷, material expenses, special purposes, purchase and maintenance of the equipment and the assets for special purposes.

The chief executive of the Civil Service body, or a person he authorizes, signs the payment orders or other documents for payment and utilization of the funds, mentioned in the paragraph 1. of this Article.

CHAPTER EIGHT

RELATIONS OF THE CIVIL SERVICE BODIES TO THE OTHER STATE BODIES

1. Relations to the National Assembly, President of the Republic and the Government

Article 99

²⁷ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Article 98, Paragraph 2, the word “earnings” shall be replaced by the word “salaries”.

Relations of the Civil Service bodies to the National Assembly and the President of the Republic are based on the rights and duties regulated by the Constitution, law and other regulations.

The Civil Service bodies are obliged to provide to the National Assembly and the President of the Republic, the information, explanations and data from their sphere of activities, which are required for their respective work.

Article 100

Civil Service bodies enforce the acts of the President of the Republic, passed in wartime or during an immediate war danger, as well as the acts adopted in the course of the extraordinary circumstances.

Article 101

Relations of the Civil Service bodies to the Government are based on the rights and duties regulated by the Constitution and the law.

In performing the activities from their competencies, the Civil Service bodies comply with the guidelines and principal attitudes of the Government.

The guidelines and principal attitudes determine the way of operation of the Civil Service bodies in application of the regulations, order deadlines for passing the regulations for which the Civil Service bodies are authorized, and regulate the way and form of cooperation with the other bodies and organizations.

The Civil Service bodies are entitled to request from the Government to take principal standpoints towards certain issues of importance for enforcement of the laws, other regulations and general acts, and the Government is obliged to inform them accordingly.

2. Relations to the Ombudsman

Article 102

Relations of the Civil Service bodies to the Ombudsman are based on the duties of the Civil Service bodies, regulated by the Constitution and the law, as well as on the mutual cooperation, sharing information and agreements.

3. Relations to the city and municipal bodies

Article 103

Relations of the Civil Service bodies to the city and municipal bodies are regulated by a special law.

4. Relations to the citizens

Article 104

Civil Service bodies are obliged to enable the citizens to unrestrictedly exercise their rights and duties, to issue needed data and information, offer legal assistance, cooperate with the citizens, respect human rights and fundamental freedoms and protect the dignity of the Civil Service bodies, in compliance with the Law on Free Access to Information.

Article 105

Civil Service bodies are obliged to consider submissions, petitions and proposals that the citizens bring before them, to act upon them and inform accordingly.

5. Mutual relations of the Civil Service bodies

Article 106

Mutual relations of the Civil Service bodies are based on the rights and duties stipulated by the law and other regulations.

The Civil Service bodies are obliged to cooperate amongst themselves when the nature of the Civil Service activities requires it, to share data and information required for work, to establish joint services and expert bodies, as well as to realize other forms of joint work and cooperation.

When the cooperation, mentioned in the paragraph 2, is groundlessly rejected within a Civil Service body, it shall accordingly inform the Government.

Relations amongst the Ministries and other Republican administrative bodies and Republican administrative organizations constitute the relations of the autonomous bodies and the bodies within the autonomous administrative bodies, when it is stipulated by the law.

6. Publicity of the work

Article 107

Civil Service bodies ensure the publicity of work by the following: issuing information to the public media, printing the official publications and providing conditions for unrestricted informing of the public on performing the work from their sphere of activities.

Minister, i.e. chief executive of the Civil Service body, other bodies and organizations, decides on restriction of the information or other data and facts from the sphere of activities of the Ministries, other Republican bodies and Republican administrative organizations, in compliance with law.

7. Legal acts of the Civil Service bodies

Article 108

Civil Service bodies pass the rulebooks, orders, instructions and decisions, in compliance with the law.

Civil Service bodies may issue instructions and give explanations.

The acts mentioned in the paragraph 1 of this Article, may be passed by the bodies, which are entrusted with the Civil Service activities.

Article 109

A rulebook interprets certain provisions of the laws and other Governmental regulations, for the purpose of their enforcement.

An order is issued for the purpose of enforcement of the particular provisions of the law and other regulations, to order or to forbid the behavior in the particular situation of a general importance.

The instructions prescribe the way of operation and performing activities of the Civil Service body, as well as of the enterprises, institutions and other non-administrative entities when they execute the entrusted activities of the Civil Service in enforcement of certain provisions of the law and other regulations.

The legal acts mentioned in the paragraphs 1, 2 and 3 of this Article, may not be used for establishing the rights and obligations of the enterprises, institutions, other non-administrative entities and citizens, which are not based on the law, or establishing the competence of the Civil Service body.

