



LAW OF UKRAINE

On Civil Service

This Law defines principles, legal and organizational framework for ensuring public, professional, politically neutral, efficient, citizen-focused civil service that functions in the interests of the state and the society, and procedure for Ukrainian citizens to exercise their right to equal access to civil service based on their merits and personal qualities.

SECTION I. GENERAL PROVISIONS

Article 1. Civil Service and Civil Servant

1. Civil service is public, professional and politically neutral activity related to practical implementation of tasks and functions of the state, in particular, in relation to the following:

- 1) analysis of the state policy at the national, sectoral and regional levels and preparation of proposals for its formation, including the development and expert assessment of draft programs, concepts, strategies, draft laws and other regulatory acts, as well as draft international treaties;
- 2) ensuring the implementation of the state policy, execution of national, sectoral and regional programs, execution of laws and other regulatory acts;
- 3) ensuring the provision of affordable and quality administrative services;
- 4) state supervision/monitoring of compliance with legislation;
- 5) management of public financial resources and property, control over utilization thereof;
- 6) HR management of government agencies.
- 7) implementation of other authorities of government agencies as defined by the legislation.

2. Civil servant is a citizen of Ukraine who holds a civil service position in a government agency or state authority, their apparatus (secretariat) (hereinafter referred to as the government agency), receives salary from the state budget, and executes the authorities directly related to implementation of tasks and performance of functions of such government agency, and adheres to the civil service principles.

Article 2. Definition of Terms

1. The below terms used in this Law shall have the following meanings:

- 1) immediate supervisor is a closest supervisor to whom the civil servant is subordinated directly;
- 2) state language is the Ukrainian language that is by the Constitution of Ukraine is granted the status of the official language of communication of officials of government agencies and local self-government bodies during discharge of their duties as well as the language of record-keeping and documentation of such agencies and officials.
- 3) head of civil service in a government agency (hereinafter referred to as head of civil service) is an official holding the highest civil service position in a government agency, whose

professional duties include exercising authorities in matters related to the civil service and organization of work of other staff in the said body;

4) civil service position is a primary organization unit of a government agency as specified by its structure and staff schedule, with the professional duties established within the mandate defined in part one Article 1 of this Law;

5) professional competence is the person's ability within the scope of authority defined by the position to apply special knowledge, abilities and skills, demonstrate relevant ethical and business qualities for proper implementation of assigned tasks and responsibilities, learning, professional and personal development;

6) equivalent position is a civil service position that belongs to the same salary group with consideration of the government agency's jurisdiction;

7) appointing entity is a government agency or an official authorized by the legislation to appoint to and dismiss from the respective civil service position in a government agency on behalf of the state;

8) support function is activity of staff of a government agency that does not involve authority directly related to discharge of duties and functions defined in part one Article 1 of this Law;

9) professional training is acquisition and improvement of professional knowledge, skills and abilities that ensures the level of a civil servants' professional qualification relevant for their professional activity.

10) service discipline is unflagging adherence to the Civil Servant's Oath, diligent implementation of official duties and internal rules and procedures.

2. The terms "close persons", "corruption offense" "potential conflict of interest", "actual conflict of interest", "direct subordination" in the present Law shall have the meanings defined by the Law of Ukraine "On Principles of Preventing and Counteracting Corruption".

Article 3. Scope of this Law

1. This Law shall govern relations arising in connection with the entry into civil service, performance of the civil service and termination of the civil service office, and shall determine the legal status of the civil servant.

2. This Law shall apply to civil servants:

1) in the Secretariat of the Cabinet of Ministers of Ukraine;

2) in ministries and other central executive bodies;

3) in local state administrations;

4) prosecution bodies;

5) military administration bodies;

6) Ukraine's diplomatic missions abroad;

7) government agencies with particular conditions of civil service employment defined by Article 91 of this Law;

8) other government agencies.

3. This Law shall not apply to:

1) the President of Ukraine;

2) Head of Administration of the President of Ukraine and his/her deputies, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea and his/her deputies;

3) members of the Cabinet of Ministers of Ukraine, first deputy ministers and deputy ministers;

4) Chair and members of the National Council of Ukraine on Television and Radio

Broadcasting, chair and members of the Antimonopoly Committee of Ukraine, chair and members of the National Anti-Corruption Bureau of Ukraine, chair and members of the Accounting Chamber of Ukraine, chair and members of the Central Election Commission, heads and members of other government collegial bodies;

- 5) Secretary of the National Security and Defence Council of Ukraine and his/her deputies;
- 6) Head of the State Committee of Ukraine on Television and Radio Broadcasting and his/her deputies, head of the State Property Fund of Ukraine and his/her deputies
- 7) People's Deputies of Ukraine;
- 8) Ukrainian Parliament Commissioner on Human Rights and his/her representatives;
- 9) officers of the National Bank of Ukraine;
- 10) deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Chair of the Council of Ministers of the Autonomous Republic of Crimea, Ministers of the Autonomous Republic of Crimea;
- 11) deputies of local councils, local self-government officials;
- 12) judges;
- 13) prosecutors;
- 14) employees of government agencies performing support functions;
- 15) employees of state enterprises, institutions and organizations, as well as other state owned business entities as well as education institutions founded by government agencies;
- 16) servicemen of the Armed Forces of Ukraine and other military formations established in accordance with the law;
- 17) privates and officers of internal affairs agencies and employees of other bodies, to whom special ranks are assigned, unless otherwise provided for by the law;
- 18) staff of political advisory office.

4. Criteria of position of government agency staff that perform service functions are approved by the Cabinet of Ministers of Ukraine upon representation of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

The List of positions of government agency staff that perform service functions is approved by the central executive body ensuring the formation and implementation of state policy in the sphere area of civil service upon representation of the head of civil service in the respective agency.

Article 4. Basic Principles of Civil Service

1. Civil service shall be performed in compliance if the following principles:
 - 1) rule of law – ensuring the priority of human and civil rights and freedoms according to the Constitution of Ukraine determining the subject matter and direction of the activity of the civil servant during performance of the tasks and functions of the state;
 - 2) legality – obligation of the civil servant to act solely on the basis of, within the authorities and in the manner provided for by the Constitution and the laws of Ukraine;
 - 3) professionalism – high level of knowledge of the basics of the profession of the civil servant, competent, objective and impartial performance of professional duties, ongoing improvement of professional competence by the civil servant, fluent command of the state language and, if necessary, a regional language or national minority language defined according to the law;
 - 4) patriotism – loyalty and faithful service to the Ukrainian people;
 - 5) integrity – the civil servants' commitment to protect the public interests and his/her rejection of prevalence of private interest while exercising powers granted to him/her;
 - 6) efficiency – reasonable and effective use of resources for achieving state policy objectives;

7) ensuring equal access to civil service – prohibition of all forms and manifestations of discrimination, absence of unreasonable restrictions or granting unjustified advantage to certain categories of citizens when they apply for civil service positions and perform civil service;

8) political impartiality – preventing the impact of political views on the actions and decisions of the civil servant, as well as refraining from demonstration of own attitude to political parties and own political views while performing professional duties;

9) transparency – free access to information about the activity of the civil servant, except in cases defined by the Constitution and laws of Ukraine;

10) stability – appointment of civil servants for non-fixed terms, except in cases defined by the law, non-dependence of the civil service staff composition upon changes in political leadership of the state and government agencies.

Article 5. Legal Regulation of the Civil Service

1. Civil service shall be legally regulated by the Constitution of Ukraine, this Law and other laws of Ukraine, international treaties ratified by the Verkhovna Rada of Ukraine, resolutions of the Verkhovna Rada of Ukraine, decrees of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and the central executive body ensuring the formation and implementation of state policy in the sphere of civil service, issued on the basis of and pursuant to this Law.

2. Relations arising in connection with the entry into civil service, performance of the civil service and termination of the civil service office shall be governed by this Law, unless otherwise provided for by the law.

3. Provisions of labour legislation shall apply to civil servants in cases not regulated by this Law.

Article 6. Categories of Civil Service Positions

1. Civil service positions in the government agencies shall be divided into categories depending on the appointment procedure, nature and scope of civil servants' mandate, and qualification and professional competence of civil servants required for its discharge.

2. There shall be the following categories of civil service positions:

1) category "A" (senior civil service) – positions of:

State Secretary of the Minister of the Cabinet of Ministers of Ukraine and his/her deputies, state secretaries of ministries;

heads of central executive bodies who are not members of the Cabinet of Ministers of Ukraine and their deputies;

heads of secretariats of the Constitutional Court of Ukraine, the Supreme Court of Ukraine, high specialized courts of Ukraine and their deputies;

heads of local state administrations;

heads of civil service in other government agencies jurisdiction of which extends onto the entire territory of Ukraine;

2) category "B" – positions of:

heads of other organization units of the Secretariat of the Cabinet of Ministers of Ukraine and their deputies;

heads of structural units of ministries, central executive bodies and other government agencies, heads of territorial units of these agencies and their structural units, their deputies;

deputy heads of local state administrations;

heads of apparatus of courts of appeal and local courts, heads of structural units of court's apparatus, their deputies;

deputy heads of civil service in other government agencies jurisdiction of which extends onto the entire territory of Ukraine;

3) category "C" – other civil service positions not assigned to categories "A" and "B".

3. Number of category "A" and "B" civil service positions in a government agency should be no more than one third of its staffing level.

SECTION II. LEGAL STATUS OF CIVIL SERVANT

Article 7. Main rights of Civil Servant

1. Civil servant shall be entitled to:

1) respect for their personality, honour and dignity, fair and respectful treatment by chiefs, colleagues and other individuals;

2) clear definition of their professional duties;

3) working conditions appropriate for performance and material and technical provisions;

4) labour remuneration depending on the position held, performance of employment activity, length of civil service and rank;

5) vacation leaves and social and pension security according to the law;

6) professional training, including the one paid for by the state, according to the demands of the government agency;

7) job promotion depending on the professional competence level and conscientious discharge of job duties;

8) participation in trade unions for the purpose of protecting their rights and interests;

9) participation in civil associations, excluding political parties in cases provided for by this Law;

10) appeal in the manner prescribed by law against decisions on the imposition of disciplinary action, dismissal from the civil service position, as well as against a conclusion that contains a negative evaluation of results of his/her performance appraisal;

11) protection from unlawful prosecution by government agencies and their officials in case of reports on violation of the requirements of this Law ;

12) receive from government agencies, enterprises, institutions and organizations, local self-government bodies necessary information on issues within the scope of given authority in cases established by legislation;

13) unimpeded access to documents concerning their employment in the civil service including conclusions about the results of his/her performance appraisal;

14) have internal investigation conducted on his/her request in order to repeal allegations or suspicious which he/she deemed ungrounded.

2. Civil servants shall also exercise other rights defined in regulations on structural units of government agencies and job descriptions approved by heads of civil service in these agencies.

Article 8. Main obligations of Civil Servant

1. Civil servant shall be obliged to:

1) observe the Constitution and laws of Ukraine, act only on the ground, within the scope of powers and in the way stipulated by the Constitution and laws of Ukraine;

2) adhere to the principles of civil service and rules of ethical conduct;

- 3) respect human dignity, prevent the violation of human and civil rights and freedoms;
- 4) hold the state symbols of Ukraine in respect;
- 5) mandatorily use the state language while performing professional duties; prevent discrimination against the state language and counteract possible attempts of such discrimination;
- 6) provide, within the scope of their powers and authorities, effective performance of tasks and functions of government agencies;
- 7) diligently and professionally perform their professional duties;
- 8) implement the decisions of government agencies, orders, directions and instructions of chiefs given on the basis of and within the authorities granted by the Constitution and laws of Ukraine;
- 9) observe legislative requirements on preventing and counteracting corruption;
- 10) prevent emergency of a real, potential conflict of interest while performing civil service;
- 11) constantly increase their level of professional competence and improve organization of the professional work;
- 12) preserve the state secret and individuals' personal data communicated to him/her in connection with the performance of professional duties, as well as other information that shall not be disclosed under the law;
- 13) provide public information to the extent defined by the law.

Civil servants shall also fulfil other obligations defined in regulations on structural units of government agencies and job descriptions approved by heads of civil service at these agencies.

2. In the event that the civil servant reveals, whether in the course of performing his/her professional duties or not, any violation of the requirements of this Law by government agencies or their officials, he/she is obliged to apply to the central executive body ensuring the formation and implementation of state policy in the sphere of civil service, in order to ensure the rule of Law.

Article 9. Subordination of Civil Servant and Execution of Orders (Directions), Instructions

1. While performing his/her service activities, the civil servant shall act within the powers prescribed by the law, and shall be subordinate to his/her immediate supervisor or a person acting as immediate supervisor.

2. Civil servant shall be obliged to execute lawful orders (directions), instructions of the manager issued within the scope of their authority, except cases stipulated by part six of this Article.

During discharge of their duties, a civil servant shall not be obliged to execute instructions issued by staff of political advisory office.

3. The order (direction), instruction should contain a specific task, information about the subject, purpose, implementation timeline and person responsible for implementation. The order (direction) shall be issued in writing, whereas instruction may be issued either in writing or orally.

4. If a civil servant receives an order (direction), instruction not from the immediate supervisor but from a higher-level supervisor, he/she should inform the immediate supervisor about it.

5. The order (direction), instruction may be cancelled by the supervisor who issued it or a higher-level supervisor or higher-level body.

6. If the civil servant has any doubt as to the lawfulness of an order (direction, instruction) given by the chief, he/she shall have the right to request a written confirmation thereof and, upon obtaining the confirmation, shall execute the said order (direction, instruction). Simultaneously with the execution of the said order (direction, instruction), the civil servant shall give written notice thereof to the senior chief or senior body. In this case, the civil servant shall be released from liability for execution of such order (direction, instruction) if it has been declared unlawful according to the procedure prescribed by the law, except for execution of a manifestly criminal order (direction, instruction).

7. If the civil servant executed the order (direction), instruction which subsequently has been found unlawful according to the procedure prescribed by the law and has not taken action specified in part six of this Article, he/she shall be liable for his/her actions under this Law.

8. If the chief receives the civil servant's request for a written confirmation of the order (direction, instruction), he/she shall give a written confirmation of or cancel the respective order (direction, instruction) within one day period.

In the event when written confirmation has not been received within the defined timeline, the order (direction), instruction shall be deemed cancelled.

9. Issuance by a supervisor and execution by a civil servant of a manifestly criminal order (direction), instruction shall entail liability for correspondent persons, as provided for by the law.

Article 10. Political Impartiality

1. Civil servant shall execute lawful orders (directions, instructions) given by the chiefs in an unbiased manner irrespective of their party affiliation and his/her own political beliefs.

2. Civil servant shall not demonstrate his/her political views and shall not perform other actions or omissions that in any way may express his/her particular attitude to political parties and may negatively affect the image of the government agency and confidence in the state, or may pose a threat to the constitutional order, territorial integrity and national security, health, rights and freedoms of other individuals.

3. Civil servant shall not be entitled to:

1) be a member of a political party, if a civil servant holds a category A position. For the period of employment in category A civil service position, a civil servants shall suspend his/her membership in a political party;

2) hold position in governing bodies of a political party;

3) combine civil service with the status of a local council deputy, if such civil servant holds a category A civil service position;

4) engage civil servants, local self-government officials, public sector employees and other persons to participate in promotional campaigns and events organized by political parties;

5) take advantage of his/her official position in any other way for the political purposes.

4. In the event that the civil servant is registered as a candidate to the deputies by the Central Election Commission, election commissions formed (established) in due course, he/she shall give a written notice thereof to the head of civil service within one day period.

Upon his/her application, the civil servant shall be granted an unpaid leave for the duration of his/her participation in the election process. This leave is granted by decision of the head of civil service from notification day about participation in the election process until its winding up according to the election legislation.

5. The civil servant shall not have the right to organize and participate in strikes and agitation (except for cases provided for by part 4 of the present Article).

Article 11. Protection of the Right to Civil Service

1. In case of violation of rights provided by this Law or interference with the implementation thereof, the civil servant, within the one-month term from the day they learned or should have learned about the fact, may file a complaint to the head of civil service with statement of facts with regard to violation of his/her rights or interference with their implementation.

In his/her complaint, a civil servant may demand that the head of civil service set up a commission to check facts described in the complaint.

2. The head of civil service, upon demand of a civil servant, may create a commission consisting of not less than three persons to verify the facts set out in the complaint.

The commission shall be composed, in equal proportion, of:

Representatives of the head of civil service designated by him/her among civil servants of this government agency;

Representatives of the civil servant designated by him/her among civil servants of this government agency;

Representatives of the elected body of a primary trade union organization among civil servants delegated by this body, and in cases when there is no trade union organization – representatives of employees of a government agencies among civil servants elected by the general assembly (conference) of the government agency's employees.

3. The head of civil service shall be obliged to provide a civil servant with substantiated written answer (decision) of the head of civil service no later than within 20 calendar days from the date of receipt of the complaint.

When commission is set up, as per requirements of part two of this Article, the written answer (decision) of the head of civil service shall be based on the commission's conclusion.

4. In case of failure to receive the substantiated answer (decision) regarding the complaint within the term prescribed by part three of this Article or disagreement with the answer of the head of civil service, a civil servant may file a respective complaint with the central executive body which ensures the formation and implementation of state policy in the sphere of civil service.

5. Following the results of complaint consideration, the central executive body ensuring formation and implementation of state policy in the sphere of civil service shall provide the civil servant with substantiated answer in the term not exceeding 20 calendar days upon receipt of the complaint, and in the case of establishing the fact of violation of civil servant's rights shall send to the correspondent government agency a binding request to cancel the decision or remove the relevant violations.

6. If the rights of a civil servant established by this Law have been violated by the head of civil service or a civil servant of a higher-level body, or these persons have created obstacles for exercising civil servant's rights, a civil servant may file a complaint setting out facts of violation of rights or obstacles in their implementation directly to the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

7. The central executive body ensuring formation and implementation of state policy in the sphere of civil service, upon the fact of filing a complaint initiates and conducts official investigation according to the procedure established by the Cabinet of Ministers of Ukraine with the purpose of verifying facts laid down in the complaints.

