

**ACT**  
of 1 November 2014  
**on Civil Service<sup>1</sup>**

The Parliament has resolved upon the following Act of the Czech Republic:

PART ONE

**GENERAL PROVISIONS**

**CHAPTER I**  
**SUBJECT AND SCOPE OF THE LAW**

Article 1

(1) This Act shall govern:

- a) legal status of civil servants responsible for public governance at public authorities,
- b) organisational issues related to the civil service (hereinafter referred to as the “service”),
- c) service relations of civil servants,
- d) remuneration of civil servants, and
- e) proceedings in respect of the civil service employment.

(2) This Act shall also govern organisational issues pertaining to employees of public authorities being employed in accordance with standard labour-law.

Article 2

(1) This Act shall not apply to:

- a) Ministers, their advisors, and employees carrying out other activities for Ministers, including employees of Offices of Ministers,
- b) the Head of the Office of the Government (hereinafter referred to as “the Office of the Government”) and employees working for the Head of the Office of the Government,
- c) Deputies of Ministers and employees who work directly for Deputies of Ministers,
- d) Members of the Council for Radio and Television Broadcasting,
- e) Members and the Chairman of the Czech Telecommunication Office,
- f) the Chairman and Vice-chairman of the Office for the Protection of Competition,
- g) the Board member of the Energy Regulatory Office,
- h) the Chairman and Vice-chairman of the Office for Personal Data Protection,
- i) the Chairman and members of the Office for the Supervision of Financing of Political Parties and

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<sup>1</sup> It includes the following amendments:

Ammendment: 199/2015 Coll.  
Ammendment: 298/2015 Coll.  
Ammendment: 131/2015 Coll.  
Ammendment: 26/2016 Coll.  
Ammendment: 47/2016 Coll.  
Ammendment: 195/2016 Coll.  
Ammendment: 137/2016 Coll.  
Ammendment: 190/2016 Coll.  
Ammendment: 298/2016 Coll.  
Ammendment: 302/2016 Coll.  
Ammendment: 24/2017 Coll.  
Ammendment: 319/2016 Coll. 66/2017 Coll.  
Ammendment: 144/2017 Coll.  
Ammendment: 150/2017 Coll.  
Ammendment: 190/2016 Coll. (part), 205/2017 Coll.  
Ammendment: 335/2018 Coll. (part)  
Ammendment: 35/2019 Coll.  
Ammendment: 111/2019 Coll.  
Ammendment: 335/2018 Coll., 32/2019 Coll.  
Ammendment: 178/2019 Coll.

- Political Movements,
- j) the Chairman and Vice-chairman of the Czech Statistical Office,
- k) employees responsible for support, service and/or manual jobs as well as employees who solely manage, organise and supervise the performance of support, service or manual jobs,
- l) the Director and inspectors of the Air Accidents Investigation Institute,
- m) the Chairman, Vice-chairman and other Board members of the National Accreditation Office for Higher Educational Institutions and members of the Review Commission of the National Accreditation Office for Higher Educational Institutions
- n) Members of the Ethics Commission for Recognition of Participants in Anti-Communist Opposition and Resistance, Chairman and Vice-chairman of the Office for the Accession to the Transport Infrastructure,
- n) the Chairman and Vice-chairman of the Office for the Accession to the Transport Infrastructure,
- o) Members of the Ethics Commission of the State Institute for Drug Control,
- p) a physician of the social security authority,
- q) the Chairman and Vice-chairmen of the National Sports Agency.

(2) This Act shall not apply to employees of the security forces, the General Staff of the Army of the Czech Republic, the Military Police, the Military Intelligence, the National Office for Cybernetic and Intelligence Security, and the National Security Authority.

## CHAPTER II BASIC PROVISIONS

### Article 3

#### **Public Authority**

For the purposes of this Act, a public authority shall be understood to be a Ministry and any other public authority established by law and expressly stipulated by law as a public authority or a state administration body.

### Article 4

#### **Service Authority, Place of Civil Service Employment and Supervising Service Authority**

(1) For the purposes of this Act, a public authority shall mean a service authority.

(2) The service authority shall also mean a state administration body or a legal person pursuant to a special law.

(3) The place of employment of a civil servant shall mean the municipality where the given civil servant regularly performs civil service.

(4) A superior service authority shall mean a service authority which is, pursuant to a relevant law, a superior administrative authority.

### Article 5

#### **Service and Fields of Service**

(1) The service shall include:

- a) drafting legislation and performing activities pertaining to legislation,
- b) drafting international instruments, EU instruments, or instruments pertaining to other international organisations,
- c) preparing drafts of strategies, strategies, and programmes,
- d) management and oversight of other public authorities and state-budget funded organisations which do not have the status of public authorities, or local authorities, which do not have the status of public authorities, however, they perform certain functions of the state,
- e) design, management, and maintenance of Civil Service Information Systems pursuant to a relevant law, apart from operational information systems,
- f) central statistical service,
- g) management of the chapter of the state budget pertaining to state-budget funded organisations and

- legal persons, apart from the service authority in which the service is performed,
- h) protection of classified data,
  - i) national defence,
  - j) internal law and order,
  - k) protection of international interests of the Czech Republic and its interests in the context of its membership in the EU and other international organisations,
  - l) drafting or implementing policies on how to allocate subsidies,
  - m) drafting or implementing research and development policy,
  - n) preparing and implementing administrative acts including supervision and monitoring,
  - o) public protection, crisis management, and the integrated rescue system,
  - p) public procurement,
  - q) audit,
  - r) ensuring service logistics, management of service relations, and remuneration of civil servants,
  - s) management of activities under (a) to (r) above,
  - t) preparing and drafting expert opinions and positions in support of activities under (a) to (d), (g), (k) to (n) and (p) above, apart from matters containing physical metering, chemical analyses, or comparison and determination of technical parameters,
  - u) preparation for performance of service abroad

(2) The fields of service shall be determined by the relevant Government Regulation.

(3) Not more than 3 fields of service may be specified by a civil service regulation for a service post and should it be the post of a senior civil servant not more than 4 fields of service may be specified.

(4) If a service post is taken into consideration, merely fields of service corresponding to predominant administrative activities regularly performed at this service post may be specified; a field of service within which the most demanding administrative activity is performed, shall always be specified for a service post.

## Article 6

### **Civil Servant**

A civil servant shall be a natural person, who was appointed to the civil service, assigned to a service post or appointed to the post of a senior civil servant to perform an activity pursuant to Article 5.

## Article 7

### **Service Ranks of Civil Servants**

(1) A civil servant shall have a service rank.

(2) The service rank for the service post of a civil servant with prescribed

- a) secondary education completed with a certificate of apprenticeship shall be that of a desk officer,
- b) secondary education completed with a school leaving examination shall be that of an executive officer,
- c) post-secondary professional education shall be that of a higher executive officer,
- d) university education completed with a Bachelor degree shall be that of an Assistant Principal,
- e) university education completed with a Master degree shall be that of an Executive Assistant Principal or a Principal.

(3) Ministries shall use, instead of the service rank of an Executive Assistant Principal, a service rank of the Ministerial Assistant Principal and the Office of the Government shall use the service rank of a Governmental Assistant Principal instead of the service rank of a Principal, ministries shall use the service rank of a Ministerial Principal and the Office of the Government shall use the service rank of a Governmental Principal.

(4) For the purpose of this Act, graduates of the Political College of the Central Committee of the Communist Party of Czechoslovakia, graduates of the Military Political Academy of Klement Gottwald, graduates of political and security colleges and colleges in the former Union of the Soviet Socialist Republics as well as graduates of all departments of these institutions and colleges shall not be recognized as university graduates, with the exception of graduates of the MGIMO, the State Institute of International Relations in Moscow.

## Article 8

### Service Ranks of Civil Servants in Service Abroad

(repealed)

## Article 9

### Senior Civil Servant

(1) A senior civil servant shall be understood to be a civil servant empowered to manage subordinated civil servants, to assign them their service tasks and to organise, manage and supervise their performance and to issue instructions in such respect. A natural person empowered to give orders to a civil servant to perform civil services may be, under the conditions stipulated hereby, also considered a senior civil servant; a senior civil servant may also be a member of a law enforcement body or professional military corps.

(2) Service posts of senior civil servants at ministries or the Office of the Government and their service ranks are as follows:

- a) Deputy Minister for Management of a Section,
- b) Director of a Department,
- c) Head of a Unit.

(3) Service posts of senior civil servants at other public authorities and their service ranks are as follows:

- a) Head of a Service Authority,
- b) Director of a Section,
- c) Director of a Department,
- d) Head of a Unit.

(4) A Head of a diplomatic mission shall also be considered as a senior civil servant.

(5) The Head of the service authority shall be the person who, pursuant to a special Act, chairs and manages this public authority regardless of whether they are a civil servant or not.

(6) Education required for a senior civil servant shall be based on the most demanding activity they manage or perform.

(7) The senior civil servant shall decide for, from their directly subordinated senior civil servants, one senior civil servant, who will become their Deputy. Should the senior civil servant have no directly subordinated senior civil servants or in case of the head of a Service Authority should they be on the post of a Deputy Minister for Management of a Section, Director of a Department at a Ministry or the Office of the Government, they shall appoint one of their subordinated civil servants to become their Deputy. Such appointed civil servant shall substitute for their supervisor and cover the full scope of their activities; in doing so, they will be considered senior civil servants.

(8) A relevant Minister may authorise his/her Deputy for Management of Section to attend, as a substitute for the Minister, Government meetings and to represent such Minister at meetings of the Chamber of Deputies' committees or commissions, including the Investigation Commission, unless specifically required that the Minister be present, or at meetings of committees or commissions of the Senate.

## CHAPTER III

### SERVICE RELATED ORGANISATIONAL ISSUES AND MANAGEMENT OF SERVICE RELATIONS

## Article 10

### Appointing Authority

(1) The following entities shall be understood to be an appointing authority:

- a) the Government or the Minister of the Interior empowered by the Government with respect to the Director- General for the Civil Service,
- b) the Government or an authorised Minister with respect to the head of the service authority which is a central government authority,
- c) the Director-General for the Civil Service with respect to the head of the service authority not being supervised by a supervising service authority, the Secretary-General and the Director of Human Resources of the Civil Service Section,
- d) the head of the service authority or the Secretary-General with respect to the head of the subordinated service authority,
- e) the Director of Human Resources of the Civil Service Section with respect to civil servants assigned to the Civil Service Section, and
- f) the Head of the service authority or the Secretary-General with respect to other civil servants.

(2) The appointing authority shall act and make decisions in aspects related to the civil service employment.

## **Service Regulation**

### Article 11

(1) Civil service regulations shall guide logistical aspects of the service.

(2) Civil service regulations shall be in writing.

(3) Civil service regulations shall be binding for civil servants; civil service regulations shall be binding also for employees having standard labour-law contracts and performing activities pursuant to Article 5 and civil service regulation shall apply to individuals having the civil service employment pursuant to another Act and performing service in a service authority. The service authority shall make these individuals aware of the civil service regulations and shall provide for their proper access to such regulations.

(4) Civil service regulations shall be issued by the Director-General for the Civil Service, a relevant head of a service authority, the Secretary-General, or the Director of the Human Resources of the Civil Service Section.

(5) The Director-General for the Civil Service may issue a civil service regulation which shall be binding for all civil servants, employees having standard labour-law contracts and performing activities pursuant to Article 5 and persons performing in a service authority service under another Act. The provisions of the first sentence shall not apply in case of a civil servant who performs service within the Council for Radio and Television Broadcasting, the Czech Telecommunication Office, the Energy Regulatory Office, the Office for the Protection of Competition, the Office for Personal Data Protection, the Office for the Supervision of Financing of Political Parties and Political Movements, the Czech Statistical Office, the Office for the Accession to the Transport Infrastructure, or the State Office for Nuclear Safety. The provisions of the first sentence shall neither apply in case of an employee having a standard labour-law contract and performing activities pursuant to Article 5 in any service authority specified in the second sentence and in case of a person performing service under another Act in any service authority specified in the second sentence.

(6) The head of a service authority or a Secretary-General may issue a civil service regulation which shall be binding also for a civil servant who performs service in a subordinate service authority, an employee having a standard labour-law contract and performing activities pursuant to Article 5 in a subordinate service authority, and a person performing service under another Act in a subordinate service authority should it be necessary to have a unified regulation covering organisational issues of service of subordinate service authorities.

(7) The appointing authority shall keep record of the civil service regulations in force and update them regularly.

### Article 12

(1) No civil service regulation shall be in violation of any legal provisions or a civil service regulation issued by the relevant superior service authority or by the Director-General for the Civil Service.

(2) Should a civil service regulation be in violation of any legal provision and should the respective service authority have a supervising service authority, such superior service authority shall request the

respective service authority to remedy such unlawful situation and, at the same time, suspend the effect of the civil service regulation concerned. The effect of such civil service regulation shall be suspended on the day the respective service authority has received the decision of the superior service authority on the suspension of the effect of the civil service regulation concerned. In its decision the superior service authority shall stipulate a reasonable time to remedy the situation.

(3) Should the respective service authority introduce a remedy in the given period, the superior service authority shall recall its decision on the suspension of the civil service regulation immediately after having received a notification from the relevant service authority on the remedy; the respective service authority shall outline in the notification the remedy used to correct the violation.

(4) Should the respective service authority fail to introduce a remedy within 30 days after having received the request, the superior service authority shall revoke such civil service regulation and the respective decision on the revocation of the civil service regulation shall be sent to the respective service authority.

(5) Should a civil service regulation be in violation of any legal provision and should the superior service authority fail to proceed pursuant to (2) to (4) above, or should the respective service authority not have a supervising service authority, the Director-General for the Civil Service shall request the respective service authority to remedy the situation and, at the same time, suspend the effect of such civil service regulation. The effect of such civil service regulation shall be suspended on the day the respective service authority has received the decision of the Director-General for the Civil Service on the suspension of the effect of the civil service regulation. The Director-General for the Civil Service shall, in his/her decision, stipulate a reasonable period to remedy the situation.

(6) Should the respective service authority introduce a remedy in the given period of time, the Director-General for the Civil Service shall recall the decision on the suspension of the civil service regulation immediately after having received a notification from the relevant appointing authority on the remedy; the respective service authority shall outline in the notification the remedy used to correct the violation.

(7) Should the respective service authority fail to introduce a remedy within the given period of time, the Director-General for the civil service regulation shall, no later than 30 days after its expiration, file a motion to the court to revoke the respective civil service regulation. Should a court dismiss such motion, reject it, or discontinue the proceedings, the decision of the Director-General for the Civil Service on the suspension of the effect of such civil service regulation shall be rendered null and void on the day of the final and conclusive judgement of the court.

## Article 13

### **Ministry of the Interior**

(1) The Ministry of the Interior shall:

- a) prepare a systemisation of service posts (hereinafter referred to as the "systemisation") in line with proposals submitted by service authorities and evaluate their compliance,
- b) coordinate the process of drafting organisational structures of service authorities, unless stipulated otherwise,
- c) coordinate the system of performance appraisals of civil servants,
- d) coordinate education and training of civil servants and develop education programmes and framework rules for education and training of civil servants,
- e) assess the rules to ensure that the service and the family and personal life are in balance and submit an annual report on this matter to the Government,
- f) meet other tasks laid down by law.

(2) Competences of the Ministry of the Interior stipulated hereby, except for competences entrusted directly to the Minister of the Interior, the Director-General for Civil Service, the Secretary-General, or the Director of Human Resources of the Civil Service Section and the issuance of ministerial decrees, shall be executed by the Civil Service Section.

(3) The Civil Service Section is a part of the organisational structure of the Ministry of the Interior.

(4) The Civil Service Section is headed by the Director-General for the Civil Service.

(5) The Civil Service Section shall establish a service post of the Director of Human Resources of the Civil Service Section. The post of the Director of Human Resources of the Civil Service Section shall

be equal to that of the Director of a Department. The Director-General for the Civil Service may authorise the Director of Human Resources of the Civil Service Section to substitute for him/her, with the exception of decisions concerning appointment to the civil service, appointment to a service post of a senior civil servant, removing a person from the post of the senior civil servant, or termination of the civil service employment.

(6) Should the service post of the Director-General for the Civil Service be temporarily vacant, the powers shall be exercised by the Director of Human Resources of the Civil Service Section. Should both the service post of the Director-General for the Civil Service and the service post of the Director of Human Resources of the Civil Service Section be temporarily vacant, the Government shall appoint one of its Secretaries General to substitute for the Director-General for the Civil Service until the new Director-General for the Civil Service is appointed.

(7) The Director-General for the Civil Service and a civil servant appointed by him/her in writing may monitor, at service authorities, the service relations of civil servants. The authorisation to perform such monitoring may also be in the form of a badge, specimen of which shall be stipulated by the Ministry of the Interior by means of the relevant ministerial decree. The monitoring shall be performed in line with the Rules of Control.

(8) Should this Act stipulate tasks to be executed by an appointing authority, these tasks shall be implemented by the Secretary-General at the Ministry of the Interior.

#### Article 14

##### **Head of a Service Authority**

(1) The head of a service authority shall manage activities related to organisational aspects of service, management of service relations and remuneration of civil servants and the head of a subordinated service authority.

(2) The head of a service authority shall also be responsible for tasks relating to standard labour-law employment of employees of a public authority.

(3) The Head of a Service Authority may delegate their powers to their deputy, with the exception of decision-making in the matters of appointing to the service post, appointing to the service post of a senior civil servant, removal from the service post of a senior civil servant or terminating civil service.

(4) Should the Head of a Service Authority be absent, all their powers shall be performed by their deputy, with the exception of decision-making in the matters of appointing to the service post, appointing to the service post of a senior civil servant, removal from the service post of a senior civil servant or terminating civil service.

(5) Decisions on aspects, about which pursuant to this Act there are no service-related proceedings, may be delegated by the head of a service authority using a civil service regulation to senior civil servants.

#### Article 15

##### **Secretary-General**

(1) The service post of a Secretary-General shall be established at ministries and at the Office of the Government. The Secretary-General shall be in the position of a Deputy Minister for Management of the Section.

(2) The Secretary-General shall manage activities related to the organisational aspects of civil service, management of service relations, remuneration of civil servants and the head of the service authority subordinated to the Ministry.

(3) The Secretary-General shall also be responsible for tasks relating to standard labour-law employment of employees of a public authority.

(4) In issues related to appointment to the service post of a senior civil servant with the exception of appointment to the service post of the Head of a Unit, the Secretary-General shall proceed upon consultation with a relevant Minister or the Head of the Office of the Government.

(5) The Secretary-General may delegate performance of their powers to their deputy, with the exception of decision-making in the matters of appointing to the service post, appointing to the service

post of a senior civil servant, removal from the service post of a senior civil servant or terminating civil service.

(6) Should the Secretary- General be absent, all powers of the Secretary-General shall be performed by his/her Deputy, with the exception of decision-making in the matters of appointing to the service post, appointing to the service post of a senior civil servant, removal from the service post of a senior civil servant or terminating civil service.

(7) Decisions on aspects, in respect of which, pursuant to this Act, there are no service-related proceedings, may be delegated by the Secretary-General, by ways of a Service instruction, to senior civil servants.

#### Article 16

### **Special Provisions on Performance of Some Tasks of a Service Authority**

A superior service authority shall, in respect of service logistics, service relations of civil servants and standard labour-law employment of employees of a public authority, carry out tasks on behalf of a service authority, having less than 25 civil servants or employees, as well as the District Mining Authority, the District Social Security Authority, the Regional Labour Inspectorate, the Appellate Tax Collecting Headquarters, or the tax collecting authorities.

## CHAPTER IV

### SYSTEMISATION AND THE SERVICE AUTHORITY ORGANISATIONAL STRUCTURE

#### Article 17

### **Systemisation**

(1) Systemisation is based on binding rules of organisational structure of service authorities to secure proper performance of the service authority. For each service authority, it stipulates the following:

- a) the number of service posts of civil servants, who are not senior civil servants, classified according to their pay grade,
- b) the number of service posts of senior civil servants, classified according to their pay grade,
- c) financial resources for civil servants' salaries,
- d) the number of service posts, holders of which, with respect to the protection of public interests, must be citizens of the Czech Republic,
- e) the number of service posts, holders of which are prohibited to, after the termination of their civil service employment, directly or indirectly engage in business or any other entrepreneurial activity, be a partner or a member of a company in the field identical to the field under their responsibility when in civil service, or be employed or be in any other similar relationship to a business in such field (hereinafter referred to as the "non-competition clause").

(2) The draft systemisation shall be prepared by the Ministry of the Interior upon agreement with the Ministry of Finance. The draft shall be drawn up on the basis of proposals from appointing authorities that shall submit such proposals to the Ministry of the Interior within the period of time stipulated by the Ministry of the Interior via respective central public authorities. When drawing up a system for the Ministry or its subordinated service authority, the respective authority shall coordinate it with the relevant Minister. In case of the system to be introduced in the Office of the Government, such activities shall be coordinated with the Head of the Office of the Government. In respect of drawing up a system pertaining to civil servants performing their service in a unit subordinated to a Minister, activities shall be coordinated with the respective Minister. The draft systemisation to be introduced at the Ministry of the Interior shall be prepared by the Secretary-General in coordination with the Minister of the Interior and, in case of the systemisation of the Civil Service Section, also in coordination with the Director-General for the Civil Service; the draft systemisation shall be submitted by the Secretary-General.

(3) Systemisation shall be adopted by the Government for the calendar year following the current year. The draft systemisation shall be submitted to Government by the Minister of the Interior. The Government is authorised to, in the context of the process of adopting the systemisation, modify the organisational structure of the respective service authority.



(4) Should systemisation not be approved prior to 31<sup>st</sup> December of the given year, the current systemisation shall be used for the following calendar year.

(5) Service posts and financial resources available for the civil servants' wages embedded in an adopted systemisation text may be used for any other purposes.

#### Article 18

### **Modifications of Systemisation**

Any modification of systemisation which has entered in force, should the result of such modification be changes in the number of service posts or the amount of financial resources available for the civil servants' salaries, or a change of pay grade of a civil servant for more than one class down or two classes up, shall be admissible solely should competences of the public authority or conditions, under which the systemisation was adopted or substantially changed; provisions of 17 (2) and (3) shall apply accordingly.

#### Article 19

### **Organisational Structure of Service Authority**

(1) The appointing authority shall draw up in line with the systemisation a draft organisational structure of the service authority or shall propose its modifications and submit such draft, through the respective central administration authority, to the Ministry of the Interior for comments. Should the Ministry of the Interior fail to provide its opinion within 30 days after the submission of the draft, the draft shall be considered adopted. Should the appointing authority fail to reflect on the opinion of the Ministry of the Interior, the Ministry of the Interior may submit the draft for adoption by the Government, otherwise the draft shall be considered adopted fifteen days after the Ministry of the Interior has approved it.

(2) Should the adoption of the organisational structure or its modifications not result in terminating civil service employment or removal from a service post of a senior civil servant, the organisational structure or its modifications shall be adopted by the Secretary-General or the appointing authority of the supervising service authority, and should there be no supervising service authority, by the head of the service authority.

(3) Should there be a threat of delay and should it be necessary, for the purpose of implementation of a court decision or a decision of a body of an international institution, the appointing authority may, prior to the adoption of the organisational structure of the service authority or its modification, temporarily proceed as if the organisational structure of the service authority or its modification has been adopted; this shall not apply, should such procedure result in termination of civil service employment. Should the organisational structure or its modification not be adopted, changes temporarily introduced as its result shall be nullified and the service relations shall return to the original state.

(4) Should the organisational structure of the Office of the Council for Radio and Television Broadcasting, the Czech Telecommunication Office, the Energy Regulatory Office, the Office for the Protection of Competition, the Office for Personal Data Protection, the Office for the Supervision of Financing of Political Parties and Political Movements, the Czech Statistical Office, the Office for the Accession to the Transport Infrastructure, and the State Office for Nuclear Safety be taken into consideration, then it shall be adopted by the respective Director. The provisions of Articles 1 to 3 shall not apply.

