

Law of the Republic of Azerbaijan On Civil Service

Chapter I GENERAL PROVISIONS

Article 1. Objective of the Law

This Law shall regulate relations between state and civil servants in the area of civil service in the Republic of Azerbaijan and issues related to the legal status of civil servants.

Article 2. Civil service

2.1. Civil service is the performance by civil servants their official duties in the area of implementation of state objectives and functions in accordance with the Constitution and other legislative acts of the Republic of Azerbaijan.

2.2. This Law shall be applied to civil servants employed by bodies of executive, legislative and judicial authorities.

2.3. Service of the civil servants employed in the prosecutor's office, bodies of justice, national security, border service, internal affairs, custom, tax, foreign affairs and field-chasseur service, in the National Bank of the Republic of Azerbaijan shall be regulated by other laws of the Republic of Azerbaijan considering provisions related to the right of citizens of the Republic of Azerbaijan to be recruited to civil service, recruitment to civil service on competition and transparency basis, performance appraisal of the civil servants and other principles of civil service.

2.4. Unless otherwise is provided in this Law, this Law shall not be applied to the President of the Republic of Azerbaijan, deputies of Milli Mejlis of the Republic of Azerbaijan, Prime Minister of the Republic of Azerbaijan and its deputies, judges of courts of the Republic of Azerbaijan, an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman), heads of central executive power bodies and their deputies, chairman, deputies, secretary and members of the Central Election Commission of the Republic of Azerbaijan, chairman, deputy and auditors of the Chamber of Accounts of the Republic of Azerbaijan, officials (heads) of the local executive bodies, deputies of the Supreme Mejlis of Nakhchivan Autonomous Republic, Prime Minister of Nakhchivan Autonomous Republic and its deputies, heads of central executive bodies of Nachchivan Autonomous Republic, as well as military servants.

2.5. This Law shall not be applied to employees of institutions being subordinated to the relevant bodies of executive power. Issues related to service of these employers shall be regulated by the Labour Code of the Republic of Azerbaijan.

2.6. If guaranties provided by relevant laws for civil servants in the bodies stated hereinbefore in article 2.3 of this Law are less than guaranties determined by Law of the Republic of Azerbaijan "On Civil Service", then guaranties determined by Law of the Republic of Azerbaijan "On Civil Service" shall be applied.

Article 3. Main duties of civil service

3.1. Main duties of civil service are the following:

3.0.1. to provide rights and freedoms of citizens on the basis of the Constitution of the Republic of Azerbaijan and other legislative acts;

3.0.2. to draft, approve, implement decisions and supervise over implementation within authorities of state bodies;

3.0.3. to provide efficient activity of state bodies and performance of official duties by civil servants.

Article 4. Principles of civil service

4.1. Civil service shall be based on the following principles:

4.1.1. legality;

4.1.2. determination of limits of legislative, executive and judicial bodies competence in the Republic of Azerbaijan;

4.1.3. supervision over state bodies and civil servants and their accountability;

4.1.4. obligatory execution of decisions of higher state bodies and officials within their authorities by subordinated state bodies and officials;

4.1.5. liability of all citizens and officials to implement legal requirements of civil servants and defend their legal actions;

4.1.6. transparency of recruitment to civil service;

4.1.7. recruitment of the citizens to civil service on the competitive basis;

4.1.8. equality of rights of citizens in occupation of any civil service position due to their abilities, working achievements and professional development;

4.1.9. equality of rights of citizens regardless of race, nationality, language, sex, social origin, marital, property and official status, residence, relation to religion, convictions, membership in social organizations, as well as other aspects not concerning to the professional qualities of servants;

4.1.10. rotation of civil servants aimed to the efficient application of their potential, service and professional development;

4.1.11. social and legal protection of civil servants, ensuring of decent living conditions for them and their families;

4.1.12. liability of civil servants for performance of service obligation, as well as liability of state authority for actions of civil servant.

4.2. Structures of political parties and social organizations shall not be established within state bodies.

4.3. While performing duties, civil servants shall be guided by the Constitution of the Republic of Azerbaijan, laws and other legislative acts adopted thereof and shall not be related to the decisions of political parties and social organization.

Article 5. Civil service management bodies

5.1. Control over implementation of this Law, normative methodical provision of civil service, determination of shortlist of persons eligible for civil service in the Republic of Azerbaijan shall be performed in the Republic of Azerbaijan by Civil Service Management Board of the Republic of Azerbaijan (hereinafter referred to as the Board). The Board shall consist of 18 members. 6 members of the Board shall be appointed by the President of the Republic of Azerbaijan, 6 members – by the chairman of Milli Mejlis of the Republic of Azerbaijan, 6 members – by the chairman of the Constitutional Court of the Republic of Azerbaijan. Authorities of the Board shall be defined by the Regulations approved by a law.

