

**CONSOLIDATED VERSION  
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**LAW ON CIVIL SERVICE OF THE FEDERATION  
OF BOSNIA AND HERZEGOVINA**

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# **LAW ON CIVIL SERVICE OF THE FEDERATION OF BOSNIA AND HERZEGOVINA**

## **CHAPTER I GENERAL PROVISIONS**

### **Article 1 Scope of the Law**

1. This Law regulates the legal-employment status of the civil servants in Civil Service authorities of the Federation of Bosnia and Herzegovina (hereinafter: the Federation), cantons, cities and municipalities (hereinafter: the Civil Service authority).
2. A civil servant is an individual appointed to a civil service position by an administrative act in accordance with law.

### **Article 2 Proportionate Representation**

1. The Bosniaks, Croats and Serbs, as constituent peoples, along with Others and the citizens of Bosnia and Herzegovina, shall be proportionally represented in the civil service authorities of the Federation, Canton, city and municipality.
2. Being a constitutional principle, such a proportionate representation shall be based upon the Census 1991 until the full implementation of Annex 7, with the exception of civil service authorities of those municipalities certain parts of which were, according the Dayton Agreement and the decisions of the High Representative, awarded to the other entity or other municipality.
3. The Government of the Federation of Bosnia and Herzegovina (hereinafter referred to as: the Federation Government) and the cantonal governments shall perform supervision over the representation of civil servants in the civil service authorities referred to in paragraph 1 of this article.

### **Article 3 Recruitment and Promotion**

1. The recruitment and the professional career advancement of a civil servant shall be based upon open competition and professional merit.
2. The recruitment in the civil service authorities shall only be done on the basis of open competition and upon meeting the requirements and criteria specified by this Law and a separate law and in accordance with other criteria as prescribed by another regulation enacted on the basis of this Law.

### **Article 4 Principles of the Law**

The respect and application of the following principles shall be ensured in the civil service:

- a) Legality;
- b) Transparency and publicity;
- c) Accountability;
- d) Efficiency and effectiveness;
- e) Professional impartiality;
- f) Political independence.

**Article 5**  
**Exceptions in Application**

1. Members of the Federation Parliament, President and Vice-Presidents of the Federation, Members of the Federation Government, Judges of the Federation Constitutional Court, Judges of the Federation Supreme Court, Federation Prosecutors are not civil servants and their legal-employment status shall be regulated by other regulations.
2. Members of the Cantonal Government, members of the Cantonal Assemblies, Judges of the Cantonal Courts, Cantonal Prosecutors are not civil servants and their legal-employment status shall be regulated by other regulations.
3. Members of the Municipal Governing Councils, the Municipal Executive of each Municipality, and Judges of the Municipal Courts are not civil servants and their legal-employment status shall be regulated by other regulations.
4. Members of the City Councils and City Mayors are not civil servants and their legal-employment status shall be regulated by other regulations.
5. Individuals employed as Advisors to the office holders referred in this Article are not civil servants.
6. This Law shall not apply to the auditors employed at the Supreme Audit Institution of the Federation of Bosnia and Herzegovina, the members of police and armed forces.

**CHAPTER II**  
**CIVIL SERVICE POSITIONS**

**Article 6**  
**Civil Service Positions**

1. A civil servant shall be appointed to one of the following positions:
  - a) **Managerial civil servants:**
    - 1) Director of independent administrations and independent institutions;
    - 2) Senior Executive Manager of a civil service authority;
    - 3) Directors of administration and authorities that fall within the Ministries;
    - 4) Assistant Head of a civil service authority,
    - 5) Main Federation and Main Cantonal Inspectors.
  - b) **Other Civil Servants:**
    - 1) Head of internal organizational unit;
    - 2) Inspectors;
    - 3) Senior Advisor;
    - 4) Senior Official;
    - 5) Specialist.
2. The Federation Government shall prescribe the type and complexity of tasks performed within the civil servants positions referred to in paragraph 1 of this Article.
3. Categories within the positions of civil servants shall be defined by the rulebook on internal organization of the civil service authorities in accordance with this law and by-laws enacted on the basis of this Law.

**Article 7**  
**Director of independent administration and independent institution**

1. The Director of independent administration and independent institution shall manage the administration

or institution and be responsible for the performance of all tasks within the competence of the administration or institution.

2. The Director is responsible for his/her work and his/her administration before the Federation Government or cantonal government as appropriate.

**Article 8**  
**Senior Executive Manager**

1. The Senior Executive Manager shall perform functions of pertinence to the internal organization and work of a civil service authority, coordination of the work of departments and sectors, cooperation between the authorities and other bodies of civil service and companies, realization of the work programs of the civil service authorities and shall hold responsibility over the use of financial, material and human resources and shall perform other functions as ordered by the Head of the civil service authority.
2. The Senior Executive Manager is responsible for his/her work and his/her administration before the Head of the civil service authority.

**Article 9**  
**Director of administration and authorities falling within the Ministries**

1. The Director of administration and institution that fall within the Ministries shall manage the administration or institution, as provided by Law.

**Article 10**  
**Assistant Head of a civil service authority**

1. The Assistant Head of a civil service authority shall perform function of managerial nature over the basic organizational unit and hold responsibility over the use of financial, material and human resources assigned to a given basic organizational unit.
2. The Assistant Head is responsible for his/her work and for his/her administration before the Head of the civil service authority.

**Article 11**  
**Main Federation and Main Cantonal Inspectors**

1. The Main Federation and Main Cantonal Inspectors shall manage functions of pertinence to the inspection over enforcement of Federation laws, cantonal laws, other regulations and general acts that fall within their respective competence.
2. While carrying out the inspection, the Main Federation inspectors shall realize cooperation with the competent cantonal or city and municipal inspectors pertaining to the matters in the common interest of the discharge of the inspection, and shall render the necessary expert assistance to the latter.

**Article 12**  
**Head of the Internal Organizational Unit**

1. The Head of the Internal Organizational Unit shall perform functions of higher level of complexity and hold responsibility over the use of financial, material and human resources assigned to the internal organizational unit in question.
2. The Head of the Internal Organizational Unit is responsible for his/her work and administration to the Assistant, or alternatively to the Secretary of the civil service authority in case there is no Assistant Head within the authority concerned.

**Article 13**  
**Inspectors**

1. The Inspectors shall perform functions of pertinence to the inspection supervision over the application of the laws and other regulations enacted pursuant to the laws and supervision over the work of the civil service bodies, in accordance with law.

**Article 14**  
**Senior Advisor**

1. The Senior Advisor is a civil servant, whose duties entail responsibility, high level of skills and autonomy for certain areas of work within an organizational unit.
2. The Senior Advisor shall report either to the Assistant Head of the Civil Service authorities or to the Head of the organizational unit.

**Article 15**  
**Senior Official**

1. The Senior Official shall perform functions of responsibility in a given organizational unit.
2. The Senior Official shall report to the Head of the organizational unit.

**Article 16**  
**Specialist**

A Specialist is a civil servant specialized in a given area of work.

**CHAPTER III**  
**DUTIES AND RIGHTS OF CIVIL SERVANTS**

**Article 17**  
**Duties of the Civil Servant**

1. A civil servant shall perform the tasks assigned in the job description and apply and ensure compliance with the constitutional and legal order in the State of Bosnia and Herzegovina and in the Federation;
2. Should a civil servant receive an allegedly illegal order, he shall apply the following procedure:
  - a) He shall draw the attention of the issuer of the order to its illegality;
  - b) 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;
  - c) Should the order be confirmed, the civil servant shall notify the order to the immediate superior of the issuer of the order and be compelled to perform it unless the order does constitute a criminal offense. In such a case, the civil servant shall refuse to perform it and denounce the matter to the competent Prosecutor's Office;
3. A civil servant shall be impartial and in particular:
  - a) Refrain from any action or omission in performing his or her official duty, which are incompatible with or infringe the duties established by this Law and refrain in particular from publicly manifesting his/her political beliefs or abusing his/her religious beliefs;

- b) Not pursue nor accept for himself or for his/her relatives any gain, benefit, advantage in money, services or similar, other than those authorized by this Law;
- 4. A civil servant shall be guided by the public interest in the performance of his/her duties and in particular:
  - a) Serve and assist the public;
  - b) Provide the public, interested parties and public authorities with the information requested subject to Law on Freedom of Access to Information.
- 5. A civil servant is not allowed to use or occupy real estate owned by a refugee or displaced person, nor shall he/she occupy an apartment where a claim for repossession has been filed by a refugee or displaced person, nor shall occupy apartments that should be under administration of municipal administrative organs in charge of housing affairs and are to be used for the purpose of alternative accommodation.
- 6. A civil servant shall abide by all other duties as provided in this Law.
- 7. In performance of his/her duties a civil servant shall especially be guided by principles determined in the Code of Ethics of Civil Servants enacted by the Civil Service Agency (hereinafter referred to as: the Agency). The Code shall be published in the “Official Gazette of the Federation BiH.”