Violated rights of a civil servant shall be unconditionally renewed, and obstacles in realization of these rights shall be removed.

8. The civil servant shall have the right to appeal in court the decisions, actions or inaction of government agencies and their officials that impede implementation of the rights granted to him/her by this Law.

SECTION III. CIVIL SERVICE MANAGEMENT

Article 12. System of Civil Service Management

1. System of civil service management covers:
 - 1) the Cabinet of Ministers of Ukraine;
 - 2) the central executive body which ensures the formation and implementation of state policy in the sphere of civil service;
 - 3) the Commission on Senior Civil Service and corresponding competition commissions;
 - 4) heads of civil service;
 - 5) HR functions.

Article 13. Central Executive Body Ensuring the Formation and Implementation of State Policy in the Sphere of Civil Service

1. The central executive body ensuring the formation and implementation of state policy in the sphere of civil service provides functional management of the civil service in government agencies.

2. The head of the central executive body, ensuring the formation and implementation of state policy in the sphere of civil service, shall be appointed and dismissed by the Cabinet of Ministers on the proposal of the Prime Minister of Ukraine according to the procedure established the appointment to category "A" civil service positions.

The head of the central executive body, ensuring the formation and implementation of state policy in the sphere of civil service, shall be appointed for a term of five years with the right of re-appointment for another term.

3. The central executive body ensuring the formation and implementation of state policy in the sphere of civil service:

- 1) ensures implementation of the state policy in the sphere of civil service;
- 2) drafts regulatory acts on the civil service;
- 3) issues regulatory acts on the civil service in the cases established by law, provides clarifications on application of this Law and other regulations in the area of civil service;
- 4) monitors the compliance with the conditions set out herein as regards the exercising by the citizens of their right to civil service;
- 5) ensures identification of professional training needs of civil servants as required by professional standards;
- 6) organizes, with engagement of education institutions, training of civil servants with the purpose to enhance their command of the state language, a regional language, a minority language as well as a foreign language which is the official language of the Council of Europe in cases when command of such language is mandatory according to this Law;
- 7) makes proposals as regards volumes of public procurement order for professional training of civil servants for state needs on the basis of their professional competence, and allocating approved volumes according to legislation, providing timely financing of

performers of public orders according to public contracts;

8) facilitates development of the system of educational institutions that carry out professional training of civil servants, delegating them the authority to determine content of civil servants' training in accordance with the requirements of professional standards;

9) organizes, with engagement of education institutions, development of educational and professional programs in the field of Public Management and Administration and their agreement, as well as development of specialized professional curricula and in-service training curricula for civil servants on the basis of professional competencies and agrees such programs;

10) within the scope of mandate provided by the law, conducts checks compliance with requirements of this Law in government agencies;

11) conducts internal investigations on issues of civil servants' compliance with requirements of this Law, according to the established procedure;

12) takes actions to ensure equal conditions for acceptance and promotion of civil servants of "B" and "C" categories;

13) ensures maintenance and publication of a unified vacancy list for civil service positions in government agencies and winners of competitions;

14) sends government agencies and their officials demands to cancel such bodies' decisions concerning the civil service that contravene the legislation with regard to citizens' right to engage in civil service;

15) provides methodological assistance to HRM units in government agencies;

16) monitors vacancies of category "A" civil service positions and initiates competition for such positions before the appointing entity;

17) keeping records of category "A" civil servants whose office is about to expire, as well as those who have not been employed in due course since their dismissal, but no longer than within one year from the appointment to office expiration date.

18) upon agreement with the Commission on Senior Civil Service, develops and approves standard requirements to the professional competence of civil servants of "A" category and submitting them to the Cabinet of Ministers of Ukraine for approval;

19) reviews complaints of civil servants of other categories as regards entry into civil service, performance of the civil service and termination of the civil service office under this Law;

20) ensures protection of civil servants' rights in the event of change of the essential conditions of civil service;

21) exercises other powers in accordance with this and other laws.

Article 14. Commission on Senior Civil Service

1. The Commission on Senior Civil Service (hereinafter referred to as "the Commission") shall be a permanent collegial body acting on a on a voluntary basis.

2. The Commission shall consist of:

1) representative designated by the Verkhovna Rada of Ukraine upon representation of the Committee of the Verkhovna Rada of Ukraine whose mandate extends onto issues of the civil service among persons holding senior civil service posts;

2) representative designated by the President of Ukraine;

3) representative designated by the Cabinet of Ministers of Ukraine among persons holding senior civil service posts;

4) head of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service, *ex officio*;

5) head of the National Agency on Prevention of Corruption, *ex officio*;

- 6) representative of the State Court Administration of Ukraine;
- 7) one representative from each of the following: joint representative body of representative all-Ukrainian associations of trade unions at the national level, and joint representative body on behalf of employers at the national level;
- 8) four representatives of civil associations, research institutions, education institutions, experts with relevant qualifications, elected according to the procedure approved by the Cabinet of Ministries of Ukraine.

3. The Commission shall be established by the Cabinet of Ministers of Ukraine that approves its personal composition. Proposal on setting up and composition of the Commission are submitted by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Term of office of the Commission member is four years, except for the persons specified in paragraph 2 and 3 of part 2 of this Article, whose term of office is defined by the term of office of the entity who determined the person to be included to the Commission.

4. A citizen of Ukraine with higher education and work experience or expertise in civil service or human resources management, capable of representing interests of the society and ready to ensure politically neutral and professional operation of the Commission, can be a member of the Commission.

5. Term of office of a member of the Commission on Senior Civil Service expires in the following cases:

- 1) submission of personal application for the termination of powers of the Commission member or dismissal from the post due to which they were appointed to sit on the Commission;
- 2) inability to perform duties for health reasons (upon respective medical opinion);
- 3) termination of citizenship of Ukraine or departure for permanent residence abroad;
- 4) court's conviction coming into legal force regarding commitment of an intentional crime;
- 5) court's decision coming into legal force regarding bringing to administrative liability for corruption offence;
- 6) recognition by the court as incapable or restriction of legal capability by the court;
- 7) recognition as missing or dead;
- 8) death;
- 9) systematic (two and more consecutive occasions) non-attendance of meetings of the Commission or its committee without valid reason.

Article 15. Powers of the Commission

1. The Commission:

- 1) approves standard requirements to the professional competence of civil servants holding positions within "A" category, developed by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service;
- 2) carries out competition for the vacant "A" category positions and submit to the appointing entity proposals as regards the winner of the competition and the second winning candidate to the vacant position;
- 3) considers proposals and gives consent for early dismissal of civil servants holding positions within category "A" at the initiative of the appointing entity, and informs about its decision the appointing entity and the central executive body ensuring the formation and implementation of state policy in the sphere area of civil;
- 4) presents proposals to the appointing entity on transference of civil servants holding category "A" positions to equivalent or lower-level positions at a different government

agency in cases stipulated by Article 34 of this Law;

5) conducts disciplinary proceedings concerning against civil servants holding positions of the category “A” and submits proposals on the basis of disciplinary proceeding results;

6) approves the list of civil service positions, positions of political advisory office and positions of staff performing service functions, and establishes categories of civil service positions, upon representation of the head of civil service, in secretariats of auxiliary bodies set up by the President of Ukraine.

Article 16. Organization of the Operation of the Commission on Senior Civil Service

1. The Commission carries out activity according to the Regulation on the Commission on Senior Civil Service approved by the Cabinet of Ministers of Ukraine upon representation of the central executive body ensuring the formation and implementation of state policy in the sphere area of civil.

2. Members of the Commission shall perform their duties on the *pro bono* basis without leaving their main business and service. For the duration of their service on the Commission, members of the Commission shall retain their employment (position) and average salary.

3. Meetings of the Commission shall be conducted in the transparent manner; the announcement of such meetings, agenda, minutes and conclusions of the Commission are published on the official website of the Cabinet of Ministers of Ukraine.

The Commission meeting is deemed duly empowered if at least two-thirds of the overall membership of the Commission participate.

4. Member of the Commission elect chair to preside at the Commission meetings by open majority vote.

5. The Commission shall within the authorities provided make decisions by the majority vote of those present at a meeting of members of the Commission.

6. Decisions adopted by the Commission shall be documented in the minutes and appended by the Commission conclusions, in the cases provided for by this Law. At the meeting, the Commission decides on formation of the Selection Committee for a respective position, and the Committee on the Disciplinary Proceedings for a particular issue, and defines the persons from among the members of the Commission belonging thereto.

7. In order to decide the issues within their mandate, the Committees of the Commission may include, with the right of advisory vote, representatives of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service, with Master’s Degree in law and higher, of government agencies, specialized research institutions and educational establishments, civil society institutes and international organizations with proper professional training and work experience in the relevant fields.

8. Organizational and logistical support of the Commission shall be conducted by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Article 17. Head of Civil Service in a Government Agency

1. The following persons shall exercise the powers as heads of civil service:

1) in the Secretariat of the Cabinet of Ministers of Ukraine – State Secretary of the Cabinet of Ministers of Ukraine;

2) in the Ministry – State Secretary of the Ministry;

3) in other central executive body – the head of the respective body;

4) in government agencies led by civil service position holders – head of the respective body;

5) in other government agencies, or in case of direct subordination to a person who holds political office – chief of apparatus (secretariat).

2. The head of the civil service shall:

1) organize planning of work with the government agency staff, including organization of competitive selection of candidates for positions of categories “B” and “C”, ensure the transparency and objectivity of the said competitions as required by this Law;

2) ensure career planning, planned replacement of civil service positions with trained specialists in accordance with the requirements for professional competence, and stimulate promotion;

3) ensure timely publication and delivery of the information on vacant civil service positions to the central executive body ensuring the formation and implementation of state policy in the sphere of civil service in order to build a common registry of civil service vacancies which is made publicly available;

4) appoint citizens of Ukraine who have qualified for the competition to vacant civil service positions of categories “B” and “C”, dismiss persons from the said positions in accordance with the Law;

5) assign ranks to the civil servants of the government agency occupying positions of categories “B” and “C”;

6) ensure in-service training of civil servants of the government agency;

7) undertake planning of government agency’s staff training in order to provide improvement of civil servants’ proficiency in the state language, regional language or national minority language defined according to the law, as well as a foreign language that is an official language of the Council of Europe in cases when command of such language is compulsory under this Law;

8) monitor observance of the executive and service discipline in the government agency;

9) consider complaints against actions or omissions of civil servants of “B” and “C” categories;

10) adopt decisions within the given powers on rewards and disciplinary actions towards civil servants of “B” and “C” categories;

11) act as employer in relation to staff of the government agency who are not civil servants;

12) create adequate conditions for work and their material and technical provisions;

13) carry out other powers in accordance with this and other laws of Ukraine.

Article 18. Human Resource Management function of the government agency

1. Each government agency, depending on its size, shall have a structural unit or position of HR specialist (hereinafter referred to as the *HRM function*) directly subordinated to the head of civil service. Responsibilities of the HRM function can be assigned to one of the civil servants of the agency.

2. The HRM function supports the head of the civil service in discharge of his/her mandate, is responsible for the implementation of State HRM Policy in the government agency, recruitment of staff, planning and organizing events on the professional competence development of civil servants, documentary registration of entry to civil service, its performing and termination, as well as performs other functions stipulated by the legislation.

3. In the issues of implementation of the civil service state policy, the HRM function is guided by the Constitution of Ukraine, this and other Laws of Ukraine, international agreements ratified by the Verkhovna Rada of Ukraine, resolutions of the Verkhovna Rada of Ukraine, Decrees of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine and

the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

4. The standard regulation on the HRM function is approved by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

SECTION IV. ENTRY INTO CIVIL SERVICE

Chapter 1. General Conditions for Entry into the Civil Service

Article 19. Right to the Civil Service

1. The citizens of Ukraine, who have come of age, are fluent in the national language and assigned the level of higher education not lower than:

- 1) for the positions of category “A” and “B” – Master’s Degree;
- 2) for the positions of category “C” – Bachelor’s Degree, Junior Bachelor’s Degree, have the right to civil service.

2. The following persons cannot enter into civil service:

- 1) persons who have reached the age of sixty five;
- 2) persons declared incapable or of limited capability in the manner prescribed by law;
- 3) persons who have a record of conviction for an intentional crime, if it has not been removed from official records or expunged in accordance with the law;
- 4) persons who are disbarred by the court ruling from engaging in activities related to performance of the state functions or from holding the respective positions;
- 5) persons who were imposed an administrative penalty for corruption or corruption-related offence – during three years since respective decision entered into force;
- 6) persons who are citizens of other states;
- 7) have not passed special check and have not given consent to such check;
- 8) is subject to the ban stipulated by the Law of Ukraine “On Cleansing of Power”.

3. During implementation of citizens’ right to the civil service, no forms of discrimination defined by the legislation shall be allowed.

Article 20. Requirements to Persons Applying for Civil Service Entrance

1. Requirements to persons applying for civil service entrance shall be the requirements to their professional competence that include general and special eligibility criteria.

2. Persons applying for civil service positions shall meet the following general requirements:

1) for positions of category “A” – general work experience of at least seven years; work experience at civil service positions of categories “A” or “B”, or at the positions not lower than heads of organisational units in local self-government agencies, or work experience in managerial positions in the respective sphere for at least three years; fluent proficiency in the state language, fluency in a foreign language which is an official language of the Council of Europe.

2) for positions of category “B” in the government agency with jurisdiction over the entire territory of Ukraine, and its apparatus – the experience at positions of civil service categories “B” or “C”, or work experience in self-government agencies, or experience at managerial positions of enterprises, institutions and organizations irrespective of form of ownership of at least two years, fluent proficiency in the state language;

3) for positions of category “B” in the government agency with jurisdiction over the territory of one or more regions, the cities of Kyiv and Sevastopol, and their apparatus – the experience at positions of civil service categories “B” or “C”, or experience in self-government agencies or work experience at managerial positions of enterprises, institutions and organizations irrespective of form of ownership of at least two years, fluent proficiency in the state language;

4) for positions of category “B” in another government agency, except those listed in sub-items 2 and 3 of this part – experience at positions of civil service categories “B” or “C”; or work experience in the bodies of local self-government, or work experience at managerial positions of enterprises, institutions and organizations irrespective of form of ownership of at least one year, fluent proficiency in the state language;

5) for category “C” positions – Bachelor’s or Junior Bachelor’s Degree, fluent proficiency in the state language.

3. Special requirements to persons applying for positions of categories “B” and “C” are to be determined by the appointing subject with regard to the requirements of special laws regulating the activities of respective government agency according to the procedure approved by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

4. Persons applying for civil service positions of category “A” shall meet standard requirements (including special requirements) approved by the Cabinet of Ministers of Ukraine.

Article 21. Entry into the Civil Service

1. Entry into civil service shall be made by appointment to a civil service position of a citizen of Ukraine on the basis of competitive selection results.

2. Appointment of Ukrainian citizens to the positions of civil service without competition shall be prohibited, except in the cases stipulated by this Law.

3. A person entering the civil service position for the first time shall assume the status of a civil servant from the day of their publicly taking the Oath of the civil servant, and the person who is repeatedly appointed to the position of civil service – from the date of appointment to the position.

Chapter 2. Procedure for Competitive Recruitment to Civil Service Vacancies

Article 22. Competitive Recruitment to Civil Service Vacancies

1. A competition for filling in a vacant civil service position (hereinafter referred to as the Competition) shall be held for the purpose of recruitment of persons capable of professional performance of professional duties according to the Procedure for Competitive Recruitment to civil service vacancies (hereinafter referred to as the *Competitive Recruitment Procedure*) approved by the Cabinet of Ministers of Ukraine.

2. Competitive recruitment shall be based on professional level, personal qualities and merits of candidates seeking appointment to civil service vacancies.

Special characteristics of competition to recruit to civil servants in judiciary bodies shall be defined by the law.

3. The Competitive Recruitment Procedure shall define:

1) conditions of conducting the competition;

2) requirements regarding the disclosure of information on vacant position of civil

service and announcement of holding competition;

3) composition, formation procedure and powers of competition commission;

4) procedure for submitting and considering documents for participation in the competition;

5) procedure for testing, interviewing and other methods of assessment of the candidates for filling in the civil service positions;

6) methods of assessing the candidates for filling vacant civil service positions.

4. A closed selection on a competitive basis may be conducted for the positions related to state secret, mobilization preparation, defence and national security.

The list of such positions and peculiarities of conducting competition to given positions shall be determined by the Cabinet of Ministers of Ukraine in the Procedure for conducting competition.

5. Upon reorganization (merger, accession, division, transformation) or liquidation of the government agency, the civil servant shall be transferred to the equivalent or lower position in the government agency (by civil servant's consent) to which the authorities and functions of such body are assigned, without any mandatory competition.

6. During transfer or delegation of powers and functions of the government agency to the body of local self-government, the transition of civil servant to the position in the bodies of local self-government shall be carried out without compulsory competition, subject to availability of his/her professional competence requirements to the respective qualification requirements for such position and compliance with the conditions of entry into service for the first time following the results of the competition.

Article 23. Publication of Information on Vacant Civil Service Positions and Competition Announcement

1. Information on a civil service vacancy is announced on official web-sites of the government agency in which the competition is conducted and the central executive body ensuring the formation and implementation of state policy in the sphere of civil service in accordance with this Law and Competitive Recruitment Procedure.

2. A decision on the announcement of competition for vacant civil service positions of category "A" shall be taken by an appointing entity, and for vacant civil service positions of Categories "B" and "C" – by the head of civil service pursuant to this Law.

The appointing entity or head of civil service shall ensure the transfer of the order on the announcement and the conditions of competition for vacancies in electronic form to the central executive body ensuring the formation and implementation of state policy in the sphere of civil service no later than the next business day after the day of signing the respective order.

3. The central executive body ensuring the formation and implementation of state policy in the sphere of civil service shall check the order on announcement and conditions of the competition for the vacant position according to the requirements of the legislation on civil service, and if there are no remarks, post systematized information on the announcement and conditions of competition in government agencies on its official website not later than the next business day after the day of their receipt.