5.2. The Board shall not be a state body and its members shall perform their duties on social bases.

5.3. Obligation of decisions passed by the Board for relevant civil servants shall be accordingly provided by the President of the Republic of Azerbaijan, chairman of Milli Mejlis of the Republic of Azerbaijan and chairman of the Constitutional Court of the Republic of Azerbaijan.

Article 6. Legislation on civil service

Legislation on civil service consists of the Constitution of the Republic of Azerbaijan, this Law, international agreements supported by the Republic of Azerbaijan, other legislative acts regulating legal aspects of civil service of the Republic of Azerbaijan and determining specificity of legal status of civil servants.

Chapter II STATE BODIES

Article 7. Definition of state body

7.1. State body is an organization of civil servants implementing aims and functions of the Republic of Azerbaijan within the limits determined by legislative acts of the Republic of Azerbaijan, established in accordance with legislation and financed from the state budget.

7.2. A department of a state body established in order provided or determined by legislative acts of this body shall be such structure partly fulfilling authority of the state body within the functions assigned thereto.

Article 8. Classification of state bodies

8.1. Due to their duties, state bodies shall be classified as follows:

8.1.1. supreme state bodies of the Republic of Azerbaijan whose principal authorities are determined by the Constitution of the Republic of Azerbaijan or state bodies determined by Constitutional laws of the Republic of Azerbaijan – relevant executive power bodies, bodies directly providing performance of authorities of the relevant executive bodies, Office of Milli Mejlis of the Republic of Azerbaijan, the Constitution Court of the Republic of Azerbaijan, the Supreme Court of the Republic of Azerbaijan, the Judicial-Legal Board, Office of an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman) (state bodies of the 1st category);

8.1.2. superior state body whose principal authorities are determined by the Constitution of the Republic of Azerbaijan and supreme state body of Nakhchivan Autonomous Republic – relevant executive power body and Supreme Mejlis of Nakhchivan Autonomous Republic (state bodies of the 2nd category);

8.1.3. state bodies whose principal authorities are determined by the Constitution of the Republic of Azerbaijan – appeal courts of the Republic of Azerbaijan, relevant executive power body, Supreme Court of Nakhchivan Autonomous Republic (state bodies of the 3rd category);

8.1.4. state bodies whose principal authorities are determined by law on the basis of the Constitution of the Republic of Azerbaijan – Office of the Chamber of Accounts of the Republic of Azerbaijan, Office of the Central Election Commission of the Republic of Azerbaijan, Grave Crimes Court of the Republic of Azerbaijan, Military Court of the Republic of Azerbaijan for the Grave Crimes, Court of Nakhchivan Autonomous Republic for the Grave Crimes, Economic Court of Nakhchivan Autonomous Republic, Secretariat of the Commission on Fighting against Corruption of the Republic of Azerbaijan, Office of the attorney (ombudsman) of the Nakhchivan Autonomous Republic for Human rights (state bodies of the 4th category);

8.1.5. state bodies whose principal authorities are determined in order anticipated by article 113 of the Constitution of the Republic of Azerbaijan – relevant executive power bodies and bodies of

similar authorities, as well as relevant executive power bodies being under relevant executive power bodies, Office of the Central Election Commission of the Nakhchivan Autonomous Republic (state bodies of the 5th category);

8.1.6. state bodies whose principal authorities are determined in order anticipated by articles 113 and 120 of the Constitution of the Republic of Azerbaijan - relevant executive power bodies, state agencies and state services established under relevant executive power bodies, regional centers of the Office of an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman) (state bodies of the 6th category);

8.1.7. state bodies whose principal authorities are determined in order anticipated by articles 113 and 124 of the Constitution of the Republic of Azerbaijan – relevant executive power bodies, local divisions of double subordination of relevant executive power bodies and district bodies subordinated thereto, bodies being subordinated to relevant executive power bodies, state bodies whose principal authorities are determined by law under the Constitution of the Republic of Azerbaijan – district (city) courts, military courts and local economic courts (state bodies of the 7th category).

8.2. *(taken out)*

8.3. Allocation of certain state bodies and their divisions thereof into relevant categories shall be determined on the basis of this law under the legislation of the Republic of Azerbaijan.

Chapter III CIVIL SERVICE POSITION

Article 9. Definition of civil service position

Civil service position is a staff unit conforming to structure organization determined by standard acts and staff list of state body. Limits of authorities and functions of the person holding this position shall be determined depending on the authority of this body.