## PART TWO

### **CIVIL SERVICE EMPLOYMENT**

#### CHAPTER I

#### CIVIL SERVANT EMPLOYMENT FOR AN INDEFINITE TERM AND FOR A FIXED TERM

#### Article 20

A person shall be appointed to the civil service either for an indefinite term or for a fixed term.

## Article 21

(1) A person shall be appointed to the civil service, in the vast majority of cases, for an indefinite term.

(2) Civil service employment for a fixed term shall be always awarded to a person who has not yet passed a civil service examination. An individual may also be hired for a fixed term to fill a post of a servant who is not temporarily present.

(3) Further cases, in which it may be possible, with regard to the special nature, of the service to hire an individual for civil service employment for a fixed term, shall be specified by the Government Regulation.

## CHAPTER II

### CONDITIONS AND PROFESSIONAL COMPETENCES NECESSARY FOR APPOINTMENT TO CIVIL SERVICE, ASSIGNMENT TO A SERVICE POST, APPOINTMENT TO THE SERVICE POST OF A SENIOR CIVIL SERVANT, SERVICE OATH AND OBSTACLES TO APPOINTMENT TO CIVIL SERVICE OR PERFORMANCE OF CIVIL SERVICE

## Article 22

### **Key Conditions of Appointment to Civil Service**

A person may be appointed to civil service solely should it be assumed that such person will adhere in their service to the democratic principles of the constitutional order of the Czech Republic and duly perform their service.

## Article 23

### **Appointment to Civil Service, Assignment to a Service Post and Appointment to the Service Post of a Senior Civil Servant**

(1) Individuals shall be appointed to the civil service by a decision of an appointing authority. Simultaneously with the decision to appoint the respective individual to the civil service the appointing authority shall also decide on the assignment of the civil servant to a service post or an appointment of the civil servant to the service post of a senior civil servant.

(2) No one may claim to be appointed to the civil service, be assigned to a service post or appointed to the post of a senior civil servant.

### **Competition to Fill a Vacant Service Post**

## Article 24

(1) A vacant service post shall be filled through a selection process.

(2) A selection process to fill a vacant service post shall be open to civil servants or other individuals under conditions stipulated hereby.

(3) To participate in the selection process, civil servants shall submit to the appointing authority an application to be assigned to the service post or appointed to the service post of a senior civil servant to be filled through a selection process.

(4) To participate in the selection process, other individuals not being civil servants shall submit to the appointing authority an application to be appointed to the civil service, a part of which shall be a request to be assigned to the service post or appointed to the service post of a senior civil servant to be filled in a selection process.

(5) There shall be no selection process pursuant to (1) above, should the authorities proceed in accordance with Articles 47, 49 (2), 51 (5) or (6), 61, 67 or 70; there shall be no selection process either should it concern a service post opened in relation to sending a civil servant to perform their service abroad; this is not applicable should it be the post of a senior civil servant. No selection process shall be organised, should the vacant service post be filled through a procedure pursuant to a different Act.

(6) A process to select a civil servant shall be announced by the appointing authority on its official board and shall also be announced in the civil service information system. The announcement becomes legally binding once placed on the official board.

(7) The announcement of the competition shall contain the following:

- a) information on conditions and requirements pursuant to Article 25,
- b) information on the service post to be filled through the selection process,
- c) information on the service job to be filled through the selection process,
- d) information on whether it concerns a service post in which the civil servant performs service for an indefinite term or for a fixed term, in case of a fixed term, the period concerned shall be indicated,
- e) prohibition of competition should it be prescribed for the given post,
- f) information on the pay grade,
- g) information on the date when the application for civil service employment shall be submitted to the appointing authority or, in the case of an applicant who is already a civil servant, when the application to be assigned to the service post or appointed to the service post of a senior civil servant shall be submitted.

(8) Applications pursuant to (3) and (4) above shall be submitted in writing in the Czech language; specimen of application forms shall be published by the Ministry of the Interior on the Ministry of the Interior's gateway.

#### Article 25

(1) An applicant for appointment to the civil service shall:

- a) be a citizen of the Czech Republic, a citizen of an EU Member State, or a citizen of a country being a party to the Agreement on the European Economic Area,
- b) be at least 18 years old,
- c) have full legal capacity,
- d) have no previous criminal record,
- e) have accomplished education stipulated hereby, and
- f) be of good health.

(2) Applicants, who are not citizens of the Czech Republic, shall prove their knowledge of the Czech language by taking an examination in the Czech language as a foreign language held by an entity which is a regular member of the European Association for Language Testing in Europe and is in possession of relevant certification. The previous sentence shall not apply if the applicant proves that they attended, for at least three academic years, an elementary, secondary, or higher educational institution, where the language of instruction was Czech. An applicant, who is not a citizen of the Czech Republic, shall be entitled to a compensation of costs of one language test by the service authority where the applicant has filed his/her the application. The content and scope of the test shall be determined by a Ministerial Decree issued by the Ministry of Education, Youth and Sports.

(3) A person who was in the past finally and conclusively sentenced of an intentional crime or of a crime against public law and order by negligence, unless the sentence has been nullified or the perpetrator was acquitted, shall not be acknowledged as a person having no previous criminal record; should the criminal prosecution in the given case be suspended or should there be a decision made on conciliation and termination of the criminal prosecution, the requirement for no previous criminal conviction shall be considered complied with only 5 years after the decision on such matter entered into effect.

(4) The Government may, in the course of systemisation, select service posts which absolutely require, with respect to protection of public interests, the candidate to be a citizen of the Czech Republic.

(5) The appointing authority may, through a civil service regulation, determine the following requirements for a service post:

- a) a certain level of command of a foreign language, the field of education, or any other professional qualifications requirements necessary for the service,
- b) security clearance pursuant to the Act on the protection of classified information.

#### Article 26

(1) An applicant shall prove compliance with requirements laid down in Article 25 (1) (a) and (e) by relevant documents. Compliance with the requirement of no previous criminal record shall be

documented by an excerpt from the Criminal Records, no older than 3 (three) months. The appointing authority may, in order to verify compliance with the requirement of no previous criminal record, request from the database of Criminal Records an excerpt concerning the applicant's criminal record; such request shall be submitted electronically, using means of remote access. The authority keeping the database of Criminal Records shall provide, upon request of the service authority, an excerpt from the database concerning the applicant. Applicants, who are not citizens of the Czech Republic, shall prove their compliance with the requirement for no previous criminal conviction by means of a similar document, no older than 3 months, proving no criminal record and issued by the country in which the applicant resided in the past three years for a period of at least six months (hereinafter referred to as the "home country"), together with an official and certified translation to the Czech language; should the home country not issue such documents, the document may be replaced by a written solemn declaration. Compliance with the requirement pursuant to Article 25 (1) (c) shall be proven by means of a written solemn declaration.

(2) Compliance with requirements pursuant to Article 25 (1) (a) and (e) may also be proven by means of a written solemn declaration; in such case, the applicant shall submit documents pursuant to paragraph (1) subsequently but no later than before the interview pursuant to Article 27 (3).

(3) Compliance with requirements pursuant to Article 25 (1) (f) shall be proven by means of a written solemn declaration. An appointing authority shall verify, using the procedure laid down in Article 28 (5), whether the applicant selected under Article 28 (2) or (3) meets such requirements.

#### Article 27

(1) The selection process is open solely to individuals who comply with the requirements and are qualified pursuant to Article 25, with the exception of the requirement pursuant to Article 25 (5) (b).

(2) The appointing authority shall reject an application pursuant to Articles 24 (3) and (4), if:

- a) it fails to include all necessary information and data required by law,
- b) it is incomprehensible and/or it is not clear who has filed such application and what the purpose of the application is,
- c) it fails to comply with requirements and conditions laid down in Article 25, with the exception of Article 25 (5) (b); the applicant shall be informed accordingly.

(3) Applicants whose application was not dismissed pursuant to (2) above shall be invited for an interview by the relevant selection panel. The interview shall focus on the specialisation required and on other professional requirements. Should there be foreign language skills required, a foreign language test may be a part of the interview.

(4) The interview may be completed with a written test. Should there be at least 10 (ten) applicants whose application has not been rejected under paragraph 2 above, the interview shall be completed with a written test held prior to the relevant interview. The selection panel shall hold an interview at least with 5 (five) applicants who have passed the written test best of all.

(5) Should any applicants duly excuse themselves from their participation in the interview, the selection panel shall hold such interview on an alternative date. An applicant who shall not be able to participate in the interview on an alternative date due to force majeure and thus shall not be able to accomplish the election process within the period laid down in Article 164 (1), the selection panel may, with the consent of the appointing authority concerned, to set a retake date after such force majeure ceases to exist. The appointing authority shall agree with such procedure if it does not prevent the appointing authority from performing its assignments.

(6) Should an applicant not participate in the scheduled interview without any excuse or should they not participate repeatedly and not provide cooperation necessary for their participation in the selection process or should it be obvious from their conduct that they are not interested in the selection process, they shall be considered as those who have withdrawn from the selection process.

#### Article 28

(1) All selection panels shall have 3 members. At ministries or at the Office of the Government, its members shall be appointed or removed by the Secretary-General, two of the members shall be appointed or removed as proposed by the Director of the respective department. At other service authorities, members of the selection panel shall be appointed or removed by the Head of the service authority.

(2) The selection panel shall choose, from among applicants who succeeded in the selection process, three best applicants and shall make a list of all other successful applicants in the order of their performance in the selection process as well as a list of applicants who failed the selection process. In case of the procedure under Article 27 (4), the second sentence, the applicants who have not participated in the interview shall be considered as applicants who failed the selection process. The appointing authority shall select, along with the immediate superior, one winning candidate of the three best applicants; the agreement between the appointing authority and the respective senior civil servant shall be made out in writing.

(3) Should there be less than three successful applicants, the appointing authority shall select, in concert with the immediate superior, one candidate from all those who succeeded. Should all three best applicants decide to withdraw from the selection process, the appointing authority shall select, in concert with the immediate superior, the next successful candidate from the list of applicants who had successfully completed the competition. The agreement between the appointing authority and the respective immediate superior pursuant to this paragraph shall be made out in writing.

(4) Should there be no successful candidate or should the appointing authority not be able to, in the process specified in (2) or (3) above, select any candidate, the respective selection process shall be suspended and there shall be a new selection process announced without prejudice to the provisions of Article 24 (5).

(5) After the agreement under paragraph 2 or 3 an appointing authority shall arrange for the health examination of the selected applicant pursuant to the Act on Specific Medical Services. Should the selected applicant not have required health conditions, the agreement under paragraph 2 or 3 shall be considered void from the beginning.

#### Article 29

(1) Should the candidate to be assigned, as a result of the selection process, to a vacant service post or appointed to a vacant service post of a senior civil servant, not have passed the civil service examination, they shall be appointed to the civil service for a fixed term of 12 months, unless the period stated in the announcement of the selection process to fill the vacant service post is shorter.

(2) Should the candidate to be assigned, as a result of the selection process, to a vacant service post or appointed to a vacant service post of a senior civil servant, not be employed in the civil service yet or should it be a candidate who has not passed the civil service examination yet, there shall be a probationary period of 6 months. Such probationary period shall be extended by the time of full-day impediments to the civil service for which a civil servant shall not be able to perform the service during his/her probationary period and the same shall apply to a full-day leave.

#### Article 30

##### **Decision on Appointment to the Civil Service, Decision on Assignment to a Service Post and Decision on Appointment to the Service Post of a Senior Civil Servant**

(1) The decision on the appointment to the civil service shall, apart from general provisions laid down in the Code of Administrative Proceedings, include the following:

- a) the name or names and surname, and academic degree(s) (if applicable),
- b) the date and place of birth,
- c) the specialisation for the civil service post,
- d) the service post,
- e) the date of appointment to the civil service and the date of commencement of the service,
- f) information on whether the civil servant shall be appointed to the civil service for an indefinite term or for a fixed term, in case of a fixed term civil service employment, together with the term concerned,
- g) the service authority, in which the civil servant shall perform service, and the place of civil service employment,
- h) the service rank,
- i) the probationary period,
- j) the pay grade,
- k) the term of shortened working time, should it be awarded.

(2) The decision on assignment to a service post and the decision on appointment to the service

post of a senior civil servant shall, apart from general provisions laid down in the Code of Administrative Proceedings, include the following:

- a) the name or names and surname, and academic titles (if applicable),
- b) the date and place of birth,
- c) the specialisation for the civil service post,
- d) the service post,
- e) the date of commencement of the service in a service post,
- f) information on whether the service at the service post shall be for an indefinite term or for a fixed term, in case of a fixed term civil service employment, together with the term concerned,
- g) the service authority, in which the civil servant shall perform service, a place of civil service employment,
- h) the service rank,
- i) the probationary period,
- j) the pay grade,
- k) the term of the shortened service period, should it be awarded.

(3) Should there be a decision made on the change of the civil service employment pursuant to Article 42, paragraphs (1) and (2) shall apply accordingly.

#### Article 31

### **Commencement of the Civil Service Employment**

(1) The civil service employment shall start on the day which is stipulated in the decision on appointment to the civil service.

(2) Should the civil servant fail to start their service on the day which is stipulated in the decision on appointment to the civil service without a due reason and without having notified the appointing authority on such due reason within 7 days, the appointing authority shall revoke the decision on appointment to the civil service with effect from the day of commencement of the civil service employment.

#### Article 32

### **Oath of Service**

(1) Civil servants shall take, on the first day of their service, an oath of service.

(2) The oath of service shall be as follows: "I do solemnly affirm to my honour and belief that I will execute my civil service in compliance with legal and service regulations as well as with orders given by senior civil servants. I will fulfil my duties to the best of my ability and I will remain impartial, dutiful, and professional. I will defend interests of the Czech Republic, will not abuse my status of a civil servant and will act and perform to maintain public trust in the civil service".

(3) The oath of service shall be taken in presence of the appointing authority.

(4) The oath of service shall be considered taken, should the civil servant pronounce, after having read the text of the oath, "So I swear!" and sign an official record of the oath of service taken. The official record of the oath of service taken shall bear the date and place of the oath of service. The official record of the oath of service taken shall be filed in the civil servant's personal file.

(5) Should the civil servant reject to take the oath of service or should they take it with reservation, their civil service employment shall be considered non-existent from the very beginning of the process.

#### Article 33

### **Obstacles to the Appointment to the Civil Service or the Execution of Service**

(1) The following persons shall not be appointed to the civil service:

- a) a court nominee-in-waiting or an attorney-in-waiting,
- b) a Deputy of the Chamber of Deputies or a Senator,
- c) a member of the European Parliament,
- d) the President of the Republic
- e) a minister or his/her deputies,

- f) the Head of the Office of the Government,
- g) judges of the Constitutional Court,
- h) assistants to judges of the Constitutional Court,
- i) assistants to judges or public prosecutors,
- j) the President or Vice-Presidents of the Supreme Audit Office,
- k) the Chairman and members of the National Budget Board,
- l) the Governor, Vice-Governors, or members of the Bank Board of the Czech National Bank,
- m) the Public Defender of Rights and/or their deputies,
- n) Assistants to the Public defender of rights,
- o) Members of the Council for Radio and Television Broadcasting,
- p) the Chairman and members of the Council of the Czech Telecommunication Office,
- q) the Chairman and Vice-chairmen of the Office for the Protection of Competition,
- r) the Board member of the Energy Regulatory Office,
- s) the Chairman and Vice-chairman of the Office for Protection of Personal Data,
- t) the Chairman and members of the Office for the Supervision of Financing of Political Parties and Political Movements
- u) the Chairman and Vice-chairmen of the Czech Statistical Office,
- v) disengaged elected representatives of local and regional councils (hereinafter referred to as the „disengaged elected representative “),
- w) an individual in the military manoeuvres, service in operative deployment or in a special service,
- x) the Chairman and Vice-chairman of the Office for the Accession to the Transport Infrastructure,
- y) the Chairman and Vice-chairman of the National Sports Agency.

(2) Neither the following persons shall be appointed to the civil service:

- a) judges,
- b) public prosecutors,
- c) members or auditors of the Supreme Audit Office,
- d) senior court officials or senior officials of the public prosecution,
- e) military professionals,
- f) members of security forces,
- g) other individuals performing activities pursuant to Article 2.

(3) Should the competition result in selecting a person pursuant to paragraphs (1) or (2), they shall immediately take legal steps to remove obstacles pursuant to paragraphs (1) or (2).

(4) If after the appointment to the civil service obstacles arise pursuant to:

- a) paragraph (1), the service shall be suspended,
- b) paragraph (2), the civil service employment shall be terminated.

(5) An individual impacted by an obstacle pursuant to (1) or (2) above shall, without any undue delay, report such obstacle in writing to the appointing authority; should it concern a civil servant, such notification shall be filed in their personal file.

#### Article 34

##### **Failure to Meet Conditions for Appointment to the Civil Service**

(1) A civil servant shall comply with the requirements under Article 25 (1) for the entire period of their service; they shall, without any undue delay, report to the service authority that they no longer comply with such conditions.

(2) The court, which, in the highest instance, convicted a civil servant of a crime, or decided to limit their legal capacity, shall, when such decision becomes final and conclusive, inform, without any undue delay, the service authority in which the civil servant performs services.

#### Article 35

##### **Civil Service Examination**

(1) A civil servant shall take and passed the civil service examination.

(2) Any service authority shall enable a civil servant, upon their request, to take the civil service

examination no later than

- a) prior to the expiration of the civil service employment for a fixed term, or
- b) 12 months from the date on which a civil servant began to perform their service in a different or in a further field of service.

(3) Any service authority shall enable an individual, who complies with conditions for appointment to the civil service, to take the civil service examination; such person shall bear the costs of the civil service examination.

(4) A civil servant who passed the civil service examination as an individual under paragraph 3 above may claim reimbursement of costs at the amount of a flat rate specified by the service regulation issued by the Director-General for the Civil Service. Such amount shall be paid for taking a civil service examination for the service post where they have been assigned to or appointed to. The costs shall be reimbursed by the Service Authority where the civil servant concerned performs service after accomplishing the probationary period. The costs shall be reimbursed in the nearest possible term determined by the Service Authority as a pay date.

(5) Registration for the civil service examination and other logistical aspects of the civil service examination shall be arranged via the portal for registration to the civil service examination.

#### Article 36

(1) The civil service examination shall comprise two parts – a general part and a special part.

(2) The general part of the civil service examination shall be taken in writing. The objective of the general part of the civil service examination is to test relevant knowledge of the applicant of the organisational structure and activities of the public administration, rights, and responsibilities of a civil servant, civil servant ethics, legislation generally pertaining to the public administration and the EU acquis. The general part of the civil service examination shall be facilitated by the Ministry of the Interior.

(3) The special part of the civil service examination shall be taken only after the applicant has successfully completed the general part of the civil service examination. The special part of the civil service examination is oral and shall be taken in front of the examination panel. The objective of the general part of the civil service examination is to test knowledge and expertise of the civil servant as well as their professional competences to continue performing service in the post they had been assigned or appointed to. The special part of the civil service examination shall be facilitated by the central public authority in cooperation with the service authority.

(4) The general part of the professional competences test taken by officials of local and regional councils is considered equal to the general part of the civil service examination. The Government may by adopting a Government Regulation, specify for the respective civil service post that the special part of the professional competences test taken by officials of local and regional councils shall be considered equal to the special part of the civil service examination. Furthermore, the Government may by adopting a Government Regulation stipulate that an examination, under a different Act, shall be considered equal to the special part of the civil service examination, should its content and scope be comparable to that of the special part of the civil service examination.

(5) Should fields of service be changed, the Government may by their regulation stipulate that a special part of the civil service examination passed for the current field of service shall be considered a special part of the civil service examination passed for a new field of service.

#### Article 37

(1) The examination panel shall be established depending on the field of service at the central service authority under the responsibility of which the given field of service is; central public authorities may agree that for a particular civil service post the examination should be facilitated by an examination panel established at one of the authorities. This examination panel shall also arrange for civil service examinations of civil servants performing their service in subordinated service authorities.

(2) Members of the examination panel shall be appointed and removed by an appointing authority at the central service authority. The examination panel shall have three members, of whom at least two are civil servants.

(3) It is forbidden to appoint a member of the examination panel whose impartiality, due to their relationship to the examined individual, may be compromised.



#### Article 38

(1) The appointing authority, in cooperation with the Ministry of the Interior and the central public authority, shall, at least 21 days prior to the date of the civil service examination, inform the civil servant in writing of the date and place of the civil service examination; when determining the date, preferences of the civil servant shall be taken into consideration.

(2) Should the civil servant be unable to take the civil service examination on the agreed date for service-related reasons, he/she shall be assigned a different date to take the civil service examination.

#### Article 39

(1) Any examination panel has a quorum if all its members are present; decisions are passed by the majority of votes. A member of an examination panel must not abstain from voting. In their decisions, members of the examination panel shall not follow orders of any senior civil servant or other individuals. The resolution of the examination panel shall be either "complied" or "not complied".

(2) The examination panel shall issue a certificate of the successful completion of the civil service examination. The certificate shall be issued in two original copies. One copy shall be given to the civil servant and one copy shall be filed in the civil servant's personal file.

(3) The examination panel shall issue a certificate of failure to pass the civil service examination. The certificate shall be issued in 2 original copies. One copy shall be given to the civil servant and one copy shall be filed in the civil servant's personal file.

(4) The central public authorities shall keep record of certificates issued by examination panels established by them.

#### Article 40

(1) Should a civil servant fail to pass the civil service examination, the appointing authority shall, upon a written request filed by the respective civil servant, allow to re-take the examination. The civil service examination may be re-taken only once.

(2) A repeated civil service examination may be taken 1 month after the civil servant failed to pass the civil service examination; the provisions of Article 38 (1) shall apply by analogy.

(3) Members of the examination panel of the examination to be resit cannot be identical with those who were examining the candidate during the regular examination he/she failed.

(4) The term of the civil service employment of the civil servant, who re-takes the civil service examination, shall not be extended.

#### Article 41

Ministry of the Interior shall, by issuing a relevant Decree, determine the content, scope, and other properties of the civil service examination, including the process of its taking and evaluation.

#### Article 42

##### **Procedure Following a Successful Completion of a Civil Service Examination**

(1) The civil servant assigned to a service post or appointed to the post of the Head of a Service Authority, the Deputy Minister for Management of a Section, the Director of a Section, the Head of a Department, or the Head of a Unit who was appointed to the civil service for a fixed term under Article 29 (1) shall be eligible after a successful completion of the civil service examination to change their civil service employment to the indefinite term and to be assigned to the current service post or to be appointed to the current service post of a senior civil servant for the indefinite term or to the change of their civil service employment to the fixed term and to be assigned to the current service post or to be appointed to the current service post of a senior civil servant for the fixed term specified in the notice of the relevant selection process. The probationary period pursuant to Article 29 (2) shall not be prejudiced.

(2) A civil servant appointed to the service post of the Director-General for Civil Service, a Secretary General or the Director of the Human Resources of the Civil Service Section who was appointed to civil service for a fixed term under Article 29 (1) shall be eligible after a successful completion of the civil service examination to change their civil service employment to an indefinite period or a fixed period

specified in the relevant notice of a vacant position, and to be appointed to the current service post of a senior civil servant for a fixed term stipulated in Article 52 (1), or in Article 53 (1), or for a fixed period specified in the relevant notice of a vacant position. The probation period pursuant to Article 29 (2) shall not be prejudiced.

SUBPART III  
ASSIGNMENT OF CIVIL SERVANT TO A SERVICE POST IN RESPECT OF THEIR FAMILY OR  
SIMILAR RELATIONS

Article 43

(1) Civil servants who are relatives shall not be assigned to service posts in which they would be directly subordinated to one another or under financial control or audit of one another.

(2) An applicant for the civil service employment shall report to the appointing authority all facts pursuant to paragraph (1) above. A civil servant shall report to the appointing authority, without any undue delay, all facts pursuant to paragraph (1) above which originated after commencement of their civil service employment.

(3) Should facts pursuant to paragraph (1) above occur after commencement of the civil service employment, the appointing authority shall change the subordination of the respective civil servant so that it shall differ from the organisational setup of the public authority in respect of the performed service activities.