In case of non-compliance of the order on announcement and conditions of the competition for the vacant position with the requirements of the legislation on civil service, the central executive body ensuring the formation and implementation of state policy in the sphere of civil service shall inform about it the corresponding head of the civil service not later than the next business day from the date of receipt of the order, in order to ensure compliance with the legislation.

4. The published announcement of the competition shall contain:
 - 1) the name and location of the government agency;
 - 2) title;
 - 3) professional duties;
 - 4) conditions of labour remuneration;
 - 5) requirements for professional competence of the candidate for the position;
 - 6) information on the term of appointment or indication that the appointment is for an indefinite term;
 - 7) the exhaustive list of documents required for participation in the competition and the period for submission thereof;
 - 8) date and place of the competition;
 - 9) name, telephone number and email address of the person who provides additional information on the competition.
5. The period for submitting documents for participation in the competition may not be less than 15 and more than 30 calendar days after the publication of information on the competition. Competitions results shall be published no later than within 45 calendar days after publication of information about such competition.

Article 24. Reduction of vacant positions for which no competition is announced

1. Civil service vacancies for which no competition is announced during one year shall be subject to reduction.

Article 25. Documents Required For Participation in the Competition

1. A person applying for the competition shall submit the following documents to the competition commission in the prescribed manner:

- 1) copy of passport of the citizen of Ukraine;
- 2) written application for participation in the competition with indication of main motives for filling in the position of civil service appended by a resume composed in a free form;
- 3) written application declaring that he/she is not subject to prohibitions defined by part three or four of Article 1 of the Law of Ukraine "On Cleaning Power", and containing consent for inspection, as well as consent for disclosing data related to the person according to the said Law.
- 4) copy of education certificate (certificates);
- 5) attestation certificate on fluent proficiency in the state language;
- 6) filled personal card as per standard form;
- 7) in the event of closed competition – other documents certifying the compliance with the conditions of the competition;
- 8) declaration of a person authorized to perform functions of the state or local self-government for the previous year.

2. It shall be prohibited to demand documents not defined in part one of this Article from the person applying for the vacant civil service position.

3. A person applying for the competition may attach to the application for participation in the competition documents other than those referred to in part one of this Article, including documents certifying the available work experience.

4. The civil servants who work in the government agency holding competition shall submit solely the application for participation in the competition.

5. The documents of the winner of the competition referred to in part one of this Article shall be appended to his/her personal file in case of his/her appointment to the civil service position.

Prior to the appointment to the civil service position, the winning candidate shall submit declaration of a person authorized to perform functions of the state or local self-government for the previous year.

Article 26. Procedure for Defining the Compliance of the Candidates with the Conditions of the Competition

1. The HRM function of the government agency conducting the competition shall perform inspection of the documents submitted by the candidates on compliance with the requirements established by the law and inform the candidate about the results of this inspection.

2. Candidates who successfully pass the inspection specified in part 1 of the present Article shall be subject to testing according to the Procedure for competition, approved by the Cabinet of Ministers of Ukraine.

3. Candidates who successfully pass tests specified in part 2 of the present Article shall be subject to interviewing and other kinds of assessment according to the Competitive Recruitment Procedure.

4. If the application for participation in the competition is submitted by one person only, such person shall undergo the competition in accordance with the procedure established by this Law, following which the decision on his/her appointment to the civil service position or on refusal in appointment is made.

Article 27. Competition Commission

1. The competition for appointment to vacant civil service positions of "A" category shall be conducted by the Commission.

The competition for vacant civil service positions of "B" category in the government agency with jurisdiction over the territory of one or more regions, the cities of Kyiv and Sevastopol, shall be conducted by the competition commission, formed by the head of the civil service of a high-level government agency.

The competition for category "B" vacant civil service positions, except those listed in paragraph two herein, and category "C" positions shall be conducted by the competition commission composed of at least five persons and formed by the head of the civil service in the government agency. Moreover, the competition commission may include on the competitive basis representatives of civil groups that act on the basis of the Law of Ukraine "On Civil Associations", according to the procedure approved by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

2. Civil servants, including from other government agencies, researchers and experts in respective fields as well as representatives of the elective body of primary trade union organization (if available) may be engaged in the work of the competition commission.

3. Meetings of the competition commission shall be valid subject to presence of at least two thirds of its members.

4. During the meeting the competition commission members shall:

1) review the results of the inspection of documents of candidates for vacant civil service positions made by the HRM function;

2) conduct selection of candidates using methods of assessment according to the Competitive Recruitment Procedure;

3) conduct interviews with candidates for appointment to vacant civil service

positions, with consideration of their test scores, to clarify their professional competency;

4) personally assess levels of professional competency of candidates who meets competition requirements, and individually define their general rating;

5) following the results of overall rating of applicants meeting the requirements of the competition, determine the winner of the competition and the second winning candidate on the basis of competition results.

5. The decision of the competition commission shall be deemed adopted provided that the majority of its members voted for it.

Article 28. Documentation and Publication of the Competition Results

1. The decision of the competition commission shall be documented in the minutes to be signed by the members attending its meeting not later than three calendar days after the meeting, and shall be kept for a term of five years by the government agency which has held the competition.

2. Information about the winner of the competition shall be published on the official website of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service and a government agency in which competition was held, not later than the next business day after the day of signing the minutes of the meeting of the competition commission in accordance with the Procedure for conducting competition.

For vacant civil service positions of category "A", information about the winner of the competition and the second winning candidate to a vacancy proposed by the Commission to the appointing entity on the basis of competition results shall be published on the official web site of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

3. Extract from the minutes of the meeting of the competition commission shall be included in the personal file of the civil servant who has been appointed to the civil service position based on the results of the respective competition.

4. The HRM function of the government agency conducting the competition shall send notification to each candidate about competition results in writing within five calendar days upon their announcement.

5. Participants of the competition who have not passed the competitive selection may appeal the decision of the competition commission:

1) as to competition for civil service positions of the category "A" – in the court;

2) as to competition for civil service positions of the categories "B" and "C" – in the central executive body ensuring the formation and implementation of state policy in the sphere of civil service or in the court.

6. Appeal against the decision of the competition commission shall be submitted not later than within ten calendar days from the day of receipt of a written notification of the competition results.

Participant of the competition appealing against the decision of the competition commission is obliged to inform thereof the corresponding competition commission and submit copy of the corresponding appeal.

7. The central executive body ensuring the formation and implementation of state policy in the sphere of civil service shall inform the competition participant of who filed an appeal, no later than within 14 calendar days from the day of appeal receipt, and in case of established violation shall direct a binding request to cancel results of the competition to the head of civil service of a government agency where the competition was held.

Article 29. Suspended Right of the Candidate Rated Second after the Winner to the Vacant Civil Service Position

1. Candidate for the vacant civil service position who is rated second based on the results of the competitive selection shall have the right to be appointed to this position within one year of the date of the respective competition if it becomes vacant, and in the event the winning candidate refuses from the position or is rejected on the basis of special inspection results.

Information about this position being made open shall be communicated to the second winning candidate within five calendar days.

Article 30. Repeated Competition

1. Repeated competition shall be held in the event of:

1) established fact of violation of the competition conditions in the course of the competition could affect the results thereof;

2) no candidate determined to be appointed to a vacant position on the basis of competition results;

3) special inspection has revealed restrictions on entry into civil service for the competition winner and absence of the second winning candidate to a vacant civil service position on the basis of competition results.

2. In the case provided for in clause 1 of part 1 of this Article, part 4 of Articles 35 and 36 hereof, the appointing entity shall cancel the decision of the competition commission, and repeated competition shall be announced not later than ten calendar days of the date of cancellation of the decision of the competition commission.

3. The repeated competition shall be held according to the procedure defined for standard competition.

Chapter 3. Appointment to the Civil Service Position

Article 31. Procedure for Appointment to the Civil Service Position

1. The appointing entity regarding civil service position of category "A" reviews proposals of candidates stipulated by paragraph 2 part one of Article 15 of this Law and decides on appointment of one of the candidates proposed by the Commission.

The winner of the competition shall be appointed to the civil service position of categories "B" and "C".

2. The decision on the appointment shall be adopted:

1) for civil service position of the category "A" – by the appointing entity established by the Constitution and laws of Ukraine in the manner prescribed by the Constitution of Ukraine, this Law and other laws of Ukraine;

2) for civil service position of the categories "B" and "C" – by the head of the civil service.

3. The decision on appointment to the position shall be adopted after the expiration of the period for appealing against the results of the competition, and in the case where the results of the competition have been appealed – after adoption of the decision upon the appeal by the reviewing entity (body authorized to review the appeal), but not later than 30 calendar days after the publication of information about the winner of the competition unless otherwise provided for by the law. Such decision shall be adopted on the basis of the minutes of the meeting of the competition commission.

4. The decision about appointment or rejection of appointment to a civil service position shall be adopted on the basis of the results of a special inspection conducted in accordance with the Law of Ukraine “On Anti-Corruption”, and check conducted in accordance with the Law of Ukraine “On Cleansing of Power”.

5. On the date of appointment of a person to a civil service position, the HRM function shall organize the procedure of taking Oath by the person appointed to the civil service position for the first time, as well as notify the civil servant against receipt of the internal service regulations and job description.

6. To ensure uninterrupted operations of a government agency, when deciding to announce competition for a vacant civil service position, an appointing agency may at the same time take a decision about temporary distribution of responsibilities related to this position among civil servants working in a relevant structural unit of a government agency.

Article 32. Appointment Restrictions

1. A person cannot be appointed to a civil service position if he/she shall be directly subordinated to or be a direct superior officer of a closely related person.

2. If circumstances arise that cause violation the provisions of part one of this Article, the respective persons and their closely related persons shall notify the head of the civil service thereof and take measures to eliminate such circumstances within a 15-day period.

If given circumstances were not voluntarily eliminated within the specified period, the head of the civil service shall within 30 days take measures to eliminate such circumstances. For this purpose the head of the civil service may transfer the civil servant with his consent to another equivalent vacant civil service position in this government agency or approve the transfer to another government agency. In such cases transfer of civil servants shall be conducted without mandatory competition. In the event of impossibility of transfer, the person being in subordination shall be dismissed from the position occupied.

3. In the event of violating provisions specified in paragraph two of part two of this Article, the head of the civil service shall be liable as established by the law.

4. Persons failing to notify the head of the civil service of the circumstances indicated in part 1 of this Article, shall be liable as established by the law.

5. Civil servants are covered by restrictions stipulated by the Law of Ukraine “On Anti-Corruption”.

Article 33. Appointment Act

1. Appointment act shall contain:

- 1) full name of the person entering into civil service office;
- 2) the civil service position indicating the operational unit of the government agency;
- 3) date of commencement of professional duties;
- 4) salary conditions.

2. Appointment act may also contain the following conditions and obligations:

- 1) appointment period (in the case of a fixed-term appointment);
- 2) probation period (in the case of appointment with probation period);

3. One copy of the act on appointment to a position shall be given to the civil servant; another copy shall be retained in his/her personal file.

4. The act on appointment to a position shall be issued in the form of a decree, resolution, order (direction), decision depending on the position category according to the requirement of current legislation.

Article 34. Fixed-term Appointment

1. Appointment to the civil service position shall be for an indefinite term, apart from exceptions stipulated by this and other laws.
2. Fixed-term appointment shall be made in case of:
 - 1) appointment to category “A” position– for five years, unless otherwise provided for by the law, with the right of repeated appointment for another term or following transfer to the equivalent or lower position to another government agency upon the proposal of the Commission;
 - 2) filling in the civil service position for the period of absence of the civil servant, who will retain the civil service position in accordance with this Law;
 - 3) temporary appointment to a civil service position according to part six of Article 30 of this Law – for the period until the winner of competition is appointed to this position, but no longer than for sixty calendar days.

Article 35. Probation

1. Appointment act issued by the appointing entity may establish probation required to verify whether the person meets the requirements of the position held, with indication of the respective period.
2. For persons entering into civil service for the first time probation shall be mandatory.
3. Probation during appointment to civil service positions is established for the period up to six months.
4. In the event that the person disagrees with the decision on the probation period, he/she shall be deemed to have rejected appointment to the civil service position. In this event the suspended right of the candidate rated second after the winner to the vacant civil service position shall apply. If the said candidate has not been defined by the competition commission – a repeated competition is held.
5. If during probation period the civil servant was absent from work due to temporary disability, additional leave due to study or other valid reasons, the probation period shall be prolonged for the respective number of days when he/she did not actually perform professional duties.
6. The appointing entity shall have the right to dismiss the civil servant from his/her position prior to the expiration of the probation period in the event of established unsuitability of a civil servant for the occupied position in accordance with clause 2, part one, Article 87 of this Law. The appointing entity shall give a written notice of dismissal to the civil servant at least seven calendar days in advance, indicating the grounds for unsuitability for a particular position.
7. Not later than 10 days before the end of the probation period, the assessment of the professional activity of the civil servant is conducted according to Article 43 of this Law. If the result of such assessment is negative, s/he is deemed to have not passed the probation period.
8. In the event that no order of dismissal from the civil service position was served upon the person by the end of the probation period, the person shall be deemed to have passed the probation period.

Article 36. The Civil Servant’s Oath

1. The person who has been appointed to the civil service position for the first time shall officially take the Civil Servant’s Oath as follows:

“Being aware of the gravity of my responsibility, I do solemnly swear that I will faithfully serve the Ukrainian people, observe and implement the Constitution and laws of Ukraine, respect and protect human and civil rights, freedoms and legitimate interests and the honour of the state, and that I will carry with dignity the high title of the civil servant and will faithfully perform my professional duties”.

2. The person who has been appointed to the civil service position for the first time shall take the Oath of the Civil Servant in the presence of civil servants of the operational unit in which he/she has been appointed, as well as the representatives of the HRM function of the respective government agency, shall sign the text of this Oath and indicate the date of taking the Oath.

3. The signed Oath of the Civil Servant shall be included in the personal file of the civil servant. The record of taking the Oath of the Civil Servant shall be made in the employment record book of the civil servant.

4. In case of refusal of the person to take the Oath of the civil servant, he/she shall be deemed to have refused the appointment to the civil service position, and the certificate of his/her appointment to the position shall be revoked by the appointing entity. In this event the suspended right of the candidate rated second after the winner to the vacant civil service position shall apply. If the said candidate has not been defined by the competition commission – a repeated competition is held.

5. A person who enters into a civil service position for the first time shall assume a civil service status from the day of taking the Oath of the civil servant.

Article 37. Personal File of the Civil Servant

5. Each civil servant shall have his/her personal file including a personal card as per standard form which shall indicate the following information:

- 1) full name;
- 2) date and place of birth;
- 3) marital status;
- 4) education and specialty;
- 5) competition results;
- 6) details of the order or other instrument of appointment;
- 7) date and place (government agency) of taking the Oath of the civil servant;
- 8) information on the performance of the civil service in a government agency (position, position category and civil service rank, information about professional training, internship, foreign business trips, rotation in the said government agency);
- 9) information on assessment of professional activities performance;
- 10) type and period of granting a leave;
- 11) information about rewards;
- 12) information about disciplinary actions taken and revocations thereof;
- 13) grounds for dismissal from the civil service position with reference to the Article, part and clause of this or other law of Ukraine.

3. Maintenance of the personal file of the civil servant shall commence simultaneously with the person's entry into civil service.

4. Procedure for maintaining and storing personal files of civil servants shall be determined by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

SECTION V. OFFICIAL CAREER

Article 38. Performance of Civil Service

1. Appointment for the civil service position, promotion of civil servants and other issues related thereto shall proceed with consideration of civil service categories and civil servant ranks as type of special titles they are assigned.

Article 39. Civil Service Ranks

1. Civil servant ranks are type of special titles.
2. There shall be established nine civil service ranks.

The procedure for assigning civil service ranks and the correlation between the civil service ranks and the ranks of local self-government officials, military ranks, diplomatic ranks and other special ranks shall be determined by the Cabinet of Ministers of Ukraine.

Correlation between civil service ranks and ranks of local self-government officials, military ranks, diplomatic ranks and other special ranks shall be established for cases of appointment of such special rank holders to civil service positions which may be assigned lower ranks. In such event the person shall be assigned a civil service rank at the level of the rank he/she held according to special laws.

3. The ranks shall be assigned as follows:

to civil servants holding civil service positions of category "A" – rank 1, 2, 3;

to civil servants holding civil service positions of category "B" – rank 3, 4, 5, 6;

to civil servants holding civil service positions of category "C" – rank 6, 7, 8, 9.

4. Civil servants shall be assigned ranks by the appointing entity, except as otherwise provided for by law.

5. Civil service ranks shall be assigned simultaneously with the appointment to the civil service position, except in cases stipulated by part six of Article 30 of this Law, and where the probation period is fixed – following the end of this period. The civil servant appointed to the civil service position for the first time shall be assigned the lowest rank within the respective category of positions.

6. The subsequent rank within the respective category of positions shall be assigned to the civil servant every three years based on the assessment of the performance of his/her professional activities.

The subsequent rank shall not be assigned to the civil servant during the period of disciplinary action and within six months of the receipt by the civil servant of the negative opinion on the performance of professional activities. The said periods shall not be counted towards the period referred to in the first paragraph of this part

7. The subsequent rank may be preliminary assigned to the civil servant once during his/her office for special achievements or for the performance of particularly important tasks.

The subsequent rank may be preliminary assigned not earlier than in one year after the assignment of the previous rank.

8. The subsequent rank outside the respective category of positions may be assigned to the civil servant upon retirement for diligent service.

9. In the event that the civil servant is removed to the position of lower category or dismissed from the civil service position, the civil servant shall retain his/her previously assigned rank

10. The civil servant may be deprived of the rank only by the court ruling.

11. The record of assigning, changing and revoking the civil service rank shall be made in the personal file and employment record book of the civil servant.

Article 40. Civil Servants' Promotion

1. Civil servant shall be promoted on the basis of their professional competency by appointment to a higher-level position according to the results of competition pursuant to this Law.