Article 10. Classification of positions in state bodies

10.1. Positions in state bodies shall be classified as administrative and auxiliary depending on the subject of its functions, sources of authorities and manner of holding a position.

10.2. *(taken out)*

10.3. *(taken out)*

10.4. Legal status of the persons holding political positions shall be determined by other legislative acts and they shall not be subject to this Law, unless otherwise is provided in this Law.

10.5. Administrative positions are positions of heads of offices and departments of state bodies of the 1st-7th category, their deputies, as well as positions of specialists recruited to civil service. Legal status of a person holding an administrative position shall be determined by the legislative acts defining authorities of relevant body, as well as by job descriptions.

10.6. Auxiliary positions are positions of civil servants involving into the technical works in state bodies of the 1st-7th category (clerk, typist, courier, archivist, lift operator, driver and other employees). Legal status of a person holding an auxiliary position shall be determined by the legislative acts defining authorities of the relevant body, as well as by job descriptions.

Article 11. Classification of administrative and auxiliary positions

11.1. Administrative positions shall be classified as follows:

11.1.1. the first grade administrative positions – positions of heads of the office of state bodies of the 1st category, positions of heads of other bodies directly providing performance of the authorities of the President of the Republic of Azerbaijan;

11.1.2. the second grade administrative positions – positions of civil servants providing performance of authorities of the President of the Republic of Azerbaijan in the Executive Office of the President of the Republic of Azerbaijan, positions of heads of department of the 1st category state bodies, positions of heads of offices of the 2nd category state bodies;

11.1.3. the third grade administrative positions – positions of deputy heads of department of the 1st category state bodies, positions of deputy heads of the 2nd category state bodies, positions of heads of departments of the 2nd category state bodies, positions of heads of the office of the 3rd category state bodies;

11.1.4. the fourth grade administrative positions – posts of specialists of the 1st category state bodies, positions of deputy heads of departments of the 2nd category state bodies, positions of heads of departments of the 3rd category state bodies, positions of heads and deputy heads of the office of the 4th and 5th category state bodies, positions in 7th category state bodies – positions of deputy heads of executive power of Baku city;

11.1.5. the fifth grade administrative positions – positions of specialists of the 2nd category state bodies, positions of deputy head of departments of the 3rd category state bodies, positions of heads of departments of the 4th category state bodies and their deputies, positions of heads and deputy head of departments of the 5th category state bodies, positions of heads and deputy head of the office of the 6th category state bodies, 7th category – positions of heads and deputies of local executive power bodies;

11.1.6. the sixth grade administrative positions – positions of specialists of the 3rd, 4th and 5th categories state bodies, positions of heads and deputy heads of departments of the 6th category state bodies, positions of heads and deputy heads of the office of the 7th category;

11.1.7. the seventh grade administrative positions – positions of specialists of the 6th category state bodies, positions in the 7th category state bodies – positions of heads of local departments of double subordination of the bodies of central executive power and regional bodies being under or subordinated them, positions of heads of departments of local executive power bodies, heads of bodies being subordinated to the relevant executive power bodies;

11.1.8. the eighth grade administrative positions – positions in the 7th category state bodies – positions of deputy heads of local departments of double subordination of the bodies of central executive power and regional bodies being under or subordinated them, positions of deputy heads of departments of bodies of local executive power, deputy heads of bodies being subordinated to the relevant executive power bodies;

11.1.9. the ninth grade administrative positions – 7th category state bodies – positions of specialists of local departments of double subordination of the bodies of central executive power and regional bodies being under or subordinated them, positions of specialists of departments of the bodies of local executive power, specialists of bodies being subordinated to the relevant executive power bodies, positions of representatives for territorial entities of the bodies of local executive power, positions of specialists of the office of regional (city) courts, military courts and local economic courts.

11.2. Auxiliary positions shall be classified as follows:

11.2.1. the first grade auxiliary positions – technical positions in the 1st and 2nd category state bodies;

11.2.2. the second grade auxiliary positions – technical positions in the 2nd and 3rd category state bodies;

11.2.3. the third grade auxiliary positions – technical positions in the 3rd and 4th category state bodies;

11.2.4. the fourth grade auxiliary positions – technical positions in the 4th and 5th category state bodies;

11.2.5. the fifth grade auxiliary positions – technical positions in the 5th and 6th category state bodies;

11.2.6. the sixth grade auxiliary positions – technical positions in the 6th and 7th category state bodies.