SUBPART IV  
CHANGES IN THE CIVIL SERVICE EMPLOYMENT

Article 44

**Types of Changes in the Civil Service Employment**

The change in the civil service employment shall be in the form of:

- a) being sent to an official business trip,
- b) transfer,
- c) dismissal from service,
- d) assignment to another service post,
- e) change in the term of civil service employment,
- f) appointment to the service post of a senior civil servant,
- g) being removed from the service post of a senior civil servant,
- h) transfer to another service post,
- i) temporary non-active status due to organisational reasons,
- j) temporary non-active status due to maternity or parental leave,
- k) temporary non-active status due to a position in the trade unions,
- l) temporary non-active status due to suspension of the service,
- m) substitution,
- n) secondment to service abroad and assignment to a service post after termination of such a service,
- o) secondment to the body or institution of the European Union, an international organisation, a peace or rescue operation or for the purpose of a humanitarian aid abroad (hereinafter referred to as an "international organisation");
- p) shorter service term,
- q) suspended service for the purposes of further education or internship.

**Travelling on Official Business**

Article 45

(1) A civil servant may be required for any period necessary to travel on official business, even without their consent. When required to travel, the place where such trip starts, the destination, the place of termination, its duration, means of transportation, and lodging shall be determined; there may be other conditions set out for travelling on official business.

(2) When requesting a civil servant to travel on official business, their health condition, personal and family circumstances shall be taken in consideration.

(3) A pregnant civil servant and a male or female civil servant caring for a child under the age of 8 may be required to travel on official business solely upon their consent; this shall apply accordingly to a one parent family of a male or female civil servant, caring for a child under the age of 15 and also to a civil servant who proves to be the prime provider of long-term care for a person, who is considered, pursuant to another law, a person dependent on assistance and care of another natural person at level II (medium dependence), level III (heavy dependence) or level IV (total dependence).

#### Article 46

(1) Should it be necessary for the execution of the service, a civil servant shall travel on official business even on weekends and public holidays.

(2) A civil servant travelling on official business shall execute the service upon orders by the senior civil servant who requested the travel.

(3) For the purposes of per diems in relation to travelling on official business, a family member shall be understood to be a spouse, a partner pursuant to the Act on registered partnership (hereinafter referred to as the "partner"), a child, an adopted child, a child entrusted in the civil servant's custody, parents, an adoptive parent, or a custodian. Other persons may adopt the status of a family member, provided they share a household with the civil servant concerned.

(4) For the purposes of this Act, a household shall be understood to be a community of individuals who reside together permanently and share the living costs.

#### Article 47

##### **Transfer**

(1) A civil servant may be, for a period necessary which shall be determined in advance and shall not exceed 60 days in a single calendar year, transferred to perform service in a different field of service than their current post, to another service authority, or to another unit under the organisational structure of the service authority, even without their consent. Upon the consent of the respective civil servant, the period of transfer may be extended, however, for no more than 60 days.

(2) The services of the transferred civil servant must be needed in the other service authority or the other unit of the civil servant's service authority for the whole period of the transfer concerned. Any transfer may not be used for other purposes but to execute service. When transferring a civil servant, their health condition and family and personal circumstances shall be taken into consideration.

(3) A pregnant civil servant and a male or female civil servant caring for a child under the age of 8 may be transferred solely upon their consent; this shall apply accordingly to a one parent family of a male or female civil servant, caring for a child under the age of 15 and also to a civil servant, who proves to be the prime provider of long-term care for a person who is considered, pursuant to another law, a person dependent on assistance and care of another natural person at level II (medium dependence), level III (heavy dependence) or level IV (total dependence).

(4) Should a civil servant be transferred to another municipality from the municipality, where their place of civil service employment is located or where they live, the service authority shall arrange, at its own cost, for housing of such civil servant in the municipality where they were transferred to, and provide per diems as if they were travelling on official business.

(5) Should the transfer result in lower pay of the civil servant, they are eligible to the payment of salary differential up to the amount of their pay received prior to the transfer.

#### Article 48

##### **Suspension from Service**

(1) The civil servant's service shall be suspended should there be a decision made to initiate criminal prosecution to investigate an intentional crime or a crime against law and order by negligence, until the termination of the relevant criminal prosecution. Should the civil servant be taken into custody the civil servant's service shall be suspended for the entire period of their custody. Having regard to the proposal of the Disciplinary Board a civil servant may be suspended from the service should the

disciplinary proceedings for a reasonable suspicion of committing serious breach of the discipline be commenced, should their continuing service threat due performance of service or gathering documents for decision-making in the disciplinary proceedings, until the termination of the disciplinary proceedings unless the reason for which the civil servant has been suspended from civil service ceases to exist prior to the termination of the disciplinary proceedings.

(2) The law enforcement bodies shall inform, without any undue delay, the appointing authority of the decision to initiate criminal prosecution pursuant to paragraph (1) or about taking the civil servant in custody.

(3) The civil servant shall be eligible to receive, from the day of the suspension of their service due to criminal prosecution commencement or due to criminal custody, an allowance of 50 percent of their monthly pay, at least the minimum wage pursuant to another Act; the allowance shall be increased by 10 percent of their monthly pay for each dependent person to the maximum of 80 percent of their monthly pay. A dependent person shall be understood to be a person supported by the civil servant or a person the civil servant is obliged to support. From the date of service suspension due to the proposal given by the Disciplinary Board the civil servant shall be eligible to receive 80% of their monthly pay.

(4) Should the civil servant not be convicted, finally and conclusively, of the crime pursuant to (1) above, should the criminal prosecution in the given case be conditionally suspended, or should there be a decision made on the conciliation and termination of the criminal prosecution, or should the civil servant not receive a disciplinary measure under § 89 (2) (c) and (d) within the disciplinary proceedings the percentage of the pay due shall be reimbursed after the termination of the criminal prosecution or after the termination of the disciplinary proceedings.

#### Article 49

##### **Assignment to Another Service Post**

(1) A civil servant may be assigned to another service post following a selection process to fill a vacant service post.

(2) A civil servant shall be assigned, with their consent, to a different service post within the same service authority and the same field of service which is included in the same or in a lower pay grade as their current service post, should the civil servant meet conditions and requirements specified for such different service post and should the appointing authority and the new immediate superior, or the current immediate superior, if it is a service post which is subordinate to the same immediate superior, agree in writing on such assignment; if according to 2 successive service performance appraisals they achieved outstanding results such civil servants may be also assigned to a service post included in the pay grade being one level higher than the current service post.

(3) Under the conditions laid down in paragraph 2 a civil servant may be assigned to a different service post within a service authority subordinate to the same central administration authority or within a superior central administration authority should the new service authority agree on it with a new immediate superior. The new appointing authority shall decide on assignment of a civil servant to a different service post.

(4) A civil servant performing service on a service post included in the 9<sup>th</sup> or 10<sup>th</sup> pay grade for which they meet education requirements shall be assigned, with their consent, to a different service post within the same service authority and included in a pay grade being one level higher than their current service post should they meet conditions and requirements specified for such a different service post, with the exception of education, and should the appointing authority and the new immediate superior, or the current immediate superior should it be a service post subordinate to the same immediate superior, agree in writing on such assignment. The further condition to follow the procedure under the first sentence is that a civil servant has performed service in the same field of service for at least 4 years and according to conclusions of 2 (two) successive service performance appraisals such civil servant has achieved outstanding results.

(5) A civil servant shall be also assigned, under the conditions stipulated in paragraph 4, to a different service post within a service authority subordinate to the same central administration authority or within a superior central administration authority in the same field of service provided that such assignment is agreed on in writing between the new appointing authority and the new immediate superior. The new appointing authority shall decide on the assignment of a civil servant to a different service post.

(6) The civil service employment for an indefinite term shall not be prejudiced by the assignment to another service post.

(7) The civil service employment for a fixed term shall not be shortened upon assignment to another service post.

#### Article 50

##### **Change in the Term of the Civil Service Employment**

(1) The term of the fixed term service employment of a civil servant shall be changed for reasons pursuant to Article 42.

(2) The term of the fixed term service employment of a civil servant shall also be changed upon their assignment to another service post or appointment to the service post of a senior civil servant, where the civil service employment is awarded for an indefinite term or for a fixed term which terminates later than their current civil service employment for a fixed term.

#### Article 51

##### **Basic Provisions on Selection Process to Fill a Vacant Service Post of a Senior Civil Servant**

(1) There shall be a selection process announced to fill a vacant service post of a senior civil servant, unless stipulated otherwise. The selection process shall always be held should it be the vacant post of the Director-General for Civil Service, a Secretary General, the Head of a service authority, the Deputy Minister for Management of a Section, the Director of a Section and the Director of the Human Resources of the Civil Service Section.

(2) The selection process to fill a vacant service post of a senior civil servant shall be announced by the authority which will appoint such senior civil servant to the service post. Articles 24 to 28 shall apply to such competition accordingly.

(3) Professional experience required shall be proven by relevant documents. Should candidates for the service post of a senior civil servant be required to have past professional experience, the period of such professional experience shall be extended by maternity or parental leave.

(4) A person appointed to the service post of a senior civil servant, shall be, for the period of 3 years from termination of service performed on the service post of a senior civil servant, considered a person complying with the conditions for participation in a selection process stipulated in Articles 52 to 58 to fill the service post of a senior civil servant for the same or lower management level; this shall not apply should it be a person who was removed from the service post of a senior civil servant due to the reasons stipulated in Article 60 (1) (b) or who was imposed a disciplinary measure stipulated in Article 89 (2) (c), and also should it be a person whose previous service employment was terminated with regard to the reasons stipulated in Article 72 (1) (b) or in Article 74 (1) (a) to (c) and (e).

(5) A senior civil servant shall be appointed, with their consent, to a different service post of a senior civil servant within the same service authority and the same field of service which is included in the same or in a lower pay grade as their current service post of a senior civil servant, should the civil servant meet conditions and requirements specified for such a different service post of a senior civil servant and should the appointing authority and the new immediate superior or the current immediate superior, should it be a service post subordinate to the same immediate superior, agree in writing on such appointment; if according to 2 successive service performance appraisals they achieved outstanding results such senior civil servants may be also appointed to a service post of a senior civil servant included in the pay grade being one level higher than the current service post of a senior civil servant.

(6) A senior civil servant shall be appointed, under the conditions stipulated in paragraph 5, also to a different service post in a service authority subordinate to the same central administrative authority or in a superior central administration authority within the same field of service, should the new appointing authority agree on such appointment in writing with the new immediate superior. The new appointing authority shall decide on the appointment of a senior civil servant to a different service post.

## Article 52

### **Appointment to the Service Post of the Director-General for the Civil Service**

(1) The Director-General for the Civil Service shall be appointed by the Government, upon the proposal of the Prime Minister, for a period of 6 years and on the basis of a selection process. No individual may be appointed the Director-General for the Civil Service for more than one term.

(2) The selection panel shall have 5 members, appointed and removed by the Government. The selection process shall be organised by the Office of the Government.

(3) Individuals who may enter the first round of the selection process are as follows:

- a) civil servants performing their service on the post of the Head of a service authority, the Deputy Minister for Management of Section, the Director of a Section, the Secretary-General, the Director of the Human Resources of the Civil Service Section or the Director of a Department,
- b) a manager assigned to a state budget-funded organisation who manages other managers or
- c) an official of a regional or local authority employed as the Director of the Regional Authority or the Secretary of a Municipal Authority of a municipality with extended powers,

provided they are a citizen of the Czech Republic, have reached the age of 40 and held, in the past 8 years, for a period of at least 4 years, a managerial post in a state budget-funded organisation, a regional or local authority, an EU institution, an international organisation, or worked as a disengaged member of a Regional Assembly or a Municipal Assembly of a municipality with extended powers and performed activities pursuant to Article 5, or similar activities.

(4) Should the relevant service post not be filled in the first round, the second round of the selection process shall be opened.

(5) A person who is a national of the Czech Republic, is at least 40 years old and in the past 8 years performed for a period of at least 4 years activities under Article 5 or similar activities on a managerial post or as a member of the statutory body of a legal entity may participate in the second round of the selection process.

## Article 53

### **Appointment to the Service Post of the Secretary-General**

(1) A Secretary-General shall be appointed by the Government, upon the proposal of the respective Minister or the Head of the Office of the Government. They shall be appointed on the basis of a selection process for a period of 5 years.

(2) The selection process shall be organised by the Civil Service Section. The selection panel shall have 4 members, appointed and removed by the Director-General for the Civil Service. 3 out of the four members shall be appointed and removed upon the proposal of the respective Minister or the Head of the Office of the Government. Should there be 2 votes for and 2 against, the decisive vote shall be that of the Chair of the selection panel, who is a member delegated by the Director-General for the Civil Service without the proposal of the respective Minister or the Head of the Office of the Government.

(3) Individuals who may enter the first round of the selection process are as follows:

- a) a civil servant performing their service on the post of the Director-General for the Civil Service, the Head of a service authority, the Secretary-General, Deputy Minister for Management of Section, the Director of a Section, the Director of the Human Resources of the Civil Service Section or the Director of a Department,
- b) a manager working on a managerial post for a state-budget funded organisation who manages other managers or
- c) an official of a regional or local authority employed as a Director of the Regional Authority or a Secretary of a Municipal Authority of a municipality with extended powers,

provided they have been, in the past 8 years, for a period of at least 4 years, in a managerial post in a state budget-funded organisation, a regional or local authority, an EU institution, an international organisation or worked as a disengaged member of a Regional Assembly or a Municipal Assembly of a municipality with extended powers and performed activities pursuant to Article 5 or similar activities.

(4) Should a service post not be filled in the first round of the selection process, the authorities shall publish the notice of the second round.

(5) A person who in the past 8 years performed for a period of at least 4 years activities under Article 5 or similar activities on a managerial post or as a member of the statutory body of a legal entity may participate in the second round of the selection process.

#### Article 54

##### **Appointment to the Service Post of the Head of a Service Authority**

(1) A Head of a service authority shall be appointed by an entity stipulated by law and for a period stipulated by law, or for an indefinite term. The appointment shall be based on the results of a selection process. Unless stipulated otherwise by law, the Head of a service authority shall be appointed to the service post by the appointing authority of the service authority which is directly supervising the service authority within which the service post is to be filled; should there be no such supervising service authority, the Head of the service authority shall be appointed by the Director-General for the Civil Service.

(2) The selection panel in charge of appointing the Head of the service authority of a central public authority shall have four members, appointed and removed by the Government, one of the members shall be appointed and removed upon proposal by the Director-General for the Civil Service. Should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection panel delegated by the Government from the pool of those members of the selection committee, who were appointed upon the proposal by the Director-General for the Civil Service. The selection panel in charge of appointing the Head of the service authority in another public authority with nation-wide competences shall have 4 members, appointed and removed by the entity authorised to appoint the Head of the service authority, two of the members shall be appointed upon the proposal made by the respective Minister or a head of another central public authority and one member shall be appointed upon the proposal by the Director-General for the Civil Service; should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection committee, who shall be delegated by the entity which appointed the selection panel from the pool of those members of the selection committee, who were appointed upon the proposal of the Director-General for the Civil Service. In another public authority, the selection panel shall have three members, appointed and removed by the entity authorised to appoint the Head of the service authority, one of the members shall be appointed and removed upon the proposal of the Director-General for the Civil Service.

(3) The first round of the selection process may be entered by civil servants performing their service on the service post of a senior civil servant with the exception of a Head of Unit, or a manager working for a state budget-funded organisation who manages other managers provided they performed, in the past 8 years, for a period of at least 4 years, activities pursuant to Article 5 or similar activities in a state budget-funded organisation, an EU institution, an international organisation, the Regional Council or they worked as a disengaged member of a Regional Assembly or a Municipal Assembly of a municipality with extended powers.

(4) Should a service post not be filled in the first round of the selection process, the authorities shall publish a notice of the second round.

(5) A person who in the past 8 years performed for a period of at least for 4 years activities under Article 5 or similar activities of which at least for 2 years activities on a managerial post or as a member of the statutory body of a legal entity may participate in the second round of the selection process.

#### Article 55

##### **Appointment to the Service Post of the Deputy Minister for Management of Section or Director of a Section**

(1) A Deputy Minister for Management of a Section shall be appointed by the Secretary-General on the basis of the results of a selection process. A Director of a Section shall be appointed by the Head of the service authority on the basis of the results of a selection process.

(2) The selection panel at a Ministry or at the Office of the Government shall have four members, appointed and removed by the Secretary-General, two of the members shall be appointed and removed upon the proposal of the respective Minister or the Head of the Office of the Government. Should there be two votes for and two against, the decisive vote shall be that of the Chair of the selection committee, who shall be delegated by the Secretary-General from the pool of those members of the selection committee, who were appointed upon the proposal by the respective Minister or the Head of the Office

of the Government. In another public authority, the selection panel shall have three members, appointed and removed by the Head of a service authority.

(3) Individuals who may enter the first round of the selection process are as follows:

- a) civil servants performing their service on the post of a senior civil servant (except for the Head of a Unit) in the same field of service,
- b) a manager for a state budget-funded organisation in the field, which corresponds to the field of service, and managing other managers,
- c) an official of a regional or local authority employed as a Director of the Regional Authority or Secretary of a Municipal Authority of a municipality with extended powers,
- d) an employee of the Regional Council who performs the post of the Regional Council Director,
- e) a member of the academy, who works in the field which corresponds to the respective field of the service concerned and who is in charge of other senior employees,
- f) the Head of an international organisation who works in the field which corresponds to the respective field of the service concerned and who is in charge of other senior employees or
- g) a senior officer of the European Union who works in the field which corresponds to the respective field of the service concerned and who is in charge of other senior officers of the European Union,

provided they performed, in the past 8 years for a period of at least 4 years, activities pursuant to Article 5 or similar activities in a state budget-funded organisation, a regional or local authority, the Regional Council, an EU institution, an international organisation, a university or worked as a disengaged member of a Regional Assembly or a Municipal Assembly of a municipality with extended powers.

(4) Should a service post not be filled within the first round of the selection process, the authorities shall publish a notice of the second round.

(5) A person who in the past 8 years performed for a period of at least 3 years activities under Article 5 or similar activities of which at least for 2 years activities on a managerial post or as a member of the statutory body of a legal entity may participate in the second round of the selection process.

#### Article 56

### **Appointment to the Service Post of the Director of Human Resources of the Civil Service Section**

Provisions on selection and appointment of the Director-General for the Civil Service shall apply accordingly to the selection and appointment of the Director of Human Resources of the Civil Service Section.

#### Article 57

### **Appointment to the Service Post of the Director of a Department**

(1) The Director of a Department at a Ministry or at the Office of the Government shall be appointed by the Secretary-General on the basis of the results of a selection process. In other public authorities, the Director of a Department shall be appointed, on the basis of the results of a selection process, by the Head of the service authority concerned.

(2) The selection panel at a Ministry or at the Office of the Government shall have three members, appointed and removed by the Secretary-General, two of the members shall be appointed and removed upon the proposal of the respective Deputy Minister for Management of Section. In other public authorities, the selection panel shall be appointed and removed by the Head of the service authority.

(3) Individuals who may enter the first round of the selection process are as follows:

- a) civil servants performing their service on the post of a senior civil servant and their specialisation corresponds to the service post to be filled,
- b) a manager working for a state budget-funded organisation in the field which corresponds to the field of service and managing other managers,
- c) an official of a territorial self-governing unit employed as the Head of a Department of the Regional Authority or the Head of a Department of a Municipal Authority of a municipality with extended powers, should they be in charge of administrative activities similar to the activities required for the service post to be filled,
- d) an employee of the Regional Council assigned to the Office of the Regional Council who is in charge



of other senior employees and at the same time performs administration activities similar to those of the service concerned,

- e) a member of the academy, who is in charge of other employees,
- f) a senior employee of an international organisation who is in charge of other employees of the international organisation or
- g) an EU official in a managerial post who is in charge of other EU senior officials,

provided that they performed in the past 6 years, for a period of at least 3 years, activities pursuant to Article 5 or similar activities in a state budget-funded organisation, a Regional Authority, a municipal authority of a municipality with extended powers, the Regional Council, an EU institution, an international organisation, a higher education institution (a university or a college) or as a disengaged member of a Regional Assembly or a Board of a municipality with extended powers.

(4) Should no candidate successfully complete the first round of the selection process, the authorities shall announce the second round.

(5) A person who in the past 8 years performed for a period of at least for 2 years activities under Article 5 or similar activities of which at least for 1 year activities on a managerial post or a member of the statutory body of a legal entity may participate in the second round of the selection process.

#### Article 58

#### **Appointment to the Service Post of the Head of a Unit**

(1) A Head of a Unit at a Ministry or at the Office of the Government shall be appointed by the Secretary-General on the basis of the results of a selection process. In other public authorities, a Head of a Unit shall be appointed, on the basis of the results of a selection process, by the Head of the service authority.

(2) A person who in the past 4 years performed for a period of at least 1 year activities under Article 5 or similar activities may participate in the first round of the selection process.

(3) Should no candidate successfully complete the first round of the selection process, the authorities shall announce the second round.

(4) A person who meets qualifications and requirements pursuant to Article 25, with the exception of the requirement under Article 25 (5) (b), may participate in the second round of the selection process.

#### Article 59

(repealed)

#### Article 60

#### **Removing a Civil Servant from the Service Post of a Senior Civil Servant**

(1) The entity which appointed the senior civil servant to the service post shall also remove them if:

- a) the service post of a senior civil servant is abolished,
- b) the performance appraisal concludes that the senior civil servant delivered unsatisfactory or acceptable results,
- c) the senior civil servant no longer complies with the condition of good health,
- d) the senior civil servant no longer complies with the requirement pursuant to Article 25 (5) (b), or
- e) the senior civil servant is dismissed from the service for the reasons of custody.

(2) The senior civil servant shall be removed from the service post if they apply in writing. The respective decision shall be made to remove the applicant no later than 60 days after the date of application.

(3) The Director-General for the Civil Service, a Secretary-General and the Director for Human Resources of the Civil Service Section, acting as the Director-General for the Civil Service should the service post of the Director-General for the Civil Service be vacant, shall also be removed from the service post if they gravely breach the service discipline or if their conduct compromise dignity of their post or cast doubt on their impartial, professional, and just performance and decision making. The

Director-General for the Civil Service, Secretary-General and the Director for Human Resources of the Civil Service Section, acting as a Director-General for the Civil Service should the service post of the Director-General for the Civil Service be vacant, shall be also removed from the service post in case they fail to perform service at their post for a period exceeding 6 months. A proposal for removing the Director-General for the Civil Service and the Director for Human Resources of the Civil Service Section shall be submitted to the Government by the Minister of the Interior; a proposal for removing a Secretary-General shall be submitted by the relevant Minister or the Head of the Office of the Government after discussing such removal with the Director-General for the Civil Service.

(4) The senior civil servant's service shall terminate on the day of the final and conclusive decision on disciplinary measures pursuant to Article 89 (2) (c) or (d).

#### Article 61

##### **Transfer to Another Service Post**

(1) A civil servant shall be transferred to another service post, should they be unable to perform service at the current service post:

- a) for health-related reasons,
- b) as a result of having been removed from the service post of a senior civil servant,
- c) if their service post has been abolished in the course of systemisation changes,
- d) if the term for which the civil servant was assigned to the service post or appointed to the service post of a senior civil servant for a fixed term has expired, but the civil service employment has not been terminated yet,
- e) if the civil servant no longer complies with the requirement pursuant to Article 25 (5) (b),
- f) if the civil servant no longer complies with the requirement of citizenship of the Czech Republic,
- g) if that the civil servant refused to sign the non-competition clause or an agreement on responsibility for the protection of assets entrusted to a civil servant to be cleared in the form of a fee statement or
- h) due to the fact that a civil servant has not passed a civil service examination within 12 months from the date on which they started to perform the service in a different or in a further field of service.