**Article 18**  
**Rights of the civil servant**

- 1. A civil servant shall have a right to:
  - a) A permanent tenure of office until such time the requirements for pension are met, unless otherwise provided by this Law;
  - b) A leave of absence as established by law and to continue in the same or similar job position when the leave ends;
  - c) Be rewarded according to duties and performance as established by Chapter V of this Law;
  - d) Be entitled to salary and compensation as established by Chapter V of this Law;
  - e) Be encouraged and supported in career education and professional development through training and other means;
  - f) Be protected in his/her physical and moral integrity by the State of Bosnia and Herzegovina, while fulfilling his/her official duties;
  - g) Be treated by his/her superiors with respect to his/her human dignity;
  - h) Be entitled to form and to join a Trade Union or a professional association in accordance with law;
  - i) Go on strike in accordance with law;
- 2. A civil servant shall be entitled to receive fair and equitable treatment in all aspects of personnel management without regard to his/her ethnic origin, social origin, entity citizenship, permanent residence, religion, political or other opinion, sex, color, birth, marital status, age, property, handicap or other status;

**Article 19**  
**Incompatibilities**

1. A civil servant shall not exercise a function, an activity or hold a position, which constitutes conflict of interests with his/her official duties and, in particular:
  - a) A civil servant shall not exercise any additional remunerative activity unless authorized by the Head of the Civil Service authority. The Federation Government shall adopt by-laws that determine the cases in which an authorization may be given;
  - b) A civil servant who has been released from office may not, within two years after the date of release of office, be employed by an employer over whom, or join a company over which, he or she exercised regularly supervision. The civil servant shall also not receive any income from such an employer or company within two years after the date of release from office;
  - c) A civil servant, with the exception of those holding the managerial positions, shall be considered on leave from the Civil Service from the moment he is certified as a candidate for a public office to which is directly or indirectly elected or from the moment he is appointed to a position within any legislative or executive body of authority at any level of government in the Federation of Bosnia and Herzegovina. In such cases, a civil servant holding the managerial position shall resign from the Civil Service position;
  - d) The civil servant mentioned under subparagraph 1 c) of this article, with the exception of those holding the managerial positions, shall be reinstated in the same or similar job position not later than one month after the following cases: failure to be elected, end of his/her term and end of his/her position within a legislative or executive body of authority at a level of government in the Federation Bosnia and Herzegovina;
  - e) A civil servant shall not be a member of governing or others boards of political parties and shall not follow political parties' instructions;
2. When appointed as civil servant a civil servant shall disclose, in accordance with this Law, all information on property at his or her disposal.
3. All data referred to in paragraph 2 of this article shall be kept recorded in the Civil Service Register in accordance with regulations on data protection in force in the Federation.

**Article 20**  
**Rights and obligations of Advisors**

1. An advisor referred to in paragraph 5 of Article 5 of this Law shall not be granted a security of tenure:
  - a) He/She may be dismissed at any time by the office holder referred to in Article 5 of this Law, who appointed him/her to the advisor's position;
  - b) The term of an advisor may not be longer than the term of the individual he/she advises;
  - c) The appointment as an advisor shall not be transformed into the position of civil servant with a security of tenure;
2. Should a civil servant, with the exception of those holding the managerial positions, be appointed to the position of advisor, he/she shall be considered on leave from the moment of his/her appointment.
3. In the case referred to in paragraph 2 of this Article, a civil servant holding the managerial position shall resign from the Civil Service.
4. The civil servant mentioned under paragraph 2 of this article, with the exception of those holding the managerial positions, shall be reinstated in the same or similar job position not later than one month after

the end of his/her appointment, provided that such position exists.

5. An advisor shall resign from the moment he/she is certified as a candidate for an elected position or from the moment he/she is appointed to a position within any legislative or executive body of authority at any level of government in the Federation of Bosnia and Herzegovina.
6. The Federation Government shall adopt by-laws that define the specific cases of incompatibilities for the position of advisor.

**Article 21**  
**Decisions concerning the rights and duties of civil servants**

1. The head of a civil service authority shall pursuant to this Law and relevant bylaws decide the rights and duties of civil servants arising from employment, unless this law and relevant bylaws provide for another authority (the Agency and Civil Service Appeals Board) to make such decisions.
2. An administrative act shall be issued about the rights and duties referred to in paragraph 1 of this Article.
3. The issue of the decision and its submission to the civil servant shall be subject to application of relevant provisions of the Law on Administrative Procedure.
4. The civil servant shall be entitled to an appeal against the decision referred to in paragraph 2 of this Article before the Civil Service Board (hereinafter referred to as: the Civil Service Appeals Board), within the period of fifteen (15) days following the receipt of the decision. The said appeal is lodged in order to review the validity of the issued decision.

**CHAPTER IV**  
**VACANCY, TRANSFER, RECRUITMENT, PERFORMANCE MANAGEMENT, PROMOTION**

**Article 22<sup>1</sup>**  
**Filling of a Vacancy**

A vacancy for a civil servant position within a civil service authority shall be filled in such the manner foreseen in Articles 22a through 24 and Article 35 of this Law as chosen by the head of the civil service authority.

**Article 22.a<sup>2</sup>**  
**Internal Transfer of a Civil Servant**

1. Should a vacancy for a civil servant position exist within a civil service authority, the head of the authority shall first consider whether the position can be filled through an internal transfer of a civil

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<sup>1</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, Article 22 was amended.

**Previously:**  
**Vacancies**

1. Should a vacancy for a civil servant position exist within a Civil Service authority, the authority shall first advertise this vacancy internally within the Civil Service of the Federation. The Authority shall consider whether the position can be filled, in accordance with Article 35, through an internal transfer of a civil servant occupying a similar position within the authority or Civil Service of the Federation.

2. Should an internal transfer not be possible, the vacant position shall be advertised for open competition, which shall be carried out in accordance with this Law.

<sup>2</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, Articles 22.a, 22.b and 22.c were added.



servant occupying the same or a similar position within that authority of civil service. The transfer may be voluntary, with the consent of the civil servant subject to transfer, or exceptionally, it may be imposed pursuant to the objectively ascertained and pressing requirements of the service. An imposed transfer may also be deployment of a civil servant from one to another position. The transfer shall be made by a decision to be taken by the head of the civil service authority. A copy of such decision shall be sent to the Agency.

2. In deciding on a transfer, the performance appraisal of the civil servant to be transferred shall be taken into account, as well as his or her overall professional skills with respect to the performance of the tasks of the position to which he or she is being transferred.
3. Should the transfer entail a change of the residence, the civil servant shall be entitled to an appropriate compensation, which shall be determined in the rulebook referred to in Paragraph 2 of Article 46 of this Law.”

#### **Article 22.b**

#### **Transfer of a Civil Servant from a Civil Service Authority by Mutual Agreement**

A civil service authority may, by an agreement with another civil service authority of the same level of government and upon the consent or written request of the civil servant concerned, take over the civil servant referred to in Article 6, Paragraph 1, Item a) of this Law, it may only take over those managerial civil servants referred to in Items 2, 4 and 5, who occupy the positions of the same level as the position to which the take over is being made. The transfer shall be made by a written agreement, upon the opinion obtained from the Agency.”