11.3. Except for the first grade administrative positions referred to in article 11.1 of this Law, in order to receive relevant professional rank (including higher professional rank provided for this position) no less than seven-years of length of service in the state body and no less than three-years of length of service at a relevant position shall be required for the award of respective professional rank to persons holding positions from the 2nd-3rd grades, whereas persons holding positions from the 4th to 7th grades shall have no less than five-years of length of service at state bodies. In this case, both scope of functions and professional and managerial experience of an official shall be also considered. If official does not meet any requirements specified in the first sentence of this article then he shall be awarded with the most junior professional rank established for grade of administrative position he holds. Civil servants being occupied at the third grade positions may be awarded with professional rank of the 3rd rank state counsellor if these persons have no less than ten-year of length of service in proper state bodies and no less than five-year of length of service at a relevant position. In this case, both scope of functions and professional and managerial experience of an official shall be also considered.

11.4. Offices of the state bodies (and structures providing their performance) and their divisions shall be classified with consideration of the 1st-7th category state bodies functions and authorities determined by the Constitution and laws of the Republic of Azerbaijan, as well as characteristics of their performance.

Names of the state bodies (and structures providing its activity) and its divisions shall be defined by the relevant executive power body.

Note:

1. Referring to “state body” in the 1st sentence and “proper state body” in the 4th sentence of article 11.3, it is accordingly supposed a state body where at the moment civil servant works (holds a position), as well as a state body of a grade if civil servant turned to equal status position within one grade.

2. Referring to “at a relevant position” in the first and third sentences of article 11.3, it is accordingly supposed position of civil service occupied in state body where civil servant at the moment serves.

3. Referring to “state bodies (and structures providing their activity)” in article 11, it is accordingly supposed structural unit of the state body covering particularized divisions consisted of civil servants providing performance of duties, functions and authorities of the state bodies.

Article 12. Classification code of administrative and auxiliary positions

12.1. Classification code of administrative and auxiliary positions shall cover information on professional ranks, job titles, division into ranks and eligibility requirements for positions.

12.2. Classification code of administrative and auxiliary positions shall be a basis for foundation of staff list of state bodies and drafting of job descriptions of civil servants. Classification code of administrative and auxiliary positions shall be determined by a body of relevant executive power of the Republic of Azerbaijan.

Article 13. Professional requirements applicable to administrative and auxiliary positions

13.1. Professional requirements applicable to administrative and auxiliary positions shall ensure an availability of sufficient skills for performance of professional duties at a person applying to this position.

13.2. The person applying to the administrative position shall have a relevant university degree. If this person has a different university degree then he shall change specialty and study a profile of the administrative position he applies to.

13.3. The person applying to an auxiliary position shall have a relevant secondary education. If this person has a different secondary education or general secondary education then he shall study a specialty of the auxiliary position he applies to.

13.4. Additional requirements for occupation of administrative and auxiliary positions shall be determined by the legislation and job descriptions.

Chapter IV CIVIL SERVANT

Article 14. Civil servant

14.1. Civil servant shall be a citizen of the Republic of Azerbaijan who holds salaried (the salary should be exclusively paid from the state budget) civil service position in order determined by this Law and swears an oath to the Republic of Azerbaijan.

14.2. Civil servants holding an administrative position and entitled to have authority shall be a state official.

Article 15. The oath of civil servant

15.1. The oath shall confirm open legal relations of duty and loyalty between the Republic of Azerbaijan and civil servant.

15.2. While recruited to civil service the citizen shall swear the following oath:

“I swear to be loyal to the Republic of Azerbaijan, to adhere irrevocably the Constitution of the Republic of Azerbaijan, to keep the state and official secrets confidential, to perform the rights I am entrusted by civil service and to accomplish my official duties impartially, in good faith and solely in compliance with the laws, exerting my best efforts and in the interest of my motherland”.

15.3. The oath shall be carried out solemnly under the State flag of the Republic of Azerbaijan and the civil servant takes an oath keeping his hand on the Constitution of the Republic of Azerbaijan.

15.4. The oath shall be sworn only once. Signed words of the oath shall be kept in the personal file of the civil servants.

15.5. Specifics of the status of the oath in different types of civil service shall be determined in the legislative acts of the Republic of Azerbaijan.

15.6. Persons recruited to the auxiliary civil service positions shall not swear an oath.

Article 16. Professional ranks of the civil servants

16.1. Professional rank of civil servant shall define his professional level, determine classification list of civil service types and state positions he may hold, give a right to get a bonus to the salary of civil servant and to use social benefits.