(2) Pursuant to (1) (a) above, a civil servant shall be transferred to a service post suitable for them,

- a) should the medical report issued by a practitioner of occupational medical services conclude that they have been incapacitated for a long period of time to perform service at the current post,
- b) should a pregnant civil servant, a nursing civil servant, or a civil servant who is a mother of a new-born baby not older than 9 months perform service in a service post where such civil servants are prohibited to perform service or should such service pose danger, as included in the relevant medical report, to their pregnancy or motherhood,
- c) should it be necessary, on the basis of a medical report issued by a practitioner of occupational medical services, or a decision made by an authority responsible for the protection of public health, to protect the health of other natural persons against contagious diseases,
- d) should a civil servant performing service at night be declared on the basis of the medical report issued by a practitioner of occupational medical services incapable to work at night, or
- e) should it be requested by a pregnant civil servant, a nursing civil servant, or a civil servant mother of a new-born baby not older than 9 months serving night shifts.

(3) Long-term incapacitation to perform service at the current post shall be regulated by the Act on Specific Healthcare Services.

(4) A civil servant shall be transferred pursuant to paragraph (2) not only with respect to their health condition, but also with regard to their qualifications and competences.

(5) Should the transfer pursuant to paragraph (2) (a) result in a lower pay of the respective civil servant, they are entitled to the payment of salary differential up to the amount of their pay prior to the transfer. Such a salary differential shall be awarded for a maximum period of the following 12 subsequent months.

#### Article 62

##### **Non-active Status due to Organisational Reasons**

(1) Should it be impossible to transfer the civil servant, in cases pursuant to Article 61 (1) (b) to (h)

or Article 61 (2) (a), to a different service post, because there is not any suitable or vacant service post available, or should they not be fit, in cases pursuant to Article 70 (3), to be assigned to a vacant service post, they shall be temporarily in a non-active status for a maximum period of 6 months.

(2) From the first day of the temporary non-active status pursuant to paragraph (1), the civil servant shall receive 80 percent of their monthly pay.

#### Article 63

##### **Non-active Status due to Maternity or Parental Leave**

(1) A civil servant on a maternity leave shall temporarily leave a service. A male or female civil servant on a parental leave shall also temporarily leave the service.

(2) For the period of the temporary non-active status pursuant to (1) above, the respective civil servant shall not be entitled to any pay.

#### Article 64

##### **Non-active Status due to a Position in Trade Unions**

(1) A civil servant elected to become an official of trade unions whose post requires their disengagement from service, shall temporarily leave the service for the duration of their official appointment to the trade unions.

(2) For the period of the temporary non-active status pursuant to (1) above, the respective civil servant is not entitled to any pay.

#### Article 65

##### **Non-active Status due to the Suspension of the Service**

(1) In case of obstacles to service originating after the commencement of the civil service employment and which result in suspension of the service, the civil servant shall temporarily leave the service.

(2) For the period of the temporary non-active status pursuant to (1) above, the respective civil servant is not entitled to any pay.

#### Article 66

##### **Substitution**

(1) A civil servant shall, upon the request, substitute for a senior civil servant in a service post in a pay grade one level higher than that of the service post they were assigned to or appointed to. Should the civil servant act as a substitute for more than 4 weeks, they shall be eligible for the pay they would be eligible for if they were assigned to or appointed to the service post of a civil servant or a senior civil servant whom they substitute for; the civil servant shall receive such pay from the first day of the substitution.

(2) A civil servant acting as a substitute will not perform their original service tasks in full scope.

(3) A period of substitution shall not exceed 180 days in a calendar year; this shall not apply should the civil servant agree to act as a substitute for an extended term.

#### Article 67

##### **Secondment to Service Abroad and Assignment after its Termination**

(1) A civil servant may be, upon their written consent, seconded to service abroad. for a period of time stipulated prior to the secondment. A civil servant carrying out service at the Ministry of Foreign Affairs or the Ministry of Defence, with the exception of civil servants pursuant to Article 45 (3), may be seconded to perform service abroad without their consent should such secondment not exceed 6 months and should it be necessary for the performance of service abroad, however, this may happen only once in 5 years starting the first day of the service abroad with which the civil servant concerned

did not provide their consent.

(2) The appointing authority may conclude an Agreement on Service Performance Abroad with the civil servant to be seconded to a post to be performed as service abroad post. Such Agreement shall contain the following:

- a) the duration of the service abroad,
- b) the obligation of the civil servant to:
  - 1. perform service abroad in the respective place of civil service employment for a period pursuant to (a) above,
  - 2. bear costs of the secondment to service abroad should they fail to perform service in the respective place of civil service employment for the period pursuant to (a) above,
- c) costs to be reimbursed by the civil servant to the service authority and their maximum amount,
- d) the reasons for which the obligation to cover the respective costs may be waived.

(3) The appointing authority may terminate the service abroad prior to the expiration of the period agreed. The term of the service abroad may be extended upon the consent of the respective civil servant.

(4) After completing the service abroad, a civil servant may cover for the period not exceeding 2 years a vacancy, except for a post of a senior civil servant, regardless the specialisation required for the vacancy concerned; for this period of time the respective civil servant shall not be obliged to take a special part of the service examination specified for the field of service abroad in question.

#### Article 67a

### **Secondment to an International Organisation**

(1) A civil servant may be, upon their written consent, seconded, for a period of time stipulated prior to the secondment, to an international organisation; such secondment shall be considered being service performance.

(2) The appointing authority may conclude with the civil servant to be seconded to an international organisation an Agreement on Service Performance; Article 67 (2) shall apply accordingly to the content of such Agreement.

(3) The appointing authority may terminate the service in an international organisation prior to the expiration of the period agreed. The term of the service in an international organisation may be extended upon the consent of the respective civil servant.

(4) A civil servant seconded to an international organisation shall be entitled to a pay and reimbursement of costs should the same not be covered by the international organisation concerned.

#### Article 68

### **Shorter Working Time**

A civil servant's working time may be shortened upon their request.

#### Article 69

### **Interruption of Service for Further Education or Secondment**

(1) A civil servant who has performed service without interruption for a period of at least 5 years shall be entitled, upon their request, to an interruption of their service for the purpose of further education or internship for a maximum period of 12 months.

(2) For the period of the interruption of service pursuant to (1) above, the respective civil servant is not entitled to any pay.

#### Article 70

### **Joint Provisions on Changes in Civil Service Employment**

(1) When the reason for a change in the civil service employment pursuant to Articles 47, 48, 63,

64, 67a or 69 ceases to exist, the civil servant shall be assigned back to their original service post; the same shall apply in respect of civil servants whose non-active status for suspension of service for the reasons of military training, special service, or appointment or election to the position of a Deputy of the Chamber of Deputies of the Parliament, a Senator, a Member of the European Parliament, a Minister, a Deputy Minister, or a disengaged member of a Regional Assembly or a Municipal Assembly has ended.

(2) The service post of a civil servant pursuant to paragraph (1) above may be filled by assignment or appointment of another civil servant solely for a fixed term which shall not exceed the period of the non-active status pursuant to paragraph (1) above.

(3) Should it not be possible to proceed pursuant to paragraph (1) above as a result of the fact that the respective service post has been abolished due to systemisation, or because the fixed term for which a civil servant stipulated in paragraph (1) was assigned or appointed to a service post has lapsed, or should other reasons for the change in civil service employment, for which the civil servant was unable to perform service, no longer exist, the civil servant shall be assigned to a vacant service post where civil service is appropriate for them. The civil servant may be assigned to a service post in a lower pay grade solely upon their consent.

## CHAPTER V TERMINATION OF CIVIL SERVICE EMPLOYMENT

### Article 71

#### **Basic Provisions**

The civil service employment shall be terminated in cases stipulated herein unless it was terminated by death of the civil servant, or should the civil servant be legally declared dead, or as a result of termination of the civil service employment for a fixed term.

### Article 72

#### **Termination of Civil Service Employment by a Decision of the Appointing Authority**

(1) The appointing authority shall decide to terminate the civil service employment:

- a) should the civil servant fail to comply with the requirement of citizenship of an EU Member State or citizenship of a country which is a party to the Agreement on the European Economic Area,
- b) should 2 successive performance appraisals of the civil servant conclude that the civil servant delivered unsatisfactory results,
- c) should the civil servant fail to comply with other requirements necessary for them to perform service in the civil service and the relevant service authority cannot be blamed for such failure, or
- d) should the time for the civil servant's temporary non-active status for organisational reasons expire.

(2) Should the civil service employment for an indefinite term be terminated for reasons pursuant to paragraph (1) (d) above, the civil servant shall be entitled to a severance pay. Should the civil service employment last, without any interruption, for a period

- a) not exceeding 3 years, the severance pay shall be of three monthly pays,
- b) being between 6 years and 3 years, the severance pay shall be of six monthly pays,
- c) being between 9 years and 6 years, years, the severance pay shall be of nine monthly pays,
- d) exceeding 9 years, the severance pay shall be of twelve monthly pays of the respective civil servant.

(3) Should the severance pay pursuant to paragraph (2) not be paid to the civil servant on the day of termination of their civil service employment, it shall be paid on the earliest pay day of the respective service authority.

(4) The civil service employment shall be terminated upon expiration of 10 days after the date of delivery of the decision in cases pursuant to paragraph (1) (a) and (d) above, or upon expiration of 60 days after the date of delivery of the decision in cases pursuant to paragraph (1) (b) and (c) above.

## Article 73

### **Termination of Civil Service Employment upon the Request of the Civil Servant**

The civil service employment may be terminated upon a written request filed by the civil servant. The civil service employment shall end on the day of expiration of the period stipulated in the decision. The decision shall be made to terminate the civil service employment of the applicant no later than 60 days after the date of their application.

## Article 74

### **Termination of Civil Service Employment by Law**

(1) The civil service employment shall be terminated

- a) should the civil servant be finally and conclusively sentenced for an intentional criminal offence or of a criminal offence against public law and order by negligence, or should the court decide, finally and conclusively, on an unconditional sentence of imprisonment, on the day of the legal effect of such sentence,
- b) should the prosecution in respect of a criminal offence pursuant to letter (a) above, committed by the civil servant and punishable by a sentence of imprisonment not exceeding 5 years, be suspended or should there be a decision made on settlement and termination of the criminal prosecution, on the day of the legal effect of such decision,
- c) should the civil servant be legally banned from serving in the civil service, on the day of legal effect of such decision,
- d) should the civil servant be, based on a final and conclusive court decision, deprived of their legal capacity, on the day of the legal effect of such decision,
- e) should the civil servant be legally dismissed, as a disciplinary measure, from the civil service employment, on the day of the legal effect of such decision,
- f) upon termination of the civil service employment by the appointing authority or the civil servant within the probationary period for any reason or without determining a reason, on the day when the written notice of the termination of civil service employment was delivered unless the notice stipulated a later date; the appointing authority may not terminate the civil service employment in the probationary period within the first 14 days of temporary inability of the civil servant to perform service,
- g) on the last day of the calendar month in which the civil servant stipulated in Article 29 (1) failed to pass the retaken civil service examination, or
- h) on 31<sup>st</sup> December of the year in which the civil servant reached the age of 70.

(2) The civil service employment shall also terminate on the day of origination of an obstacle to the civil servant's service pursuant to Article 33 (4) (b).

## Article 75

### **Unlawful Termination of Civil Service Employment**

(1) Should a legally binding decision on termination of civil service employment be annulled for its unlawfulness, the civil service employment of the respective civil servant shall continue to exist and the civil servant shall receive their pay as of the day of the legal effect of the decision on termination of civil service employment to the day of their assignment to service; this shall not prejudice the termination of the civil service employment should the period for which the civil servant was temporarily in non-active status have expired, such statutory period shall commence on the day the decision on termination of civil service employment came to effect.

(2) Should a civil servant notify the service authority in writing of the fact that they have discontinued their service, the process of terminating their civil service employment shall be in line with Article 73. In such case, the civil servant shall be entitled to their pay till the day the decision on termination of civil service employment pursuant to Article 73 comes to effect.

CHAPTER VI  
SERVICE REPORT AND CERTIFICATE OF SERVICE

Article 76

(1) The appointing authority shall issue to the civil servant a service report and a certificate of service; these documents may not be issued to anybody else.

(2) The service report shall be based on a performance appraisal of the civil servant and may encompass solely the facts pertaining to their service.

(3) The certificate of service shall encompass the following:

- a) the field of service in which the civil servant performed service,
- b) duration of the civil service employment,
- c) obligations of the civil servant to the service authority,
- d) deductions from the civil servant's pay, their order of such deductions and to the benefit of whom they are made,
- e) information on the reasons for terminating the civil service employment,
- f) information on the average pay and other facts which are decisive in respect of eligibility for unemployment dole and requalification allowance.

(4) Other information pertaining to the civil service but those stipulated in (3) above may be included solely upon the civil servant's consent, unless stipulated otherwise by law.

PART THREE

**DUTIES AND RIGHTS OF CIVIL SERVANTS, SERVICE ORDERS AND MERITORIOUS AWARDS  
FOR EXEMPLARY SERVICE**

**Duties of Civil Servants**

Article 77

(1) A civil servant shall be obliged to:

- a) remain loyal to the Czech Republic when performing service,
- b) perform service impartially, act within the limits of their authority, and while performing service refrain from anything that could undermine the trust in their impartiality,
- c) when performing service, observe the laws and other legal provisions governing the service, service instructions and service orders,
- d) perform service assignment personally, dutifully and in a timely manner,
- e) increase their qualifications as required by the appointing authority,
- f) keep service discipline,
- g) provide information about the activities of the service authority pursuant to the Act on Free Access to Information if such duty is included in their service tasks,
- h) keep confidential any facts they learned during their service, and which, in the interest of the service authority, cannot be disclosed to other parties; this shall not apply if a civil servant has been exempted from such duty. The duty of confidentiality which arises from another law shall not be prejudiced,
- i) refrain from any actions that could lead to a conflict of public interest with personal interests, in particular not to use insider information for their own benefit or for the benefit of another person, and not to abuse their civil service post,
- j) in connection with their service, refrain from accepting gifts or other benefits the value of which would exceed CZK 300, with the exception of gifts or benefits provided by the appointing authority,
- k) notify the appointing authority of any criminal prosecution led against them, detailing the facts of such prosecution,
- l) substitute for a senior civil servant or a civil servant in a service post assigned to a higher pay grade,
- m) serve on a selection panel, examination panel, at arbitration proceedings, on a disciplinary committee and in other bodies established by the appointing authority pursuant to the service instruction,

- n) observe rules of decency with respect to senior civil servants, other civil servants and employees in any public authority and during official business meetings,
- o) make full use of the working time,
- p) duly manage the funds entrusted to him by the service authority, guard and protect property, they are responsible for, from damage, loss, destruction or unauthorised use,
- q) when performing the civil service from a different service post, perform service only in the post agreed in the agreement on service from another post, and observe the terms and conditions of such agreement,
- r) when dealing in official capacity in person or in writing with natural or legal persons, to tell their first name or names, last name, service rank and the name of the organisational unit of the service authority to which they are assigned for service,
- s) perform service to avert a natural disaster or another impending danger, or participate in mitigating any immediate consequences of such events,
- t) observe rules of ethical conduct for civil servants as laid down in a service instruction.

(2) A civil servant is bound by duties pursuant to paragraph (1) (a) and (h) - (k) above also when not performing the service.

(3) Faith, religion or political or other beliefs of a civil servant must not stand in the way of their dutiful and impartial service.

(4) The appointing authority may exempt a civil servant from their duty to keep service matters confidential; the Head of the service authority may be exempted from this duty by the Head of the supervising service authority. Should the service authority not have a supervising service authority, the Head of the service authority may be exempted from the duty of confidentiality by the Director-General for the Civil Service.

(5) The Director-General for the Civil Service may be exempted from their duty to keep service matters confidential by the Government or the Minister of the Interior being authorised to do so by the Government.

(6) Other laws setting forth the duty of confidentiality shall not be prejudiced by (4) and (5) above.

#### Article 78

A Senior Civil Servant shall also be obliged to:

- a) manage and supervise the service of their subordinated civil servants, assess the civil servants' performance and rate their service,
- b) observe the rules of decency with respect to their subordinated civil servants and employees,
- c) in keeping with the Labour Code, perform the duties of a manager with respect to their subordinates,
- d) provide their subordinated civil servants with information necessary for their dutiful service.

#### Article 79

### **Rights of Civil Servants**

(1) Civil servants performing their service within the limits of their authority laid down in laws and other legal provisions, this Act and service instructions have the right to receive support during their service from the service authority in which they perform service. Should a complaint be made against a civil servant that they had breached their duties under the law, the appointing authority shall duly and in a timely manner investigate and deal with the core of the complaint and notify the civil servant of the conclusions of the proceedings.

(2) A civil servant shall have a particular right to:

- a) work under the conditions which allow for their dutiful service,
- b) have access to specialised literature in their field of service to be provided by the service authority,
- c) publicly use the service rank of civil servant, including the service rank of their senior civil servant or the appointing authority concerned,
- d) have an opportunity to advance their qualifications,
- e) receive their pay and be promoted whilst the pay grade of the civil servant corresponds to the service post in the field of service where the civil servant is assigned or appointed; a change in the service post following a downgrade in the pay grade may be effected without the civil servant's consent only



in cases set forth in this Act, or pursuant to another law which changes the scope of powers of the service authority,

- f) refuse service tasks which do not fall into their field of service; this shall not apply if a service task falls within the scope of tasks performed in an organisational unit to which their service post has been assigned,
- g) refuse to carry out a service task which, pursuant to another law, service instruction or service order pertains to the job of a senior civil servant; this shall not apply to substitution,
- h) lodge complaints in matters related to the service and service relations,
- i) demand, within the limits of the relevant law, their rights arising from the civil service employment.

### **Restrictions of Some Rights of Civil Servants**

#### Article 80

For the duration of their civil service employment senior civil servants shall not hold any office in a political party or a political movement.

#### Article 81

(1) A civil servant shall not be a member of executive or supervisory bodies of legal entities operating as business companies, with the exception of cases when they were nominated to any such body by the appointing authority; a nominee civil servant acts as a representative of the state in these bodies and shall be obliged to enforce the state interest. The total sum of compensations paid to a civil servant for their membership in executive or supervisory bodies of legal entities operating as business companies for a calendar year including their entitlement to a share in the profit or other proceeds (hereinafter referred to as "proceeds") shall not exceed 25 % of the annual amount of the highest pay tariff and the highest permitted personal supplementary allowance in the relevant pay grade and in case of a senior civil servant also a managerial supplementary allowance, which may be as the highest permitted allowance granted under Annex 2 hereto in accordance with the service post the civil servant was assigned to in the calendar year concerned. A civil servant shall be obliged to provide the relevant appointing authority with information, without undue delay, on all proceeds paid to them.

(2) A civil servant may hold other gainful occupation than the service pursuant to this Act only with a prior written consent of the appointing authority; this restriction shall not apply to cases pursuant to Articles 64 and 65, and should the civil servant be held in custody. The restriction shall also not apply to the following activities: research, teaching, publication, literature or art; performing service as a sworn expert or interpreter, under another law, for a court or another public authority than the place of service; performing service in consultative and advisory bodies to the Government; performing service in consultative or other bodies of the Central Administrative Authority or special authorities which, pursuant to another act, exercise the powers of state administration; and the management of their own property.

#### Article 82

(1) A senior civil servant shall not have the right to strike.

(2) Any requirements of senior civil servants relating to service relations of civil servants shall be addressed, without any undue delay, in an arbitration procedure. Senior civil servants or their deputies and, on behalf of the service authority, the appointing authority or a civil servant by them authorised, or their deputies, shall act in the arbitration procedure.

#### Article 83

### **Non-competition**

(1) As part of systemisation, the Government may identify service posts of senior civil servants for which a non-competition clause may be required or negotiated. As part of systemisation, the Government may also identify service posts of civil servants who shall decide on public contracts awards, or who shall exercise the rights and duties of intermediaries for grants and subsidies. In such cases a non-competition clause may be required or negotiated.

(2) An obligation of non-competition may be required of a civil servant upon their appointment to a service post of a senior civil servant pursuant to paragraph (1) above. The obligation of non-

competition may be set only for a fixed term starting on the day of the termination of the civil service employment, but may not exceed one year from the removal of a senior civil servant from the service post, or from the day of the expiration of the appointment of a senior public to the service post for a fixed term.

(3) An obligation of non-competition may be required of a civil servant upon their assignment to the service post pursuant to paragraph (1) above. In this case the obligation of non-competition may be required only for a fixed term, starting on the day of termination of the civil service employment, but may not exceed 6 months from the assignment to the service post.

(4) A non-competition clause following an appointment or assignment to a service post pursuant to paragraph (1) above may be negotiated by agreement.

(5) For the duration of the non-competition commitment, the former civil servant is entitled to a pecuniary compensation in the amount of their average earnings in the service post pursuant to paragraph (1) above. The pecuniary compensation shall be paid retroactively, on a monthly basis.

(6) Any person who breaches the non-competition clause shall return to the service authority double the amount of the proportionate compensation, which shall be determined on the basis of the number of days from the date of the breach of the non-competition clause until it ends.

(7) An obligation of non-competition shall not extend to entrepreneurial activities pursuant to another Act.

### **Service Order**

#### Article 84

(1) Service tasks shall be assigned and supervised by the relevant Minister, the Deputy Minister, the Head of the Office of the Government and a senior civil servant.

(2) A Minister and a Deputy Minister may assign service tasks to civil servants assigned to the relevant unit of the Office of the Government, and manage and supervise the performance of such tasks, provided he/she is authorised by the Government to arrange for tasks which would otherwise fall into the authority of the Office of the Government. Should such unit be a Section, the Deputy Minister for Management of this Section shall be considered being the Deputy of the relevant Minister.

(3) A civil servant shall be given service orders only from the person who falls under (1) and (2) above, or a person who may give these orders pursuant to another law; a senior civil servant may issue service orders to civil servants within the scope set out in the relevant service instruction and a Deputy Minister within the scope determined by the relevant Minister.

(4) The person falling under the provision of paragraph (3) above shall have no authority to order a civil servant to carry out a service task which, pursuant to another law, service instruction or service order, should be carried out by them personally; this shall not apply to substitution.

#### Article 85

(1) Should a civil servant deem that a service order contravenes a specific legal provision or a service instruction, they shall have the duty to notify their immediate superior, a senior civil servant with a higher rank, the Head of the service authority, the Minister or the Head of the Office of the Government, before they commence the execution of the order. Should no redress be made, the relevant civil servant shall give notice of this situation in writing.

(2) Should the immediate superior, a senior civil servant with a higher rank, the Head of the service authority, the Minister or the Head of the Office of the Government insist, despite the written notification, on the order being carried out, they must give the order to the civil servant in writing. A written notification and a written order shall be filed in the civil servant's personal file; the Director-General for the Civil Service shall be immediately notified of this procedure.

(3) A civil servant shall not carry out an order should it constitute a criminal offence or an administrative offence.

(4) Paragraphs (1) to (3) above shall apply in a reasonable scope to cases when a civil servant believes that a service instruction contravenes a legal provision.

(5) Paragraphs (1) to (4) above shall apply accordingly also to an employee employed in compliance with the Labour Code and performing activities pursuant to Article 5, and to a person having

the civil service employment conferred by another law and being assigned to perform service in the service authority.

#### Article 86

##### **Merit Awards for Exemplary Service**

(1) The appointing authority may recognize exemplary service of a civil servant with a meritorious award.

(2) A merit award for exemplary service shall take the form of a written honourable mention or a gift in kind.

(3) A record of the meritorious award for exemplary service shall be made in the personal file of the civil servant. The value of the in-kind gift for one calendar year must not exceed the amount of CZK 5,000.

(4) The appointing authority may remunerate a civil servant for an extraordinary accomplishment showing personal courage and bravery, or for assistance with the prevention, liquidation or removal of disasters posing a threat to property, health or life by a monetary reward. The reward may also be granted upon a personal or professional anniversary, upon the first termination of civil service employment following an award of disability pension grade III, or upon becoming eligible for a retirement pension.

#### PART FOUR

##### **DISCIPLINARY LIABILITY**

#### Article 87

##### **Service Discipline**

Service discipline shall mean dutiful performance of duties of a civil servant arising from legislation pertaining to the service in the given field of service, but also from service instructions and service orders.