2. Civil servant shall not be promoted during the term of disciplinary sanction imposed on him.

Article 41. Civil Servants' Transfer

1. A civil servant may be transferred without mandatory competition on the basis of his/her professional training and professional competency level:

1) to another equivalent or lower vacant position in the same government agency, including positions in other regions (in other populated areas) – by the decision of the head of the civil service;

2) to equivalent or lower position in other government agency, including positions in other regions (in other populated areas) – by the decision of the head of the civil service in the authority, from which the civil servant is transferred, and the head of the civil service in the authority, to which the civil servant is transferred.

A civil servant appointed without competition cannot be transferred to a higher-level position without holding competition.

2. The transfer is carried out only with the consent of a civil servant.

3. It is not allowed to transfer a civil servant to another location if this is a pregnant woman, or a single guardian of a child under 14 years of age, or a disabled person whose disability is established according to a procedure set forth by the legislation. Such transfer is also not allowed in the event of particularly significant personal or family circumstances of a civil servant.

4. In case of a civil servant's transfer, he/she shall be paid the salary adequate to a position he/she has been transferred to.

5. Transfer should not be a disguised punishment.

Article 42. Business Travel

1. The civil servant may be sent to business trip (hereinafter – the business trip) to perform his/her professional duties outside the permanent duty station, including to work to the secretariats of international organizations, representative offices of international organizations in other countries, or to government agencies of foreign countries in accordance with the procedure established by the Cabinet of Ministers of Ukraine.

2. The head of the civil service determines the place of the business trip, duration of the business trip (including the necessity to work on weekends, holidays and days off) and the date of completion of the business trip as well as tasks to be performed.

3. The term of the business trip of the civil servant during one calendar year may not exceed 60 calendar days, except in the cases determined by the legislation.

Sending of a civil servant on a business trip for a longer term is possible upon his/her written consent.

4. The civil servant shall be reimbursed for expenses and provided with other compensations in connection with his/her going to business trips in a manner, specified by the Cabinet of Ministers of Ukraine.

5. Position and salary shall reserve after the civil servant for the whole period of

his/her business trip.

6. In the event of sending of a civil servant on a business trip his marital status and other personal circumstances should be taken into consideration. Pregnant women, civil servants with children up to 14 years of age, civil servants who are single carers of disabled children, children born with disabilities may not be sent on travel assignments without their consent.

Article 43. Change of Essential Conditions of the Civil Service

1. Grounds for change of essential conditions of civil service are:

1) liquidation or reorganisation of the government agency;
2) elimination of the payroll of the government agency;
3) reduction in staff size due to optimization of government agencies system or structure of an individual government agency.

2. Change of the name of the structural unit of the government agency, or change of the position title not connected with the change of government body's functions and basic professional duties, are not considered the change of essential conditions of civil service.

3. Change of essential conditions of the civil service shall include as follows:

1) change of reference to the civil service position category;
2) change of basic professional duties;
3) change of conditions (system and size) of labour remuneration or social and welfare benefits;
4) change of the regime of service, initiation or cancellation of part-time work;
5) change of the location of a government agency (in case of its relocation to another populated area).

4. The civil servant shall be informed about change of essential conditions of service by the head of the civil service in writing no later than within 60 calendar days before change of essential conditions, except in the cases of wage increase.

In case of disagreement of civil servant to continue the civil service due to significant change in conditions of service, s/he sends to the head of the civil service a resignation letter pursuant to clause 6 of the first part of Article 83 of this Law, or applies for transfer to another proposed position no later than 60 calendar days after the day of familiarization with a notice of changing the essential conditions of civil service.

If within 60 calendar days after the civil servant's familiarization with a notice of the change of the essential conditions of service there is no any statement from him/her, as indicated in the second paragraph of this part, the civil servant is deemed to have agreed to continuation of civil service.

5. If civil servant disagrees with the change of essential conditions of civil service, h/she is entitled to appeal the corresponding decision according to Article 11 of this Law.

6. Disagreement of the civil servant with the change of essential conditions of civil service is the ground for his/her dismissal at the initiative of the appointing entity according to Article 85 of this Law.

Article 44. Performance Appraisal

1. Civil servants' performance shall be subject to annual appraisal aimed to determine the quality of performance of the assigned tasks as well as to decide on bonuses, career plan and to identify professional training needs.

2. Performance appraisal shall be based on performance, efficiency and quality indicators determined with regard to the professional duties of the civil servant, as well as compliance with rules on ethical behaviour and legal requirements in the area of anti-

corruption.

3. Performance appraisal results of civil servants, who hold civil service positions of categories "B" and "C", is carried out by the immediate supervisor of the civil servant and the head of a stand-alone structural unit; performance appraisal of civil servants who hold civil service positions of category "A" is carried out by the appointing entity.

4. The civil servant should be made aware of their performance appraisal results against written acknowledgement within three calendar days after the appraisal.

Conclusions based on the performance appraisal findings shall be approved by an order (direction) of the appointing entity.

5. Performance appraisal results in giving a grade of 'negative', 'positive' or 'excellent' evaluation accompanied by rationale.

6. In case of a civil servant's negative grade, performance appraisal shall be repeated no earlier than within three months.

7. The conclusion containing a negative grade following the results of the civil servant's appraisal may be appealed by the civil servant according to procedure specified in Article 11 of this Law.

8. The civil servant has the right to give his/her comments regarding his performance appraisal which shall be included into his/her personal file.

9. Excellent grade upon civil servant's appraisal shall be the basis for bonus award and priority promotion in civil service according to this Law.

10. In the event of two consecutive negative grades received on the basis of civil servant's performance appraisal, such civil servant should be dismissed from civil service office according to item 3 part one of Article 87 of this Law.

11. A standard civil servant's performance appraisal procedure is approved by the Cabinet of Ministers of Ukraine.

Article 45. Public Report of Heads of Executive Government Agencies

1. Heads of executive government agencies shall annually present public reports about results of activity of a respective agency with participation of representatives of public councils, civil society associations, employees associations, trade unions, non-profit organizations, expert in relevant fields and mass media.

2. Information about presentation of public reports of heads of executive government agencies shall be posted no later than within a week before and after the report on the official web site of an executive government agency as well as in mass media.

3. A standard procedure for public reports of heads of executive government agencies shall be approved by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Article 46. Length of Civil Service

1. Length of civil service entitles a civil servant to long-service pay and supplementary paid holidays.

2. Length of civil service shall include:

1) period of holding civil service position in accordance with this Law;

2) period of office as People's Deputy of Ukraine;

3) period of holding positions of diplomatic mission staff;

4) period of holding positions in local self-government agencies under the Law of Ukraine "On Service in Local Government Bodies";

5) period of holding positions of judges;

6) period of holding positions of prosecutors ;

- 7) period of holding positions to which the special and military ranks are assigned;
 - 8) period of civil servants' professional training outside the job if within 75 days after its completion such person returns to the civil service except cases stipulated by the law;
 - 9) period when the civil servant did not work for valid reasons, but remained employed with the government agency;
 - 10) period of civil servant's leave to care for a child under 3 years of age, and in the event the child requires home care – leave without pay with duration specified in medical report, but until the child reaches 6 years of age;
 - 11) period of holding positions of advisor, assistant, proxy and press-secretary for the President of Ukraine, staff of secretariats of the Chair of the Verkhovna Rada of Ukraine, First Deputy Chair and Deputy Chair of the Verkhovna Rada of Ukraine, staff of political advisory offices of the Prime-Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine, assistant consultants to the People's Deputies of Ukraine, and assistants and research consultants to the judges of the Constitutional Court of Ukraine, assistants to judges, as well as holding positions in political advisory offices at other government agencies.
3. The procedure for calculation of the length of civil service is approved by the Cabinet of Ministers of Ukraine.

Article 47. Internal Service Regulations of the Government agency

1. Internal service regulations of the government agency (hereinafter – the internal service regulations) shall stipulate:
 - 1) beginning and end of the working time of a civil servant;
 - 2) breaks provided for rest and meals;
 - 3) conditions and procedure for attending by a civil servant of the government agency on weekends, holidays and days off and after the end of working time;
 - 4) procedure for bringing to the notice of the civil servant of legislative acts, orders, directions and instructions on the service issues;
 - 5) general instructions on labour protection and fire safety;
 - 6) general rules of ethical conduct in the government agency;
 - 7) procedure for notification of civil servant's absence at the service;
 - 8) procedure for acceptance and transfer of records (files) and property by a civil servant;
 - 9) other provisions of legal acts that do not contradict this Law.
2. The internal service regulations shall be approved by the general assembly (conference) of a government agency's employees upon submission of the head of civil service or his authorized body and elected body of the primary trade union organization (if available) on the basis of standard regulations.
3. The internal service regulations shall be communicated to all civil servants against signature.
4. Model internal service regulations shall be approved by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Article 48. Enhancing Professional Competency Level of Civil Servants

1. Civil servants should be provided with conditions for enhancement of their level of professional competency through professional training that shall be carried out on the continuous basis.
2. Civil servant's professional training shall be supported from the state budget and other sources not prohibited by law through the system of training, re-training, specialization and in-service training, in particular in the field of knowledge "Public Management and

Administration”, according to the procedure established by the legislation, at education institutions, establishments and organizations irrespective of their form of ownership which are entitled to provide educational services, including institutions abroad.

A regulation on training, re-training, specialization and in-service training of civil servants shall be approved by the Cabinet of Ministers of Ukraine upon submission of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

3. Research and methodological provision of functioning of the system of training, re-training, specialization and in-service training of civil servants shall be ensured by the National Academy of Public Administration under the President of Ukraine – higher educational establishment with special training conditions to be determined by the Cabinet of Ministers of Ukraine.

4. The head of civil service shall within the limits of expenses provided for maintenance of a respective government agency ensure organisation of civil servants’ professional training, in-service training of civil servants at workplace or in other institutions (organizations) and also shall have the right, according to the law, to procure services necessary to deliver in-service training to civil servants from enterprises, institutions and organizations irrespective of their form of ownership as well as from natural persons.

For the duration of professional training a civil servant shall retain their position and salary.

5. Enhancement of professional competency level of civil servants shall be conducted during their service, and in-service training – at least once every three years.

The needs for professional training of civil servants shall be determined by their immediate supervisor and the HRM function of the government agency following the results of their performance appraisal.

6. The head of civil service shall ensure professional training of civil servants, who were appointed to a civil service position for the first time, within a year from the date of their appointment.

7. For the period of professional training, civil servants shall retain their position and salary.

8. In order to improve the professional competency level of a civil servant, his/her training can be held outside the job for a period from one to six months in other civil service position in other government agency or abroad according to the law.

Civil servants’ position and salary shall be retained during their period of internship.

9. Young citizens not holding civil service positions may be accepted as interns at government agencies for the period up to six months according to the procedure specified by the head of the civil service, with the purpose of learning about operations of the civil service.

10. Procedure for civil service internship shall be determined by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Article 49. Individual Program for Enhancement of Professional Competency Level of Civil Servants

1. The civil servant on the basis of annual performance appraisal stipulated by Article 44 hereof, together with the HRM function prepares an individual program for his/her professional competency enhancement. Individual program for professional competency enhancement shall be agreed by the immediate supervisor of the civil servant and approved

by head of a stand-alone structural unit where he/she works.

2. The HRM function summarizes civil servants' needs in training, re-training, specialization and in-service training of civil servants and presents relevant proposals to the head of civil service.

SECTION VI. REMUNERATION, PREMIUMS AND SOCIAL WARRANTIES

Article 50. Labour Remuneration of Civil Servants

1. The state ensures an adequate level of labour remuneration of civil servants for the professional performance of professional duties, encourages them to an effective, efficient, integrate and initiative work.

2. The civil servant's salary consists of:

- 1) official salary rate;
- 2) long-service premium;
- 3) rank-related premium;
- 4) payments for additional loading due to performance of duties of temporary absent civil servant in the amount of 50% of salary of a temporarily absent civil servant;
- 5) payments for additional workload due to performance of duties related to a vacant civil service position compensated from the payroll economy related to a correspondent position;

6) bonuses (if established).

3. According to performance results and civil servant's annual performance appraisal, civil servants may receive bonuses. Bonuses for civil servants shall include:

- 1) bonuses on the basis of civil servant's annual performance appraisal;
- 2) monthly or quarterly bonus on the basis of personal contribution of the civil servant into the overall result of government agency performance.

In this regard, the total amount of bonuses stipulated by item 2 of this part, which may be received by a civil servant during one year shall not exceed thirty per cent of the total amount of his/her annual fixed salary payroll.

4. The source of raising civil servants' payroll fund is the state budget.

The civil servants' payroll fund shall be generated from the state budget allocations as well as funds contributed to the state budget under the assistance programmes of the European Union, foreign governments, international organizations and donor institutions. A procedure for utilization of such funds contributed to the state budget shall be approved by the Cabinet of Ministers of Ukraine.

5. Reduction of budget allocations may not be the basis for reduction of official salary rates and premium.

Article 51. Remuneration Groups and Salary Scheme for Civil Servants

1. For the purpose of salary rate setting, civil service positions shall be divided into the following remuneration groups:

- group 1 shall include heads of government agencies and equivalent positions;
- group 2 shall include first deputy heads of government agencies and equivalent positions;
- group 3 shall include deputy heads of government agencies and equivalent positions;
- group 4 shall include heads of independent operational units of government agencies and equivalent positions;

group 5 shall include deputy heads of independent operational units of government agencies and equivalent positions;

group 6 shall include heads of units within independent operational units of government agencies, their deputies and equivalent positions;

group 7 shall include chief specialists of government agencies and equivalent positions;

group 8 shall include lead specialists of government agencies and equivalent positions;

group 9 shall include specialists of government agencies and equivalent positions.

Equivalence of civil service positions if established by the Cabinet of Ministers of Ukraine during approval of salary chart for civil service positions upon submission of the central executive body ensuring the formation and implementation of state policy in the sphere of employment relations upon agreement with the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

2. With the purpose of salary rates setting, government agencies are grouped according to their jurisdiction that extends onto:

- 1) the entire territory of Ukraine;
- 2) the territory of one or several regions, cities of Kyiv and Sevastopol;
- 3) the territory of one or several districts, cities of regional significance.

Government agencies shall ensure presence of all salary groups stipulated by part 1 of this Article.

3. The chart of civil service position salary rates shall be established annually by the Cabinet of Ministers of Ukraine during preparation of the Law of Ukraine "On the State Budget of Ukraine" for the subsequent year with consideration of government agencies' jurisdiction and the underlying principle that the minimal salary rate within group 1 in government agencies with jurisdiction extending onto the entire territory of Ukraine may not exceed 7 minimal salary rates within group 9 of government agencies with jurisdiction extending onto the territory of one or several districts, cities of regional significance.

The minimum salary rate for civil servants in group 9 in a government agency with jurisdiction extending onto the territory of one or more districts, cities of regional significance may not be lower than two minimal wages established by the law.

Article 52. Premiums, Extra Payments and Bonuses

1. Long-service premium in the civil service shall be set at the level of 3 per cent of official salary of a civil servant per each calendar year of civil service length, but not more than 50% of the fixed salary rate.

2. Civil servants' rank-related premium is established by the Cabinet of Ministers of Ukraine during establishment of the chart of civil service salary rates.

3. Payment for additional workload due to performance of duties of temporary absent civil servant shall be set by the head of the civil service for each civil servant individually upon the proposal of their immediate supervisor in the amount of 50% of salary of a temporarily absent civil servant.

4. Payment for additional workload due to performance of duties related to a vacant civil service position shall be set by the head of the civil service upon the proposal of their immediate supervisor for civil servants among whom duties related to a vacant positions are distributed, proportionally to the additional workload, to be compensated from the payroll economy related to a correspondent position.

5. Bonuses are paid within the limits of the bonus fund, according to personal contribution of the civil servant into the overall result of government agency performance.

The standard bonus policy is approved by the central executive body ensuring the formation and implementation of state policy in the area of labour relations upon agreement with the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Establishment of given bonuses shall be made by the head of civil service according to the regulation on awarding bonuses for the respective government agency approved by him/her and agreed with the elected body of a primary trade union organization (if available).

6. Bonus fund of the government agency is established in amount of 20 per cent of total annual payroll and payroll economy.

7. Bonus for the results of civil service performance appraisal and monthly or quarterly bonus to civil servants of group "A" position shall be established by the appointing entity according to this Article.

Article 53. Civil Servants Reward

1. Impeccable and effective civil service and special merits of civil servants shall recognized by such types of reward:

- 1) expression of gratitude;
- 2) awarding of a letter of recognition, certificate of appreciation and other awards of government agency;
- 3) early awarding of a rank pursuant to the procedure established by this Law;
- 4) recommendation for government recognition and awards (special recognition letter, gratitude, certificate of honour);
- 5) recommendation for the state award.

2. Civil servants holding positions of categories "B" and "C" are rewarded by the head of the civil service, and civil servants holding positions of category "A" – by the appointing entity.

3. Rewards shall not apply to civil servants during their term of imposed disciplinary action.

Article 54. Social Benefits for Civil Servants

1. A civil servant may be provided with the employer-rented housing in cases and according to the procedure determined by the Cabinet of Ministers of Ukraine.

2. Civil servants may be granted financial aid to resolve social and household issues.

The procedure for granting and amount of such aid are defined by the Cabinet of Ministers of Ukraine.

Article 55. Organization of Adequate Conditions for Performance of Professional Duties

1. The head of civil service shall create healthy and safe conditions necessary for proper performance of professional duties by civil servants.

2. The head of civil service shall take measures to:

- 1) deliver information required for the performance of professional duties to the civil servants;
- 2) equip the premises, adapted for the performance of the professional duties;
- 3) properly equip the workplaces;
- 4) provide civil servants with the necessary equipment.

SECTION VII.
WORKING HOURS AND RESTING TIME
OF THE CIVIL SERVANT. VACATIONS

Article 56. Working Hours and Time of Rest of Civil Servant

1. Duration of working time of a civil servant is 40 hours per week.

2. Five-day working week with two days off is established for civil servants.

3. Upon the consent of head of the civil service, part-time day or week can be established for the civil servant. At the request of the pregnant woman, a lonely civil servant, who has a child under fourteen years or a disabled child, including the child that is under his care, or caring for a sick family member according to medical statement, the head of the civil service is obliged to set part-time working day or part-time working week for such civil servant. Labour remuneration in these cases shall be made pro rata to the time worked.