The legal acts mentioned in the paragraphs 1, 2 and 3 of this Article, are announced in the "Official Gazette of the Republic of Srpska".

Article 110

The decision serves for deciding in the administrative matters, in compliance with the law and other regulations.

Article 111

An instruction arranges, in compliance with the law, obligatory rules of the way of operation of a body, as well as the enterprises, institutions and other non-administrative entities when they perform the entrusted activities of the Civil Service in enforcement of the laws.

The instruction includes the rules for a professional organization of the service and for professional work of the employees in the Civil Service bodies and other bodies and organizations, which perform the entrusted activities of the Civil Service.

An explanation is used for issuing opinion related to the application of the particular legal provisions and other regulations.

Article 112

Rulebooks, orders and instructions are issued by the chief executive of the Civil Service body.

The legal acts mentioned in the paragraph 1 of this Article, which are of interest for two or more of the Civil Service bodies are issued by the chief executives of these bodies by consent, should they be authorized to do so by the law.

The decision is issued by the chief executive of the Civil Service body, unless the law stipulates it otherwise.

8. Deciding upon an appeal

Article 113

The competent Ministry shall decide upon an appeal against the first-instance decision of the regional office, the RS Administration or RS Administrative Organization.²⁸

The competent Ministry²⁹ decides upon an appeal against the first-instance decision of the body which performs the entrusted activities of the Civil Service within the domain of the rights and duties of the Republic, unless the law otherwise provides.

An appeal may be filed against the first-instance decision of the Ministry only when the law stipulates it, as well as in case of an administrative matter, which excludes an administrative dispute.

The Government decides upon an appeal against the first-instance decision, mentioned in the paragraph 3 of this Article, unless the law otherwise provides.

Article 114 (deleted)³⁰

9. Settling the conflict of authorities

Article 115

The Government settles the following conflicts of authorities:

- 1) between the Ministries, between a ministry and an administrative organization and between the administrative organizations;
- 2) between a Civil Service body and the bodies to which the activities of the Civil Service are entrusted;
- 3) between a Civil Service body and an enterprise, institution and other non-administrative entities when, in executing the Civil Service activities, on the basis of the entrusted administrative authorizations, they decide on the particular rights and obligations;
- 4) amongst the bodies which are entrusted with the Civil Service activities;

²⁸ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, In Article 113, Paragraph 1 shall be amended to read as follows:

“The competent Ministry shall decide upon an appeal against the first-instance decision of the regional office, the RS Administration or RS Administrative Organization.”

Originally:

The Minister, i.e. the chief executive of the other Republican administrative body, or Republican administrative organization, decides upon an appeal against the first-instance decision of the regional office.

²⁹ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, in Paragraph 2, the word “Minister” shall be replaced by the word “the competent Ministry”.

³⁰ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the “Official Gazette of Republika Srpska”, 49/06, Article 114 shall be deleted.

Originally:

The provisions of the previous Article are also applied to the Republican administrative organizations when they decide in the administrative matters.

- 5) amongst the enterprises, institutions and other non-administrative entities when, in executing the Civil Service activities, on the basis of the entrusted administrative authorizations, they decide on the particular rights and obligations.

Article 116

Conflict of authorities amongst the regional offices of the ministries, other Republican administrative bodies and the Republican administrative organizations, is settled by the Minister, i.e. the chief executive of that body or the organization.

Article 117

Constitutional Court of the Republic of Srpska settles the conflict of authorities between the courts and the Civil Service bodies, as well as the conflicts of authorities between the Civil Service bodies and a city or municipal authorities.

10. Exemption of an official

Article 118

The Minister, i.e. the chief executive of the Civil Service body, or Republican administrative organization, decides upon the exemption of an official in the Ministry, other Civil Service body, or Republican administrative organization.

The Government decides upon the exemption of the senior officials mentioned in the paragraph 1 of this Article.

The chief executive of the Civil Service body, or Republican administrative organization, decides upon the exemption of an official of that body, i.e. organization which performs, i.e. is authorized to perform, the entrusted activities of the Civil Service.

11. Office operations

Article 119

Office operations of the Civil Service body cover registering, keeping, classification and archiving of the materials received and generated in the activities of the Civil Service body, as well as other activities related to their operations.

The Government passes an act, which regulates the office operations.

Office operations are also applied to the offices of the National Assembly, President of the Republic, Government, as well as to the city or municipal bodies, when they perform the transferred activities of the Civil Service, as well as to the enterprises, institutions and other non-administrative entities when they execute the entrusted administrative authorizations.