16.2. The following professional ranks shall be awarded in accordance with administrative positions classification:

16.2.1. for the first grade administrative positions – full state counsellor, state counselor of the 1st rank and state counselor of the 2nd rank;

16.2.2. for the second grade administrative positions – state counsellor of the 1st, 2nd and 3rd rank, chief civil service counselor;

16.2.3. for the third grade administrative positions – state counselor of the 3rd rank, chief civil service counselor and civil service counselor;

16.2.4. for the fourth grade administrative positions – chief civil service counselor, civil service counselor and junior civil service counselor;

16.2.5. for the fifth grade administrative positions – civil service counselor, junior civil service counselor and civil servant of the 1st rank;

16.2.6. for the sixth grade administrative positions – junior civil service counselor, civil servant of the 1st rank and civil servant of the 2nd rank;

16.2.7. for the seventh grade administrative positions – civil servant of the 1st rank, civil servant of the 2nd rank and civil servant of the 3rd rank;

16.2.8. for the eighth grade administrative positions – civil servant of the 2nd rank, civil servant of the 3rd rank and junior civil servant;

16.2.9. for the ninth grade administrative positions – civil servant of the 3rd rank, junior civil servant.

16.3. The following professional ranks shall be awarded in accordance with auxiliary positions classification:

16.3.1. for the first grade of auxiliary positions – chief civil service expert, senior civil service expert;

16.3.2. for the second grade of auxiliary positions – senior civil service expert, civil service expert of the 1st rank;

16.3.3. for the third grade of auxiliary positions – civil service expert of the 1st rank, civil service expert of the 2nd rank;

16.3.4. for the fourth grade of auxiliary positions – civil service expert of the 2nd rank, civil service expert of the 3rd rank;

16.3.5. for the fifth grade of auxiliary positions – civil service expert of the 3rd rank, junior civil service expert;

16.3.6. for the sixth grade of auxiliary positions – junior civil service expert.

Article 17. Award of professional ranks

17.1. Professional rank shall be awarded in order according to article 16 of this Law in compliance with specialization, holding position and length of service, as well as previous ranks of a civil servant. Length of service of a civil servant shall also cover the period of service in state, soviet and party bodies prior to the 18th October of 1991.

17.2. In order to award higher professional rank within professional ranks determined for the relevant administrative positions referred to in article 16 of this Law hereof the following requires:

17.2.1. for the fourth-sixth grades positions – service period at these positions shall consist 3 years;

17.2.2 for the seventh-ninth grades positions – service period at these positions shall consist 2 years.

In order to award higher professional rank within professional ranks determined for the relevant auxiliary positions referred to in article 16 of this Law hereof the following requires:

for the first-third grades positions - consecutive service period at this position shall consist 2 years.

17.3. Professional ranks from the junior civil service expert to the chief civil service counsellor shall be awarded on the basis of the personal application of a civil servant. The application shall be enclosed with the references of two civil servants with professional rank not lower than applied one, as well as documents certifying education of an applicant and his personal file.

17.4. Order of professional ranks awarding shall be determined by the relevant legislation of the Republic of Azerbaijan.

17.5. The 3rd rank state counsellor and higher ranks shall be awarded in order anticipated in clauses 24 and 32 of article 109 of the Constitution of the Republic of Azerbaijan. Civil servants awarded with these professional ranks shall obtain a proper legal act and certificate.

17.6. Except for the conditions specified in article 25.2.6 and 33.1.5 of this Law, civil servant shall retain his professional rank in all conditions of civil service employment termination.

Article 18. Principal duties of civil servant

18.0. Civil servant shall be liable to the following:

18.0.1. implement legislative and other standard legal acts passed by state bodies;

18.0.2. perform the orders, resolutions and instructions of the officials issued within their authorities;

18.0.3. follow service regulations specified in state bodies;

18.0.4. prevent any actions might complicate work of other civil servant or damage the reputation of the state body he/she works at;

18.0.5. timely consider appeals of the citizens, enterprises, institutions and organizations and impartially settle it within his/her authorities;

18.0.6. perform an additional work upon the instruction of the official within his/her speciality if required;

18.0.7. permanently keep state secret and other secrets protected by law including in case of employment termination and retirement;

18.0.8. keep confidential an information revealed during performance of official duties and related to the private life, honour and dignity of the citizens, not demand such information excepting the cases anticipated by law.

18.0.9. submit annual financial report on personal income and property condition to the official of the body he/she is recruited to, with indication of source, type and amount of additional income;

18.0.10. temporarily move to the different place of residence, work in the different place or perform other functions in cases and order determined by legislation;

18.0.11. make medical check-up in order to determine his/her physical and mental capacity or capability to fulfil functions he/she is assigned in cases and order determined by legislation;

18.0.12. observe the ethics conduct rules.