#### Article 88

##### **Breach of Service Discipline**

(1) A deliberate breach of service discipline shall constitute a disciplinary infraction.

(2) A civil servant shall be liable for their disciplinary infraction. The Director-General for the Civil Service and Secretary-General shall not be held accountable for disciplinary infraction.

(3) A senior civil servant or an appointing authority may address petty issues with service by way of a verbal or written warning. A written note of warning shall be filed in the personal file of the civil servant for a period of 1 year and removed from the file after the expiration of one year.

#### Article 89

##### **Disciplinary Measures**

(1) A disciplinary measure may be imposed on a civil servant for a disciplinary infraction.

(2) A disciplinary measure may be in the form of:

- a) a written reprimand,
- b) deduction of 15% of the pay for up to 3 calendar months,
- c) removal from the service post of a senior civil servant, or
- d) dismissal from the civil service.

(3) When determining the type of a disciplinary measure, the following shall be taken into account: severity of the disciplinary infraction, in particular the manner it was committed, the significance and

scope of the consequences, the circumstances of the infraction, culpability, motives, the previous record of the civil servant in the area of service discipline and any previous disciplinary actions against them resulting in a disciplinary measure. The disciplinary measure of removal from the service post of the senior civil servant or dismissal from the civil service, shall be given only for serious infractions, especially should the civil servant be in breach of service discipline for a significant duration of time, or should their actions have weighty consequences, or should they have acted on contemptible motives.

(4) In the event of multiple disciplinary infractions by a civil servant dealing with in a single disciplinary action, a disciplinary measure shall be based on the most serious disciplinary infraction.

(5) A disciplinary measure shall be imposed should the civil servant be finally and conclusively sentenced for the same act by court or by an administrative body.

(6) A disciplinary measure may be waived by means of a decision on the disciplinary action should the disciplinary action alone be sufficient to redress the situation.

(7) The decision imposing a disciplinary measure which has become final and conclusive shall be filed in the personal file of the civil servant.

#### Article 90

### **Limitation of Disciplinary Liability**

The disciplinary liability of a civil servant for a disciplinary infraction shall expire should no disciplinary action be initiated in the matter against them within 1 year.

### **Exercise of Disciplinary Power**

#### Article 91

(1) Disciplinary power shall be exercised by level I and level II disciplinary committees.

(2) Members of a disciplinary committee composed of civil servants shall be appointed and removed by the relevant appointing authority; such committee shall have 3 members. At least 1 member of the disciplinary committee shall have a Master degree in law. The highest-ranking civil servant shall preside over the committee. Should the disciplinary committee have more civil servants of equivalent rank, the chair of the committee is determined by draw.

(3) A civil servant who was lawfully sentenced to a disciplinary measure, unless it had been deleted, or who was lawfully convicted of a criminal offence not constituting loss of integrity pursuant to this Act, unless the criminal record had been deleted, or unless the civil servant is not seen as not having been convicted, may not be a member of the disciplinary committee.

(4) The appointing authority shall recall a member of the disciplinary committee should an impediment arise to their membership in the disciplinary committee pursuant to paragraph 3. The appointing authority may recall a member of the disciplinary committee should the member request that they be removed due to serious reasons at work, or on the personal, family or health grounds.

(5) The disciplinary committee has a quorum when all its members are present; decisions are passed by the majority of votes. A member of the disciplinary committee shall not abstain from voting. When taking their decisions members of the disciplinary committee shall not follow orders from senior civil servants and they must not be disadvantaged by their membership in the disciplinary committee.

(6) Individual acts of certain disciplinary proceedings, with the exception of making a decision, may be entrusted to civil servants who are not members of the committee but work for the service authority concerned.

#### Article 92

(1) A level I disciplinary committee shall be instituted in any service authority manned with a minimum of 25 civil servants. If a level I disciplinary committee cannot be instituted in the service authority, a level I disciplinary committee shall be instituted in the supervising service authority. Should the service authority not have a supervising service authority, the level I disciplinary committee shall be instituted at the Ministry of the Interior.

(2) The disciplinary power with respect to the Head of a service authority shall be with a level I

disciplinary committee instituted at the level of the supervising service authority. Should the service authority in question not have a supervising service authority, the disciplinary authority shall be with the level I disciplinary committee at the Ministry of the Interior.

#### Article 93

A level II disciplinary committee shall be instituted at the Ministry of the Interior.

### **Disciplinary Proceedings**

#### Article 94

(1) Disciplinary proceedings shall be initiated *ex officio* by the disciplinary committee acting on a motion from the appointing authority, which may be the appointing authority in the supervising service authority, or the Director-General for the Civil Service or a senior civil servant, including a senior civil servant with a higher rank. Should the disciplinary infraction concerned be that of the Head of the service authority, the disciplinary proceedings shall be initiated on a motion from the appointing authority in the supervising service authority; should the service authority not have a supervising service authority, the motion comes from the Director-General for the Civil Service.

(2) A motion to initiate disciplinary proceedings *ex officio*, provided the disciplinary infraction concerns a Secretary-General or a Deputy Minister for Management of the Section, may also come from the relevant Minister or the Head the Office of the Government.

#### Article 95

In addition to identification of the civil servant concerned, a motion to initiate disciplinary proceedings shall encompass the following:

- a) identification of the service authority, where the civil servant is employed,
- b) description of the alleged conduct which constitutes a breach of service discipline, and
- c) evidence.

#### Article 96

(1) Should a civil servant commit multiple disciplinary infractions, these shall be addressed together in single disciplinary proceedings.

(2) Pending a final and conclusive decision confirming the civil servant's culpability, the civil servant shall be deemed innocent.

(3) The disciplinary committee shall first decide whether the civil servant committed disciplinary infraction and only after that a disciplinary measure will be imposed.

(4) The disciplinary committee will suspend disciplinary proceedings should it determine that:

- a) the alleged wrongdoing has not occurred or it does not constitute a breach of discipline,
- b) the alleged wrongdoing was not committed by the said civil servant,
- c) the perpetration of the alleged wrongdoing was not proven to the civil servant,
- d) the disciplinary responsibility for the alleged wrongdoing has lapsed,
- e) the civil servant has already been lawfully sentenced for the same wrongdoing by court or by an administrative body,
- f) the civil servant passed away or ceased to be a civil servant,
- g) the matter, after initiation of the disciplinary proceedings, was referred to another administrative body or law enforcement body.

(5) In cases pursuant to paragraph 4 (a)-(c), a party to the disciplinary proceedings shall be notified of the outcome; in all other cases a record shall be made in the file.

#### Article 97

### **Deletion of a Disciplinary Measure**

(1) A civil servant shall be deemed not to have been punished through a disciplinary punishment if

- a) 1 year lapsed after the decision came into effect, and if the decision imposed was a written

- reprimand;
- b) 2 years lapsed after the decision came into effect, if the decision imposed was a reduced pay; or
  - c) 3 years lapsed after the decision came into effect in all other cases.

(2) Decisions imposing a disciplinary measure cease to be part of the personal file of the civil servant after the deletion of the disciplinary measure; this does not apply in the case of dismissal from the civil service.

## PART FIVE

### **CONDITIONS OF SERVICE**

#### **CHAPTER I**

#### **EQUAL TREATMENT AND NON-DISCRIMINATION**

##### Article 98

Provisions of Articles 16 and 17 of the Labour Code shall similarly apply to equal treatment and non-discrimination in the civil service employment.

#### **CHAPTER II**

#### **WORKING TIME AND LEISURE TIME**

##### Article 99

#### **Working Time**

(1) The working time and breaks of civil servants shall be governed by the provisions of Article 78, Article 79 (1) and (2), Articles 80 through 84, 88 and 89 of the Labour Code. Working hours according to the Labour Code shall be understood for the purpose of this Act to be working time.

(2) The prescribed weekly working time under Article 79 (1) of the Labour Code shall be understood, for the purpose of this Act, to be prescribed working time.

(3) Working time shall be scheduled, shorter working time shall be permitted and the start and end of working time determined by the appointing authority and governed by the provisions of Article 90 (1), Article 90 (2) (a) and (e), Article 91 (1) and (2), Article 91 (3) (c)-(f), Article 91 (4) and (5), Article 92 (1)-(3) and Article 96 of the Labour Code.

(4) The appointing authority shall lay down in a service instruction the detailed rules for scheduling working time, including the beginning and end of working hours and flexible working time arrangement whereby taking into account the service and life balance.

##### Article 100

#### **Flexible Working Time Arrangement**

(1) An appointing authority may permit a flexible working time arrangement.

(2) Service availability shall be ordered to a civil servant in writing by the relevant appointing authority.

##### Article 101

#### **Service Availability**

(1) Service availability shall be ordered to a civil servant in writing by the relevant appointing authority.

(2) Service within the hours of service availability and over the prescribed working time shall be regarded as overtime service.

Article 102

**Overtime Service and Night Service**

(1) Serving overtime and serving nights shall be governed by the provisions of Articles 93 and 94 of the Labour Code.

(2) Overtime service shall be ordered to a civil servant in writing by the appointing authority.

Article 103

**Annual Leave and Additional Leave**

(1) Annual leave of civil servants is five weeks per a calendar year; in all other respects it shall be governed by the provisions of Article 211 (a) and (b) and Articles 212 to 223 of the Labour Code.

(2) Drawing on the annual leave and an additional leave shall be ordered in writing by the relevant appointing authority.

(3) For time spent on an annual leave and additional leave, a civil servant shall be entitled to compensation equal to their average pay.

CHAPTER III  
SERVICE LEAVE

**Impediments on the Part of a Civil Servant and Days Off**

Article 104

(1) Impediments to service on the part of a civil servant for serious personal reasons, impediments to service on the part of a civil servant for reasons of general interest and joint provisions on impediments to service on the part of a civil servant shall be governed by provisions of Article 191, Articles 199 (1) and (2), and Article 200 to Article 204 and Article 206 of the Labour Code and the Government Regulation laying down the range and scope of important personal impediments to work.

(2) A civil servant shall be entitled to a pay for the duration of an impediment to service, provided the impediment falls under the provisions of:

- a) Article 199 (2) of the Labour Code and the Government Regulation laying down the range and scope of important personal impediments to work, and is recognized as paid by the labour law regulations in question,
- b) Article 203 (2) of the Labour Code and is recognized as paid by the aforementioned labour law regulation, or
- c) Article 204 of the Labour Code and is recognized as paid by the aforementioned labour law regulation.

(3) The Government may, by issuing a Regulation, promulgate other impediments to service for which a civil servant is entitled to a pay.

Article 105

(1) A civil servant may, upon their request, be allowed to take unpaid days off. Days off shall be permitted by the appointing authority.

(2) The permission pursuant to paragraph (1) above shall be in writing and shall detail the duration of the permitted days off.

Article 106

**Impediments to Service on the Part of the Service Authority**

(1) A civil servant shall be entitled to a pay for the time they could not perform service due to a temporary impediment caused by an interrupted energy supply, wrong resource documents or other operating reasons.

(2) A civil servant shall be entitled to a pay for the time they could not perform service due to seriously bad weather.

(3) A civil servant shall be entitled to a pay for the time they could not perform service due to impediments on the part of the service authority other than those set out in (1) above.

## CHAPTER IV EDUCATION OF CIVIL SERVANTS

### Article 107

#### **Further Development of Education**

(1) Further development of education shall be understood to be entry level training, life-long education, education of senior civil servants, and language learning. Further developing of education of a civil servant seeks to professionally develop the civil servant in their specialisation, including acquiring or improving their language skills.

(2) Further development of education by a civil servant shall be regarded as service for which the civil servant is entitled to a pay.

(3) The scope of further development of education of a civil servant shall be determined by the appointing authority taking into account in particular the outcome of the civil servant's performance appraisal and on the basis of proposals of a civil servant's immediate superior.

(4) Costs of further development education of a civil servant shall be borne by the service authority.

### Article 108

#### **Service Leave for Individual Study**

(1) A civil servant shall be entitled to days of for studying up to 6 working days in a calendar year.

(2) Drawing on the allowance of days off for individual study purposes shall be ordered by the appointing authority in writing; the service authority shall also set the individual education goal to be reached during such study leave.

(3) A civil servant's pay shall not be reduced by the amount proportionate to the days off for individual study.

#### **Enhancing Qualifications**

### Article 109

(1) Permission from the appointing authority shall be required for studying to enhance qualifications of a civil servant at the cost of the service authority, including the days off from service required for such study. Enhancing qualifications shall also mean broadening qualifications.

(2) When enhancing their qualifications through studying at a post-secondary professional school or university or college, or through a traineeship, a civil servant shall be entitled to days off with compensation equal to their average pay.

(3) The scope of reliefs from service for enhancing qualifications of a civil servant shall be governed by provisions of Article 232 (1) of the Labour Code; a greater scope of relief cannot be permitted.

(4) A civil servant shall be entitled to days off, in the minimum necessary scope, to sit an admission examination.

(5) Pay compensation shall not be granted for study leave to

- a) take admission examination,
- b) retake examination,
- c) participate in graduation or a similar ceremony.



#### Article 110

(1) A civil servant who was given permission to enhance their qualifications at the cost of the service authority through studying at a higher professional school or a university or college shall be obliged to continue civil service employment after their study for a period corresponding to the duration of study.

(2) A civil servant who was given permission to enhance their qualifications at the cost of the service authority through a traineeship or study visit shall be obliged after their traineeship or study visit is completed to continue civil service employment for a period of:

- a) 1 year should the costs of studies exceed the amount of CZK 20,000,
- b) 2 years should the costs of studies exceed the amount of CZK 30,000,
- c) 4 years should the costs of studies exceed the amount of CZK 50,000,
- d) 5 years should the costs of studies exceed the amount of CZK 100,000.

(3) Should the civil servant fail to continue civil service employment for the required period pursuant to paragraphs (1) and (2) above, they shall reimburse the service authority the costs associated with their study, traineeship or study visit. The duty to reimburse the costs shall apply even if the civil service employment was terminated during the studies, a traineeship or a study visit.

(4) Costs associated with studies or traineeship shall include any compensation of their pay awarded to the civil servant for their study leave or traineeship, as well as other costs paid by the service authority in connection with the relevant studies or traineeship. The total costs that the civil servant is liable to pay shall not exceed the following:

- a) CZK 100,000 should the study during service be at a post-secondary school,
- b) CZK 150,000 should the study during service be at institute of higher learning or a university in a Bachelor's study programme or as part of a lifelong learning programme,
- c) CZK 200,000 should the study during service be at an institute of higher learning or a university in a master's or postgraduate study programme,
- d) CZK 500,000 in the case of a study stay.

(5) Should a civil servant remain in civil service employment only partially, the costs associated with their studies, traineeship or study visit or the study stay to be reimbursed shall be reduced proportionately.

(6) The following shall not be counted as time served by a civil servant:

- a) dismissal from service
- b) non-active statuses due to maternity or parental leave.

#### Article 111

(1) A service authority shall monitor the course and results of the civil servant's further education; it may suspend any relief from service, should the civil servant

- a) become long-term incapable of the service for which they are enhancing their qualifications; the appointing authority may grant them an unpaid leave, or
- b) fail to meet their duties during the course of enhancing their qualifications without any negligence of the service authority.

(2) The duty to reimburse the costs associated with enhancing their qualifications shall not apply if

- a) the appointing authority suspended, during the course of enhancing their qualifications, the civil servant's days off for studying as the civil servant has become incapable for a long time of the service for which they are enhancing their qualifications,
- b) the civil service employment was terminated for any of the reasons set forth in Article 72 (1) (d), or at the request of the civil servant having non-active status pursuant to Article 62, or
- c) in the last 12 months, the service authority has not, for a period of at least 56 months, used the qualifications of the civil servant which the civil servant had attained by enhancing their qualifications.

CHAPTER V  
REIMBURSEMENTS OF EXPENSES

Article 112

The reimbursement of any expenses incurred by civil servants in relation to their service and service abroad shall be governed by the provisions of Articles 151 to 154, Articles 173 to 176 and 178 to 189 of the Labour Code; nonetheless, arrangements in any collective agreement or any other agreement shall not apply. The regular place of work for the purpose of reimbursement shall be the address of the service authority or the organisational unit of thereof, or the address of another location from which the civil servant most frequently starts commuting to their office; if another place of service was agreed, the regular place shall be the address where the service is carried out. Where in Part Seven of the Labour Code the authority is vested to the employer, the authority shall be with the appointing authority by way of a service Regulation.

CHAPTER VI  
OCCUPATIONAL HEALTH AND SAFETY IN SERVICE

Article 113

Occupational health and safety in the service of civil servants shall be governed by the provisions of:

- a) Articles 101 to 108 and Article 323 of the Labour Code,
- b) Articles 2 to 11 of the Act stipulating further requirements for health and safety at work,
- c) the Public Health Protection Act, and
- d) the Act on specific health services.

CHAPTER VII  
CONDITIONS OF SERVICE AND SECURITY OF CIVIL SERVANTS

Article 114

**Conditions of Service**

(1) The service authority where a civil servant performs service shall create conditions allowing for dutiful and safe service; to this end, it shall provide information necessary for dutiful service and occupational medical service.

(2) The provisions of Article 225 of the Labour Code shall apply accordingly.

(3) A service authority shall create conditions for providing canteen meals to civil servants and retired civil servants subject to the provisions of Article 69 of the Budgetary Rules.

(4) Civil servants who qualify as disabled persons shall perform service at suitable service posts in a service authority; the Employment Act shall apply accordingly.

(5) The service authority shall provide for safekeeping of personal clothing and personal items usually brought to service by a civil servant.

Article 115

**Security of Civil Servants**

(1) Upon termination of their civil service employment due to long-term incapacity to perform service on health grounds, which is the result of a service-related incident, a civil servant shall receive from the service authority an end-of-service allowance of twelve times the amount of their monthly pay.

(2) The appointing authority shall decide on granting the end-of-service allowance.

(3) Should the end-of-service allowance not be paid to the civil servant on the last day of their civil service employment, it shall be paid on the nearest pay day in the service authority designated to disburse the pay.

CHAPTER VIII  
WORK AND LIFE BALANCE OF CIVIL SERVANTS AND PERFORMING SERVICE OUT OF THE OFFICE

Article 116

**Conditions for Work and Life Balance of Civil Servants**

(1) Any service authority shall create conditions for work and life balance of civil servants, in particular it shall schedule working time and determine the beginning and end of the working time, it shall also permit a flexible working time arrangement, negotiate for the possibility of performing service from home office, or it shall establish pre-school facilities or childcare facilities in the form of a playgroup pursuant to the specific Act.

(2) Should it not impede dutiful performance of tasks by a service authority, an appointing authority shall permit a civil servant caring for a child attending elementary school to have flexible working time or shorter working time; this accordingly applies to a single female civil servant and a single male civil servant caring for a child under 15 years of age, as well as to a civil servant who proves that they are the main long-term carer for a person who, pursuant to another Act, is considered a grade II dependant (medium dependence), grade III dependant (heavy dependence) or grade IV dependant (total dependence).

Article 117

**Performing Service Out of the Office**

(1) Should it not impede dutiful performance of tasks by a service authority, an appointing authority may enter into the agreement with a civil servant to perform service out of their office, i.e. (hereinafter referred to as "home office") from their home office. The agreement shall encompass conditions of service at such different place of work. The place of service shall be the place agreed in the agreement on performing service from home office.

(2) Modified scheduling of the working time shall not apply to a civil servant performing service using home office.

(3) When performing service from their home office and in the event of important personal impediments pertaining to the service, which shall be governed by the provisions of Article 199 (2) of the Labour Code and the relevant Government Regulation which shall lay down the range and scope of important personal impediments to work, a civil servant shall not be eligible for a compensation of pay, with the exception of impediments pursuant to points 5, 7 and 10 of the appendix to the Government Regulation concerned, or if it is a pay compensation during temporary service incapacity; in order to be compensated during their temporary service incapacity, civil servants shall respect the service shifts scheduled by the appointing authority for this specific purpose in the relevant service instruction.

(4) When performing service from their home office, a civil servant shall not be eligible to:

- a) overtime pay or compensatory leave for serving overtime,
- b) compensatory leave or pay compensation or a supplementary allowance for working on a public holiday.

Article 118

**Service Conditions of Female Civil Servants**

Service conditions of female civil servants shall be governed by the provisions of Article 238 (2) of the Labour Code.

**Service Conditions of Pregnant Civil Servants and Civil Servants-Mothers**

Article 119

A civil servant who is pregnant, breastfeeding or a mother within nine months after the childbirth and performs a service they are not allowed to perform shall be transferred to another service post. Such

transfer, as well as reassignment from serving nights to serving days, shall be governed by the provisions of Article 239 of the Labour Code.

#### Article 120

The assignment of a female civil servant caring for a child to serving shifts, and limitation of overtime service of any such civil servant shall be governed by the provisions of Article 241 of the Labour Code; the same shall apply to a male civil servant caring for a child.

#### Article 121

### **Maternity and Parental Leave, Breastfeeding Breaks**

(1) Maternity leave of a female civil servant and parental leave of a female or male civil servant shall be governed by the provisions of Articles 195 to 198 of the Labour Code.

(2) Breastfeeding breaks shall be governed by the provisions of Article 242 (1) and (2) of the Labour Code.

(3) Breastfeeding breaks shall be counted into time served. Pay shall not be reduced for the time spent on breastfeeding breaks.

#### PART SIX

### **PAYMENT OF DAMAGES, SERVICE INJURY AND OCCUPATIONAL ILLNESS**

#### Article 122

### **Damage Prevention**

(1) Creating conditions for civil servants to prevent damage, monitoring whether civil servants carry out service tasks in a way that mitigates the risk of damage, monitoring items that civil servants are bringing to or taking from the place of civil service employment shall be governed by the provisions of the Labour Code. For the purposes of this Act, the Conditions of Employment shall be understood to be the service instruction issued in this respect.

(2) Duties of a civil servant in damage prevention shall be governed by the provisions of the Labour Code.

#### Article 123

### **Civil Servant's Damage Liability**

(1) The liability of a civil servant for damage caused to a service authority shall be governed by the relevant provisions of the Labour Code.

(2) An appointing authority shall promulgate, by way of a service instruction, the scope of activities for which it shall be required that responsibility for the protection of assets entrusted to a civil servant to be cleared in the form of a fee statement agreement is concluded.

#### Article 124

### **Damage Liability of a Service Authority, Security of a Civil Servant in the Event of an Injury at Work or Occupational Illness**

(1) The liability of a service authority for any damage suffered by a civil servant when performing their duties shall be governed by the relevant provisions of the Labour Code. For the purposes of this Act, the Conditions of Employment shall be understood to be the service instruction issued in this respect. The security of a civil servant in the event of an injury or an occupational illness shall be governed by the relevant provisions of the Labour Code.

(2) For the purpose of this Act, a work injury shall be understood to be an injury incurred during their service.

(3) A service authority shall be liable for awarding damages for the damage caused to a civil servant's property should the damage occur in the course of carrying out their service tasks.

Article 125

### **Special Damage Liability of a Service Authority**

A service authority shall award damages to any person who provided assistance to a civil servant with their tasks at their request or with their acknowledgement; the service authority shall not be held liable only in cases when the injured party caused the damage deliberately.

PART SEVEN

## **SOCIAL SECURITY OF CIVIL SERVANTS**

### **Basic Provisions**

Article 126

Health insurance, sickness insurance and pension insurance of civil servants shall be governed by relevant legal provisions.

Article 127

The social welfare of civil servants shall include a pay during temporary service incapacity.

Article 128

### **Pay During Temporary Service Incapacity**

(1) A civil servant who has been recognised as temporarily incapable of carrying out their service tasks shall be entitled, during the first 14 days of their temporary work incapacity, to their pay reduced to 60%.

(2) The pay pursuant to paragraph (1) above shall be reduced by 50% in cases when there is eligibility for sickness pay of 50% pursuant to legal provisions on sickness insurance; the pay pursuant to paragraph (1) above shall not be granted to civil servants who had deliberately caused that they are temporarily incapable of carrying out their service tasks.

(3) For the purposes of this Act, a temporary work incapacity shall be understood to be temporary service incapacity or ordered quarantine.