#### **Article 22.c**

Special requirements for recruitment of persons at the positions as Advisors, as well as the requirements which must be met by Advisors who already hold that position, must be identical to the requirements for recruitment of the civil servants whose position is described as Deputy Head of the Civil Service authority.

#### **Article 23<sup>3</sup>**

#### **Filling of Vacancies from the Redundancy List**

1. When the head of a civil service authority decides not to fill a vacant civil service position through Art. 22a and 22b of this Law, or if a vacant civil service position is not filled through in that manner, the civil service authority shall file a request with the Agency to fill the vacancy.
2. The Agency shall first attempt to fill the position with civil servants from the list of redundant civil servants kept by the Agency for all civil service authorities in the Federation of Bosnia and Herzegovina. The vacancy shall be filled in accordance with the criteria and rules for the selection of civil servants regulated by a by-law of the Agency.

#### **Article 24<sup>4</sup>**

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<sup>3</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, Article 23 was amended.

Previously:

#### **Internal Advertising**

1. The advertisement of the vacancy shall be done by the Agency.
2. The internal advertisement shall be published, at least twenty (20) days before the application deadline, in the authority where the vacancy occurred and in other authorities within the Civil Service of the Federation.
3. The advertisement shall contain:
  - a) A description of the vacant position;
  - b) A description of the type of competition;
  - c) The list of the most important subject matters for the competition;
  - d) The list of required documents, deadline and place for their submission;
  - e) The specific academic and professional requirements for the position to be filled;
  - f) Other requirements, as might be deemed appropriate for the specific vacancy.

1. If a vacancy in a civil service authority cannot be filled in the manner foreseen in Article 23 of this Law, the Agency shall then fill the vacant position by advertising for an open competition to be conducted in accordance with the provisions of this Article and Articles 25 through 32 of this Law.”
2. No discrimination in the civil servant recruitment and promotion processes shall be allowed on the grounds of gender as provided by Article 3 of the Law on Gender Equality in Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”. no. 16/03).
3. The advertisement shall be published at least 15 days before the application deadline in the “Official Gazette of the Federation of Bosnia and Herzegovina” and in at least two daily newspapers widely distributed throughout the territory of Bosnia and Herzegovina and on the official web site of the Agency.
4. An open competition shall contain:
  - a) The title and a description of the vacancy;
  - b) The general requirements referred to in Article 25 of this Law;
  - c) The specific requirements established by the rulebook on internal organization;
  - d) The list of required documents, deadline and place for their submission.
5. The costs of advertising the open competition shall be borne by the civil service authority that required the conduct of the competition.

### **Article 25**

#### **General Requirements for Appointment as Civil Servant**

1. To be appointed as a civil servant a person shall meet the following general requirements:
  - a) To be a citizen of Bosnia and Herzegovina;
  - b) To be more than 18 years of age;
  - c) To hold a university degree or other educational or academic qualifications of minimum level VII;
  - d) To satisfy the requirements of a medical examination for the duties assigned to the position;
  - e) Not to have been dismissed from the Civil Service as a consequence of a disciplinary measure at all levels of government in Bosnia and Herzegovina within three years before the date of the publication of the vacancy;
  - f) Not to be affected by Article IX.1 of the Constitution of Bosnia and Herzegovina.
2. Notwithstanding the requirements set out in paragraph 1 of this article, the persons holding a two-year post secondary education (degree VI) appointed earlier as civil servants may maintain the position for a period not exceeding ***three (3) years***<sup>5</sup> following the entry into force of this Law

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<sup>4</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, Article 24 was amended.

**Previously:**

**External Advertising**

1. The open competition of the vacancy shall be advertised by the Agency.
2. The advertisement shall be published, at least one (1) month before the application deadline, in the Official Gazette of the Federation and in at least one daily newspaper widely distributed throughout the territory of Bosnia and Herzegovina and notice board of each town hall.
3. The advertisement shall contain the general requirements for appointment as a civil servant and the items enumerated under Article 23 paragraph 3 of this Law.

<sup>5</sup> In bold and italic – According to the Law Amending the Law on Civil Service in the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 67/05, In the Law on Civil Service in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, 29/03, 23/04, 54/04), in Article 25, paragraph 2, the words “two years” shall be replaced with the words “three years”, and the other text of the Law shall remain unchanged.

**Article 26**  
**Non-discrimination**

1. When conducting an open competition, the Agency shall ensure that the selection of a civil servant shall be done in accordance with Article 18 paragraph 2 of this Law.

**Article 27**  
**Selection Committees**

1. The Agency shall appoint special selection committees that are impartial in administrating the open competitions.
2. The selection committee shall be composed of three members, of which at least two members shall be civil servants of the authority concerned (of which latter number one shall be member a representative of trade union) and have a demonstrable academic and professional expertise in the areas covered thereupon during the open competition. The other members of the selection committee shall be appointed from a list of experts approved by the Agency.<sup>6</sup>
3. The Selection committee shall designate a Chairman among their members and adopt rules of procedure, by majority of votes of all members.
4. The selection committee members shall be entitled to fees for their work in the commission, the amount of which shall be established by the committee appointment decision according to the criteria specified by the Agency, and shall be paid from the funds of the civil service authority for the needs of which the committee was established.<sup>7</sup>

**Article 28**  
**Resignation and Disqualification of the Selection Committee Members**

1. Should a conflict of interest for a member of the selection committee exist, such a member shall resign from the committee membership.
2. Any registered candidate may ask and receive the names of the members of the selection committee from the Agency.
3. Any registered candidate may introduce a request before the Civil Service Appeals Board to disqualify any member of a selection committee on the basis of:
  - a) Conflict of interest as provided under Art.19 of this Law;
  - b) Obvious risk of prejudice or bias;
  - c) Lack of the required expertise;
4. The review conducted by the Civil Service Board concerning the allegations for disqualification of a Selection Committee member shall not stay the recruitment process. The whole recruitment process shall be declared null and void if so is requested by the Civil Service Appeals Board or the competent court of

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<sup>6</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, in the Article 27, Paragraph 2, the first line the words: “*five members*” shall be replaced by the words “*three members*” and the words “*at least three*” shall be replaced by word “*two*”, and in the third line, after the word: “*member*”, the words “*a representative*” shall be added, and in the fifth line: “*the other two members*” shall be replaced by words: “*other members*”.

<sup>7</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, after Paragraph 3, new Paragraph 4 was added.

law. In such case, the Agency for Civil Service shall reorganize an open competition in accordance with this Law.

### **Article 29 Open Competition**

1. The Agency for Civil Service shall determine the nature and the content of the open competition.
2. The open competition shall include:
  - a) a general exam;
  - b) a specialized exam;
3. The Federation Government shall, by virtue of a by-law and upon the proposal of the Agency, determine the conditions, manner and curriculum of the exams referred to in paragraph 2 of this article.
4. Candidates who have passed a specialized administrative or bar exam, shall be exempt from taking the general exam prescribed by Paragraph 2.a) of this article.

### **Article 30 Selection Process**

1. A selection committee shall examine and select the candidates upon professional merit assessed through an open competition that shall be identical for all candidates applying for the same vacancy. Such an open competition shall take place thirty (30) days after the application deadline.
2. The Agency shall enact by-laws that determine the system of allocation of scores for each candidate in accordance with Articles 25, 29, and 70 of this Law.
3. The Agency shall publicize the results of the open competition on the notice board and notify each applicant in writing of his/her results in accordance with this Law.

### **Article 31 Appointment of the civil servant**

1. The appointment of a civil servant shall be carried out by the head of the competent civil service authority, upon the prior opinion obtained from the Agency, from the list of successful candidates who have passed the open competition.
2. The Municipal Executive and the city Mayor shall appoint their respective Municipal and city civil servants, upon the prior opinion obtained from the Agency, from the list of successful candidates who have passed the open competition.
3. A reserve list of successful candidates shall be kept until the appointed candidates have completed the probationary period.
4. Appointments shall be made by an administrative act published in the notice board of the concerned civil service authority and delivered to the civil servant. Before taking office, an appointed candidate shall receive a written description of the conditions of service and of the terms of reference attached to his/her position.
5. The appointment act shall contain:
  - a) The given name and surname of the civil servant;
  - b) The name of the civil service authority in which the civil servant is appointed;
  - c) The title of the position and the salary grade;

6. An appointed candidate shall take office by swearing an oath of allegiance before the head of the civil service authority. The Agency shall determine the text of the oath. The signed text of the oath shall be included in the personal file of the civil servant.