Article 19. Principal rights of civil servant

Civil servant shall have the following rights:

19.0.1. to require and obtain from the state bodies, public organizations, enterprises, institutions and organizations the information and materials needed for fulfilment of his/her official duties in determined order;

19.0.2. to require written identification of his/her official duties and provision of conditions for its fulfilment from the state officials entitled to recruit and dismiss a civil servant;

19.0.3. to get state salary;

19.0.4. to claim the service promotion or increase of state salary considering professional development and fulfilment of official duties;

19.0.5. to be engaged in scientific and creative activity, to be involved in pedagogical and other paid activity with a permission of the head of state body;

19.0.6. to get a profit from deposits, securities, rent and lease;

19.0.7. at the first request, to acquaint with all materials of his/her personal file, references and other documents being filed therein, as well as to demand inclusion of his/her statements to the personal file;

19.0.8. to demand conducting of official investigation in order to refute an information damaging his/her honour and dignity;

19.0.9. to protect his/her legal rights and interests in a relevant bodies and court;

19.0.10. to join trade unions;

19.0.11. to demand written issuance of instruction or order received from a head of the body civil servant is employed to and being obligatory for execution, if he/she suspects in legality or credibility of such instruction or order;

19.0.12. to be a member of social organizations unless otherwise is provided in legislation and if it is not incompatible with performance of functions of civil servant's;

19.0.14. to be educated at the state expense and get a relevant training, as well as to take a leave with educational purpose in order anticipated in the law;

19.0.14. to take leaves (social leaves, sick leaves related to own or family members treatment, scientific leaves), to receive pensions and allowances due to own or family members disability in cases and order anticipated in legislation.

Article 20. **Liabilities related to civil service**

20.1. The civil servant shall not be entitled to the following:

20.1.1. to hold an additional paid position in state bodies;

20.1.2. except for scientific and creative activity, to be involved in pedagogical and other paid activity without a permission of the head of state body;

20.1.3. to be an attorney of the third persons on cases of state or local self-governing bodies;

20.1.4. to use for the benefit of third persons an information on issues concerning his/her civil service and state secret or any other secret being protected by the law within the terms specified by the legislation of the Republic of Azerbaijan after resignation or retirement;

20.1.5. to travel abroad at the expense of foreign country not notifying the head of the state body he/she is employed to;

20.1.6. to take part in activity of the political parties during fulfilment of service duties;

20.1.7. to participate in strikes and other actions damaging work of the state authorities;

20.1.8. to use the status of civil servant in order to promote a religion and to officiaize religious actions in the objects being subordinated to the state bodies;

20.2. Member of the Election commission with a decisive vote must not be engaged in civil service.

20.3. If actions of civil servant conflict with requirements of this article, he/she shall upon receipt of notification determine for himself/herself whether he/she prefers civil service or other activity and inform the head of the state body on this decision within thirty (30) days unless otherwise is provided in the legislation.

Article 21. **Guarantees for civil servants**

21.1. Civil servants shall be provided with the following warranties:

21.1.1. the state salary and other allowances ensuring decent living conditions of a civil servant;

21.1.2. required working conditions;

21.1.3. paid leave;

21.1.4. obligatory medical insurance for civil servants and their family members;

21.1.5. re-training and professional development;

21.1.6. in case of liquidation of a state bodies or reduction of the staff to be recruited due to positional salary and profession or privilege to hold a position in another state body corresponding to previous position;

21.1.7. pension allowance and state social insurance;

21.1.8. insurance related to fulfilment of official duties in order determined by the law;

21.1.9. a service transport or a relevant compensation considering nature of fulfilled official duties;

21.1.10. protection of a civil servant and members of his/her family from violence, threats and offence against him/her and his/her family members related to fulfilment of his/her official duties.

21.2. *(taken out)*

21.3. Civil servant may be transferred to another less paid position only with his/her own consent excepting provisions anticipated in article 25 of this Law.

21.4. Changes in bodies of state power, as well as in the governance structure of state bodies shall not be a base for civil service termination.

21.5. The warranties for civil servants holding auxiliary positions shall be determined by the Labour Code of the Republic of Azerbaijan.

Article 22. **State wage**

22.1. State wage is a payment paid to a civil servant. Amount of state salary shall depend on scope of authority, rank of liability, level of professionalism required and length of service at the position.

22.2. State wage shall consist of official salary, bonuses and allowances to the official salary (allowances paid for professional rank, length of service, etc., at civil service).

22.3. Amount of the salary of civil servant of the 9th grade administrative positions shall be equated to minimum official salary specified for administrative positions by the legislation of the Republic of Azerbaijan. Amount of the salary of civil servant of the 6th grade auxiliary position shall be equated to minimum official salary specified for auxiliary positions by the legislation of the Republic of Azerbaijan. Amount of official salary of civil servants shall be determined in accordance with the classification of civil service positions. An official salary of each following classification shall exceed the previous salary in percentage amount determined by the legislation. A resolution on determination of official salary of a civil servant shall be passed every time when he is assigned for position.