PART EIGHT

## **INFORMATION PROVIDED TO CIVIL SERVANTS AND CONSULTATIONS ABOUT SERVICE ISSUES, TRADE UNIONS, CIVIL SERVANTS' COUNCIL, THE REPRESENTATIVE OF CIVIL SERVANTS FOR OCCUPATIONAL HEALTH AND SAFETY**

CHAPTER I

### **INFORMATION PROVIDED TO CIVIL SERVANTS AND CONSULTATIONS ABOUT SERVICE ISSUES**

Article 129

### **Basic Provisions**

(1) Civil servants have the right to be provided with information and have the right n of service issues and service conditions.

(2) A consultation shall mean a meeting between a service authority and civil servants at which they can express their opinions on the respective issue in order to reach a consensus.

(3) A service authority shall be obliged to provide civil servants with relevant information and to deal with them directly unless a trade union organisation, a Council of Civil Servants or a representative for occupational health and safety operate in the service authority in question. Should more trade union organisations, Councils of Civil Servants or representatives for occupational health and safety operate within a service authority such service authority shall be obliged to meet their duties in accordance with this Act towards all unless they agree between them and the service authority upon a different way of mutual cooperation.

#### Article 130

##### **Information Provided to Civil Servants**

(1) A service authority shall keep civil servants informed of the following:

- a) the likely developments in employment at the service authority,
- b) the number and structure of civil servants in the service authority,
- c) Basic service conditions and any changes thereto.

(2) The appointing authority and senior civil servants shall, on behalf of the service authority, keep the civil servants informed.

#### Article 131

##### **Consultations with Civil Servants**

(1) A service authority shall consult with civil servants any issues related to occupational health and safety when performing the service in the scope set forth in Articles 101 to 108 of the Labour Code and Articles 2 to 11 of the Act stipulating further requirements for health and safety at work.

(2) The participation of civil servants in meetings dealing with occupational health and safety, if this is the activity of representatives for occupational health and safety in service, copying with issues of occupational health and safety or just provision of information to civil servants, shall be governed by the provisions of Article 108 of the Labour Code.

(3) The appointing authority and senior civil servants shall, on behalf of the service authority, keep the civil servants informed.

### CHAPTER II TRADE UNIONS

#### Article 132

(1) The service authority concerned shall provide the relevant trade union organisation with information on issues pursuant to Article 130 and consult the issues pursuant to Article 131 with the said trade union organisation.

(2) Any trade union organisation shall have the particular right to

- a) consult and take position on documents necessary for the preparation of an organisational structure of the service authority, receive information on persons newly granted the civil service employment,
- b) consult and take position on proposed decisions concerning changes to and termination of civil service employment,
- c) consult and take position on draft service instructions to be issued by the appointing authority and concerning the service authority where the trade union organisation has been established,
- d) consult and take position on proposals to improve service conditions, and to come forth with such proposals,
- e) be present at civil service examinations,
- f) be represented in consultative bodies to the appointing authority,
- g) exercise control over the standard of occupational health and safety in service in the scope and under the conditions set forth in Article 322 of the Labour Code.

(3) An appointing authority shall consult the following proposals with the trade union organisation:

- a) matters concerning the systemisation of service authorities,
- b) matters concerning improvement of service conditions,
- c) service instructions which concern more than one service authority.

(4) A trade union organisation shall have the right to be consulted on all legal provisions concerning civil servants.

(5) Service bodies shall ensure that trade union organisations can exercise their rights pursuant to this Act.

(6) A body specified in the statutes of any trade union organisation shall act on its behalf.

#### Article 133

(1) A trade union organisation shall be active in a service authority and shall have the right to act if authorised pursuant to its statutes and if at least 3 of its members perform service in the service authority in civil service employment.

(2) The rights of a trade union organisation shall originate on the day following the day when the appointing authority was informed by trade unions of their compliance with conditions pursuant to paragraph (1); if a trade union organisation ceases meeting these conditions, it shall notify the appointing authority without undue delay.

(3) Should a service authority have more than one trade union organisation, the service authority shall, where this Act requires information or consultations with the trade union organisation, fulfil its duties with respect to all or the majority of civil servants to all trade union organisations, unless agreed otherwise.

(4) Should a service authority have more than one trade union organisation, the trade union organisation where a civil servant is a member of shall act on behalf of civil servants with respect to individual civil servants. A civil servant who is not a member of the relevant trade union organisation is represented in service relationship by the trade union organisation with the highest number of members who perform service in the same service authority and have civil service employment unless the civil servant decides otherwise.

### CHAPTER III

#### CIVIL SERVANT COUNCIL AND THE REPRESENTATIVE OF CIVIL SERVANTS FOR OCCUPATIONAL HEALTH AND SAFETY

#### Article 134

(1) Civil servants in a service authority may elect a civil servant council and a representative of civil servants for occupational health and safety.

(2) A service authority shall inform the civil servant council of issues pursuant to Article 130.

(3) A civil servant council shall have the right to receive information pursuant to Article 130; it shall also have the right to consult measures related to organisational changes within the service authority.

(4) A service authority shall consult with representatives of civil servants for occupational health and safety any issues in the scope set forth in Article 131.

(5) An appointing authority shall ensure that the civil servant council and representatives of civil servants for occupational health and safety can exercise the rights granted to them hereby.

(6) The rights pursuant to Articles 130 and 131 and paragraph (3) above shall not be expanded beyond these limits.

#### Article 135

(1) A civil servant council may be elected from the midst of civil servants in the service authority with more than 25 civil servants. A civil servant council shall have a minimum of 3 and maximum of 15 members; the number of members shall always be odd.

(2) Representatives of civil servants for occupational health and safety may be elected from the midst of civil servants in the service authority with more than 10 civil servants; their total number depends on the number of civil servants and the risk posed by the service. A single representative of civil servants for occupational health and safety in may be appointed for a maximum of 10 civil servants.

(3) The number of members of a civil servant council and the number of representatives of civil servants for occupational health and safety shall be determined by the appointing authority following a consultation with the election committee.

#### Article 136

(1) The decisive number of civil servants for elections of any civil servant council and of representatives of civil servants for occupational health and safety is the number of civil servants performing service in the service authority on the day of submission of a written motion to call the elections.

(2) The term of office of a civil servant council and that of a representative of civil servants for occupational health and safety shall be three years.

(3) At its first meeting, a civil servant council shall elect a chair from the midst of its members and shall inform the appointing authority and civil servants to this effect.

#### Article 137

(1) Should, in a transfer of rights and obligations under civil service employment between service authorities, the receiving service authority have a civil servant council and representatives of civil servants for occupational health and safety, then the receiving service authority shall perform the duties hereunder with respect to both civil servant councils and representatives of civil servants for occupational health and safety, unless they and the appointing authority agree otherwise.

(2) Civil servant councils and representatives of civil servants for occupational health and safety in service shall perform their duties pursuant to Article 134 until the last day of their term of office. Should, before their term of office expires, the number of a civil servant council fall below three members, its functions shall be assumed by one of the remaining civil servant councils.

#### Article 138

(1) A civil servant council and a representative of civil servants for occupational health and safety shall terminate their activities on the day:

- a) of the expiration of its term of office, or
- b) of winding up the service authority.

(2) A civil servant council shall also cease to exist on the day when the number of its members falls under three members.

(3) In cases pursuant to paragraphs (1) and (2) above, the civil servant council and a representative of civil servants for occupational health and safety shall hand over all documents related to its activities to the appointing authority; the service authority shall keep them for a period of 5 years as of the day of termination of the civil servant council or a representative of civil servants for occupational health and safety in service.

(4) Membership in a civil servant council and activities of a representative of civil servants for occupational health and safety shall also cease to exist on the day of:

- a) resignation, or
- b) termination of the civil service employment.

#### Article 139

(1) Elections for a civil servant council and a representative for occupational health and safety shall be governed by the provisions of Articles 283 to 285 of the Labour Code; a staff council shall be understood to be a civil servants' council, a representative for occupational health and safety shall be understood to be a representative for occupational health and safety for civil servants, an employer shall be understood to be a service authority in which a civil servant performs services, employees shall be understood to be civil servants performing service in the service authority, labour-law employment shall be understood to be the civil service employment, and a business trip shall be understood to be



a service-related trip.

(2) Elections for a civil servant council and a representative for occupational health and safety shall be removed by the appointing authority.

#### CHAPTER IV JOINT PROVISIONS

##### Article 140

(1) Members of trade union bodies, members of a civil servant council and representatives of civil servants for occupational health and safety shall not be in any way discriminated against or disadvantaged on these grounds.

(2) A civil service employment shall not be terminated on the grounds of membership in a trade union organisation, civil servant council or performing service as a representative of civil servants for occupational health and safety for civil servants.

##### Article 141

(1) A service authority shall, for activities pursuant to Article 131, 132 (1) and (2), Article 134 (4), provide, to a trade union organisation or a civil servant council and to representatives of civil servants for occupational health and safety, true and complete information and documents in a timely manner, and take their opinions into account. Upon their request, the service authority shall provide information in writing. A trade union organisation or a civil servant council and representatives of civil servants for occupational health and safety and, in the case set forth in the first sub-paragraph of Article 129 (3), civil servants shall have the right to demand from the service authority additional information and answers to questions they raised.

(2) A service authority shall allow civil servants to hold elections for a trade union organisation, a civil servant council and representatives of civil servants for occupational health and safety, and shall create conditions for their proper execution; this shall, in particular include, subject to the availability of resources of the service authority and within a reasonable scope, rooms with necessary equipment, costs of necessary maintenance and technical operations and costs of documentation required.

(3) A service authority shall provide to members of the election committee, trade union organisation, members of civil servant councils and representatives of civil servants for occupational health and safety, a minimum number of necessary days off; they are entitled to a pay for the duration of such leave.

##### Article 142

(1) A trade union organisation established in a service authority, a civil servant council and representatives of civil servants for occupational health and safety shall reasonably provide civil servants with information on their activities as well as on the course and conclusions arising from the information provided and from consultations with the service authority.

(2) Members of a trade union organisation, members of civil servant councils and representatives of civil servants for occupational health and safety shall keep confidential any information they learn in the course of their post, should a breach of such confidentiality result in a divulgence of classified information or an infringement of legitimate interests of the service authority or of civil servants. The duty pursuant to the first sentence of this paragraph shall be enforced for 1 year after the end of their term of office, unless otherwise provided in other legal provisions.

##### Article 143

#### **Collective Agreement**

(1) Parties may conclude a collective agreement to improve conditions of service, especially in respect of health, social and cultural related aspects of such service. The collective agreement may stipulate civil servant rights as well as rights and responsibilities of parties to the agreement.

(2) A collective agreement on behalf of civil servants may be concluded solely by the trade unions.

(3) Procedure in respect of concluding a collective agreement shall be in line with Article 8 of the Act on collective bargaining. The effect and force of a collective agreement shall be governed by Article

26 of the Labour Code. Collective disputes shall be settled in compliance with Articles 10 to 26 of the Act on collective bargaining, provided that:

- a) a service collective agreement shall be understood to be a collective instrument concluded between the appointing authority or more service bodies and the trade unions or several trade unions organisations of the service authority,
- b) a central service collective agreement shall be understood to be a collective instrument concluded between the Government and one or more trade union organisations,
- c) a strike to enforce conclusion of a collective instrument shall be understood to be a strike to enforce conclusion of a collective agreement,
- d) service-related requirements shall be understood to be labour-law related legal requirements.

## PART NINE

### **REMUNERATION OF CIVIL SERVANTS**

#### Article 144

##### **General Provisions on a Pay and Reward for Service Standby Duty**

(1) Remuneration of civil servants shall be governed by the Labour Code unless provided otherwise.

(2) Where the Labour Code uses the term:

- a) an employee, it shall, for the purpose of this Act, be understood to be a civil servant,
- b) a manager, it shall, for the purpose of this Act, be understood to be a senior civil servant,
- c) an employer, it shall, for the purpose of this Act, be understood to be an appointing authority,
- d) an employment, it shall, for the purpose of this Act, be understood to be a civil service employment,
- e) work, it shall, for the purpose of this Act, be understood to be a service,
- f) a pay for working overtime, it shall, for the purpose of this Act, be understood to be a pay for serving overtime,
- g) a supplementary allowance for working on a Saturday and Sunday, it shall, for the purpose of this Act, be understood as a supplementary allowance for performing service on a Saturday and Sunday,
- h) a supplementary allowance for working nights, it shall, for the purpose of this Act, be understood to be a supplementary allowance for performing service at nights,
- i) a supplementary allowance for working on a public holiday, it shall, for the purpose of this Act, be understood to be a supplementary allowance for performing service on a public holiday,
- j) a supplementary allowance for working in aggravated working conditions, it shall, for the purpose of this Act, be understood to be a supplementary allowance for performing service in aggravated working conditions,
- k) work standby duty, it shall, for the purpose of this Act, be understood to be service standby duty

#### Article 145

##### **Special Provisions on Pay Tariff and Pay Grades**

(1) Pay grades from one to four set forth in the Labour Code shall not apply to civil servants. The Government shall promulgate, through its Regulation, the pay tariffs with regard to the service duties and service constraints as well as the importance of such service, the method how the tariffs for the civil servants shall be determined and conditions for determination of the period to be taken into account when calculating the length of practice.

(2) The pay grades are described in Annex 1 to this Act. On the basis of the description, the Government shall promulgate, through its Regulation, a catalogue of administrative activities and their assignment to individual pay grades based on the degree of difficulty, responsibility and labour input.

(3) A pay grade for a new service post, where a civil servant is required to perform activities which are not listed in the catalogue of administrative activities, shall be specified by the appointing authority upon the consent of the Ministry of Labour and Social Affairs and the Ministry of Finance.

Article 146

**Special Provisions on Managerial Supplementary Allowance**

- (1) The range of managerial supplementary allowance shall be set forth in Annex 2 to this Act.
- (2) The Government may stipulate binding rules for the calculation of the specific amount of managerial supplementary allowances within a given range.

Article 147

**Special Provisions on Supplementary Allowance for Serving Overtime**

The pay of a senior civil servant, who is an appointing authority or a Head of a foreign mission, shall reflect any overtime service.

Article 148

**Special Provisions on Personal Supplementary Allowance**

- (1) The Government shall stipulate through its Regulation, the rules for calculation of a personal supplementary allowance.
- (2) An appointing authority shall set forth through a service instruction the amount of a personal supplementary allowance for service posts in the service authority.

Article 149

**Special Provisions on Personal Supplementary Allowance**

- (1) A civil servant may be granted a personal supplementary allowance or have its amount increased, decreased, or the personal supplementary allowance taken away, based on the outcome of their performance appraisal.
- (2) Until their first performance appraisal a civil servant's personal supplementary allowance may be awarded, increased, reduced or removed on the basis of the proposal from a senior civil servant.
- (3) A civil servant may be granted a personal supplementary allowance or have its amount increased or decreased also in relation to their assignment, transfer or appointment to a different service post.
- (4) A civil servant may be granted a personal supplementary allowance or have its amount increased decreased or withheld also in relation to their secondment to service abroad or in relation to the termination of such service abroad if the relevant senior civil servant has suggested so.

Article 150

**Special Provisions on Bonuses**

- (1) A bonus may be granted for successful execution of urgent service tasks for an absent civil servant unless they are eligible for a managerial supplementary allowance or a pay for substitution pursuant to Article 66.
- (2) The sum of bonuses paid to a civil servant in one calendar year shall not exceed 25% of the sum of the highest pay tariff for one year and/or the maximum allowed personal supplementary allowance in the relevant pay grade; in the case of a senior civil servant it may not exceed the maximum managerial supplementary allowance which they are eligible for pursuant to Annex 2 hereto in accordance with the service post the civil servant was assigned to as their last service post in the calendar year concerned.

Article 151

**Special Provision on the Bonus for Standby Duty**

The bonus for standby duty shall be 10% of the average pay.

## Article 152

### **Special Provision on the Pay of Some Appointing Authorities**

(1) The pay tariff, the amount of managerial supplementary allowance, providing any bonus and its amount and the amount of the personal supplementary allowance, its increase, reduction or removal from a senior civil servant at the service post of a Director-General for the Civil Service, the Head of a service authority in central public authorities and the Head of a service authority which does not have a supervising service authority, shall be determined by the person who appointed them to the service post pursuant to this Part hereof and Annexes 1 and 2 hereto. Should the appointing authority be appointed to the service post by the Government, the Government may authorize the relevant Minister pursuant to the first sentence of this paragraph.

(2) The supervising appointing authority shall decide in the pay matters referred to in paragraph (1) above with respect to Heads of other service authorities.

## **PART TEN**

### **JOINT PROVISIONS**

#### **CHAPTER I**

#### **PERSONAL FILE, SERVICE BADGE, PERFORMANCE APPRAISAL AND COMPLAINT LODGED BY A CIVIL SERVANT**

## Article 153

### **Personal File**

(1) A personal file is maintained on the civil service employment of a civil servant; it may contain only documents necessary for the civil service employment and performance appraisals of the civil servant.

(2) The appointing authority and senior civil servants who are superior to civil servants may have access to the personal file of civil servants. The Ministry of the Interior, the Labour Inspectorate, the Office for Protection of Personal Data, courts, public prosecutors, the National Security Office and central intelligence agencies have the right to view a personal file, as well as the right to make a copy of a personal file.

(3) A civil servant and a former civil servant shall have the right to go through their personal file, make excerpts from it and demand copies of documents at the cost of the service authority.

(4) A decision imposing a disciplinary measure is, after the deletion of a record of the disciplinary measure, removed from the personal file; the provisions of paragraph (2) above apply to going through the decision accordingly.

## Article 154

### **Service Badge**

(1) The service authority in which a civil servant performs services shall issue a service badge to the civil servant. A service badge attests that its holder is a civil servant. A service badge shall feature the following:

- a) the photograph of the civil servant,
- b) the first name or names, the last name and, as the case may be, the academic title of the civil servant,
- c) personal number of the civil servant,
- d) designation of the service authority where the civil servant performs services,
- e) service badge number,
- f) the date of issue and, as the case may be, the expiration date of the service badge,
- g) any other data should it be stipulated by another legal regulation.

(2) A service badge may further contain a contact electronic chip or another information medium.

Only electronic means used for service performance or in relation to service performance may be downloaded onto the relevant electronic chip or another information medium.

(3) The Ministry of the Interior shall publish the service badge specimen in its Decree.

## **Performance appraisal**

### **Article 155**

(1) A civil servant shall be subject to performance appraisals.

(2) A performance appraisal of a civil servant shall evaluate their knowledge,

- a) skills, and
- b) service performance in terms of correctness, promptitude and independence, in accordance with individual goals which have been set.

(3) A performance appraisal must contain a conclusion whether the civil servant's service produced: outstanding results,

- a) very good results,
- b) good results,
- c) acceptable results, or
- d) unsatisfactory results.

(4) A performance appraisal shall also examine the achievement of individual personal development goals of the civil servant.

(5) A regular performance appraisal shall regard all civil servants performing service for the same service authority and shall be carried out to cover the period specified by the relevant appointing authority in its civil service regulation which may be specified as 1 year, 2 years or 3 years, and shall also include the period of performance appraisal pursuant to paragraphs (6) to (10). A regular performance appraisal shall be carried out within 3 months from the expiry of the period for which a civil servant was evaluated; the date of the regular performance appraisal shall be specified by the relevant appointing authority in its civil service regulation. Should the period of a regular performance appraisal not include at least 60 days of service, the regular performance appraisal shall be carried out immediately after the expiry of a period of 60 days of service; as regards the first performance appraisal, paragraph (6) shall apply.

(6) The first performance appraisal shall be carried out not later than 6 months from the expiry of the probationary period, however, not prior to the expiry of 60 days of service.

(7) Any further performance appraisals shall be carried out as needed to cover the past period not yet evaluated which, however, includes at least 60 days of service starting on date when the given civil servant was informed about the results of their previous performance appraisal.

(8) A performance appraisal may also be carried out at the request of a civil servant if an unevaluated period includes at least 60 days of service from the date when the given civil servant was informed on the results of their previous performance appraisal. At the request of a civil servant a performance appraisal may be carried out just once a year, however, not later than 3 months prior to the date when regular performance appraisals are held.

(9) Should the performance appraisal of a civil servant contain a conclusion that the civil servant results were unsatisfactory, the next performance appraisal shall be carried out always after 90 days from the date when the given civil servant was informed on the results of their previous performance appraisal.

(10) A performance appraisal shall also be carried out should a civil servant switch the service authority; such performance appraisal encompassing neither conclusions on the results achieved by the given civil servant nor specification of individual objectives for further personal development of the civil servant shall be sent to a new appointing authority of the civil servant concerned.

(11) The day during which a civil servant performed civil service for the substantial part of the shift shall be considered as the day being served. Parts of shifts served during different days shall not be added up.

(12) A civil servant must be provided information on the results of their performance appraisal.

#### Article 156

(1) A performance appraisal of a civil servant is to be performed by their immediate superior, in collaboration with the appointing authority, unless otherwise provided below.

(2) A performance appraisal of the Head of a service authority not having a superior service authority is to be performed by an authorised Minister after discussing the matter with the Director-General for the Civil Service. A performance appraisal of the Head of a service authority being directly subordinated to the Ministry is to be carried out by a relevant Minister after discussing the matter with the Secretary-General. In all other cases performance appraisals is to be carried out by the relevant superior appointing authority.

(3) A performance appraisal of the Secretary-General is to be performed by a relevant Minister or the Head of the Office of the Government after discussing the matter with the Director-General for the Civil Service.

(4) A performance appraisal of the Deputy Minister for Management of a Section is to be performed by a relevant Minister or the Head of the Office of the Government after discussing the matter with the Secretary-General.

(5) A performance appraisal of the Director of Human Resources of the Civil Service Section is to be performed by the Director-General for the Civil Service.

(6) A performance appraisal of the Director-General for the Civil Service is to be performed by the Government or by the Minister of the Interior acting on a mandate from the Government.

#### Article 156a

### **Objections against the Performance Appraisal**

(1) A civil servant may lodge an objection against their performance appraisal not later than 15 days from the day on which the given civil servant was informed about the results of their performance appraisal. Objections are made in writing and delivered to the appointing authority. It must be obvious which part of the performance appraisal is challenged and objections shall include justification of disagreement with the relevant performance appraisal as well as suggestions how the performance appraisal should be adjusted.

(2) An appointing authority shall deal with lodged objections within 30 days from the date on which they were delivered. It may grant the objections, may grant them partially and adjust the performance appraisal accordingly, or it may reject the objections. Objections, where it is not obvious which part of the performance appraisal is challenged or objections missing justification of disagreement or suggestions how to adjust the relevant performance appraisal, shall be rejected by the appointing authority as unreasonable. It shall not be permissible to lodge further objections against the adjusted performance appraisal.

(3) The Director-General for Civil Service, a Secretary-General, the Head of a service authority not having a superior service authority, the Head of a service authority immediately subordinated to the Ministry, the Deputy Minister for Management of a Section, and the Director of the Human Resources of the Civil Service Section shall not be permitted to lodge objections against their performance appraisal.

### **Complaint**

#### Article 157

(1) A civil servant may lodge a written complaint with the appointing authority in matters of service issues and civil service employment; with the exception of matters under Article 159 (2) (j).

(2) A complaint of a civil servant shall be dealt with subject to its contents by the senior civil servant who is the civil servant's immediate superior, or the appointing authority, unless otherwise provided herein below.

(3) A complaint of a civil servant shall not be dealt with by the senior civil servant or the appointing authority against which the complaint is made; it shall be dealt with by the relevant supervising senior civil servant or the supervising appointing authority of the senior civil servant or the appointing authority against whom the complaint has been directed.

(4) A complaint of a civil servant who is an appointing authority shall be dealt with by their supervising appointing authority.

(5) A complaint of a civil servant must be settled in writing within 30 days of its receipt.

#### Article 158

A civil servant shall have the right to ask the relevant trade union organisation, the civil servants' council and, in matters relating to occupational health and safety, the civil servants' representative for occupational health and safety, for assistance with their complaint.