### **Article 32** **Probation period**

1. For the first employment in the Civil Service authorities a civil servant shall undergo a probationary period. The probationary period of the civil servants shall include both an induction and a performance period and shall have an overall duration of six (6) months, unless otherwise provided in this Law.
2. The direct superior civil servant shall be designated as a supervisor responsible for carrying out a performance appraisal at the end of the probationary period. In the case of the appointment of the managerial civil servants, the probationary performance appraisal shall be exercised by the Head of the civil service authority.
3. Should the performance appraisal be:
  - a) Satisfactory, the appointing authority shall confirm the appointment of the civil servant;
  - b) Unsatisfactory, the appointing authority shall dismiss the civil servant, who shall in consequence lose his/her status without receiving any dismissal due compensation. The dismissed civil servant shall in accordance with Article 70 of this Law file an appeal to the Civil Service Appeals Board for a review of the decision.
4. Notwithstanding Paragraph 3 b) of this Article, the civil servant may be granted an extension up to six months of the probationary period upon a motivated request to the head of the civil service authority.
5. Should a civil servant be dismissed according to Paragraph 3 b) of this Article, the next successful candidate from the reserve list under Article 31, paragraph 3 of this Law shall be appointed to fill the vacancy.
6. The trainees referred to in Article 37 of this Law shall not be subject to undergoing the probation period.

### **Article 33** **Performance Evaluation**

1. The performance evaluation of a civil servant refers to the monitoring and the appraisal of his/her accomplishments in accordance with his/her position during his/her tenure. A civil servant shall concur equally with their direct superior to their performance evaluation.
2. The head of the civil service authority shall perform the performance evaluation for managerial and other civil servants.
3. The head of the authority upon the proposal of their direct hierarchical superior shall carry out a performance appraisal for all civil servants at least every twelve (12) months.
4. The performance appraisal shall be based upon the results achieved during the performance of functions determined by the job description and the objectives established by their direct hierarchical superior for the time period in question.
5. The results achieved during the performance of functions for the reporting period shall be determined by the following marks: Unsatisfactory, Satisfactory, Successful and Exceptionally Successful to be further defined by By-laws enacted by the Civil Service Agency.
6. The results of the performance appraisal shall be taken into account for promotion and internal transfers. All civil servants shall:

- a) Have unrestricted access to their performance appraisal inserted in their personal file in accordance with Article 62 paragraph 2 of this Law;
  - b) Be given the opportunity within a reasonable timeframe to attach written comments to their performance appraisal and to have the possibility to file an appeal to the Civil Service Appeals Board for the purpose of having the performance appraisal reviewed.
7. Should the performance appraisal be negative, the civil servant shall undergo a specific program established by his/her direct hierarchical superior in consultation with him in order to remedy this situation.
  8. Should there be two consecutive negative performance appraisals, the head of the civil service authority shall, upon the prior opinion obtained from the Agency, dismiss the civil servant. The civil servant may file an appeal to the Civil Service Appeals Board for purpose of having the dismissal reviewed in accordance with Article 65 of this Law.

#### **Article 34** **Career Advancement and Promotion**

1. The career advancement of a civil servant to a higher working position referred to under Article 6, paragraph 1, sub-paragraph a) of this law within the same or a different civil service authority shall exclusively take place through open competition.
2. The promotion of a civil servant to a higher category referred to under Article 6 paragraph 1, sub-paragraph b) shall be based upon positive performance appraisals and shall be decided upon by the head of the civil service authority.

#### **Article 35<sup>8</sup>** **Civil service promotions**

1. The head of the civil service authority may promote the civil servant from the authority managed by the head to a next higher position. Such promotion shall be conducted within the range of positions set forth in Article 6, Paragraph 1 b) of this Law, and shall be conducted when there exists a vacancy for such higher civil service position.
2. The promotion is conducted by way of an internal advertising published on the notice board of the civil service authority conducting such promotion, and the vacancy advertisement shall stay on within the period of 7 days following the date of its publication. The advertisement shall contain: the name of position, a description of tasks and requirements of the position as set under the rulebook on internal organization of the civil servant authority.
3. The head of the civil service authority shall appoint a commission of three members, which shall propose for promotion the candidate with the best professional and other qualities based on the performance assessment and other demonstrated professional and expert skills from among the civil servants who have applied for the internal advertisement. The promotion shall be conducted by way of a decision issued by the head of the relevant civil service authority. A copy of the decision shall be sent to the

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<sup>8</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, Article 35 was amended.

Previously:

#### **Internal Transfer**

1. An internal transfer from a Civil Service position to a similar position within the same civil service authority may be voluntary or imposed upon a civil servant pursuant to the objectively ascertained requirements of the civil service.
2. A voluntary transfer shall require the existence of a vacant position in accordance with Article 22 of this Law. This vacancy shall be filled through an internal competition and be based on the respective merits of the civil servants applying for the vacant position in the civil service authority.
3. Should the transfer of a civil servant entail a change of residence, the civil servant shall be entitled to an appropriate compensation in accordance with rules specified by the head of the civil service authority.

Agency.

**Article 35a**  
**External Transfer and Reassignment**

1. *An external transfer and a reassignment of a civil servant from a Civil Service authority 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 competenc(ies) from the Federation of Bosnia and Herzegovina to Bosnia and Herzegovina, or upon assumption by Bosnia and Herzegovina, under the Constitution, of responsibilities previously exercised by the Federation of Bosnia and Herzegovina.*
2. *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 Federation of Bosnia and Herzegovina to the Institution of Bosnia and Herzegovina, the Civil Service authority shall propose to the Head of the Institution of Bosnia and Herzegovina that the Civil Service authority 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.*
3. *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.<sup>9</sup>*

**Article 36**  
**Redundancies**

1. Redundancy occurs exclusively in the case of a re-organization (streamlining) or a reduction in scope of work of a civil service authority or dissolution of the authority.
2. The Agency shall declare a civil servant redundant upon proposal of the civil service authority.
3. A civil servant declared as redundant as provided by Article 22 of this Law may be:
  - a) assigned to a similar vacant position as a civil servant in another authority;

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<sup>9</sup> In italic – According to the High Representative's Decision Enacting the Law on Amendments to the Law on Civil Service of the Federation of the Bosnia and Herzegovina No. 206/04, published in the "Official Gazette of the Federation of Bosnia and Herzegovina", 23/04, after Article 35 of the Law on Civil Service of the Federation of Bosnia and Herzegovina (Official Gazette of the Federation of Bosnia and Herzegovina No. 29/03), a new Article 35a shall be added to read as follows:

"Article 35a

External Transfer and Reassignment

"1. An external transfer and a reassignment of a civil servant from a Civil Service authority 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 competenc(ies) from the Federation of Bosnia and Herzegovina to Bosnia and Herzegovina, or upon assumption by Bosnia and Herzegovina, under the Constitution, of responsibilities previously exercised by the Federation of Bosnia and Herzegovina.

2. 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 Federation of Bosnia and Herzegovina to the Institution of Bosnia and Herzegovina, the Civil Service authority shall propose to the Head of the Institution of Bosnia and Herzegovina that the Civil Service authority 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.

3. 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."

- b) should the reallocation not be possible, the redundant civil servant shall be offered an early retirement in accordance with law (a separate law);
  - c) should an early retirement not be possible, the redundant civil servant shall be dismissed by the appointing authority and may file an appeal to the Civil Appeals Service Board and ask for review of his/her dismissal in accordance with this Law;
  - d) the redundant civil servant who is not redeployed, shall be entitled to a severance package in accordance with Article 45 of this Law and to unemployment benefits in accordance with law.
4. If a similar vacant position is advertised in the civil service authority within the period of one (1) year after the dismissal, the redundant civil servants shall hold a priority to fill the vacant positions in the authority.