22.4. There shall be determined higher coefficient for official wages in the state bodies with service conditions being dangerous for life and health or especially hard. Order of coefficient determination, basis of its assignation and amount shall be specified by a relevant law of Azerbaijan Republic.

22.5. Local coefficients to official wages of civil servants shall be determined in accordance with relevant law of the Republic of Azerbaijan.

22.6. Along with passing resolution on entitling of a civil servant with power authority, an allowance to his/her salary shall be determined for performance of relevant authority in the amount specified by the legislation.

22.7. Starting from the second year of service an additional wages shall be paid to a civil servant for the length of official service and this wage shall be increased in order specified by the legislation. Amount of a wage shall be determined by the legislation. This article shall also be applied to the persons holding positions of the Prime Minister of the Republic of Azerbaijan and its deputies, the Prime Minister of Nakhchivan Autonomous Republic and its deputies, head of body of central executive power of the Republic of Azerbaijan and its deputies, head of body of central executive power of Nakhchivan Autonomous Republic and its deputies, head (chief) of body of local executive power.

22.8. Order of assignation of allowance for performance of power authority to civil servant shall be determined by the respective law of the Republic of Azerbaijan.

Article 23. Pension guarantees for civil servants

23.1. Foundation for pension guarantee of a civil service and its order shall be determined by a relevant Law of the Republic of Azerbaijan considering provisions of this article.

23.2. Amount of civil servant pension shall depend on length of civil service and amount of state salary. Minimum limit of service years required for assignation of state pension shall be 5 years.

23.3. In accordance with relevant legislation a civil servant voluntarily retiring due to attaining the retirement age or disability and not having minimum limit of years in civil service shall be assigned with lifelong allowance in amount determined by the legislation.

23.4. Amount of pension and allowance of civil servant shall be re-calculated in order specified by a relevant body of executive power according to the following increase of amount of state salary of acting state servant.

23.5. In case of death of a civil servant or retiree, family members having a right to receive a labour pension due to loss of family head shall receive a percentage of the pension specified by the relevant law.

Article 24. Reward of civil servants

24.1. Diligence service of civil servant during performance of his/her official duties shall be comprehensively rewarded. Types and rules of civil servants reward shall be defined by the legislation.

24.2. Professional development and loyalty to official duty and oath of a civil servant shall be rewarded by the state. Confirmation of services of civil servant by the state shall consist of three ranks of insignia "For the service for Motherland", a medal "For merits in civil service", rewarding of other orders and medals, as well as award of honorary titles of the Republic of Azerbaijan. The regulations and rules on awarding of civil servants by orders and medals as well as honorary titling shall be determined by the legislation.

Articles 25. **Liabilities of civil servants**

25.1. Non-performance or unduly performance of the duties assigned to civil servants, as well as non-compliance of liabilities determined by this Law shall be the cause of disciplinary proceedings, unless otherwise is provided in the law.

25.2. If civil servants infringe requirements anticipated in article 18 of this Law then they may be applied with the following disciplinary actions:

- 25.2.1. a rebuke;
- 25.2.2. reduction in salary from 5% up to 30% for a period of one year;
- 25.2.3. transfer to the same grade but less paid position;
- 25.2.4. transfer to the lower grade position;
- 25.2.5. demotion of professional rank
- 25.2.6. deprivation of professional rank;
- 25.2.7. dismissal from the civil service.

25.3. Disciplinary actions mentioned in paragraphs 25.2.4, 25.2.5, 25.2.6 and 25.2.7 of this Article shall be applied by a head of the state body a civil servant is employed to.

25.4. In order to cancel applied disciplinary action it may be appealed to the relevant executive power body within seven (7) days. Then this body shall either cancel or remain in force disciplinary actions within ten (10) days. The rules for appealing on the disciplinary action shall be determined by the legislation of the Republic of Azerbaijan considering the provisions of this article.

25.5. A civil servant may be called to administrative or criminal responsibility in cases and order anticipated by the legislation.

25.6. Civil servants shall bear material responsibility for the damage caused by their fault in the order determined by the legislation. Damage caused by legal actions of civil servants shall be fully reimbursed at the expense of state budget.

25.7. If civil servant does not meet requirements set forth in article 5.1 of the Law of the Republic of Azerbaijan “On fighting against corruption” or creates law infringements (administrative or criminal responsibility) indicated in article 9 of the same law, then he/she must be called to the disciplinary responsibility.