4. Civil servants with no restrictions of the working time under the Law, on the basis of the order of the head of civil service which shall be made known to the elected body of a primary trade union organization (if available) shall be obliged to come to their workplace and work over the established working hours and during the weekends, holidays, days off and night shifts in order to perform exigent or unforeseen tasks. Work during the mentioned days (time) shall be compensated in the amount and manner determined by the labour legislation, or within one month additional days off shall be granted to civil servants upon their requests.

It is prohibited to engage pregnant women and women with small children under the age of 3 in overtime work and work during the weekends, holidays, days off and night shifts. Women with children aged 3-14 or with children with disability may be engaged in overtime work only upon their consent. Engagement of people with disabilities in overtime work may be only upon their consent and provided this is not counter to their medical recommendations.

5. The overall duration of overtime and work during the weekends, holidays, days off and night shifts for a civil servant may not exceed 4 hours in subsequent two days or 120 hours per year.

6. If a holiday or a day off coincides with a day off, the day off shall be transferred to the next day after holiday or non-working day.

Article 57. Basic Annual Leaves of Civil Servants

1. Civil servants shall be granted paid basic annual leaves for the duration of 30 calendar days, unless a longer leave is stipulated by the law, with payment of annual leave benefit in the amount equalling their average monthly salary.

Article 58. Annual additional Leaves and Other Leaves of Civil Servants

1. After achieving the five-year length of service, the civil servant shall receive one calendar day of annual additional paid leave for each year of the civil service, but not more than 15 calendar days.

2. Additional paid leaves due to study, research leaves, social leaves, unpaid leaves and other leaves shall be provided to civil servants according to the law.

3. A civil servant shall be entitled to unpaid leave for the period of participation in election process according to the procedure defined in Article 10 of this Law.

Article 59. Procedure and Conditions for Granting Annual Leaves

1. Annual leaves shall be granted to civil servants according to the procedure and on conditions determined by labour legislation.

Article 60. Recall of Civil Servant from Annual Leave

1. In order to perform urgent tasks, civil servants holding positions of category "A" may be recalled from their basic annual leave or additional annual leave stipulated by part one of Article 58 of this Law, by the decision of the appointing entity, and civil servants holding positions of other categories by order, written directive (decision) of the head of the civil service. The procedure for recalling civil servant from annual leaves shall be approved by the Cabinet of Ministers of Ukraine.

2. Part of the unused leave, upon agreement with the head of civil service shall be granted to a civil servant at any time in the respective year or shall be added to the next year's annual leave with respective reimbursement of unforeseen expenses due to recall from the leave.

3. Procedure for reimbursement of civil servants' unforeseen expenses due to their recall from annual basic or additional leave is approved by the Cabinet of Ministers of Ukraine.

SECTION VIII. DISCIPLINARY AND MATERIAL LIABILITY OF CIVIL SERVANTS

Chapter 1. Service Discipline

Article 61. Ensuring Service Discipline

Due level of service discipline shall be ensured by means of:

1) compliance with this Law and other legal acts in the area of civil service in activity and the fulfilment of the internal service regulations;

2) building by heads of civil service of high professional traits, conscious attitude towards the performance of professional duties, respect to the rights and freedoms of a human and a citizen, their honour and dignity, as well as to the state and state symbols of Ukraine in the subordinate civil servants;

3) combination of persuading, upbringing and encouragement methods with the acts of disciplinary responsibility by the administrators of all levels towards subordinate civil servants;

4) combination of daily exactingness by the supervisors towards subordinate civil servants with the permanent care for them, showing respect to their honour and dignity, assuring humanism and justice.

Article 62. Obligations of the Civil Servant Related to the Service Discipline

1. The civil servant shall be obliged to perform obligations specified in Article 8 hereof and also:

1) avoid actions not compatible with the status of a civil servant;

2) demonstrate high level of culture, professionalism, self-possession and tact, respect to citizens, superiors, and other civil servants;

3) handle state property and other public resources carefully.

2. The civil servant shall perform his professional duties personally.

Article 63. Obligations of Head of Civil Service Related to Service Discipline

1. The head of the civil service shall be responsible for non-adequate level of service discipline, and shall exercise authorities related to bringing civil servants to disciplinary liability.

2. For the purpose of ensuring adequate level of service discipline, the head of the civil service shall:

1) create conditions for the civil servants to perform their professional duties and enhance their professional competency, and to demand performing professional duties as necessary;

2) control the performance of professional duties by civil servants;

3) keep in mind public interests in the process of performing his/her professional duties, strictly comply with and ensure the performance of the Constitution, laws and other legal acts of Ukraine, formulate state instructions (orders) and assignments to the civil servants clearly and check the accuracy and timeliness of their fulfilment;

4) ensure the performance of professional duties by civil servants, including, among other things, through the application of disciplinary action;

5) organize the work of civil servants as appropriate, provide for the effective fulfilment of tasks placed to the government agency;

6) bring up in civil servants conscientious attitude to service, careful attitude to state property, support their initiatives, and take measures to make them comply with the rules of ethical conduct;

7) ensure transparency and impartiality during the assessment of employment activity of civil servants;

8) organize the implementation of preventive measures with the civil servants for the avoidance of their disciplinary offences, reveal and timely stop such offences.

3. Immediate supervisor of a civil servant shall have a right to file a petition to the head of the civil service on bringing the civil servant to disciplinary responsibility for committing a disciplinary offence.

4. The head of the civil service who fails to take measures in the way established by this Law to bring the subordinate civil servant to disciplinary responsibility for a disciplinary offence, and fails to submit materials on the administrative offence, corruption or corruption-related offence or crime committed by the servant to the body authorized to study the cases of such offences, shall be held liable in accordance with the law.

Chapter 2. Principles of Disciplinary Liability

Article 64. Disciplinary Liability of Civil Service

1. A civil servant shall bear disciplinary liability for failure to perform or improper performance of his/her professional duties set forth by this Law and other legal acts on civil service, job description, as well as for the breach of the rules of ethical conduct and other breach of service discipline in accordance with this Law.

2. For civil servants, specific features of bringing to disciplinary responsibility may be established in cases defined by the law.

Article 65. Grounds for Bringing to Disciplinary Responsibility

1. The ground for bringing a civil servant to disciplinary responsibility shall be committing a disciplinary wrongdoing by him, i.e. an illegal action or omission, or decision-making, which implies civil servants' failure to perform or improper performance of

professional duties and other requirements established by this Law and other legal acts, which may entail disciplinary action.

2. Disciplinary wrongdoings include:

- 1) breach of the Civil Servant's Oath;
 - 2) breach of civil servants' rules of ethical conduct;
 - 3) expression of disrespect to the state, state symbols of Ukraine, Ukrainian people;
 - 4) actions affecting the authority of civil service;
 - 5) failure to perform or improper performance of professional duties, acts of government agencies, orders (instructions) and assignments of supervisors made within the scope of their powers;
 - 6) failure to comply with the internal service regulations;
 - 7) exceeding the scope of service authorities, unless it contains the elements of a crime or an administrative offence;
 - 8) failure to fulfil requirements in terms of political impartiality of a civil servant;
 - 9) use of the powers for personal (private) interests or for illegal personal interests of other persons;
 - 10) presentation of untruthful information upon entrance to the civil service regarding circumstances preventing implementation of the right to civil service, as well as failure to present necessary information on such circumstances in case they arise during the service;
 - 11) failure to notify the head of the civil service of the occurrence of relations of direct subordination between a civil servant and closely related persons within 15 days after their occurrence;
 - 12) absence by a civil servant (including absence at service without valid excuse for over three hours during the working day);
 - 13) appearance of a civil servant at work in the state of alcoholic, drug or other intoxication;
 - 14) making an ungrounded decision by a civil servant, which caused the breach of integrity of state property or communal property, their illegal use, or other harm to the state property or communal property, if it does not bear signs of crime or administrative offence;
3. A civil servant cannot be brought to disciplinary liability upon expiry of six months period after the head of civil service became knowledgeable or should have become knowledgeable about commitment of the disciplinary wrongdoing, not including the time of temporary disability of the civil servant or his/her vacation, or upon expiry of one year period after committing the offence.

Article 66. Types of Disciplinary Actions and General Conditions of Their Application

1. One of the following disciplinary actions shall apply to the civil servants:
 - 1) reprimand;
 - 2) reproof;
 - 3) warning of incomplete conformance to the service;
 - 4) dismissal from civil service.
2. In case of civil servant's committing a disciplinary wrongdoing stipulated by paragraph 6 in part two of Article 65 of this Law, the appointing entity or head of civil service may only make a reprimand.
3. In case of civil servant's committing disciplinary wrongdoing stipulated by paragraphs 4, 5 and 12 in part two of Article 65 of this Law, the appointing entity or head of civil service may apply reproof to the civil servant.
4. In case of civil servant's committing disciplinary wrongdoing stipulated by paragraphs 2 and 8 in part two of Article 65 of this Law, as well as systematic (repeated

during one year) disciplinary wrongdoing stipulated by paragraphs 4 and 5 in part two of Article 65 of this Law the appointing entity or head of civil service may warn such civil servant of incomplete conformance to service.

5. Dismissal from civil service position is an exceptional form of disciplinary action, and may apply only in cases of disciplinary wrongdoings stipulated by paragraphs 1, 3, 7, 9-11, 13, 14 in part two of Article 65 of this Law, as well as systematic (repeated during one year) commitment of disciplinary wrongdoing stipulated by paragraph 12 in part two of Article 65 of this Law.

6. Disciplinary actions described in paragraphs 2-4 of part one of this Article shall apply only upon proposal of the Commission, submission of the Disciplinary Committee.

7. Each disciplinary wrongdoing may entail only one disciplinary action imposed on a civil servant.

Article 67. Circumstances that Mitigate or Aggravate Disciplinary Liability

1. A disciplinary action shall match the nature and severity of disciplinary wrongdoing and the level of guilt of the civil servant. In the process of choosing the form of disciplinary action it is necessary to consider the nature of disciplinary wrongdoing, the circumstances under which it has been committed, occurrence of severe consequences, voluntary compensation of harm, previous behaviour of the civil servant and his/her attitude to the performance of professional duties.

2. The circumstances that mitigate civil servant's responsibility include:

1) understanding and confession of one's guilt of committing a disciplinary wrongdoing;

2) absence of disciplinary actions;

3) high performance, awards, government recognitions, government and state awards;

4) taking measures to prevent, avoid or eliminate the occurrence of severe consequences, which have occurred or may occur in the result of disciplinary wrongdoing, voluntary compensation of harm;

5) committing an offence under threat, compulsion or because of the subordination or other dependence;

6) committing wrongdoing as the result of administrator's illegal actions.

3. The application of a specific form of disciplinary action may also take into account other circumstances not mentioned in part two of this Article, which mitigate civil servant's responsibility.

4. The circumstances that aggravate civil servant's responsibility include:

1) committing a disciplinary wrongdoing in the state of alcoholic, drug or other intoxication;

2) committing a disciplinary wrongdoing repeatedly before the remission of the previous punishment in accordance with established procedure;

3) committing wrongdoing wilfully, due to personal enmity to another civil servant, including the administrator, or revenge for the actions or decisions against him;

4) committing wrongdoing wilfully, due to disrespect to the state and society, rights and freedoms of a human, certain social groups;

5) occurrence of severe consequences or losses inflicted as a result of disciplinary wrongdoing.

Article 68. Subjects Authorized to Initiate Disciplinary Proceedings and Apply Disciplinary Actions

1. Disciplinary proceedings are initiated by the appointing entity.
2. Disciplinary actions are imposed (applied):
 - 1) on civil servants holding the civil service positions of category “A”:
reprimand – by the appointing entity;
other forms of disciplinary action – by the appointing entity with consideration of proposal of the Commission;
 - 2) on civil servants holding the civil service positions of categories “B” and “C”:
reprimand – by the appointing entity;
other forms of disciplinary action – by the appointing entity upon submission of the Disciplinary Committee.

Article 69. Disciplinary Committee for Disciplinary Case Review and Its Authority

1. The Disciplinary Committee for disciplinary case review is established (hereinafter referred to as Disciplinary Committee) for the purpose of determining the degree of guilt, nature and severity of disciplinary offence.

2. The Disciplinary Committee for civil servants holding the offices of category “A” is the Commission.

Disciplinary Committee for civil servants holding other positions of categories “B” “C” shall be established by the appointing entity at each government agency.

3. Disciplinary Committee shall function in the composition of at least six members. Disciplinary Committee shall include civil servants of a government agency, representatives of the elected body of a primary trade union organisations among civil servants, and in case of absence of a trade union – civil servants elected at the general meeting (conference) of civil servants of a government agency, and may also include representatives of civil associations who have professional experience in the sphere of public administration, civil service or have legal background.

The number of representatives of civil society associations in a Disciplinary Committee may not exceed two persons.

Members of the Disciplinary Committee are prohibited to transmit and disclose the information that became known to them during the disciplinary proceeding.

If one of the members of the Disciplinary Committee is in direct subordination to person regarding whom the disciplinary proceedings were initiated or is in process, such member of the Disciplinary Committee shall not participate in decision making.

Disciplinary Committee members shall perform their authorities for a term of three years.

4. The composition of Disciplinary Committee shall be approved by the order (instruction) of the head of civil service. The composition of the Disciplinary Committee shall be the following in equal numbers:

representatives of the head of civil service, defined solely by it among the civil servants holding positions in given government agency;

representatives of the elected body of a primary trade union organization among civil servants, and in case of absence of a trade union organization – representatives of civil servants of the government agency among civil servants elected at the general meeting (conference) of civil servants of a government agency.

The Disciplinary Committee may include experts or other representatives of civil society associations established according to the Law of Ukraine “On Civil Associations” upon submission of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

The Disciplinary Committee shall include at least one person with legal education of at least second level (Master's Degree) and work experience in the specialized field.

5. Members of the Disciplinary Committee shall perform their powers on a pro bono basis.

6. In the event of impossibility of forming permanent disciplinary committee in the government agency, disciplinary cases of civil servants of the said body shall be considered by the committee of a higher-level government agency according to subordination. In the event of absence of a higher-level government agency, the disciplinary committee may be formed on a one-time basis for a certain case according to the decision of the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

7. At the first meeting members of the Disciplinary Committee shall elect the chairman and secretary of the Disciplinary Committee.

8. Meeting of the Disciplinary Committee shall be valid subject to presence of at least two thirds of its members.

9. The Disciplinary Committee shall consider disciplinary case of the civil servant which compiled according to the procedure established by this Law.

10. The result of the disciplinary proceeding shall be proposal of the Commission or representation of the Disciplinary Committee, bearing non-regulatory character for the appointing entity.

11. The appointing entity shall within 10 calendar days make decision on the basis of proposal of the Commission or representation of the Disciplinary Committee, or provide a grounded refusal during this term.

Article 70. General Assembly (Conference) of Employees of a Government Agency

1. General assembly (conference) of employees of a government agency shall be convened by the elected body of a primary trade union organization operating in government agency (if such was established) or by HRM function.

2. Conference of employees of a government agency are conducted in government agencies where convening a general assembly is complicated due to large size or territorial dispersion of structural units. Conference delegates are determined according to the norms and procedure defined by the elected body of a primary trade union organization operating in government agency (if such was established) or by HRM function.

3. Employees of a government agency shall be informed about time and place of a general assembly (conference) no later than within 20 calendar days before its holding.

4. Issues to be considered by a general assembly (conference) of employees of a government agency are introduced by initiative of the head of civil service, the elected body of a primary trade union organization operating in government agency (if such was established) or employees of a government agency.

If the issue of electing representatives to the Disciplinary Committee is brought up before the general assembly (conference) of employees of a government agency, civil servants may send their applications to HRM function about their registration as candidates to the Disciplinary Committee during 10 calendar days from the day of decision to hold a general assembly (conference).

5. General assembly shall be deemed duly empowered if attended by more than half of the overall number of employees of a government agency, and conference – if attended by more than half delegates.

6. General assembly (conference) shall elect at least three member of a tabulation committee by majority vote in the open voting procedure.

7. Each participant of a general assembly (conference) shall have one vote. Decisions of a general assembly (conference) of employees of a government agency shall be taken by majority of the attending participants of a general assembly (conference).

Article 71. Internal Investigation

1. In order to establish the fault, character and severity of a disciplinary wrongdoing, internal investigation may be carried out.

In case of failure to perform or improper performance of professional duties by a civil servant and abuse of powers, which led to casualties or caused significant damage to physical or legal person, state or territorial community, internal investigation shall be mandatory.

2. Internal investigation in relation to civil servants of category "A" positions shall be conducted by central executive body ensuring the formation and implementation of state policy in the sphere of civil service, and in relation to civil servants of category "B" and "C" – by the Disciplinary Committee at a government agency.

3. Duration of internal investigation may not exceed one month. If necessary, the specified term may be extended by the appointing entity, but for a period not exceeding two months.

4. Respective experts may be involved in internal investigation by the decision of the appointing entity upon submission of the Disciplinary Committee, the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

5. Officials of the government agency personally interested in its results and directly subordinate to the person regarding which the internal investigation is being conducted cannot be involved to the internal investigation.

6. Persons conducting internal investigation shall bear personal liability for incompleteness and lack of objectivity of its conclusions, as well as disclosure of information regarding internal investigation.

7. Persons conducting internal investigation shall have the right: to receive an explanation from a civil servant under investigation and from other people regarding the circumstances of the case; receive in units of the government agencies or at the request of other authorities the necessary documents or their copies, and add them to the materials of the case; receive consultations of relevant specialists on issues relating to the internal investigation.

8. Civil servant under investigation has the right to:

1) give explanations, submit relevant documents and materials relating to the circumstances that are being investigated;

2) make motions on receiving and involving new documents, obtaining additional explanations from persons relevant to the case;

3) be present at the execution of appropriate measures;

4) make complaints on actions of persons who conduct an internal investigation according to prescribed procedure.

9. According to the results of the internal investigation, a conclusion is made on the presence or absence in the actions of a civil servant of the disciplinary offense and the grounds for bringing the latter to disciplinary responsibility.