**Article 37**  
**Trainees**

- 1. The head of the civil service authority may request from the Agency the possibility to admit into work a trainee, who shall be recruited based on an open competition to be advertised by the Agency.
- 2. The civil service authority is obliged to advise the trainee with the contents of the curriculum and the way of monitoring his/her traineeship.
- 3. The traineeship shall take at least one year, after which the trainee shall obtain the right to apply for open competition in accordance with Article 29 of this Law.

**Article 37a<sup>10</sup>**  
**An employment for a fixed period**

- 1. When a civil servant is absent from work for a longer period of time (sick leave, maternity leave, etc.) a civil servant may be recruited for a fixed period of time that shall last until the absent civil servant comes back to his work. The recruitment procedure shall initially be done in accordance with Article 23 of this Law, and if that is not possible, the Agency shall fill the position concerned at the request of the civil service authority in accordance with Article 24 of this Law.
- 2. The employment referred to in Paragraph 1 of this Article may not become an employment for an indefinite period.

**CHAPTER V**  
**SALARIES AND ALLOWANCES**

**Article 38**  
**Criteria for Determination of Salaries**

- 1. A civil servant shall be entitled to a salary of which the amount is dependent on type of the civil service position.
- 2. Provisions set forth in Articles 38 through 45 of this Law represent the salary structure for civil servants in the civil service authorities of the Federation.

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<sup>10</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, a new Article 37.a was added.



**Article 39**  
**Salary Structure**

1. The initial basis for calculation of a civil servant's salary shall be the same for all civil servants in the authorities at all levels of government and shall be determined by the Federation Government in accordance with the civil service positions defined in article 6, paragraph 1 of this Law.
2. The initial basis referred to in paragraph 1 of this Article shall be negotiated between the Trade Union, the Federation Government and the cantonal governments.
3. The coefficients relating to the salary grades and within the salary grades shall be determined by the Federation Government for the Federation civil service authorities, by the Cantonal Government for the cantonal civil service authorities, Municipal and City Councils for the Municipal and City civil servants respectively, in accordance with the civil service positions defined in article 6, paragraph 1 of this Law.

**Article 40**  
**Calculation of Salary**

1. The salary shall be determined by multiplying the basis from Article 39 paragraph 1 of this Article by the coefficient of salary grade and the total amount is raised pursuant to number of years of service.
2. A civil servant whose performance for the last two years consecutively is evaluated as "exceptionally successful" shall be entitled to a salary increase by up to 20 % of the salary established determined for that position, provided that such an increase does not exceed the next salary grade. A civil servant whose performance for the last two years consecutively is evaluated as "successful" shall be entitled to a salary increase by up to 10 % of the salary established for that position, whereas a civil servant whose performance for the last two years consecutively is evaluated as "satisfactory" shall be entitled to a salary increase by up to 5 % of the salary established for that position.
3. The salary shall be raised by 0.5% for each started year of service, and not higher than by a total of 20%.

**Article 41**  
**Remuneration for a Temporary Performance of Overwork**

1. Should an institution be unable to provide personnel to fill the civil service vacant positions, the civil servants who temporally perform these functions in such an institution shall receive an increment of a special salary bonus in addition to the basic salary amount by up to 50%, depending on the extent to which the volume of work has been increased.
2. The Agency shall provide its opinion in any particular case if the requirements in terms of implementation of paragraph 1 of this Article are met.

**Article 42**  
**Paid absence**

1. A civil servant shall be entitled to salary compensation up to the amount of a single salary over the period of annual leave and paid absence and for the first thirty (30) days of the absence from work due to sickness or disability.

**Article 43**  
**Other Forms of Remuneration**

1. A civil servant shall be entitled to remuneration for:
  - a) Compensation of costs of transportation to and from work (local public transportation bonus);
  - b) Compensation for food rations; (luncheon vouchers);
  - c) Holiday cash grant;

- d) Serious illness and his/her family member shall receive a separate allowance in case of death of the civil servant or death of his/her close relative;
  - e) Compensation of the costs of moving from the place of permanent residence to the place where the official apartment is located and back;
  - f) Compensation for education expenses; (training and education allowances);
  - g) Anniversary rewards;
  - h) Retirement severance pays.
2. The managerial civil servants whose place of permanent residence is 120 kilometers away from the place of civil service authority in which they perform their official duties shall for the period of two (2) successive years be entitled to family separation allowances and coverage of lodging expenses incurred in the place of work.
  3. The Federation Government shall establish under a bylaw the criteria and conditions concerning the remuneration referred to paragraph 1 of this Article.
  4. The Federation Government and cantonal governments shall by way of a collective agreement in the negotiation with the trade union determine the amounts of remuneration referred to in paragraph 1 of this Article.

**Article 44**  
**Remuneration for Official Trips**

1. A civil servant shall be entitled to compensation of expenses concerning official trips (per diem, transportation expenses, etc.).
2. The Federation Government shall establish under a bylaw the types and amounts of costs referred to in Paragraph 1, the amount of which shall be determined by way of a collective agreement through the negotiation with the trade union.

**Article 45**  
**Rights in Case of Redundancies**

1. In case of dismissal as a result of redundancies as provided for under Article 36, the dismissed civil servant shall be entitled to a severance package in the amount of at least six (6) months' salary.
2. The dismissed civil servant with more than six (6) years of service shall be entitled to one additional month of severance pay for each additional year of service, and up to twelve (12) years of service. The severance package for those with more than twelve (12) years of service shall amount to twelve (12) months salary.

**Article 46**  
**Approval of the Salaries and Allowances for the Civil Servants**

The funds for salaries and allowances of civil servants shall be provided in the budget of the Federation, cantons, cities and municipalities.

The head of the civil service authority shall adopt a rulebook on salaries and remuneration according to this law and by-laws.

## **CHAPTER VI WORKING CONDITIONS**

### **Article 47 Labor and Social Regulations**

1. The Labor Law, other laws and collective agreements regulating the rights and obligations deriving from employment shall apply to a civil servant, unless otherwise provided by this Law.

### **Article 48 Leave and Vacation**

1. The civil servants holding positions as referred to in Article 6. 1. b) shall be entitled to annual leave of at least twenty (20) workdays and to paid absence of five (5) workdays per one calendar year.
2. The civil servants holding positions as referred to in Article 6 1 a) shall be entitled to annual leave of at least twenty-five (25) workdays and to paid absence of five (5) workdays per one calendar year.
3. The number of annual leave days for civil servants, that would exceed those provided for in paragraphs 1 and 2, shall be regulated by the Federation Government under separate by-laws.
4. The number of annual leave days shall on no account exceed 36 working days.
5. The number of annual leave days referred to in paragraphs 1 and 2 of this Article shall be determined by the Federation Government and cantonal governments by way of a collective agreement through the negotiation with the trade union.

### **Article 49 Unpaid Leave and Part Time**

The Federation Government shall further determine the conditions pursuant to which a civil servant may take the unpaid leave as well as when a civil service position may be exercised part-time.

### **Article 50 Training**

1. Civil servants shall have the duty to make permanent efforts with regard to their on-the-job education and further training.
2. Civil servants shall be entitled and obligated to participate in seminars and other forms of educational activities.
3. Decisions regarding the participation of civil servants in seminars and other forms of educational activities shall be made by the head of the civil service authority, taking into account at the same time that the equal representation of all civil servants has to be accomplished.

## **CHAPTER VII TERMINATION OF SERVICE**

### **Article 51 Termination of the civil service office**

A civil servant shall lose his/her civil service status in a civil service authority in the following cases:

- a) Voluntary resignation from the civil service;
- b) By meeting the legal requirement concerning his/her years of life, or by completing 40 years of service required for retirement;
- c) Loss of the citizenship of Bosnia and Herzegovina;
- d) Acquisition of the citizenship of another country contrary to the Constitution and the laws of Bosnia and Herzegovina;
- e) Redundancy;
- f) Refusal to take the oath allegiance and/or to sign the text of it;
- g) Unsatisfactory probationary period;
- h) Two consecutive negative performance appraisals;
- i) Conviction against him/her for a criminal offense and that due to his/her serving of the prison sentence the civil servant must be absent from work in the civil service for more than six (6) months;
- j) Dismissal from the service as a result of a disciplinary sanction imposed;
- k) By submitting any documents or statements during the application process that are later proved to be false.