### CHAPTER II PROCEEDINGS IN SERVICE-RELATED MATTERS

#### Article 159

##### **Basic Provisions**

(1) The provisions on proceedings in service matters relate to the decisions concerning the following:

- a) appointment to the civil service,
- b) assignment to a service post,
- c) appointment to the service post of a senior civil servant,
- d) remuneration,
- e) a change to the civil service employment,
- f) disciplinary liability,
- g) termination of civil service employment,
- h) end-of-service allowance,
- i) severance pay,
- j) appointment to and removal from
  - 1. examination panel
  - 2. disciplinary committee,
  - 3. selection panel.
- k) Permission
  - 1. of a shorter service term,
  - 2. to pursue further education of the civil servant at the cost of the service authority, including provision of days off as well as suspension of days off,
  - 3. to have another gainful occupation outside the service,
- l) compensation of costs pursuant to Article 110,
- m) suspension of relief in service pursuant to Article 111.

(2) The provisions on proceedings in service matters and the provisions of the Code of Administrative Procedure on administrative proceedings shall not apply to the decisions concerning the following:

- a) appointment of a senior civil servant to a service post and their removal from the service post, if it falls under the authority of the Government,
- b) requirement to travel in official capacity,
- c) substitution of a civil servant or a senior civil servant,
- d) release from the obligation of confidentiality,
- e) permission of a flexible working time arrangement,
- f) requirement of standby duty overtime service or service at weekends and on public holidays,
- g) permission of days off,
- h) drawing of the annual leave and additional leave,
- i) broadening education,
- j) performance appraisals of a civil servant.
- k) pay-fixing should it be the subject of the decision on
  - 1. the change in the amount of a pay tariff as a consequence of the change in the amount of pay tariffs laid down in the Government Regulation, or
  - 2. the classification of a civil servant in a higher pay step as a consequence of achieving the length of eligible practice specified for a higher pay step,

- l) bonuses.

#### Article 160

### **Application of the Code of Administrative Procedure**

Unless this Act provides otherwise, proceedings in service matters shall be governed by the Code of Administrative Procedure.

### **Parties to Proceedings and Decision-making Bodies**

#### Article 161

A party to the proceedings shall be:

- a) the applicant for the civil service employment, or
- b) a civil servant.

#### Article 162

(1) Matters of disciplinary responsibility shall, in the first instance, be decided by a level I disciplinary committee.

(2) All other service matters shall, in the first instance, be decided by the relevant service authority.

(3) Should a decision of an appointing authority concern the jurisdiction of another service authority, such decision may be passed only with the consent from the service authority concerned.

(4) The supervising appointing authority shall be

- a) the Director-General for the Civil Service in respect of Heads of service authorities not having a supervising service authority, the Secretary General, the Director for Human Resources of the Civil Service Section. The Director-General for the Civil Service shall also be the supervising appointing authority in matters decided by the Director-General for the Civil Service,
- b) Heads of service authorities in respect of Heads of subordinated service authorities,
- c) the Secretary-General in respect of Heads of service authorities subordinated to the Ministry,
- d) level II disciplinary committees in respect of matters decided by level II disciplinary committees.

#### Article 163

### **Special Provision on Exclusion from Proceedings and Decisions in Service Matter**

The provisions of the Code of Administrative Procedure concerning the exclusion from proceedings and decisions in service matters pursuant to this Act shall not apply to the Director-General for the Civil Service and the Secretary-General.

#### Article 164

### **Special Provisions on the Selection Process**

(1) Article 146 of the Code of Administrative Procedure shall not apply to the selection process in accordance with this Act. The deadline for submission of applications pursuant to Article 24 (3) and (4) shall not be less than 10 days; missing the deadline for submission of an application may not be waived and after the given deadline any changes to the application shall not be permitted. The selection process shall be, as a rule, completed within 9 days from the deadline for submission of applications. Applicants may access their file after the deadline for the submission of applications lapses.

(2) A selection panel shall be governed by the provisions of the Code of Administrative Procedure concerning proceedings before a collegiate body.

(3) A report shall be made of the course and outcome of the selection process. The report shall encompass the appointing authority, the specialisation and the service post for which the selection process has been announced, the first and last names of the members of the selection panel, the



outcome of the selection process which shall list the sequence of successful applicants as well as unsuccessful applicants. The report shall also detail the date, signatures of all members of the selection panel, a note informing of the possibility to lodge an objection against the outcome of the selection process and the deadline for filing appeals and where the objection should be filed.

(4) The appointing authority shall, without any undue delay, inform applicants in writing of the outcome of the selection process. Unsuccessful applicants and applicants who were successful, however, were not selected as the best ones may lodge their objections against the report within 5 days from its receipt. The objections shall be made in writing; it must be clear which competition they are directed against, and they shall contain the reasons for the objection against the outcome of the selection process.

(5) The objections shall be addressed by the selection panel within 15 days from their receipt, by finding them valid or rejecting them. Should the selection panel find objections valid, it shall cancel the whole selection process. Objections for which it is not clear against which part of the report they are directed, or objections without providing the reasons, shall be rejected by the selection panel as unfounded. The relevant appointing authority shall also cancel the selection process if no one submits any application or if all applicants withdraw their applications.

(6) Should an applicant not inform in writing the appointing authority or the selection panel on the withdrawal of their application, the record shall be made in the file about such application withdrawal.

(7) The relevant appointing authority or selection panel shall adopt resolution on cancellation of the selection process which shall be recorded in the file.

(8) The relevant appointing authority shall inform successful applicants selected as the best ones pursuant to Article 28 (2) or successful applicants pursuant to Article 28 (3), whose appointment to service or assignment to a service post or appointment to the post of a senior civil servant and/or assignment to the service post or appointment to the service post of a senior civil servant has not been decided by the relevant appointing authority, on the fact that another applicant has been appointed to the service or assigned to or appointed to the service post of a senior civil servant.

#### Article 165

### **Special Provision on Making Decision**

Making decision may be the first action in proceedings with the exception of a decision concerning disciplinary liability or termination of civil service employment.

#### Article 166

### **Special Provision on Compensation of the Costs of Proceedings**

Should a party be successful in proceedings concerning an appeal, a remedial measure, renewed or reviewed proceedings, they shall have the right to compensation from the service authority for their expenses incurred. Should a party to proceedings be successful only partially, they are entitled to a proportionate amount of compensation of their expenses. The claim must be made by the party before the proceedings are completed; if this is not possible, then within 3 days from the day of receipt of the decision, otherwise the right shall lapse.

#### Article 167

### **Special Provision on Enforcement of a Decision**

Should a party not meet their duty of compulsory pecuniary performance imposed on them through an enforceable decision made pursuant to Article 159 (1) (l), within the time allowed, the appointing authority shall decide on deductions from pay.

#### Article 168

### **Appellate Proceedings**

(1) The appellate body shall be:

- a) in matters of disciplinary liability - a level II disciplinary committee,
- b) in all other matters - the supervising appointing authority.

(2) An appeal does not stay the decision. This shall not apply to an appeal against a decision in the matter of disciplinary liability, end-of-service allowance, severance pay, and compensation of expenses pursuant to Article 110.

(3) Should a civil servant appeal against a decision to remove them from a service post of a senior civil servant, a decision to terminate their civil service employment or on granting, increasing, decreasing or removing a personal allowance, it is also possible to examine the performance appraisal which was the basis for issuing the decision. Should an appellate body determine that a performance appraisal contradicts legal provisions, after the decision on appeal comes into effect, a new performance appraisal shall be carried out; the original performance appraisal, which shall not be taken into consideration, shall be removed from the personal file of the civil servant concerned.

(4) Should a civil servant appeal against a decision to impose a disciplinary measure, they may not be imposed a stricter disciplinary measure in appeal proceedings.

#### Article 169

Should a legally effective transfer decision be cancelled on the grounds of unlawfulness, the civil servant shall be entitled to receive from the service authority from which they were transferred one monthly pay which had been due to them before the transfer.

### CHAPTER III SUCCESSION OF RIGHTS AND OBLIGATIONS ARISING FROM CIVIL SERVICE EMPLOYMENT

#### Article 170

(1) Should, pursuant to another law, a service authority be wound up through consolidation or merger with another service authority, the full extent of the rights and obligations arising from civil service employment passes to the receiving service authority.

(2) Should, pursuant to another law, a service authority be wound up through demerger, the rights and obligations arising from civil service employment pass to the newly instituted service authority.

#### Article 171

Should, pursuant to another law, a part of a service authority be transferred to another service authority, the rights and obligations from civil service employment relating to this part of the service authority pass to the receiving service authority, with the exception of collective bargaining rights and obligations.

### SUBPART IV SYSTEMISATION OF WORK POSTS AND THE POST OF THE DEPUTY MINISTER

#### Article 172

#### **Systemisation of Work Posts**

The systemisation of work posts of employees in a public authority is governed by Articles 17 and 18; the number of Deputy Ministers and employees who work for a Minister, including employees assigned to the office of a Minister, or employees who do work for the Head of the Office of the Government, and their pay tariff are determined and the volume of funds for their salaries proposed by the relevant Minister or the Head of the Office of the Government. The office of a Minister is an office at the Ministry or the Office of the Government which is responsible for formulating policies exclusively for the given Minister.

## Article 173

### **Deputy Minister**

(1) A Deputy Minister shall deputize the relevant Minister in the scope established by the Minister in relation to the competence of the service authority or tasks delegated to the Minister, except for matters reserved by law for the Minister. In particular, the Deputy Minister shall attend, instead of the Minister, Government meetings and deputize the Minister in committees or commissions of the Chamber of Deputies of the Parliament, including the investigation committee, unless the Minister is expressly required to attend in person, or at a meeting of Senate committees or commissions.

(2) The work post of the Deputy of a Minister shall not constitute a level of management in the organisation of the public authority; a Minister may have no more than 2 such deputies.

(3) The Deputy of a Minister shall be a state employee. They shall be appointed and removed by the relevant Minister; the Deputy of a Minister without portfolio shall be assigned to the Office of the Government.

## CHAPTER V AVERAGE PAY

### Article 174

Ascertaining and applying an average pay shall be governed by the provisions of Article 352, 353, Article 354 (1) to (3) and Articles 355 to 357 of the Labour Code.

### Article 175

The pay in the case of

- a) the dismissal from service,
- b) having a temporary non-active status for organisational reasons,
- c) taking days off for individual study,
- d) an unlawful transfer

shall not be, for the purpose of ascertaining an average pay, included in the gross pay calculated for payment to a civil servant within the decisive period and the time for which this pay is provided shall not be regarded as the working time in the decisive period.

## CHAPTER VI DEFINITION OF TERMS

### Article 176

For the purposes of

- a) payment of salary differential in connection with the transfer of a civil servant,
- b) the dismissal from service,
- c) a reduced pay as a result of a transfer of a civil servant to another service post,
- d) temporary non-active status due to organisational reasons,
- e) severance pay,
- f) a disciplinary measure meaning reduction of pay,
- g) deductions from pay for a period of temporary work incapacity,
- h) end-of-service allowance,

the pay of a civil servant shall be understood to be the sum of monthly payments of the pay tariff, managerial supplementary allowance, supplementary allowance for working in aggravated conditions, personal supplementary allowance and a special supplementary allowance, for which the civil servant was eligible, or which were granted to them last time.

#### Article 177

(1) Article 347 (1) of the Labour Code shall apply in case of a danger of an occupational disease.

(2) Legal and other safety and health protection related rules and provisions to protect health and safety of civil servants shall be understood to be the provisions of Article 349 (1) and (2) of the Labour Code.

(3) Quarantine shall be understood to be isolation or quarantine measures in the form of increased medical oversight should the civil servant be prohibited to perform service as well as emergency measures in case of an epidemic or a threat of an epidemic pursuant to the Act on the protection of public health, should it concern a prohibition or limitation of contact of groups of natural persons believed to spread the disease with other natural persons or an order to take actions to eradicate the epidemic or the danger of its spreading, should these prohibitions, instructions, or regulations prevent the employee from working.

(4) Single persons shall be understood to be unmarried or divorced men and women, widows or widowers, or other men or women who live alone for other serious reasons and have no partner who they share their household with.

### CHAPTER VII USE OF EMPLOYMENT RELATIONS

#### Article 178

(1) The appointing authority may fill a service post by appointing an employee employed for a fixed term pursuant to labour-law regulations, should the civil servant not perform temporarily service on the service post for a period exceeding 1 (one) calendar month.

(2) The appointing authority may fill a service post, except for a service post of a senior civil servant, by following the procedure under paragraph 1 also by appointing a person who does not meet education requirements specified for such a service post, if such person

- a) has performed in the past 10 years activities under Article 5 or similar activities for a period of at least 4 years,
- b) meets education requirements specified for the service post included in the pay grade being one level lower than the service post concerned, or
- c) attains through studies education required for the given service post and such education corresponds with the required expertise.

(3) An employee provided for in paragraphs 1 and 2 shall have a probationary period of 6 months. Such probationary period shall be extended by the time of full-day impediments to the civil service for which a civil servant shall not be able to perform the service during his/her probationary period and the same shall apply to a full-day leave.

(4) Should due performance of a service authority be endangered the relevant appointing authority may fill a service post, with the exception of the service post of a senior civil servant, by an employee employed for a fixed term pursuant to labour-law regulations until the given service post is filled by a civil servant in compliance with the procedure pursuant to Article 24 (1) or (5), however, such a period of time shall not exceed 6 (six) months.

(5) An employee pursuant to paragraphs (1), (2) and (4) above shall enter into an employment stipulating required duties and responsibilities. The employee shall receive a pay pursuant to Part Nine.

(6) An employee pursuant to paragraphs (1), (2) and (4) above may be permitted, upon their request, to take a civil service examination.

#### Article 178a

(1) The appointing authority may fill a service post included in the 10<sup>th</sup> and higher pay grades, with the exception of the service post of a senior civil servant, by an employee employed for a fixed term pursuant to labour-law regulations who does not meet education requirements specified for the given service post, however they attained secondary education completed by the school-leaving examination.

The procedure under the first sentence shall apply in case of a service post not having been filled through at least two successive selection processes.

(2) An employee specified in paragraph 1 shall get a fix term employment contract the term of which shall correspond to the term for which service post concerned was established, however such term shall not exceed

- a) 9 years if the employee concerned does not meet the condition of higher education attained within a Master's degree programme;
- b) 6 years if the employee concerned does not meet the condition of higher education attained within a Bachelor's degree programme or tertiary professional education;
- c) 5 years if the employee concerned graduated from a Bachelor's degree programme, however they do not meet the condition of higher education attained within a Master's degree programme.

(3) An employee specified in paragraph 1 shall have a probationary period of 6 months. The probationary period shall be extended by the time of full-day impediments for which an employee shall not be able to perform the work during his/her probationary period and the same shall apply to a full-day leave.

(4) An employee specified in paragraph 1 shall submit not later than within 2 years from the date of their employment contract confirmation on their enrolment to a tertiary professional school or to a Bachelor's degree programme or a Master's degree programme which shall correspond to education requirements specified for the given service post, including its professional focus, otherwise the employment contract shall be terminated on the day following the day of the expiry of the time-limit. The employment contract shall be also terminated on the day following the day on which the relevant service authority establishes that the employee concerned has not completed education or studies in a duly prescribed manner.

(5) An employee specified in paragraph 1 shall be entitled, after completing education requirements specified for the given service post, to be appointed to the civil service for an indefinite term or a fixed term for which the service post was established and to be assigned to the service post should they apply in writing for being appointed to the civil service and on the day of filing the application the employee meets requirements under Article 25 (1).

(6) An employee specified in paragraph 5 who has not yet passed a civil service examination shall be appointed to the civil service for a fixed term of 12 months unless the term for which such service post was establish is shorter. After passing the relevant civil service examination an employee shall be entitled to the change of the term of the civil service employment to an indefinite term and to the assignment to the current service post for an indefinite term, or to the change of the term of the civil service employment to a fixed term and to the assignment to the current service post for a fixed term which corresponds with the time period for which such service post was established.

(7) A service authority shall check the course of education or studies undertaken by an employee specified in paragraph 1. A tertiary professional school or a higher education institution shall be obliged to provide the service authority, on the basis of its request, with information on the course of education or studies of the employee concerned.

(8) The provisions of Article 178 (5) and (6) shall apply to an employee specified in paragraph 1 accordingly.

## CHAPTER VIII

### INFORMATION SYSTEMS

#### Article 179

#### **Remuneration Information System of Civil Servants**

The Information System on Civil Servants' remuneration shall be a part of the information system on wages pursuant to Article 137 of the Labour Code.

#### **Information System of Civil Service**

#### Article 180

(1) The Civil Service Information System shall be implemented as a Public Administration Information System. Its purpose shall be to maintain the data necessary for the management of organisational issues pertaining to the service and service relations within or among service authorities. It shall also process some measures taken pursuant to this Act.

(2) The Civil Service Information System shall be maintained by the Ministry of the Interior.

(3) The Civil Service Information System shall include the Registry of Civil Servants, the Database of Vacant Service Posts, the Civil Service Examination Registration Portal, and the Database of Civil Service Examinations.

#### Article 181

(1) The Registry of Civil Servants shall include the following data on the civil servant:

- a) the name or names, surname and academic titles (if applicable),
- b) the date of birth
- c) nationality
- d) the service badge number,
- e) civil servant identification number
- f) an e-mail address established for a civil servant by the service authority,
- g) the service rank,
- h) the date of appointment to the civil service,
- i) the information on whether the civil servant was appointed to the civil service for an indefinite term or for a fixed term; in case of a fixed term civil service employment the term will be specified,
- j) the service authority in which the civil servant is currently performing service or used to perform service,
- k) the specialisation required for the given post,
- l) the place of civil service employment
- m) the results of the civil service examination taken by the civil servant,
- n) the information on appointment to the service post of a senior civil servant or removal from such post,
- o) the pay grade,
- p) the information on a transfer,
- q) the information on a transfer to another service post,
- r) the information on a temporary release and its reasons,
- s) the information on substitution,
- t) the information on deployment to service abroad and assignment after its termination,
- u) the information on the secondment to an international organisation and assignment after its termination,
- v) the information on shortened working time,
- w) the information on interruption of the service for the reasons of further education or secondment,
- x) the information on termination of civil service employment and reasons for termination.

(2) The Database of Vacant Service Posts shall contain information on vacant service posts, such as the following:

- a) the service authority in which service post is vacant,
- b) the specialisation for the vacant service post,
- c) the place of civil service work with respect to the vacant service post,
- d) requirements on a candidate for the vacant service post,
- e) the pay grade of the vacant service post,
- f) the date of commencement of service on the vacant service post,
- g) the information on whether the vacant service post is to be filled by a civil servant having a civil service employment for an indefinite term or for a fixed term, in case of a fixed term civil service employment, together with the term concerned,
- h) the date by which the candidate shall file their application with the appointing authority to be appointed to the civil service or, in the case of civil servants, the date by which their application to be assigned to a service post or appointed to the service post of a senior civil servant shall be filled, the address to which the application is to be sent, and the method of application, together with a list of appendices documenting the facts related to the candidate's service at the service post to be filled, which the candidate shall attach to the application.

(3) The Civil Service Examination Registration Gateway shall serve individuals wishing to register

for the civil service examination. The date, place, and time of the civil service examination, the list of test questions, and the list of recommended literature shall be published on the Civil Service Examination Registration Portal; it may also include other data.

(4) The Database of Civil Service Examinations shall contain information on civil service examinations taken, such as the following:

- a) the date of the civil service examination,
- b) the name or names and surname of the members of the examination panel,
- c) the name or names and surname as well as the registration number of the civil servant, who had passed the civil service examination,
- d) the name or names and surname as well as the registration number of the civil servant, who failed the civil service examination,
- e) the name, or names, surname, date and place of birth, nationality and identification number of a person who was permitted to take a civil service examination.

#### Article 182

(1) The Registry of Civil Servants shall be accessible by means allowing the appointing authority or an entity authorised by such appointing authority for remote access. The Database of Vacant Service Posts shall be accessible by means allowing for remote access to those service posts which cannot be filled by assigning a temporarily non-active civil servant; in other cases, the Database shall be accessible solely to the appointing authority and the relevant temporarily non-active civil servant. The Civil Service Examination Registration Portal shall be accessible by means allowing for remote access. The Database of Civil Service Examinations shall be accessible by means allowing for remote access, with the exception of the data pursuant to Article 181 (4) (d); the data pursuant to Article 181 (4) (d) and (e) shall be accessible by means allowing for remote access by the appointing authority.

(2) Data pursuant to Article 181 (1) and (2) shall be entered in the respective part of the Civil Service Information System by the respective appointing authority. The data pursuant to Article 181 (3) and (4) shall be entered in the respective part of the Civil Service Information System by the entity in charge of organising the civil service examination.

(3) The data pursuant to Article 181 (1) shall be kept in the Registry of civil servants for the duration of the civil service employment of the civil servant concerned and for 10 years after termination of such civil service employment. The data pursuant to Article 181 (4) shall be maintained in the Database of Civil Service Examinations for 50 years following the date of entry into the Database of Civil Service Examinations.

#### Article 183

(1) The Ministry of the Interior and the appointing authority having competences pursuant to this Act, shall use data from the Central Registry of Inhabitants such as

- a) the name or names and surname,
- b) the date of birth,
- c) permanent address and postal address (if applicable),
- d) nationality, or more nationalities.

(2) The Ministry of the Interior and the appointing authority having competences pursuant to this Act shall use data from the Central Information System of Inhabitants such as

- a) the name or names and surname,
- b) the date of birth,
- c) permanent address and postal address (if applicable),
- d) nationality, or more nationalities.

(3) The Ministry of the Interior and the appointing authority having competences pursuant to this Act shall use data from the Central Information System of Foreign National such as:

- a) the name or names and surname,
- b) the date of birth,
- c) permanent address and postal address (if applicable).

(4) The respective bodies shall use in particular cases solely those data pursuant to (1) to (3) above

which are necessary to carry out the given tasks.

(5) The data maintained as the reference data in the Central Registry of Inhabitants, the Central Information System of Inhabitants or the Central Information System of Foreign Nationals shall be used only if they are in the form preceding the current state.

## PART ELEVEN

### **TRANSITORY AND FINAL PROVISIONS**

#### Article 184

##### **Systemisation and Systemisation of Service Posts**

(1) The first systemisation and the first systemisation of service posts pursuant to this Act shall be in effect in all public authorities as of 1<sup>st</sup> July 2015. Instead of a service authority, the draft systemisation shall be submitted, after consultation with the Ministry of Finance, to the Ministry of the Interior by the Head of the public authority concerned.

(2) Systemisation pursuant to paragraph (1) above shall concentrate primarily on defining service posts of civil servants and jobs of employees.

(3) By 1<sup>st</sup> January 2016, the authorities may change systemisations pursuant to paragraph (1) above with the objective to further specify details pertaining to service posts of civil servants and jobs of employees; the provisions of Article 18 shall not apply.

(4) Articles 17, 18, and 172 shall apply accordingly to systemisation pursuant to paragraph (1) above and its changes.

#### Article 185

##### **Director-General for the Civil Service**

(1) The selection process shall be under the responsibility of the Ministry of the Interior.

(2) The selection process shall be open to the following candidates:

- a) An employee in an employment relationship at a public authority (hereinafter referred to as the "current employee"),
- b) A senior official of a self-governing territorial unit who is in charge of other senior officials,
- c) A senior employee who is in charge of other senior employees,

provided that they are a citizen of the Czech Republic, have reached the age of 40 and held, in the past 8 years, for a period of at least 4 years, a managerial post in a public authority, a region or a municipality, an EU institution, an international organisation, or were responsible for, as a disengaged member of the Regional Assembly or the Municipal Assembly of a municipality with extended powers, activities pursuant to Article 5, or similar activities

(3) Article 52 shall apply accordingly to the competition. The Director-General for the Civil Service shall take the oath of service in presence of the Prime Minister; otherwise, Articles 31 and 32 shall apply.

(4) Paragraphs (1) to (3) shall apply accordingly to the competition to fill the service post of the Director for Human Resources of the Civil Service Section.