10. Conclusion drawn on the basis of internal investigation by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service shall be referred to the Commission.

11. In case the internal investigation concerns information with restricted access, the investigation is carried out taking into account the provisions of the laws of Ukraine “On State Secret”, “On Information” according to relevant office routine.

Article 72. Suspension of Civil Servants

1. For the period of disciplinary proceeding, a civil servant may be suspended from his/her professional duties.

2. Failure to fulfil or improper fulfilment of professional duties which could result or resulted in human losses, caused significant material or moral harm to individuals or legal entities, the state, territorial community, shall constitute the grounds for suspension of civil servant from his/her professional duties. Decision of civil servant’s suspension from his/her professional duties shall be made by the head of the civil service or the appointing entity respectively.

3. The term of suspension of a civil servant from professional duties may not exceed the duration of disciplinary proceeding.

4. In case of closing disciplinary proceedings without bringing the civil servant to disciplinary liability, he/she shall be paid a difference in salary amount, not received thereby due to suspension from his/her professional duties, according to the established procedure.

5. During the time of suspension from his/her professional duties, civil servant shall be obliged to be present at the workplace according to the internal rules and procured and assist in disciplinary proceeding.

6. In the event of committing corruption offence, civil servant’s suspension from his/her professional duties shall be conducted according to the Law of Ukraine “On Anti-Corruption”.

Article 73. A disciplinary case

1. With the purpose of collecting information about circumstances underlying opening a disciplinary proceeding, determining the degree of fault, character and severity of a disciplinary wrongdoing by the Commission, the Disciplinary Committee shall compile a disciplinary case.

2. A disciplinary case should contain:

1) date and place of compiling;

2) grounds for opening disciplinary proceedings;

3) profile of a civil servant prepared by his/her immediate supervisor and other information that characterizes a civil servant;

4) information about presence or absence of disciplinary sanctions;

5) a brief containing description of circumstances around committing a disciplinary wrongdoing by a civil servant;

6) explanations of a civil servant regarding circumstances that served as grounds for initiating disciplinary proceedings;

7) explanations of a civil servant’s immediate supervisor regarding circumstances that served as grounds for initiating disciplinary proceedings;

8) explanations of other persons who have become aware of circumstances that served as grounds for initiating disciplinary proceedings;

9) duly notarized copies of documents and materials confirming and/or rebutting the fact of a disciplinary wrongdoing;

10) information about causes and circumstances that lead to wrongdoing, measures that have been taken or proposed to eliminate them, or grounds for lifting charges from a civil servant;

- 11) conclusion on the basis of internal investigation (if conducted);
 - 12) conclusion about presence or absence of disciplinary wrongdoing in actions of a civil servant and grounds for bring to disciplinary liability;
 - 13) description of materials contained in a disciplinary case.
3. Result of a disciplinary case review is the Commission's proposal, representation of the Disciplinary Committee in a government agency that have an advisory force for the appointing entity.
4. The procedure for record-keeping and handing disciplinary cases is established by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service.

Article 74. Safeguards for Civil Servants' Rights during Disciplinary Action

1. A disciplinary action shall match the level of severity of the offence and the degree of civil servant's liability. While determining the form of punishment, one shall take into account the nature of the offence, circumstances it has been committed under, circumstances that mitigate or aggravate liability, results of civil servant's performance appraisal, rewards, sanctions, and attitude to service.
2. A disciplinary action may be imposed only subject to establishment of the fact of disciplinary offence commitment and civil servant's liability. Acts committed by the civil servant in the state of emergency or necessary defence exclude the possibility of application of a disciplinary action.
3. Only one disciplinary action may be imposed for each breach of service discipline.
4. Disciplinary action cannot be imposed during the absence of the civil servant due to his/her temporary disability, vacation, or business trip.
5. Disciplinary action is imposed to the civil servant no later than six months after the disciplinary offence commitment, not including the period of his/her temporary disability or vacation, and shall not be imposed if one year has passed after offence commitment.
6. A civil servant shall be entitled to study disciplinary case materials, and appeal disciplinary action imposed on him/her pursuant to the procedure established by this Law.
7. A civil servant may use assistance of an attorney or other representative authorized thereby.

Article 75. Civil Servant's Explanations

1. Before application of disciplinary action, the appointing entity should receive written explanation from the civil servant brought to disciplinary liability.
2. Civil servant's explanation shall contain the time, place, circumstances, and reasons for causing disciplinary offence thereby, his/her conscience or rejection of liability, as well as other issues important for the case.
3. Refusal to provide explanations shall be issued with relevant act, and confirmed by two civil servants. Refusal to provide explanations shall not prevent conduct of disciplinary proceeding and application of disciplinary sanction on the civil servant.

Article 76. The Right to Study Disciplinary Case Materials

1. Civil servant shall be entitled to study disciplinary case materials before making decision of application disciplinary action thereto.
2. According to the results of study, civil servant shall be entitled to introduce remarks to the conclusion, petition regarding taking supplementary measures for establishing circumstances important for the case, provision of supplementary explanations and

supplementary documents and materials related to the mentioned circumstances, which are attached to the case.

Article 77. Decision on Bringing to Disciplinary Liability or Closing Disciplinary Proceedings

1. A decision on disciplinary action to civil servant or closing disciplinary proceedings shall be made by the appointing entity within 10 calendar days after receipt of proposals of the Commission, representation of the Disciplinary Committee in a government agency. The decision is issued as an act of the appointing entity.

2. The decision executed in the form of an order (instruction) or other act shall indicate the name of the government agency, date of decision, information of civil servant, brief description of facts, type of disciplinary wrongdoing and its legal qualification, type of disciplinary sanction applied.

3. If no disciplinary wrongdoing has been detected in the actions of a civil servant during the disciplinary case investigation, the appointing entity shall make a decision on closing the disciplinary proceedings against the civil servant, which shall be executed in the form of an order (instruction).

4. If any elements of a crime or administrative offence have been detected based on the results of proceedings, the appointing entity shall submit a relevant application and a copy of case materials to the corresponding law enforcement body within three calendar days.

5. Proposal of the Commission, representation of the Disciplinary Committee must be reviewed and considered by the appointing entities when deciding on application of disciplinary action or closure of disciplinary proceedings.

6. A civil servant shall receive a duly certified copy of the order or other act on imposing disciplinary action on him/her or closing the disciplinary proceedings against signature not later than on the next working day after such decision has been made.

7. If the civil servant refuses to receive a copy of the order or other act on imposing disciplinary action on him/her or closing the disciplinary proceedings, such document shall be sent to the civil servant's residence address by registered mail with advice of delivery no later than within three days after the decision has been made.

Article 78. Appealing of the Decision on Disciplinary Action

1. The decision on disciplinary action shall be appealed by civil servants of category "A" in the court and civil servants of "B" and "C" categories in the central executive body ensuring the formation and implementation of state policy in the sphere of civil service or in the court.

2. The appeal shall be filed within 10 calendar days after the receipt by civil servant of a copy of decision on disciplinary action.

Article 79. Cancellation of Disciplinary Action

1. If no new disciplinary sanction is applied to a civil servant within a year after the first disciplinary sanction was imposed, such civil servant shall be considered to have no disciplinary action.

2. If civil servant has not committed any new breach of this Law and other legal acts in the area of civil service, and has shown oneself as a conscientious servant, a disciplinary sanction on them may be cancelled before expiration of the year during which such punishment has been imposed, but not earlier than in six months after bringing a disciplinary action against a civil servant. The right to early cancellation of a disciplinary sanction lies with the appointing entity that imposed it.

3. During the period of disciplinary action (except for reprimand), no incentives shall be applied to the civil servant.

Chapter 3. Material Liability of Civil Servants

Article 80. Basic Principles of Material Liability of Civil Servants

1. Material and moral harm caused to individuals and legal entities by illegal decisions, actions or omission of civil servants while exercising their powers shall be compensated by the state.

2. The state as represented by appointing entity shall be entitled to counter-claim (regress) in the amount and pursuant to the procedure established by law as follows:

- 1) against civil servant who caused such harm;
- 2) against an officer (officers) liable for illegal dismissal, removal or transfer of the civil servant or employee to another job with regard to the compensation of material and moral harm caused to the government agency due to the payment for the period of forced absence or period of performing lower-paid job.

3. Upon application of the counter-claim (regress), the civil servant shall bear property liability only for the harm intentionally caused by his/her illegal actions or omission.

Article 81. Obligation to Compensate Harm

1. A civil servant shall compensate the state for the harm caused by improper performance of his/her professional duties.

2. Harm caused by the civil servant to the state also includes compensation of harm by the state, which has been caused by the civil servant to a third person through improper performance of his/her professional duties.

3. Upon joint causing of harm by several civil servants, each of them shall bear liability proportional to the extent of their fault.

4. The amount of compensation shall be determined with regard to the wealth of the civil servant, amount of harm against his salary, risk of harm, experience arising from the records of his service, orders (instructions) given to the civil servant, and other circumstances in connection with which full compensation of harm by the civil servant would be ungrounded.

Article 82. Procedure for Compensating Damage

1. For the purpose of compensation of harm the head of the civil service submits a written proposal to the civil servant, which shall indicate the amount, terms and conditions of harm compensation, and the circumstances making the ground for compensation. The civil servant shall reply in writing to the proposal for voluntary compensation of harm.

2. The proposal can be submitted within three months after the head of the civil service discovered or had to discover the circumstances making the grounds for filing a request, but not later than within three years from the day of causing harm.

3. The civil servant shall reply in writing to the proposal for compensation of harm within two weeks after the receipt thereof.

4. If the civil servant fails to reply to the proposal for voluntary compensation of harm, or refuses from the compensation of harm, or fails to compensate harm within the term specified in the proposal, such compensation shall be recovered in court under the claim of the head of the civil service.

Section IX.
CIVIL SERVICE TERMINATION

Article 83. Grounds for Civil Service Termination

1. Civil service terminates in the event of:
 - 1) loss of right for civil service or its limitation (Article 84 of this Law);
 - 2) termination of the term of civil service (Article 85 of this Law);
 - 3) civil servant's initiative or agreement between the parties (Article 86 of this Law);
 - 4) appointing entity's initiative (Article 87 of this Law);
 - 5) circumstances arising beyond the parties' control (Article 88 of this Law);
 - 6) disagreement of civil servant to civil service in case of change of its essential conditions (Article 43 of this Law);
 - 7) attainment of 65-year age by civil servant unless otherwise is established by the law;
 - 8) application of prohibition, specified by the Law of Ukraine "On Cleaning Power";
2. Change of government agencies' management or structure, heads of civil service in government agencies or immediate supervisors cannot constitute the ground for termination by the civil servant of the civil service at the occupied position upon initiative of newly appointed administrators.
3. In the event of dismissal from civil service on the basis of paragraphs 6 and 7 in part one of this Article, a civil servant shall be paid a severance payment in the amount of average monthly salary.

Article 84. Civil Service Termination in Case of Losing the Right by Civil Servant to Civil Service or Its Limitation

1. Grounds for termination of civil service due to the loss of the right for civil service or its restriction shall include:
 - 1) termination of Ukrainian citizenship or departure abroad for permanent residence;
 - 2) obtaining of citizenship of another country;
 - 3) coming into legal force of the court decision regarding bringing of civil servant to administrative liability for corruption or corruption-related offence;
 - 4) coming into legal force of court conviction of civil servant for committing an intentional crime and/or prohibition to conduct activities related to performance of the state functions;
 - 5) existence of direct subordination relations with close persons in case stipulated by Article 32 of this Law.
2. In the cases specified in paragraphs 1-4 in part one of this Article appointing entity shall be obligated to dismiss the civil servant within three days term from the date of occurrence or establishing the fact, stipulated by this Article, unless otherwise established by law, and in cases specified by paragraph 5 in part one of this Article – according to the procedure defined by Article 32 of this Law.

Article 85. Termination of Civil Service due to Expiration of Term of Appointment to Civil Service Position

1. In case of appointment to civil service position for a certain term, civil servant shall be dismissed from such position on the last day of such term.
2. Civil servant, appointed to a civil service position for the period of substitution of temporary absent civil servant who reserved civil service position, shall be dismissed from the

position on the last working day before returning to service of temporary absent civil servant. In such event temporary absent civil servant shall be obliged to notify the head of the civil service of his/her returning to service in writing not later than 14 calendar days before.

3. A civil servant appointed to a civil service position under part six of Article 30 of this Law shall be dismissed from position on the last day before the day when the competition winner starts service, but no later than on the next day after expiration of 60 calendar days from the day of temporary appointment.

Article 86. Termination of Civil Service upon Initiative of Civil Servant or by Agreement Between Parties

1. Civil servant shall be entitled to dismiss from the service upon his/her own initiative, having notified the appointing entity thereof in the written form by submission of application not later than 14 calendar days before the day of dismissal.

2. Civil servant may be dismissed before expiration of the two-week's term, as established by part one of this Article, but within another term, according to mutual agreement with the appointing entity, if such dismissal does not prevent proper fulfilment of the government agency's functions.

3. The appointing entity shall be obliged to dismiss the civil servant within the term stated in his/her application in cases stipulated by labour legislation.

Article 87. Termination of Civil Service upon Initiative of Appointing Entity

1. Grounds for termination of civil service upon initiative of appointing entity shall include as follows:

1) downsizing, reorganization or winding up of a government agency when there is no possibility to offer another equivalent position in the civil service, and in case of absence of such offer – other job (civil service position) in this government body;

2) establishing of incompliance of the civil servant with the position occupied during the probation period;

3) receiving two consecutive negative evaluations on the basis of civil servant's performance appraisal;

4) commitment of a disciplinary offence that entails dismissal.

2. The grounds for civil service termination initiated by the appointing entity may be the civil servant's failure to appear at work for over 120 consecutive calendar days or 150 calendar days during a year as a result of temporary disability (without consideration of the time of maternity leave), unless the law establishes reserving of the working place (position) for a longer period in case of certain illness

3. Procedure for lay-off of civil servants on the basis of clause 1 of part one of this Article shall be established by the labour legislation.

Dismissal on the basis of clause 1 of part one of this Article shall be allowed only in the event that civil servant cannot be transferred to another position according to his/her qualification, or if s/he refuses from such transfer.

Civil servant, dismissed on the grounds of clause 1 of part one of this Article in the event of creation of a new position instead of his/her one, or vacation of existing positions, complying with qualification of such civil servant, within six months from the date of his/her dismissal, should be accepted to the service upon his/her application, in the event if he/she was appointed for the position in this body following the results of competition.

4. In the event of dismissal from civil service according to clauses 1 of part one of this Article, civil servant shall be paid a severance payment in the amount of his/her average monthly salary.

Article 88. Termination of Civil Service due to Circumstances Arising Outside the Parties' Control

1. Grounds for termination of civil service due to circumstances which occurred beyond the parties' control shall be as follows:

- 1) renewal at the position of civil servant who occupied it before;
- 2) inability of fulfilment by civil servant of his/her professional duties due to health condition provided availability of medical statement, the procedure for issuance of which is established jointly by the central executive body ensuring the formation and implementation of state policy in the sphere of civil service and central executive body that ensures formation of state policy in the area of healthcare;
- 3) coming into force of the court decision on recognition of a person incapable, or limitation of a person's capability;
- 4) recognition of a civil servant as missing or diseased;
- 5) election to an elective post at a governmental or local self-government body from the time of office entrance;
- 6) civil servant's death.

Article 89. Transfer of affairs and property

1. A civil servant shall be obliged, before dismissal from position or transfer to a different position, to hand over affairs and property entrusted in relation to performance of job responsibilities (hereinafter – property) to a person authorized by the appointing entity in a respective government agency. An authorized person shall be obliged to accept affairs and property.

2. The fact of transfer of affairs and property shall be attested in an act executed in two counterparts and signed by an authorized person, head of HRM function of a respective government agency and a civil servant being dismissed. One counterpart of such act is handed to a civil servant being dismissed, whereas the second counterpart or copy shall be enclosed in a personal file of this civil servant.

3. If failure to fulfill the obligation regarding transfer of affairs and property creates significant threat to public interest, a person may be brought to liability according to the law.

Article 90. Pension Benefits

1. Pension provision of civil servants shall be conducted on a general base according to the Law of Ukraine "On Mandatory State Pension Insurance".

Section X

SPECIFICITY OF CIVIL SERVICE IN SOME GOVERNMENT AGENCIES. POLITICAL ADVISORY OFFICE

Article 91. Specificity of Civil Service in Secretariats of Some Government Agencies

1. This Law shall extend onto heads of local state administrations, heads of secretariats of the Verkhovna Rada of Ukraine, , auxiliary bodies established by the President of Ukraine, the Representative Office of the President of Ukraine in the Autonomous Republic of Crimea, the Anti-Monopoly Committee of Ukraine, the State Committee for Television and Radio

Broadcasting of Ukraine, the Parliamentary Commissioner on Human Rights, the State Property Fund of Ukraine, the Constitutional Court of Ukraine, the Supreme Court of Ukraine, high specialized courts, the High Council of Justice, the High Qualification Commission of Judges of Ukraine, the National Anti-Corruption Bureau of Ukraine, the National Security and Defence Council of Ukraine, the Accounting Chamber of Ukraine, and state collegial bodies in which positions of heads and deputy heads do not belong to civil service positions.

2. Head of secretariats of government agencies listed in part one of this Article are appointed to positions according to the procedure defined by the law, upon proposal of the Commission upon results of competition.

3. Heads of local state administrations are appointed and dismissed by the President of Ukraine upon representation of the Cabinet of Ministers of Ukraine. Proposals of candidates to positions of heads of local state administrations are presented to the Cabinet of Ministers of Ukraine by the Commission upon results of competitive selection according to the procedure defined by this Law.

4. Head of the Secretariat of the Verkhovna Rada of Ukraine is appointed and dismissed by the Verkhovna Rada of Ukraine according to the procedure defined by the Constitution of Ukraine and the Verkhovna Rada Rules of Procedure.

5. Head of the Secretariat of the Administration of the President of Ukraine is appointed and dismissed by the President of Ukraine.