#### **Article 52**

#### **Procedure of Termination of the Civil Service Office**

1. The civil servant shall be dismissed by the head of civil service authority, upon the prior opinion obtained from the Agency, with the exception of Article 51, paragraph 1, sub-paragraph i) of this Law.
2. The Municipal civil servants shall be dismissed by the Municipal Executive, upon the prior opinion of the Agency, with the exception of Article 51, paragraph 1 sub-paragraph h) of this Law.
3. The city civil servant shall be dismissed by the Mayor, upon the prior opinion of the Agency, with the exception of Article 51, paragraph 1 sub-paragraph h) of this Law.
4. A civil servant referred to in paragraph 1, 2 and 3 of this article may, within fifteen (15) days from the receipt of the decision on dismissal, file a complaint to the Civil Service Appeals Board. A complaint shall stay the execution of the decision on dismissal.

#### **Article 53**

#### **Compensations**

Should a civil servant lose his/her status, he/she shall not be entitled to severance pay, with the exceptions of Article 51, paragraph 1, sub-paragraph e) of this Law.

#### **Article 54**

#### **Irregular Appointments**

Recruitment and appointment of a civil servant done in contravention of this Law and by-laws adopted in accordance with this Law, shall be declared null and void by the Civil Service Appeals Board.

### **CHAPTER VIII**

### **DISCIPLINARY RESPONSIBILITIES**

#### **Article 55**

#### **Disciplinary Responsibilities**

1. A civil servant may be held disciplinary accountable for the violation of official duties provided by this Law, when the violation occurred as a result of his/her own fault.
2. Violation of official duties can comprise:

- a) undertaking actions defined as criminal offences against official duty, other criminal or minor offences which are harmful to the notoriety of the civil service making the servant ineligible for the engagement in the civil service;
  - b) betrayal of the State, military and official secrets;
  - c) abuse of the official position or overstepping its authorizations;
  - d) failure to execute the entrusted tasks, failure to consciously and carefully execute the official duties and tasks;
  - e) undertaking actions which may impede or prevent citizens or other parties in realization of their respective rights in the procedures before the civil service authorities;
  - f) undertaking actions or activities in contravention to the interests of the civil service;
  - g) causing a substantial material damage consciously or by extreme negligence;
  - h) unexcused absence from work;
  - i) breach of regulations related to the working discipline at the Civil Service;
  - j) failure to execute entrusted tasks and duties in a timely and proper manner;
  - k) indecent attitude towards citizens, collaborators and other parties in performing the Civil Service office.
3. The accountability for committing criminal acts and minor offenses shall not exclude the disciplinary accountability of a civil servant, provided that such an act also constitutes a breach of duty.
  4. The Federation Government shall enact by-laws which shall further determine the breach of official duties and regulate the rules of the disciplinary procedure.

**Article 56**  
**Disciplinary Procedure**

1. Any civil servant may file a disciplinary complaint to the Head of the Civil Service Authority in order to commence the disciplinary procedure. The complaint must be elaborated.
2. The head of the civil service authority or a person designated by him shall initiate the disciplinary procedure against the concerned civil servant.
3. The disciplinary procedure against the civil servant shall be conducted and disciplinary sanctions imposed by a disciplinary commission.
4. The Agency shall appoint the members of the disciplinary commission. The Commission shall consist of three (3) members, and the head of the civil service authority may not be member of the Commission.
5. The disciplinary commission shall during the procedure obtain the opinion of the Civil Service Mediator on the disciplinary complaint concerned.
6. The Agency shall execute the final decisions issued in the disciplinary procedure.
7. The civil servant shall have the right to lodge an appeal against the decision of the disciplinary commission to the Civil Service Appeals Board for the purpose of reviewing the issued decision. The appeal may be lodged within 15 days following the receipt of the disciplinary commission decision.

**Article 57**  
**Disciplinary Sanctions**

The following disciplinary sanctions may be ordered for the violation of Article 55 by a civil servant:

- a) Public written warning;
- b) Forfeiture of the right to participate in open competitions for promotion during a maximum of two years;
- c) Punitive suspension of duties and salary during a period from two (2) days up to thirty (30) days;
- d) Demotion to a lower position or category as referred to in article 6 of this Law;
- e) Termination of employment in the Civil Service.

**Article 58**  
**Criminal Proceedings**

1. All initiated disciplinary proceedings shall be suspended if the criminal proceedings have been initiated against a civil servant for the same facts as those investigated in the disciplinary proceedings.
2. Should the accused civil servant be acquitted:
  - a) The civil servant shall be reinstated to his/her previous position and his/her personal file must not contain any information of the criminal proceedings and/or of any related preventive suspension;
  - b) No disciplinary sanction may be ordered for the same facts for which the civil servant was acquitted in the criminal proceedings.
3. Should the charges against an accused person be rejected, the disciplinary proceedings may be ordered for the same facts, in accordance with Article 55 of this Law.
4. Should the criminally accused person be found guilty and ultimately convicted, the authority shall be bound by the decision of the competent Court.

**Article 59**  
**Preventive Suspension**

1. Once a procedure provided by Article 58 of this Law has been initiated, the civil servant shall be immediately suspended from duties by the head of the civil service authority in the following cases:
  - a) The criminal proceedings for a crime committed during his/her duties are initiated against the civil servant and/or;
  - b) The civil servant is held in preventive detention;
2. Once a procedure provided by Article 58 of this Law is initiated, a civil servant may be suspended from duties by the civil service authority in the following cases:
  - a) The criminal proceedings for a crime punishable by an imprisonment sentence of at least five (5) years are initiated against the civil servant; and
  - b) The civil servant was caught *in flagrante delicto* committing a crime punishable by an imprisonment sentence of at least five (5) years and
  - c) Reasonable grounds exist indicating that crime has been committed.
3. In case of a preventive suspension:
  - a) The suspended civil servant shall receive his/her full salary;
  - b) The disciplinary proceedings shall be suspended until such time as a final ruling is reached by a competent court of law.

**Article 60**  
**Responsibility for material damage**

1. The civil servant shall compensate the material damage caused by him/her consciously or by extreme negligence in the performance of civil service tasks.
2. A commission established under a decision by the head of civil service authority, shall determine the existence of the damage, its amount, the circumstances under which the damage was caused and the guilt of the civil servant in causing the damage. The commission shall also make records concerning the execution of these tasks.
3. On the basis of the records referred to in paragraph 2 of this article, the head of civil service authority shall issue a decision on damage compensation in which the amount of damage, the deadline and method of damage compensation are identified.
4. The civil servant shall have the right to file an appeal against the damage compensation decision referred to in paragraph 3 of this Article before the Civil Service Appeals Board within 15 days following the receipt of the decision.
5. The damage that the civil servant caused to the citizens or legal persons or civil service authorities by his illegal or improper work in performing the civil service tasks, shall be compensated by the civil service authority whose civil servant caused the damage. The civil service authority shall then have the right to refund from the civil servant the damage amount it compensated.
6. The civil service authority shall compensate the civil servant for the damage he/she sustained in the service or related to the service, in accordance with the general regulations covering the area of damage responsibility.
7. In case the civil servant refuses to compensate the damage established in the decision referred to in paragraph 3 of this Article, the damage compensation procedure shall be brought before the competent court of law.

**CHAPTER IX**  
**MANAGEMENT OF THE CIVIL SERVICE**

**Article 61**  
**Human Resource Policy Guidelines**

1. The Federation Government, or the cantonal government and Municipal and City Councils shall set up general guidelines for the conduct of the Human Resources Policy of the authorities and shall enact by-laws and other appropriate acts arising from this Law.

**Article 62**  
**Civil Service Authorities**

1. The head of each civil service authority shall be in charge of the implementation of the provisions of this Law and shall ensure the management of their personnel and keep the personal administrative file of each civil servant, as well as provide each civil servant who exercises his/her functions within the relevant civil service authority with an unrestricted access to his/her administrative file.
2. The head of each civil service authority shall coordinate their activities and cooperate with the Agency.