CHAPTER NINE

PENALTY PROVISIONS

Article 120

A fine of 300 to 1000 KM is provided for the violation committed by a responsible person in the Civil Service body and the responsible person in the bodies entrusted with the Civil Service activities, enterprises, institutions and other relevant institutions which are entrusted with the public authorizations, should he/she:

1. prevent conducting the inspection supervision and fails to submit for the insight the required documents (Article 24)
2. fail to pass the Rulebook on Internal organization and Systematization of the Positions within the deadline of six months after entering into force of this Law (Article 18, paragraph 1).

Article 121

A fine of 1000 to 2000 KM is provided for the violation committed by a responsible person in the Civil Service body should he/she fail to execute the inspection measures ordered by a decision (Article 25, paragraph 1).

Article 122

Civil servants, occupying civil service positions under Article 32, items 1-9 of this Law are subject to the Agency's review procedure. The review procedure aims to establish whether the civil servants were employed in accordance with the Law on Civil Service and the Law on Working Relations in the State Bodies and whether they meet the requirements of Article 51 of this Law.

Employment of a civil servant shall be terminated if the review procedure shows that:

1. **the civil servant was employed contrary to the provisions of the Law on Civil Service and the Law on Working Relations in the State Bodies or if**
2. **the civil servant does not meet the requirements of Article 51 of this Law.**

Decisions under Paragraph 2 of this Article shall be taken by the RS Civil Service Agency.³¹

The Agency shall announce an open competition to fill the vacancies.

The Agency shall bring the decision on termination of working relation of those civil servants from the paragraph 1. of this Article, who are employed opposite to the provisions of the Civil Service Law and Law on working relations and who do not meet the requirements from the Article 51 of this Law. The Agency shall organize the open competition for vacancies.

CHAPTER TEN

TRANSITIONAL AND FINAL PROVISIONS

Article 123

With entering into force of this Law, the Law on Civil Service ("Official Gazette of the Republic of Srpska", No. 11/94) and the Law on Working Relations in the State bodies ("Official Gazette of the Republic of Srpska", No. 11/94 and 6/97) shall cease to be in effect.

Article 124

The Civil Service bodies are obliged to pass the Rulebook on Internal Organization and Systematization of the Positions in the Civil Service body within the deadline of six months from the day when this Law enters

³¹ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06, in Article 122, Paragraph 1 was amended.

Originally:

Civil servants, occupying civil service posts from the Article 32, items 1-9 ³¹of this Law are subject to the Agency's revision procedure, which is to establish whether the employees meet conditions from the Article 51 of this Law in accordance with the Civil Service Law and Law on working relations in the state bodies.

into force.

Ethical Code for Civil Servants shall be passed by the Agency within six months from the day when this Law enters into force.

Article 125

The Law on Working Relations ("Official Gazette of the Republic of Srpska", No. 38/00) and the General Joint Employment Contract ("Official Gazette of the Republic of Srpska", No. 13/98) shall be applied to the working relations of the employees, which are not regulated by this Law, as well as to the auxiliary and technical staff, employed with the Civil Service bodies.

Article 125a³²

An open competition for selection and appointment of the civil servants referred to in Article 10 of this Law shall be announced not later than within 30 days following the entry into force of this Law.

The open competition referred to in the preceding paragraph shall not be announced to fill the vacant positions in regard of which, until the entry into force of this Law, the open competition procedure was already started.

Article 126

Upon the proposal of the Agency, the Government shall pass, within three months from the day of passing this Law, the Programme for Management of the Redundant Employees of the Civil Service.

The Government shall pass a decision on redundant civil servants upon the proposal of the Agency.

Article 126a³³

The Legislative Board of the National Assembly of the Republika Srpska shall be authorized to prepare an edited text of this Law.

Article 127³⁴

This Law shall come into effect on the eighth day as of the day of publishing in the "Official Gazette" of the Republic of Srpska, and shall be implemented from January 1, 2003, except for the provisions from the Article 5 closed with the Article 12 of the Law.³⁵

Speaker
of the National Assembly
Dr Dragan Kalinić

³² In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06, After Article 125, new Article 125a. shall be added.

³³ In Bold – According to the Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06, After Article 126, new Article 126a shall be added.

³⁴ In Bold – The Law Amending the Law on Civil Service in the Republika Srpska Administration, published in the "Official Gazette of Republika Srpska", 49/06 shall enter into effect on the eighth day after its publication in the "Official Gazette of Republika Srpska".

³⁵ Originally: " This Law enters into force on the eighth day of its publishing in the "Official Gazette" of the Republic of Srpska, and shall be applied as of 1 September 2002"