6. In secretariats of auxiliary bodies set up by the President of Ukraine, division of positions into civil service positions, positions of political advisory staff and positions of staff performing support functions as well as establishment of categories for civil service positions are carried out by the Commission upon submission of the head of civil service on the basis of criteria defined by part four of Article 3 of this Law.

7. The role of head of civil service in prosecution authoritative is performed by the head of a respective prosecution authority.

Article 92. Political Advisory Office

1. Positions of political advisory office staff include positions of advisor, assistant, proxy and press-secretary for the President of Ukraine, staff of secretariats of the Chair of the Verkhovna Rada of Ukraine, First Deputy Chair and Deputy Chair of the Verkhovna Rada of Ukraine, staff of political advisory offices of the Prime-Minister of Ukraine and other members of the Cabinet of Ministers of Ukraine, assistant consultants to the People's Deputies of Ukraine, and assistants and research consultants to the judges of the Constitutional Court of Ukraine, assistants to judges, as well as holding positions in political advisory offices at other government agencies.

2. Political advisory office staff are appointed to their position for the period of mandate of the person in whose political advisory office they are appointed as staff.

3. Labour relations with political advisory office staff shall terminate on the day the mandate of the person in whose political advisory office they are appointed as staff is terminated. The act on dismissal is adopted by the head of civil service.

Political advisory office staff may be discharged earlier upon initiative of the person in whose political advisory office they are appointed as staff or the head of a political advisory office.

4. Political advisory office staff fall under the labour legislation, excluding articles 39¹, 414³, 49² of the Labour Code of Ukraine.

5. Period of employment in positions of political advisory office staff shall be calculated towards length of civil service and shall be considered in awarding ranks to civil servants within respective position category if before appointment to political advisory position they

were in civil service and after discharge from political advisory position has returned to civil service.

6. Employee of political advisory office who desires to enter to return to civil service shall exercise this right according to the procedure established by this Law for persons who enter civil service for the first time, subject to mandatory competition.

SECTION XI. FINAL AND TRANSITIONAL PROVISIONS

1. This Law shall come into force from 1 May 2016 except for:

item 1 in part two of Article 20 of this Law with regard to command of one of the official languages of the Council of Europe, which shall take effect in two years after this Law coming into force;

item 5 in part one of Article 5 of this Law which shall take effect in one year after enactment of this Law;

paragraph four in part three of Article 50, paragraph two in part three of Article 51 and part six of Article 52 of this Law that shall enter into force from 1 January 2019;

sub-item 3 of item 2 and sub-items 1 and 2 of item 15 of this Section that shall enter into force upon publication of this Law.

2. The following shall be recognized as null and void:

1) Law of Ukraine "On Civil Service" (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490 with subsequent amendments), except Article 37, which is to be applied to persons specified in items 10 and 12 of this Section;

2) Resolution of the Verkhovna Rada of Ukraine dated December 16, 1993 "On Enactment of the Law of Ukraine "On Civil Service" (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 491);

3) Law of Ukraine "On Civil Service" (*Bulletin of the Verkhovna Rada of Ukraine*, 2012, No. 26, Art. 273; 2014, No 1, Art. 2, No 12, Art. 178, No 22, Art. 798; 2015, No 4, Art. 17.)

3. Amend the following legislative acts of Ukraine:

1) in Note to Article 368 of the Criminal Code of Ukraine (*Bulletin of the Verkhovna Rada of Ukraine*, 2001, No 25-26, Art.131):

in item 2, the phrase "positions of which according to Article 25 of the Law of Ukraine "On Civil Service" are referred to the categories three, four, five and six" to be replaced by the phrase "positions of which according to Article 6 of the Law of Ukraine "On Civil Service" belong to category "B";

in item 3:

sub-item 1 after the phrase "and deputy ministers" to be supplemented by the phrase "members of the National Council of Ukraine on Television and Radio Broadcasting, the National Commission on State Regulation in the Area of Financial Services Markets, the National Commission on Securities and Stock Exchange, the Anti-Monopoly Committee of Ukraine, the State Committee on Television and Radio Broadcasting of Ukraine, the Head of the State Property Fund of Ukraine, his/her First Deputy and Deputies, members of the Central Election Committee", and after the phrase "Secretary of the National Security and Defence Council of Ukraine, his/her First Deputy and Deputies" to be supplemented by the phrase "Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, his/her First Deputy and Deputies, advisors and assistants to the President of Ukraine, Chair of the Verkhovna Rada of Ukraine, Prime-Minister of Ukraine";

sub-item 2 to be presented as follows:

“2. Persons whose positions belong to category “A” under Article 6 of the Law of Ukraine “On Civil Service”;

2) in the Criminal Procedural Code of Ukraine (*Bulletin of the Verkhovna Rada of Ukraine*, 2013, No 9- 13, Art.88):

in paragraph 1 part 9 of Article 31, after the phrase “and deputy ministers” to be supplemented by the phrase “members of the National Council of Ukraine on Television and Radio Broadcasting, the National Commission on State Regulation in the Area of Financial Services Markets, the National Commission on Securities and Stock Exchange, the Anti-Monopoly Committee of Ukraine, Head of the State Committee on Television and Radio Broadcasting of Ukraine, Head of the State Property Fund of Ukraine, his/her First Deputy and Deputies, members of the Central Election Committee”, the phrase “persons whose positions are referred to category one of civil service positions” to be replaced by the phrase “persons whose positions belong to category “A”;

in Article 216:

in paragraph 1 part 4, the phrase “by officials who are in position of particular responsibility according to part one of Article 9 of the Law of Ukraine “On Civil Service”, by persons whose positions are referred to categories one – three of civil service positions, judges and law-enforcement officers” to be replaced by the phrase “by the President of Ukraine whose office has been terminated, the Prime-Minister of Ukraine, member of the Cabinet of Ministers of Ukraine, first deputy minister and deputy minister, member of the National Council of Ukraine on Television and Radio Broadcasting, the National Commission on State Regulation in the Area of Financial Services Markets, the National Commission on Securities and Stock Exchange, the Anti-Monopoly Committee of Ukraine, Head of the State Committee on Television and Radio Broadcasting of Ukraine, Head of the State Property Fund of Ukraine, his/her First Deputy and Deputy, member of the Central Election Committee, People’s Deputy of Ukraine, the Parliamentary Commissioner on Human Rights, Director of the National Anti-Corruption Bureau of Ukraine, the Prosecutor General of Ukraine, his/her First Deputy and Deputy, Chair of the National Bank of Ukraine, his/her First Deputy and Deputy, Secretary of the National Security and Defence Council of Ukraine, his/her First Deputy and Deputy, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, his/her First Deputy and Deputy, advisor or assistant to the President of Ukraine, Chair of the Verkhovna Rada of Ukraine, Prime-Minister of Ukraine, by judge, law-enforcement officer, person whose position belongs to category “A”;

in item 1 of part five:

paragraph two after the phrase “by first deputy minister and deputy minister” to be supplemented by the phrase “by member of the National Council of Ukraine on Television and Radio Broadcasting, the National Commission on State Regulation in the Area of Financial Services Markets, the National Commission on Securities and Stock Exchange, the Anti-Monopoly Committee of Ukraine, Head of the State Committee on Television and Radio Broadcasting of Ukraine, Head of the State Property Fund of Ukraine, his/her First Deputy and Deputy, member of the Central Election Committee”, after the phrase “Secretary of the National Security and Defence Council of Ukraine, his/her First Deputy and Deputies” to be supplemented by the phrase “Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, his/her First Deputy and Deputy, advisor and assistant to the President of Ukraine, Chair of the Verkhovna Rada of Ukraine, Prime-Minister of Ukraine”;

paragraph three to be presented as follows:

“by a civil servant whose position belongs to category “A”;

3) In the Law of Ukraine “On Anti-Monopoly Committee of Ukraine” (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No 50, Art 472; 2000, No 41, Art. 343; 2004, No 13, Art. 181; 2012, No 31, Art. 391):

in part one of Article 18 remove the phrase “(excluding dismissal)”;

in part three of Article 27 the phrase “staff of the Anti-Monopoly Committee of Ukraine and its local branches established by the Cabinet of Ministers of Ukraine according to the law” to replace by “civil servants of the Anti-Monopoly Committee of Ukraine and its local branches established according to the Civil Service Law of Ukraine”;

4) part three of Article 25 of the Law of Ukraine “On Constitutional Court of Ukraine” (*Bulletin of the Verkhovna Rada of Ukraine*, 1996, No 49, Art. 272) to be removed;

5) in part one of Article 4 of the Law of Ukraine “On Parliamentary Commissioner on Human Rights” (*Bulletin of the Verkhovna Rada of Ukraine*, 1998, No 20, Art.99; 2013, No 32, Art. 412) the phrase “by this Law, the Law of Ukraine “On Civil Service” to be replaced by the phrase “by this and”;

6) in Article 49 of the Law of Ukraine “On Local State Administrations” (*Bulletin of the Verkhovna Rada of Ukraine*, 1999, No 20-21, Art. 190; 2013, No 17, Art. 154):

parts two and three to be removed;

supplement the Article by the following: “Officials of Local State Administrations are materially liable according to the procedure stipulated by the Civil Service Law of Ukraine”;

7) in Article 64 of the Law of Ukraine “On the National Bank of Ukraine” (*Bulletin of the Verkhovna Rada of Ukraine*, 1999, No 29, Art. 238; 2000, No 42, Art. 351; 2015, No 22, Art. 145, No 32, Art. 315):

in part one the phrase “by the Law of Ukraine “On Civil Service” to be replaced by the phrase “by the Board of the National Bank with consideration of the labour legislation”;

parts four – six to be removed;

8) item 9 in part one of Article 1, part three of Article 10, part two of Article 22 and item 2 of part five of Article 31 of the Law of Ukraine “On Mandatory State Social Insurance in Case of Unemployment” (*Bulletin of the Verkhovna Rada of Ukraine*, 2000, No 22, Art. 171; 2009, No 18, Art. 247, No 45, Art. 690; 2013, No 24, Art. 243; No 47, Art. 659; 2015, No 21, Art. 140) after the phrase “Ukrainian Labour Code” to be supplemented by the phrase “and on similar reasons defined by other laws”;

9) part three of Article 6 of the Law of Ukraine “On Political Parties in Ukraine” (*Bulletin of the Verkhovna Rada of Ukraine*, 2001, No 23, Art.118, 2005, No 34, Art. 437; 2009 p., № 36-37, ст.511; 2014 p., № 20-21, ст.712; 2015 p., № 2-3, ст.12, № 39, ст.375) to be supplemented by the item 9 as follows:

“9) civil servants in cases stipulated by the Law of Ukraine “On Civil Service”;

10) in the Law of Ukraine “On Status of People’s Deputy of Ukraine” (*Bulletin of the Verkhovna Rada of Ukraine*, 2001, No 42, Art. 212 with subsequent amendments):

in Article 20:

paragraph two in part two to be removed;

in paragraphs ten in part twelve the phrase “On Civil Service” to be removed;

in part three of Article 34:

paragraph three to be removed;

in paragraph four the phrase “but are not civil servants, also” to be removed;

11) in the Law of Ukraine on Diplomatic Service (*Bulletin of the Verkhovna Rada of Ukraine* 2002, No 5, Art. 29; 2011, No 31, Art. 296; 2013, No 14, Art. 89):

Article 9 after part two to be supplemented by a new part as follows:

“Requirements to the professional competency level defined by the Civil Service Law of Ukraine also extend onto diplomatic, administrative and technical staff”;

Hence, parts three to eight to be regarded as parts four to nine respectively;

Article 14 to be removed;

Articles 34, 35 and 41 to be presented as follows:

“Article 34. Disciplinary Liability of Diplomatic Service Staff

Diplomatic service staff shall be brought to disciplinary liability on the grounds stipulated by the Civil Service Law of Ukraine.

Apart from types of disciplinary penalty stipulated by the Civil Service Law of Ukraine, diplomatic service staff may be subject to such disciplinary measure as one-year suspension of diplomatic rank progression.”;

Article 35. Remuneration

Conditions of remuneration for diplomatic service staff shall be determined according to the Law of Ukraine “On Civil Service”.

Seconded diplomatic service staff, apart from salary defined by this Article, shall receive compensation in foreign currency.

The amount of compensation in foreign currency and established premium to such compensation shall be defined by the Cabinet of Ministers of Ukraine.

“Article 41. Grounds for Diplomatic Service Termination

Diplomatic service is terminated on the grounds stipulated by the Civil Service Law of Ukraine.

Diplomatic service is also terminated on the following grounds:

1) failure of the diplomatic service staff to perform main duties stipulated by Article 30 of this Law;

2) breach of restrictions related to diplomatic service stipulated by Article 31 of this Law;

3) reaching the upper age limit for diplomatic service or resignation of the diplomatic service staff (Articles 42 and 43 of this Law);

4) failure of the diplomatic service staff to provide information or delivery of untruthful information about their property, income, expenses and financial liabilities according to the Law of Ukraine on Anti-Corruption;

5) failure to pass trial period established during entrance to the diplomatic service (Article 11 of this Law);

6) expiration of contract or breach of contract terms and conditions.

Dismissal of the diplomatic service staff shall not be considered termination of the diplomatic service if such dismissal took place on the grounds other than those stipulated by this Article and Article 43 of this Law.

Change of chief executive officers may not be the reason for termination of the office of the diplomatic service staff initiated by the newly appointed chief executive officer, except for the advisory service of the Minister of Foreign Affairs of Ukraine.”;

12) in the Law of Ukraine “On National Council of Ukraine on Television and Radio Broadcasting (*Bulletin of the Verkhovna Rada of Ukraine*, 2005, No 16, Art. 265; 2006, No 18, Art.155):

part two in Article 7 to be removed;

in item 1 in part one of Article 8 the phrase “or acceptance of resignation according to the requirements of the Law of Ukraine” to be removed;

13) in part nine of Article 8 of the Law of Ukraine “On Collection and Accounting of the Single State Mandatory Social Tax” (*Bulletin of the Verkhovna Rada of Ukraine* 2011, No 2-3, Art. 11):

the phrase “On civil service” to be removed;

supplement by the following paragraph:

“For payers who work in positions employment of which is counted as employment history that gives the right to pension benefits according to the Civil Service Law of Ukraine a single contribution shall be established as 3.6 per cent of the single tax base defined by paragraph one part one of Article 7 hereof.”;

14) in the Law of Ukraine “On Central Executive Authorities” (*Bulletin of the Verkhovna Rada of Ukraine* 2011, No 38, Art. 385; 2014, No 13, Art. 223):

in part two of Article 8:

in item 3 the phrase “secretariat of the ministry and ministry’s local departments” to be replaced by the word “ministry”;

in item 5 the phrase “deputy minister – head of secretariat” to be removed;

items 6, 12 and 15 to be presented as follows:

“6) approve the regulation on stand-alone structural units of the ministry’s secretariat”;

“12) establish, liquidate, reorganize enterprises, institutions and organizations that operate under this ministry, approve their regulations (charters), carry out, within the scope of their mandate, other functions of state property management”; paragraph fifteen to be presented as follows:

“15) according to the established procedure raises issues with regard to rewarding and bringing to disciplinary liability of the first deputy minister, deputy ministers and state secretary of the ministry;”;

paragraphs 10, 13, 17, 18, 20, 22, to be removed;

in paragraph 21 the phrase “and deputy minister – head of secretariat” to be removed;

Articles 10 and 11 to be presented as follows:

“Article 10. State Secretary of the Ministry

1. State Secretary of the ministry is the highest official among the ministry’s civil servants. State Secretary is accountable and reports to the Minister.

2. State Secretary of the ministry is appointed by the Cabinet of Ministers of Ukraine upon representation of the Commission on Senior Civil Service for the period of five years subject to re-appointment.

Selection of a candidate to the post of State Secretary of the ministry is based on competition held according to the civil service legislation.

A candidate to the post of State Secretary of the ministry shall be Ukrainian national with higher education and general employment history of at least 7 years, including managerial experience of at least 3 years and meeting other requirements stipulated by the legislation.

3. Main tasks of State Secretary of the ministry is to ensure operations of the ministry’s secretariat, sustainability and continuity of its work, organization of current operations related to the authority of the ministry.

4. State Secretary of the ministry, according to the assigned tasks, shall:

1) organize work of the ministry’s secretariat;

2) ensure preparation of proposals on implementation of the ministry’s tasks and present them to the Minister for consideration;

3) organize and control the ministry’s apparatus compliance with the Constitution and laws of Ukraine, acts issued by the President of Ukraine, the Cabinet of Ministers of Ukraine, order of the ministry and directives of the Minister, the First Deputy Minister and Deputy Ministers, and report on such compliance;

4) prepare the ministry’s work plans, submit them to the Minister for approval and report on implementation;

5) ensure implementation of the state policy on state secret, control of state secret security in the ministry’s secretariat;

6) within the given remit, request and obtain, according to the established procedure and free of charge, information, documents and materials from state authorities, authorities of the Autonomous Republic of Crimea, local self-government bodies, enterprises, institutions and organizations in Ukraine and beyond, and statistical data from the state statistics office as required for implementation of the ministry's tasks;

7) upon agreement with the central executive body ensuring the formation and implementation of state policy in the sphere of civil service, approve the ministry's staff schedule and budget;

8) according to the procedure stipulated by the civil service legislation, hire and dismiss civil servants of the ministry's secretariat, assign civil service ranks, decides on rewards and disciplinary actions;

9) according to the procedure stipulated by the labour legislation, hire and dismiss staff of the ministry's secretariat, decides on rewards and disciplinary actions;

10) appoint and dismiss heads of the ministry's territorial units and their deputies;

11) agree, in cases stipulated by the law, appointment and dismissal of heads of respective structural units of regional state administrations and city state administrations in Kyiv and Sevastopol;

12) appoint and dismiss heads of enterprises, institutions and organizations that operate under the ministry;

13) bring to disciplinary liability heads of enterprises, institutions and organizations that operate under the respective ministry;

14) according to the established procedure, ensure organization of training, re-training and in-service training of civil servants and staff of the ministry;

15) represent the ministry as a legal entity in civil legal relations;

16) within the scope of mandate prescribed by the law, issue delegation orders binding for the ministry's civil servants and staff;

17) issue orders of administrative nature on issues within the scope of given mandate, and control their implementation;

18) make representation on granting state awards of Ukraine to the ministry's apparatus staff and civil servants, according to the established procedure;

5. For the period of absence of a state secretary of the ministry or his/her inability to deliver the mandate for other reasons, his/her responsibilities shall be performed by one of the heads of stand-alone structural units of the ministry's apparatus on the basis of order of a state secretary of the ministry.