**Article 63**  
**Civil Service Mediator**

1. The Civil Service mediator shall facilitate the implementation of and compliance with the principles enshrined in this Law. The Civil Service mediator shall act as a mediator in all issues pertaining to the status of a civil servant in accordance with this Law.
2. All civil servants and technical and administrative staff within each civil service authority in cooperation with the trade union shall elect a civil servant for the position of Civil Service mediator. The Civil Service mediator must not be the head of the civil service authority in the authority in which he is exercising his/her functions.
3. Two or more civil service authorities may appoint a common Civil Service mediator.
4. The Agency shall confirm the election of the Civil Service mediator.

**CHAPTER X**  
**THE AGENCY FOR CIVIL SERVICE AND THE CIVIL SERVICE APPEALS BOARD**

**Article 64**  
**The Agency for Civil Service**

1. The Federation Government shall establish an Agency for Civil Service of the Federation.
2. The Agency for Civil Service shall be responsible for:
  - a) The establishment of single criteria, rules and procedure of selection, appointment and nomination of civil servants in the Federation authorities, in accordance with this Law;
  - b) The planning and realization of the recruitment process for civil servants, upon request and in accordance with the demands of the Civil Service authorities;
  - c) The organization and realization of education, professional training, and in-service perfecting of the civil servants and employed with the Civil Service authorities as well as for the development of the civil service;
  - d) The organization of education and training for taking of the special civil service exams required for the recruitment of a civil service candidate for the work in the civil service authority;
  - e) The expert assistance to the authorities in realization of their Human Resources policy, organizational improvement and development as well as the establishment and maintenance of a Registry of Civil Service Personnel;
  - f) The Submission of an annual report concerning the situation of the staff in the civil Service authorities of the Federation and the submission of a plan of activities for each coming year for approval to the Federation Government;
  - g) The Fulfillment of all other duties as stipulated by this Law.
3. The Agency shall be governed by the Agency's director, who shall be appointed by the Federation Government on the basis of an open competition.
4. The director of the Agency shall have the status of Senior Executive Manager.
5. The director of the Agency shall adopt a Rulebook on Internal Organization of the Agency.



6. The Rulebook on Internal Organization of the Agency may provide for the establishment of the cantonal field departments (field offices) that shall perform the duties and tasks falling within the competence of the Agency.
7. By virtue of its legislation the Federation Government may regulate the establishment of a separate institution that shall perform the training of civil servants.

**Article 65**  
**The Civil Service Appeals Board**

1. The Federation Government shall establish the Civil Service Appeals Board (Appeals Board) that shall consist of three members.
2. Vacancies to the Civil Service Appeals Board shall be advertised for open competition in three widely daily newspapers distributed throughout the territory of Bosnia and Herzegovina, at least one (1) month before the application deadline. The advertising shall contain the same requirements as those listed under Articles 23, paragraph 3 and Article 25 of this Law;
3. An independent selection committee appointed by the Federation Government shall select the members of the Civil Service Appeals Board, upon the basis of their professional experience and their demonstrated ability to exercise their function within the Board. Article 27, paragraphs 2 and 3, and Articles 28, paragraph 1 and Article 29, paragraph 2 of this Law shall apply to both the Selection Committee and the selection procedure.
4. The members of the Civil Service Appeals Board shall be appointed by the Federation Government for a renewable term of four (4) years;
5. A member of the Civil Service Board shall:
  - a) Be independent and impartial;
  - b) Not hold a position which is directly or indirectly elected or be appointed to a position within any legislative or executive authority at any level of government in the Federation of Bosnia and Herzegovina;
  - c) Withdraw from office before the end of the term only at the initiative of the Federation Government raised under exceptional circumstances and done by consensus of the other members of the Civil Service Appeals Board;
6. By virtue of their appointment, the members of the Civil Service Board shall benefit from a status equivalent to that of the Senior Executive Manager.
7. Pursuant to this Law and relevant bylaws the Civil Service Appeals Board shall decide in the second instance upon all appeals filed against the decisions issued by the head of the civil service authority concerned, the appeals filed against the decisions of the first instance disciplinary commission, and the appeals filed against the decisions issued by the Director of the Agency, and so upon the request of:
  - a) The civil servant affected by the disputed decision, undertakings or non-undertakings;
  - b) The institution where the affected civil servant exercises his/her functions;
  - c) The Agency.
8. The Civil Service Board shall:
  - a) Hear the applicant, if appropriate;

- b) Call witnesses and experts when deemed necessary;
  - c) Ask and obtain from the authorities concerned all relevant information;
  - d) Adopt rules of procedure, which shall be published in the Official Gazette of the Federation of Bosnia and Herzegovina.
9. Decisions of the Civil Service Appeals Board shall be reasoned on legal grounds and on facts properly and fully established. The Decisions of the Civil Service Appeals Board shall also be:
- a) Final, subject to any judicial review by the responsible court of law. The procedure before the court may be initiated within 30 days following the receipt of the final decision;
  - b) Notified to the appellant within eight (8) days of their issue.

## **CHAPTER XI TECHNICAL AND ADMINISTRATIVE STAFF**

### **Article 66 Administrative & Technical Staff**

1. The tasks performed by the technical and administrative staff members as well as the categories within the positions of technical and administrative staff members in the civil service authorities and salary categories shall be regulated under a separate law.
2. The types, the scope, the degree of complexity and the description of tasks for the technical and administrative staff members shall be regulated by Rule Book passed by the head of the Authority in accordance with paragraph 1 of this article.
3. The principles referring to the appointment, promotion, redundant staff, disciplinary accountability and termination of office of civil servants set out in this law may accordingly be applicable to the technical and administrative staff members.

## CHAPTER XII TRANSITIONAL PROVISIONS

### Article 67<sup>11</sup> Existing Civil Servants

1. The civil servants occupying the positions referred to in Article 6, Paragraph 1 of this Law in the civil service authorities in the Federation shall be subject to review to be conducted by the Agency, which shall determine whether they have been employed in accordance with the Law, counting from January 1, 2003, as well as the day of the entering into force of the Law on the Civil Service in the Federation of Bosnia and Herzegovina, i.e. whether they fulfil the requirements of Article 25 of this Law and the special requirements determined by the rulebook on internal organization of the civil service authorities.
2. The Agency shall issue a decision on termination of employment for the civil servants referred to in paragraph 1 of this Article found to have been appointed in contravention with the Law referred to in Paragraph 1 of this Article or not to fulfill the requirements of Article 25 of this Law and the special requirements determined by the rulebook on internal organization.
3. Notwithstanding from Paragraph 2 of this Article, for the civil servants who have not passed the specialized administrative exam, the Agency shall not issue a decision on termination of employment on this ground, only that they shall be obliged to pass that exam within one year of the entry into force of this Law. For the civil servants who fail to pass the specialized administrative exam within that period, the head of the civil service authority shall issue a decision on termination of employment with an opinion obtained from the Agency.
4. For the positions that become vacant pursuant to the decision referred to in Paragraph 2 of this Article, the Agency shall, in cooperation with the Head of the civil service authority, advertise an open competition in accordance with Article 24 of this Law, within 30 days of the day when the decisions on termination of employment become effective.
5. For the employment of the civil servants found by the Agency not to fulfill the requirements of Article 25 of this Law shall terminate when the decision referred to in Paragraph 2 of this Article becomes effective.
6. The employment of the civil servants found to have been appointed in contravention with the Laws referred to in Paragraph 1 of this Article shall terminate when the process of open competition advertised

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<sup>11</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, Article 67 was amended.