#### Article 186

##### **Head of the Service authority**

(1) A Head of a public authority shall be considered a Head of a service authority performing service for an indefinite term; they may perform service at the service post of the Head of the service authority until the service post will have been filled pursuant to this Act.

(2) A Head of a service authority chairing a central public authority, shall, no longer than 60 days after the day of effect of this Act, take the oath of service in presence of the Director-General for the Civil Service, heads of other service authorities shall take their oath of service in presence of the supervising



appointing authority or the Director-General for the Civil Service; should the individual fail to take the oath of service in the given period, should they refuse to take it, or should they take it with reservation, their civil service employment shall be revoked.

(3) Should the Head of the service authority be a person pursuant to Article 33 (1) or (2), they shall take, without any undue delay, legal steps to remove the obstacle pursuant to Article 33 (1) or (2).

(4) The Director-General for the Civil Service shall announce, no later than 12 months after the day of effect of this Act, a competition to fill the service post of the Head of the service authority; the competition shall normally end on 30<sup>th</sup> of June 2016. The competition is open to civil servants, who, in the past 5 years, for a period of at least 3 years, were responsible for activities pursuant to Article 5 or similar activities at a public authority, a territorial self-governing unit, an EU institution, or an international organisation; provisions of Article 51 (4) shall apply accordingly.

#### Article 187

##### **Secretary-General**

(1) The Director-General for the Civil Service shall appoint, on the basis of the selection process, Secretaries General at ministries and at the Office of the Government from among the current:

- a) senior employees assigned to at least the 2<sup>nd</sup> management level or senior civil servants except for Heads of units at these public authorities who are in charge of activities similar to those pursuant to Article 5,
- b) officials of regions working as Directors of Regional Offices, and
- c) officials of municipalities working as Secretaries of Municipal Offices at municipalities with extended powers,

provided that they meet requirements pursuant to Article 25 (1) and, in the past 8 years, for a period of at least 4 years, were responsible for activities pursuant to Article 5 or similar activities at a public authority, a municipal office of a municipality with extended powers, a regional office, an EU institution, or an international organisation. Their pay shall be determined pursuant to Part Nine herein.

(2) Article 53 shall apply accordingly to the selection process. The Secretary-General shall take the oath of service in presence of the Director-General for the Civil Service. Otherwise, Articles 31 and 32 shall apply accordingly.

#### Article 188

##### **Senior Civil Servant**

(1) A current senior employee in a public authority responsible for activities similar to those pursuant to Article 5 shall be as of 1<sup>st</sup> July 2015 considered a civil servant having a civil service employment for an indefinite term and a senior civil servant; they may perform service at the service post of a senior civil servant, until the service post has been filled pursuant to this Act.

(2) An employee under paragraph (1) above, who had worked, prior to 1<sup>st</sup> July 2015, on a post of a senior employee at the 1<sup>st</sup> management level shall be considered a senior civil servant appointed to the service post of the Head of a Unit; an employee under paragraph (1) above, who had worked, prior to 1<sup>st</sup> July 2015, as a senior employee at the 2<sup>nd</sup> management level, shall be considered a senior civil servant appointed to the service post of a Director of a Department.

(3) An employee under paragraph (1) above, who had worked, prior to 1<sup>st</sup> July 2015, as

- a) the Deputy Head of the central public authority and was, at the same time, responsible for section management, or
- b) a senior employee assigned to the 3<sup>rd</sup> management level, shall be considered, on the day of legal effect of this Act, a Deputy Head for Management of Section at ministries or at the Office of the Government or a Director of a Section at another public authority.

(4) A senior civil servant under paragraph (2) or (3) shall take, prior to 31<sup>st</sup> August 2015, an oath of service in the presence of the appointing authority; should the individual fail to take the oath of service in the given period, should they refuse to take it or should they take it with reservation, their civil service employment shall be revoked.

(5) Should a senior civil servant be a person pursuant to Article 33 (1) or (2), they shall take, without

any undue delay, legal steps to remove the obstacle pursuant to Article 33 (1) or (2); should they fail to do so, the authorities shall proceed pursuant to Article 33 (4).

(6) The appointing authority shall announce, prior to 31<sup>st</sup> of December 2015, a selection process to fill the service post of a Deputy Head for Management of Section or a Director of a Section; the selection process shall as a rule end on 30<sup>th</sup> June 2016. The appointing authority shall announce a selection process, no later than on 30<sup>th</sup> June 2016, to fill the service post of a Director of a Department and the Head of a Unit; such selection process shall, as a rule, end on 30<sup>th</sup> June 2017. Civil servants being in possession of a civil service employment for an indefinite term and who at the same time perform service at a service post in the same field of service as the service post of the senior civil servant to be filled may participate in the selection process; the provisions of Article 51 (4) shall apply accordingly.

#### Article 189

### **Deputy Minister**

A current senior employee, who had worked prior to 1<sup>st</sup> July 2015, as a Deputy Minister, unless he/she was a Deputy Minister pursuant to Article 188 (3) (a), shall be considered a Deputy Minister pursuant to Article 173 (2).

### **Civil Service Employment of Other Current Employees**

#### Article 190

(1) A current employee responsible for activities pursuant to Article 5, who had been, prior to 1<sup>st</sup> July 2015 in a regular labour-law employment for an indefinite period, shall be due to systemisation pursuant to Article 184 (1) entitled to be appointed to the civil service for an indefinite period, should they:

- a) meet the requirements stipulated in Article 25 (1),
- b) be responsible for, in line with the systemisation, activities pursuant to Article 5,
- c) have applied in writing, prior to 31<sup>st</sup> August 2015, for being appointed to the civil service at the relevant public authority, and
- d) hold responsibility, for at least 4 years of the 10 years prior to the date of application, for activities pursuant to Article 5 or similar activities at a public authority, a municipal office of a municipality with extended powers, a regional office, an EU institution, or an international organisation.

(2) The labour-law employment of the current employee stipulated in paragraph (1) shall last from 1<sup>st</sup> July 2014 till the first day of the civil service employment for an indefinite period; this shall not exclude the option to terminate the labour-law employment pursuant to labour-law legal provisions relations even prior to the first day of civil service employment.

(3) The process of appointment to the civil service shall be in line with Articles 23 and 30 to 32. The appointing authority shall issue a decision on appointment to the civil service no later than on 31<sup>st</sup> December 2015.

(4) Unless the current employee under paragraph (1) above applies for being appointed to the civil service, their labour-law employment for an indefinite period shall terminate on 30<sup>th</sup> June 2017 and in case of an employee who carries out activities as a physician of the social security authority the labour-law employment for an indefinite term shall terminate on 31<sup>st</sup> December 2018; this shall not exclude the option to terminate the working relationship prior to this date pursuant to labour-law legal provisions. The respective employee may, prior to the date of termination or revocation of their regular labour-law employment, hold a service post and be responsible for activities pursuant to Article 5.

(5) Paragraph (4) shall apply accordingly should the current employee apply for being appointed to the civil service, but whose application was rejected for their failure to meet requirements for appointment to the civil service pursuant to Article 25 (1); in such case, the respective employee shall be eligible to severance pay pursuant to labour-law legal provisions.

#### Article 190a

(1) The labour-law employment of current employees specified in Article 190 (1) who were not appointed to civil service due to the fact that they had not met requirements under Article 25 (1) (e) or they had not applied for being appointed to civil service, and simultaneously had not met requirements

under Article 25 (1) (e) shall terminate after the date of 31<sup>st</sup> December 2021.

(2) A current employee specified in paragraph (1) above may claim to be appointed to civil service for an indefinite term should they apply in writing for being appointed to civil service by 31<sup>st</sup> August 2017 and at the same time on the date of their application they shall meet requirements under Article 25 (1) (a), (c), (d) and (f) and the condition laid down in Article 190 (1) (b), reach the age of 50 and have carried out at a public authority, at a municipal authority of a municipality with extended powers, a regional authority, an institution of the European Union or an international organisation activities under Article 5 or similar activities for a period of 20 years.

(3) A current employee specified in paragraph (1) above may claim to be appointed to civil service for an indefinite term should they apply in writing for being appointed to civil service by 31<sup>st</sup> August 2021 and at the same time on the date of their application they shall meet requirements under Article 190 (1) (a), (b) and (d).

(4) Commencement of the civil service employment shall be governed by Articles 23 and 30 to 32. An appointing authority shall issue a decision on the appointment to civil service up to four months from the date of delivery of the application for appointment to civil service. pursuant to paragraphs 2 and 3 above.

(5) The entitlement for a redundancy pay under article 190 (5) shall lapse by appointing the current employee to civil service.

(6) Commencement the civil service employment of a civil servant under paragraph 4 above shall mean that the relevant civil servant has passed a civil service examination; the appointing authority concerned shall issue a certificate thereof.

#### Article 191

(1) A current employee who meets requirements pursuant to Article 190 (1), except for the condition pursuant to Article 190 (1) (d), shall be entitled to, in line with the systemisation pursuant to Article 184 (1), the civil service employment for the fixed term till 30<sup>th</sup> June 2017.

(2) The regular labour-law employment of the current employee under paragraph (1) above shall last from 1<sup>st</sup> July 2015 till the first day of their civil service employment for a fixed term; this shall not exclude the option to terminate the labour-law employment pursuant to labour-law legal provisions prior to the first day of the civil service employment.

(3) A current employee under paragraph (1) above shall, prior to 30<sup>th</sup> June 2017, pass the general part of the civil service examination.

(4) The civil service employment of the current employee stipulated in paragraph (1) above shall terminate on the last day of the calendar month, in which they failed to retake the civil service examination, however, no later than on the day when the period stipulated for successful completion of such examination pursuant to paragraph (3) will lapse. In such case, the respective employee shall be eligible to severance pay pursuant to labour-law legal provisions. The provisions of Article 190 (3) to (5) shall apply accordingly.

(5) Under paragraph (1) above a current employee, after a successful completion of the civil service examination, shall be entitled be appointed to the civil service for an indefinite term.

#### Article 192

(1) A current employee responsible for activities pursuant to Article 5 and having prior to 1<sup>st</sup> July 2015 a regular labour-law employment contract for a fixed term shall be entitled to be, in line with the systemisation pursuant to Article 184 (1), appointed to the civil service for a fixed term not exceeding the period for which such employee had entered into the labour-law employment contract if he/she

- a) complies with requirements stipulated in Article 25 (1),
- b) is responsible for, in line with the systemisation, activities pursuant to Article 5, and
- c) applied in writing, prior to 31 August 2015, with a public authority to be appointed to the civil service.

(2) The regular labour-law employment of the current employee stipulated in paragraph (1) above shall last from 1<sup>st</sup> July 2015 to the first day of their civil service employment for a fixed term; this shall not exclude the option to terminate the labour-law employment pursuant to labour-law legal provisions

prior to the first day of civil service employment. The respective employee may, prior to the date of termination or revocation of their labour-law employment, hold a service post and be responsible for activities pursuant to Article 5.

(3) The process of appointment to the civil service shall be in line with Articles 23 and 30 to 32. The appointing authority shall issue a decision on appointment to the civil service no later than on 31<sup>st</sup> December 2015.

(4) Unless a current employee under paragraph (1) applied to be appointed to the civil service, their labour-law employment for an indefinite period shall terminate on 30<sup>th</sup> June 2017. Should a current employee who carries out activities as a physician of the social security authority not apply for appointment to civil service, their labour-law employment for an indefinite term shall terminate on 31<sup>st</sup> December 2018;

#### Article 193

(1) A current employee shall apply to be appointed to the civil service in writing and in the Czech language.

(2) The requirement of no previous criminal record shall be documented by a current employee by means of a written solemn declaration. To verify compliance with the requirement of no previous criminal record, the respective appointing authority shall, no later than on 30<sup>th</sup> June 2016 request an excerpt from the database of Criminal Records. The request to issue an excerpt from the database of Criminal Records and the Criminal Records excerpt itself shall be submitted electronically using means of remote access. Should the excerpt from the database of Criminal Records reveal that the current employee failed to comply with the requirement of no previous criminal record, their civil service employment shall terminate on the day following the day on which the excerpt from the database of Criminal Records was delivered to the respective appointing authority.

(3) Under Articles 190 to 192 a current employee who did not apply for being appointed to the civil service shall perform duties pursuant to their labour-law employment contract at the same time they may carry out activities under Article 5; the respective employee shall be remunerated pursuant to Article 178 (2).

#### Article 194

(1) The provisions of Article 190 to 193 shall apply accordingly to a current employee responsible for activities pursuant to Article 5, whose post was during systemisation pursuant to Article 17 or the change to systemisation pursuant to Article 18 or Article 184 (3) defined as a service post of a civil servant; the statutory periods thereof shall commence instead on 1<sup>st</sup> July 2015 on the day on which the given systemisation or its change came into effect.

(2) The provisions of Article 190 to 193 shall apply accordingly to a current employee responsible for activities pursuant to Article 5 who is unable to work for reasons of obstacles on the side of the employee pursuant to Article 191 to 205 of the Labour Code; the statutory period thereof shall commence instead on 1<sup>st</sup> July 2015 on the day the obstacles on the side of the employee ceased to exist.

#### Article 195

Should there be a person appointed to the civil service pursuant to Articles 185 to 188, 190 to 192 or Article 194 who reached, prior to the first day of their civil service employment, the age of 70, such civil service employment shall terminate on the last day of the calendar year in which the civil service employment was awarded.

#### Article 195a

The provisions of Article 74 (1) (h) shall not apply until 31<sup>st</sup> December 2017 to a civil servant who was assigned or appointed to a service post of an employee who carries out activities as a physician of the social security authority and who reached the age of 70 years prior to 1<sup>st</sup> January 2018. Their employment shall be terminated on 31<sup>st</sup> December 2018.

## Article 196

### **Civil Service Examination**

(1) The fact that a civil servant was appointed to the civil service pursuant to Article 185 to 188 and 190 means that they had passed the civil service examination; the appointing authority shall issue the civil servant a certificate thereof.

(2) The fact that a civil servant was appointed to the civil service pursuant to Article 191 and 192 means that they had passed the special part of the civil service examination for the respective specialisation; the appointing authority shall issue the civil servant a certificate thereof.

## Article 197

### **Limitation of Certain Rights of Civil Servants**

No later than 3 months after the day when they commenced the civil service employment civil servants shall stop all their other gainful activities or apply with the appointing authority for consent pursuant to Article 81 (2).

### **Remuneration**

## Article 198

(1) A current employee shall be assigned, upon having been appointed to the civil service, a personal supplementary allowance and managerial supplementary allowance in the amount of their personal supplementary allowance and managerial supplementary allowance in line with the pay calculation valid on the last day prior to the commencement of their civil service employment; the assignment to the pay grade and the pay rate shall not change, unless it concerns cases when a current employee, upon commencement of their civil service employment, complied with conditions required for an upgrade to the higher pay grade.

(2) A current employee who was assigned a pay tariff within the scale of pay tariffs defined for the lowest to the highest pay step of the given pay grade and whose pay tariff in line with the binding pay calculation on the last day prior to the commencement of their civil service employment is therefore lower than what is adequate to their applicable experience, shall be assigned, upon commencement of their civil service employment, a pay tariff which would be in line with the pay step in respect of the applicable experience.

(3) A current employee who was assigned a pay tariff within the scale of pay tariffs defined for the lowest to the highest pay step of the given pay grade and whose pay tariff in line with the binding pay calculation on the last day prior to the commencement of their civil service employment is therefore higher than what is adequate to their applicable experience shall be assigned, upon commencement of their civil service employment, a pay tariff which is the closest in value to the pay tariff assigned to an employee within the scale of pay tariffs. The relevant civil servant shall remain at this pay step until they have reached the applicable experience defined for the higher pay step. The same shall apply to a current employee who was assigned to a higher pay step than that which would correspond to their applicable practice.

(4) A current employee receiving contractual pay shall be assigned, upon the commencement of their civil service employment, a pay tariff, a personal supplementary allowance, and a managerial supplementary allowance, or in relevant cases special bonus and/or a supplementary allowance for working in aggravated service conditions, so that the total sum of such income shall correspond to the interim contractual pay; should the personal supplementary allowance, the managerial supplementary allowance, plus the bonus and/or the supplementary allowance for working in aggravated service conditions calculated in line with the above exceed their maximum admissible sum pursuant to this Act, these components of the pay shall be reduced to the maximum admissible sum. The pay tariff shall correspond to the pay grade defined for the respective service post and the applicable experience.

(5) Article 149 (2) shall not apply to civil servants under paragraph (1) above.

#### Article 199

The service authority shall cooperate and coordinate with the Ministry of Labour and Social Affairs and provide the Ministry with data and information necessary for launching of the new system of civil servants' remunerations so that the new system of remunerations could become fully operable as of 1st January 2017.

#### Article 200

##### **Recognition of Employment Relationship of Current Employees and Their Claims**

(1) The calculation of the civil servant's working time pursuant to Articles 185 to 188 and 190 to 192 shall include the time they worked as an employee of public authorities immediately preceding their civil service employment.

(2) Claims of current employees from their employment relationship originating prior to the date they were appointed to the civil service and have not ceased to exist by that date shall be considered, as of the first day of their civil service employment, claims deriving from their civil service employment.

#### Article 201

##### **Exemption from the Education Requirement**

(1) A current employee who has duly executed their duties for a long period of time, although they failed to meet the education requirement for the given post pursuant to the Regulation guiding remunerations of employees of the state administration bodies, may be appointed to the civil service and assigned or appointed to a service post in which they would perform service in a field similar to their post under the previous employment relationship, even in the event that they fail to meet the education requirement for the given service post pursuant to Article 7 (2) (c) to (e).

(2) For the period of service in a service post pursuant to paragraph (1), a civil servant shall be considered a civil servant who meets the education requirement.

(3) A civil servant appointed to the civil service and assigned or appointed to the service post under paragraph 1 may be transferred or assigned to a different service post under Article 49 (2) the part of the sentence before the semicolon, or Article 49 (3), or appointed to a different service post of a senior civil servant under Article 51 (5) the part of the sentence before the semicolon, or Article 51 (6). The provisions of paragraph 2 shall apply accordingly.

#### Article 202

The Directorate General of Civil Service shall be revoked.

#### Article 203

##### **Special Procedure Prior to the Launch of the Civil Service Information System**

(1) The Ministry of the Interior shall launch the public service information system no later than 2 years after the entry in force of this Act.

(2) Prior to the full operation of the Registry of civil servants, the Ministry of the Interior shall keep record of civil servants temporarily released from service, including reasons for their temporary release. The appointing authority shall communicate to the Ministry of the Interior, within 7 days, information on registration numbers, the service rank, specialisation, and pay grade of civil servants temporarily released from service, as well as any changes to such information.

(3) Prior to the full operation of other elements of the public service information system, its functionalities shall be executed by ways determined by the Ministry of the Interior; the Ministry of the Interior shall post such information to its websites.

## Article 204

### **Service Badge**

The service authority shall issue to the civil servant, no later than 31st December 2019, a service badge.

## Article 205

### **Enabling Provisions**

The Government shall promulgate, by ways of a Decree, the following:

- a) service authority organisational rules,
- b) rules to ensure balance of the service and the family and personal life,
- c) rules for service performed from home office and characteristics of activities pertaining to individual fields of service, in respect of which the service from a place from home office may not be arranged,
- d) rules to protect civil servants who reported their suspicion of unlawful conduct of a senior civil servant or another civil servant, an employee, or a person performing service pursuant to another law. The Government shall determine proper measures to protect such whistle-blowers; in particular, the Government shall stipulate conditions under which the whistle-blower would remain anonymous, set up means to report, also anonymously, unlawful conduct of civil servants, and select a procedure to disseminate information on the process and results of investigation of the whistle-blowers' reports and relevant statutory periods.

## PART TWELVE

### REPEALING PROVISIONS

## Article 206

The following shall be repealed:

1. Act No. 213/1948 Coll., on the amendment of some provisions to protect public interest.
2. Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act).
3. Act No. 281/2003 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended by Act No. 131/2003 Coll., and Act No. 309/2002 Coll., and on amendment of Acts in relation to the adoption of the Act on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended by Act No. 123/2003 Coll.
4. Part One of Act No. 426/2003 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and some other Acts.
5. Part Eleven of Act No. 359/2004 Coll., amending Act No. 90/1995 Coll., on the Code of Procedure of the Chamber of Deputies, as amended, and some other Acts in relation to setting up of remunerations and other aspects of service of Members of the European Parliament, elected in the Czech Republic.
6. Part Forty Seven of Act No. 436/2004 Coll., amending some other Acts in relation to the adoption of the Act on Employment.
7. Part Four of Act No. 586/2004 Coll., amending some other Acts in relation to the adoption of the Act on Military conscription (Military Conscription Act).
8. Part Nine of Act No. 626/2004 Coll., on amendment of some Acts pursuant to the implementation of the reform of public finance in the area of remunerations.
9. Part Twenty of Act No. 127/2005 Coll., on Electronic communications and on amendment of some other related Acts (Electronic Communications Act).
10. Part Fifty Four of Act No. 413/2005 Coll., on amendment of some Acts pursuant to the adoption of the Act on the protection of classified information and security clearance.
11. Part Nineteen of Act No. 57/2006 Coll., on amendment of some Acts pursuant to the harmonisation of financial market supervision.

12. Part Forty Four of Act No. 189/2006 Coll., amending some other Acts in relation to the adoption of the Act on Medical insurance.
13. Part Fifty One of Act No. 264/2006 Coll. on amendment of some Acts pursuant to the adoption of the Labour Code.
14. Part One of Act No. 531/2006 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and some other Acts.
15. Part Thirty Five of Act No. 261/2007 Coll., on stabilisation of public budgets.
16. Part Five of Act No. 362/2007 Coll., amending Act No. 262/2006 Coll., the Labour Code, as amended, and other related Acts.
17. Part Twelve of Act No. 305/2008 Coll., amending Act No. 187/2006 Coll., on health insurance, as amended, and some other Acts.
18. Part Twenty of Act No. 306/2008 Coll., amending Act No. 155/1995 Coll., on retirement insurance, as amended, Act No. 582/1991 Coll., on Organisation and Implementation of Social Security, as amended, and some other Acts.
19. Act No. 381/2008 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and Act No. 309/2002 Coll., on amendment of some acts in relation to the adoption of the Act on Service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended.
20. Part Thirty One of Act No. 41/2009 Coll., on amendment of some Acts pursuant to the adoption of the Criminal Cod.
21. Part Ten of Act No. 326/2009 Coll., on promotion of economic growth and social stability.
22. Part Nine of Act No. 30/2011 Coll., amending Act No. 280/2009 Coll., Tax Law, and other related Acts.
23. Part Twenty Two of Act No. 73/2011 Coll., on the Labour Office of the Czech Republic and on the amendment of some Acts.
24. Part Fourteen of Act No. 364/2011 Coll., amending some Acts in relation to the austerity measures under responsibility of the Ministry of Labour and Social Affairs.
25. Part Sixty Seven of Act No. 375/2011 Coll., amending some other Acts in relation to the adoption of the Act on Medical services, Act on specific medical services and Act on medical emergency services.
26. Act No. 445/2011 Coll., amending Act No. 218/2002 Coll., on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended, and Act No. 309/2002 Coll., on amendment of some acts in relation to the adoption of the Act on service of civil servants at public authorities and on remuneration of such civil servants and other public authorities' employees (Civil Service Act), as amended.
27. Part Twenty of Act No. 457/2011 Coll., amending some other Acts in relation to the adoption of the Act on the Internal Revenue Service of the Czech Republic.
28. Part Fifty Four of Act No. 458/2011 Coll., on amendment of Acts in relation to the introduction of the single collection point and other changes in the tax and insurance legislation.

## PART THIRTEEN

### EFFECT

#### Article 207

This Act shall enter into effect on 1<sup>st</sup> of January 2015, with the exception of the provisions of Articles 13, 184, 185, 186, 187, 202 and 206, which shall enter into effect on the day of its publication.

Hamáček m.p.  
Sobotka m.p.



**Annex 1 to the Act**

**Annex 2 to the Act**

Annexes are not digitalised