6. The state secretary at the Ministry of Defence can be a serviceman.

The state secretary at the Ministry of Defence exercises authority defined by part four of this Article, except for the powers exercised by the Minister of Defence, specifically with regard to:

1) approval of the structure of the Ministry of Defence apparatus, the threshold size of the General Staff of Armed Forces of Ukraine and agreement of its structure;

2) approval of regulation of structural units of the Ministry of Defence apparatus, appointment and dismissal of their heads, taking decisions on granting a civil service rank, rewarding and bringing to disciplinary liability;

3) making representation on recommending servicemen, civil servants, employees of the Ministry of Defence and Armed Forces of Ukraine for decoration, according to the established procedure, for recognition by state awards of Ukraine, awarding decorations of the Ministry of Defence, application of other rewards;

4) cancelling, fully or in part, orders of the state secretary at the Ministry of Defence, acts of military administration that contravene the Constitution of Ukraine, other acts of legislation and acts of the Ministry of Defence.”

Article 11. The Ministry's Apparatus

1. The ministry's apparatus is the organizationally coherent group of structural units and positions that ensure and support activity of the Minister and implementation of the ministry's tasks.

2. The ministry's apparatus is led by State Secretary of the ministry.

3. The ministry's apparatus is composed of the secretariat and independent structural units.

The structure of the ministry's apparatus is approved by the ministry.

4. Requirements for the structure of the ministry's apparatus are defined by the Cabinet of Ministers of Ukraine.

5. The ministry's apparatus civil servants are appointed and dismissed by State Secretary of the ministry according to the procedure prescribed by the civil service legislation.

The ministry's apparatus staff are appointed and dismissed by State Secretary of the ministry according to the procedure prescribed by the labour legislation.

6. Dismissal of the Minister may not serve as basis for dismissal of civil servants and staff of the ministry's apparatus, excluding the Minister's advisory service.”;

in Article 12:

part one to be supplemented by the following sentence: “The size of the Minister's advisory service shall not exceed 10 persons.”;

part three to be presented as follows:

“3. The Minister determines personal composition of the Minister's advisory service at his/her own discretion. The advisory service staff are appointed and dismissed by State Secretary of the ministry according to the procedure prescribed by the civil service legislation, upon representation of the Minister and also in connection with the Minister's dismissal.”;

parts four and five to be removed;

in part seven the phrase “on civil service” to be replaced by the phrase “on labour”;

in part five of Article 13:

paragraph one to be presented as follows:

“5. Heads of territorial units of a ministry are appointed and dismissed by a state secretary.”;

in paragraph two the word “minister” to be replaced by the phrase “a state secretary”;

item 4 in part two of Article 18 to be removed;

parts one and two of Article 19 to be presented as follows:

“1. The head of the central executive authority is appointed and dismissed by the Cabinet of Ministers of Ukraine upon proposal of the Commission on Senior Civil Service.

The Commission on Senior Civil Service presents proposals for consideration of the Cabinet of Ministers of Ukraine regarding candidates for appointment to the position of a head of central executive authority on the basis of competition according to the civil service legislation.

2. The head of the central executive authority may not have more than two deputies who are appointed by the Cabinet of Ministers of Ukraine on the basis of proposals of the Commission on Senior Civil Service upon results of the competition according to the civil service legislation.

Deputy heads of the central executive authority are dismissed by the Cabinet of Ministers of Ukraine on the basis of proposals of the Commission on Senior Civil Service according to the civil service legislation.

The number of deputy heads of the central executive authority directed and coordinated by the Cabinet of Ministers of Ukraine is defined by the Cabinet of Ministers of Ukraine upon substantiated representation of the respective head.”;

in paragraph one part five of Article 21 the phrase “upon agreement with the Minister that directs and coordinates activity of such central executive authority” to be replaced by the phrase “according to the civil service legislation”;

in the text of the Law the phrase “Deputy Minister – head of the apparatus” in all grammatical cases to be replaced by the phrase “a state secretary of the ministry” in the respective grammatical case;

15) in the Law of Ukraine on the Cabinet of Ministers of Ukraine (*Bulletin of the Verkhovna Rada of Ukraine* 2014, No 13, Art. 222, No 22; 2015, No 22, Art. 145):

part five of Article 9 to be supplemented by paragraph eight as follows:

“Employment record book, documents certifying education (field of study, qualification), health certificates and other documents submitted by Member of the Cabinet of Ministers of Ukraine at the time of appointment shall be retained at his/her workplace.”;

in Article 21:

part five to be supplemented by the following paragraph:

“The Cabinet of Ministers of Ukraine, upon substantiated representation of the head of the central executive authority directed and coordinated by the Cabinet of Ministers of Ukraine shall determine the number of deputies for such head.”;

part seven to be presented as follows:

“7. The Cabinet of Ministers of Ukraine appoints:

1) state secretaries of ministries, heads and deputy heads of central executive authorities that do not form part of the Cabinet of Ministers of Ukraine, upon proposal of the Commission on Senior Civil service, on the basis of competition according to the civil service legislation;

2) First Deputy Ministers and Deputy Ministers – upon representation of the Prime-Minister of Ukraine;

3) Dismissal from such positions is performed by the Cabinet of Ministers of Ukraine on grounds stipulated by Ukraine’s Labour Code, the Laws of Ukraine “On the Cabinet of Ministers of Ukraine”, “On Central Executive Authorities”, “On Civil Service.”;

in paragraph 4 part one of Article 42:

paragraph two after the phrase “local state administrations” to be supplemented by the phrase “according to the civil service legislation”;

paragraph three to be removed;

paragraph four after the phrase “for appointment to the position” to be supplemented by the phrase “on the basis of competitive selection according to the civil service legislation”;

item 4 in part one of Article 44 to be presented as follows:

“4) present to the Prime-Minister of Ukraine submission for appointment to the position of first deputy minister and deputy minister and dismissal of these persons from positions;”;

in part four of Article 47 the phrase “upon submission of the Prime-Minister of Ukraine” to be replaced by the phrase “upon proposal of the Commission on Senior Civil Service on the basis of results of the competition according to the civil service legislation”;

part two of Article 54 after the phrase “are entitled to” to be supplemented by the word “exclusively”;

in sentence one of part one of Article 57 the phrase “according to the procedure and on conditions defined by the Ukrainian Law on Civil Service” to be replaced by the phrase “on general terms according to the Law of Ukraine “On General Compulsory State Pension Insurance”.

In the text of the Law, the words “Minister of the Cabinet of Ministers of Ukraine” in all grammatical cases to be replaced by the words “State Secretary of the Cabinet of Ministers of Ukraine” in respective grammatical case;

16) in the Law of Ukraine “On Prevention of Corruption” (*Bulletin of the Verkhovna Rada of Ukraine* 2014, No 49, Art. 2056 with amendments introduced by the Law of Ukraine of 8 October 2015 No 731-VIII):

item 2 of part one of Article 1 to be supplemented by sub-item “c” as follows:

“c) representatives of civil society associations, research institutions, education institutions, experts with relevant qualification that are part of selection committees established according to the Law of Ukraine “On Civil Service”;

in part one of Article 11:

item 10 to be removed;

item 14 to be supplemented by the phrase “(except in-service training of civil servants and local self-government officials)”;

in part two of Article 37, the phrase “National Agency” to be replaced by the phrase “Central executive agency ensuring formation and implementation of state policy in the area of civil service”;

in Note to Article 50, the phrase “persons whose positions are stipulated by part one of Article 9 of the Law of Ukraine “On Civil Service” or referred under Article 25 of this Law and part one of Article 14 of the Law of Ukraine “On Service in Local Self-Government Bodies” to categories one – three” to be replaced by the phrase “the President of Ukraine, the Prime-Minister of Ukraine, member of the Cabinet of Ministers of Ukraine, first deputy minister or deputy minister, member of the National Council of Ukraine on Television and Radio Broadcasting, the National Commission on State Regulation in the Area of Financial Services Markets, the National Commission on Securities and Stock Exchange, the Anti-Monopoly Committee of Ukraine, Head of the State Committee on Television and Radio Broadcasting of Ukraine, Head of the State Property Fund of Ukraine, his/her First Deputy and Deputy, member of the Central Election Committee, People’s Deputy of Ukraine, the Parliamentary Commissioner on Human Rights, Director of the National Anti-Corruption Bureau of Ukraine, the Prosecutor General of Ukraine, his/her First Deputy and Deputy, Chair of the National Bank of Ukraine, his/her First Deputy and Deputy, member of the Council of the National Bank of Ukraine, Secretary of the National Security and Defence Council of Ukraine, his/her First Deputy and Deputy, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, his/her First Deputy and Deputy, advisor or assistant to the President of Ukraine, Chair of the Verkhovna Rada of Ukraine, Prime-Minister of Ukraine, persons whose positions belong to civil service positions of categories “A” or “B” and persons whose positions are referred to under part one of Article 14 of the Law of Ukraine “On Service in Local Self-Government Bodies” to categories one – three”;

in Note to Article 56, the phrase “positions stipulated by part one of Article 9 of the Law of Ukraine “On Civil Service”, positions referred under Article 25 of this Law and part one of Article 14 of the Law of Ukraine “On Service in Local Self-Government Bodies” to categories one – three” to be replaced by the phrase “positions of the President of Ukraine, the Prime-Minister of Ukraine, member of the Cabinet of Ministers of Ukraine, first deputy minister and deputy minister, member of the National Council of Ukraine on Television and Radio Broadcasting, the National Commission on State Regulation in the Area of Financial Services Markets, the National Commission on Securities and Stock Exchange, the Anti-Monopoly Committee of Ukraine, Head of the State Committee on Television and Radio Broadcasting of Ukraine, the Head of the State Property Fund of Ukraine, his/her First Deputy and Deputy, member of the Central Election Committee, People’s Deputy of Ukraine, the Parliamentary

Commissioner on Human Rights, Director of the National Anti-Corruption Bureau of Ukraine, the Prosecutor General of Ukraine, his/her First Deputy and Deputy, Chair of the National Bank of Ukraine, his/her First Deputy and Deputy, member of the Council of the National Bank of Ukraine, Secretary of the National Security and Defence Council of Ukraine, his/her First Deputy and Deputy, Permanent Representative of the President of Ukraine in the Autonomous Republic of Crimea, his/her First Deputy and Deputy, advisor or assistant to the President of Ukraine, Chair of the Verkhovna Rada of Ukraine, Prime-Minister of Ukraine, positions belonging to civil service positions of categories “A” or “B” and positions referred to under part one of Article 14 of the Law of Ukraine “On Service in Local Self-Government Bodies” to categories one – three”;

17) paragraph sixteen in item 25 of part one in Article 1 of the Law of Ukraine “On Preventing and Counteracting Legalization (Laundering) of Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction” (*Bulletin of the Verkhovna Rada of Ukraine* 2014, No 50-51, Art. 2057; 2015, No 17, Art. 118, No 39, Art. 375) to be presented as follows:

“civil servants whose positions belong to category “A”;

18) in the Law of Ukraine “On Judiciary and the Status of Judges” (*Bulletin of the Verkhovna Rada of Ukraine*, 2015, No 18-20, No 132, No 22, Art. 145):

in Article 141:

in paragraph one of part one, in part two, the phrase “on conditions stipulated by Article 37 of the Law of Ukraine “On Civil Service” to be removed;

in paragraphs two, four of part five the phrase “On Civil Service” to be removed;

paragraph two of part one of Article 147 to be removed;

in part one of Article 154 the phrase “by the Law of Ukraine “On Civil Service” to be removed;

19) in Regulation on assistant consultant to the People’s Deputy of Ukraine approved by Resolution of the Verkhovna Rada of 13 October 1995 (*Bulletin of the Verkhovna Rada of Ukraine* 1995, No 37, Art. 283; 2004 p., № 23, ст. 320; 2015 p., № 22, ст. 145):

in Article 1.1:

part five to be removed;

in part seven the phrase “but are not civil servants, also” to be removed;

in part one of Article 3.3:

in paragraph one the phrase “information about admission to civil service, the rank being assigned or that has been assigned to a civil servant” to be removed;

paragraph two to be removed;

part three of Article 4.1 to be removed;

part two of Article 4.4 to be removed;

in paragraph one of part one in Article 4.5 the phrase “and the Law of Ukraine “On Civil Service” to be removed.

4. In government agencies where the head or chair performs responsibilities of the head of civil service and with this Law coming into force lose their civil servant status, position of the head of civil service shall be introduced. Until appointment to these positions upon competition according to the procedure stipulated by this Law, responsibilities of the head of civil service shall continue to be performed by the head or chair of respective government agencies, but no longer than by 1 January 2017.

5. Responsibilities of the State Secretary of the Cabinet of Ministers of Ukraine and his/her deputies, state secretaries in ministries, until appointment to these positions upon competition according to the procedure stipulated by this Law, shall be performed respectively by the Minister of the Cabinet of Ministers of Ukraine and his/her deputies, and deputy ministers – heads of secretariats, but no longer than by 1 January 2017.

The mandate of deputy ministers – heads of secretariats shall cease with appointment to positions of state secretaries in ministries upon competition according to the procedure stipulated by this Law. Individuals who held positions of deputy ministers – heads of secretariats shall be dismissed due to reduction of these positions according to the Labour Code of Ukraine.

Other civil servants who on the day of this Law coming into force hold civil service positions defined according to this Law shall continue to perform their job duties in respective government agencies.

6. This Law shall extend its effect onto employees of the National Academy of Public Administration under the Office of the President of Ukraine, the National Institute of Strategic Studies, the Institute of Legislation of the Verkhovna Rada of Ukraine who were civil servants on the day of this Law coming into force for the period of two years after this Law coming into force.

7. Remuneration terms and conditions of employees of government agencies, other state authorities, their apparatus (secretariat), state enterprises, institutions and organization, authorities of the Autonomous Republic of Crimea who on the day of this Law coming into force are civil servants and whose positions according to this Law are not civil service positions, shall be defined by the Cabinet of Ministers of Ukraine and may not stipulate decrease in the amount of their salary.

8. Civil service employment length for the period of work (service) until this Law coming into force shall be calculated pursuant to the procedure and on the conditions established by legislation applied earlier.

9. For civil servants, who according to Article 35 of the Law of Ukraine on Civil Service (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490) obtained the right to additional paid leave of longer duration than stipulated by Article 58 of this Law, such duration of additional leaves shall remain after this Law becomes effective.

10. Civil servants who as of the date when this Law becomes effective hold civil service positions and have at least 10 years of working records at the positions referred to respective civil service positions categories, as stipulated by Article 25 of the Law of Ukraine on Civil Service (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490 as amended), and the acts of the Cabinet of Ministers of Ukraine, shall be entitled to obtaining pension according to Article 37 of the Law of Ukraine on Civil Service (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490 as amended) pursuant to the procedure, established for persons having at least 20 years of records at positions referred to the civil service position categories.

11. The list of civil service positions held by persons among former civil servants that belong to certain position category stipulated by this Law shall be determined by the Cabinet of Ministers of Ukraine.

12. For persons, who as of the date when this Law becomes effective, have at least 20 years of working records at the positions referred to respective civil service positions categories, as stipulated by Article 25 of the Law of Ukraine on Civil Service (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490 as amended), and acts of the Cabinet of Ministers of Ukraine, the right to pension shall be reserved according to Article 37 of the Law

of Ukraine on Civil Service (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490 as amended) pursuant to the procedure, established for persons having at least 20 years of records at positions referred to the civil service positions.

13. Persons, who as of the date of coming into force of this Law are retired according to Article 31 of the Law of Ukraine on Civil Service (*Bulletin of the Verkhovna Rada of Ukraine*, 1993, No. 52, Art. 490 as amended), shall reserve guarantees stipulated by this Article.

14. Establish that expenditure on implementation of this Law in 2016 shall be carried out within the allocations stipulated by the Law of Ukraine on State Budget in 2016.

The minimal level of salary for group 9 in government agencies with jurisdiction extending onto one or more districts, cities of regional significance, shall be:

from 1 January 2017 – 1.25 of minimal wage;

from 1 January 2018 – 1.5 of minimal wage; from 1 July 2018 – 1.75 of minimal wage.

The remuneration scheme for civil servants shall not be applied at government agencies that undergo liquidation at the time of this Law coming into force.

In case of salary reduction for certain civil servants due to the new remuneration scheme (without bonuses), heads of government agencies shall be empowered to pay out, within the stipulated payroll allocation and for the time of employment in these particular positions, the difference between the salary according to the previous remuneration scheme (without bonuses) and the salary established by the new remuneration scheme for civil servants.

Heads of civil service, during two years upon this Law coming into force, shall have the right to establish additional incentivizing payments for civil servants for additional workload according to the Regulation on application of incentivizing payments to be approved by the Cabinet of Ministers of Ukraine within the payroll fund economy.

15. The Cabinet of Ministers of Ukraine shall:

1) within a one-month term after publication of this Law approve the Procedure for conducting competition for filling in the positions in civil service and Regulation on the Commission on Senior Civil Service, attestation procedure regarding proficiency in the state language for persons seeking civil service entrance as well as the chart of salary rates for civil service positions for 2016;

2) within a one-month term after this Law coming into force prepare and submit for consideration of the Verkhovna Rada of Ukraine proposals on bringing legal acts in compliance with this Law;

bring own legal and regulatory acts and ensure bringing of legal and regulatory acts of ministries and other central executive authorities in compliance with this Law;

3) within the six-month term after this Law coming into force approve Procedure for attestation of persons seeking entrance to civil service regarding their state language proficiency;

ensure holding competitions for positions of State Secretary of the Cabinet of Ministers of Ukraine and deputies, State Secretaries of the ministries according to the requirements of this Law;

President of Ukraine

P. Poroshenko

Kyiv

10 December 2015

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