**Previously:**

1. Legal status of all civil servants in the existing civil service authorities of the Federation shall remain the same on the day this Law enters into force, until such time as the entire review process for their positions has been completed by the responsible Agency in accordance with this Article.
2. The Agency shall issue a decision on termination of employment for the employees from paragraph 1 of this Article that have been appointed in contravention with the Law which was in effect at the moment of their appointment or do not fulfill the requirements from Article 25 of this Law. The vacant positions shall be subject to open competition in accordance with Article 23 of this Law. The decision on termination of employment shall become effective after the overall process of open competition has been completed in accordance with this Law.
3. During the procedure of open competition, the experience of a candidate previously employed at the position that is subject to open competition may be taken into consideration.
4. The civil servants from paragraph 1 of this article that have been employed in accordance with the law which was in effect at the moment of their appointment and that fulfill the requirements set out in Article 25 of this Law, shall be subject to review within the period of eighteen (18) months. The review procedure shall be determined by the Agency taking into account the principle of performance appraisals established under Article 33 of this Law.
5. The head of the civil service authority shall confirm the appointment of those employees that have successfully passed the review process and dismiss those who have not successfully passed the review process or failed to meet the requirements set out under Article 25 of this Law. The vacant positions that remain unfulfilled through a competition by way of internal advertising shall be filled by way of external advertising, in accordance with this Law.

in accordance with Paragraph 4 of this Article has been completed, unless they have been recruited through that open competition.

7. The experience of a candidate referred to in Paragraph 5 of this Article previously employed at the position that is subject to open competition referred to in Paragraph 3 of this Article may be taken into consideration during the conduct of that process of open competition.
8. In the event that within the legally required period of time the civil servant referred to in paragraph 2 of Article 25 of this Law has acquired a university diploma, i.e. has been awarded VII degree of professional qualifications, he or she shall retain the status of civil servant at the position occupied by him or her at that particular point of time.

#### **Article 67a**<sup>12</sup>

The provisions governing review in Art. 67 through 70 of this Law, as well as the Law on Changes and Amendments to the Law on the Civil Service in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, No. 67/05), shall apply to the civil servants within the civil service authorities in the Federation of Bosnia and Herzegovina who started to be reviewed by the Agency before the entry into force of this Law.

#### **Article 68 Compensation**

1. An employee of a civil service authority whose employment has been terminated as under Article 67, shall be entitled to a severance package in the amount of an average monthly salary disbursed in the institution in the month preceding the month in which the civil servant received the final decision on the employment termination.
2. The severance package referred to in paragraph 1 of this article shall be disbursed to the civil servant with regard to the total years of service (insurance record), and shall be determined by multiplying the average salary referred to in paragraph 1 of this article by the coefficients linked to years of service as follows:

<b>Years of service</b>	<b>Coefficient</b>
a) up to 5 years	1.33
b) 5 to 10 years	2.00
c) 10 to 20 years	2.66
d) over 20 years	3.00

#### **Article 69 Decision making on the severance package**

1. Concurrently with issue of the Decision on employment termination, the head of the civil service authority shall also make an *ex officio* decision concerning the right to severance package as provided under Article 68 of this Law.
2. Severance packages resulting from the decisions issued pursuant to paragraph 1 of this article, shall be disbursed by the relevant civil service authority in which the civil servant was employed.

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<sup>12</sup> Underline – According to the Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, a new Article 67a was added.

## **Article 70 Appeal**

Should a civil service consider that his/her rights set forth in the Transitional Provisions Chapter of this Law have thereby been violated by the head of the civil service authority, he/she may lodge an appeal to the competent Civil Service Appeals Board in accordance with Article 65 of this Law within fifteen (15) days from the day of receipt of such Decision.

## **Article 71 Persons appointed to public office prior to entry into force of the Law**

Notwithstanding Article 19. paragraph 1. sub-paragraphs c) and d) of this Law, the civil servants appointed to public office prior to entry into force of this Law and found at an elected office at the time when this Law enters into force, may upon the lapse of their term of office return to the same or another position within the same or another civil service authority within 30 days following the end of the term of office, provided that there is such a vacant position.

## **CHAPTER XIII MONITORING OF THE ENFORCEMENT OF THIS LAW**

### **Article 72**

1. The Federation Government or the cantonal governments shall deliberate the report concerning the enforcement of this Law at least once every six months and shall issue the measures in order to promote the status of the civil service.
2. The Federation Government shall at the end of each year, or even earlier if necessary, provide the Parliament of the Federation of Bosnia and Herzegovina with a report concerning the status of the civil service of the Federation.

## **CHAPTER XIV SUPERVISION OVER THE IMPLEMENTATION OF THIS LAW**

### **Article 73**

The Federation Justice Ministry shall conduct the administrative supervision over the implementation of this Law.

## **CHAPTER XV APPLICATION OF THIS LAW TO OTHER AUTHORITIES AND OFFICES**

### **Article 74**

The provisions of this Law that are of relevance to the civil servants in the civil service authorities shall also apply accordingly to the civil servants holding the status of civil servants in the expert and other offices of the legislative and executive authorities, ombudsmen, judicial authorities, prosecutor's offices, attorney's offices, criminal sanction enforcement institutions, jails and minor offence authorities of the Federation, cantons, cities and municipalities, unless otherwise determined by a separate law.

## CHAPTER XVI FINAL PROVISIONS

### Article 75

1. Within thirty (30) days after this Law comes into effect the Federation Government shall:
  - a) announce an open competition for the position of the Director of the Civil Service Agency;
  - b) announce an open competition for the position of the Civil Service Appeals Board members;
  - c) nominate a working group composed of five (5) members in accordance with Article 27, paragraph 2 of this Law, that shall be responsible for the following tasks:
    - perform the functions of a Commission for election of the Director of the Agency;
    - perform the functions of a Commission for election of members of the Civil Service Appeals Board, pursuant to Article 65, paragraph 3 of this Law;
    - assist the Director of the Agency and the members of the Civil Service Appeals Board in the process of organizing and establishing the Agency and the Board.
2. The Federation Government shall, within one (1) month after the completion of the open competition, appoint the members of the Civil Service Appeals Board.
3. The Director of the Agency shall, within one (1) month following his/her appointment, adopt a Book of Rules on internal organization of the Agency. Upon the adoption of this Book of Rules, the Agency shall announce an open competition in order to fill the positions within the Agency.
4. Within three (3) months after entry into force of this Law, the civil service authorities shall be obliged to bring their rulebooks on internal organization in line with the provisions of Articles 6 through 16 of this Law.
5. Until the establishment of the Agency, of the Civil Service Appeals Board and adoption of the by-laws pursuant to this Law, the Law on Labor Relations and Salaries in the Public Administration of the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, No. 13/98) and the by-laws governing the legal-employment status of civil servants shall apply, within the maximum period of eighteen (**18**)<sup>13</sup> months following the entry into force of this Law, unless they do contravene the provisions of this Law.

### Article 76

1. The Law on Labor Relations and Salaries of the Civil Servants in the Public Administration Authorities of the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation”, No. 13/98) shall cease to apply, as provided by paragraph 5 of Article 75 of this Law.
2. On the day of entry into force of this Law, the regulations running in contravention with the provisions of this Law are to be harmonized with this Law.

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<sup>13</sup> In bold – According to the Law Amending the Law on Civil Service in the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 39/04, in the Law on Civil Service in the Federation of Bosnia and Herzegovina (“Official Gazette of the Federation of Bosnia and Herzegovina”, 29/03, 23/04), in Article 75, paragraph 5, in the seventh line, the words “12 months” shall be replaced with the words “18 months”.

**Article 77**<sup>14 15 16 17</sup>

This Law shall come into effect one day after its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina.”

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<sup>14</sup> In italic – The High Representative's Decision Enacting the Law on Amendments to the Law on Civil Service of the Federation of the Bosnia and Herzegovina No. 206/04, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 23/04, shall enter into force on 21 April 2004, shall be immediately published on the official website of the Office of the High Representative and shall be published in the Official Gazette of the Federation of Bosnia and Herzegovina without delay.

<sup>15</sup> In bold – Law Amending the Law on Civil Service in the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 39/04, shall enter into force on the next day of its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”.

<sup>16</sup> In bold and italic – Law Amending the Law on Civil Service in the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 67/05, shall enter into force on the next day of its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”.

<sup>17</sup> Underline – The Law on Amendments to the Law on Civil Service of the Federation of Bosnia and Herzegovina, published in the “Official Gazette of the Federation of Bosnia and Herzegovina”, 8/06, shall enter into force on the day following its publication in the “Official Gazette of the Federation of Bosnia and Herzegovina”.