Article 26. **Liability of civil servant on performance of illegal instruction**

26.1. Civil servant shall be responsible for legality of his/her actions.

26.2. If in spite of the protest of civil servant considering instruction of an official as illegal this official holds his/her instruction in force and higher official does not cancel such instruction then civil servant shall be exempted from liability.

Chapter V CIVIL SERVICE

Article 27. **Right to be recruited for civil service**

27.1. Citizens of the Republic of Azerbaijan aged 16 owning professional skills in accordance with requirements of the relevant position shall have the right to be recruited for civil service

regardless of race, nationality, language, sex, social origin, property status, place of residence, religion, beliefs, membership in social and other organizations.

27.2. Any person shall not be recruited for civil service in the following cases:

27.2.1. if his/her incapability or limited capability is confirmed by court decision;

27.2.2. if court has deprived him/her of a right to hold civil position for certain period of time;

27.2.3. in case of close or kin relationship (spouses, their parents, brothers, sisters, children) with civil servant subject to direct subordination or supervision;

27.2.4. in other cases determined by legislation.

27.3. Working ability of a person being recruited for civil service may be preliminary verified. The order of verification shall be determined by legislation. Private (family) life details shall not be verified.

Article 28. **Recruitment to the civil service**

28.1. Citizens shall be recruited to the civil service on the basis of competition or interview.

28.2. When vacancies for positions relating to the sixth-ninth grades administrative positions appear, the relevant executive power body shall advertise a competition for filling these positions. Advertisement of the competition only for the representative of one gender is prohibited except for cases provided for in legislation

28.3. Persons wishing to participate in the competition shall submit documents to the relevant executive power body within 30 days from the day of advertising a competition.

28.4. A competition shall be held within 10 days after closing day of advertisement and consist of single test examination and interview. The procedure for advertisement, holding and passing respective decision on the results of the competition shall be determined by the relevant legislation of the Republic of Azerbaijan.

28.5. Persons successfully passed testing shall be allowed to interview. Test samples shall be prepared and approved in order determined by relevant legislation of the Republic of Azerbaijan.

28.6. Unless otherwise is provided by legislation, candidatures passed competition shall be introduced to the head of state body. The head of state body shall select and, by own decision, recruit one of the introduced candidatures for trial period of one year and appoint him/her to vacant position. During the trial period, a supervisor assigned for this purpose by the head of a state body shall monitor the work of a trialer, and upon completion of the trial period, the supervisor shall submit his/her recommendation on whether or not recruitment of the trialer to civil service is expedient. Unless otherwise is provided in legislation, in case of positive recommendation, the trialer shall be recruited by signing a labour agreement (contract) with two-year trial period. The contract shall determine job conditions during trial period. Sample of labour contract recruited for trial period shall be approved in order determined by the Republic of Azerbaijan. If the contract is not violated during trial period then after completion of this period the head of state body following the terms of the contract shall pass an order on permanent recruitment of this person to the civil service and conclude relevant agreement with him/her. Other issues regarding a trial period shall be determined by the legislation.

28.7. Recruitment to the permanent civil service shall be approved by a document of the respective state body on behalf of the Republic of Azerbaijan.

Article 29. **Holding of administrative positions**

29.1. Holding of the positions corresponding to the 1st-5th grade administrative positions of the classification shall be performed by competition or promotion.

29.2. Holding of positions corresponding to the 6th-9th grade administrative positions in state bodies shall be performed by competition on the basis of decision of the head of this state body in order provided for in article 28 of this Law or interview under articles 29.3-29.9 of this Law.

29.3. Holding of the positions corresponding to the 6th-9th grade administrative positions in state bodies by persons working as civil servants at the administrative positions in the same or other state bodies, as well as persons having minimum 5 years service experience and working at the administrative positions shall be performed by an interview.

29.4. A competition advertisement shall be given one month prior to the date of an interview through mass media by the state body the administrative position referred to or relevant executive power body basing on request of this state body.

29.5. Civil servants whose professional rank is no more than two ranks lower than the rank relevant for the vacant position shall be allowed to an interview.

29.6. An interview shall be held by a commission established by a head of the relevant state body in order determined by the relevant executive power body.

29.7. Commission provided for in article 29.6 of this Law shall consist of minimum three members including representative of the relevant executive power body.

29.8. Eligibility to the relevant position shall be determined by knowledge level, professional development, general world-view, abilities required for an interviewing position that are revealed during an interview.

29.9. The following shall be considered during an interview:

29.9.1. professional rank;

29.9.2. attestation results;

29.9.3. re-training and professional development according to requirements of a vacant position.

29.10. The decision on holding of the relevant administrative position shall be made due to results of an interview.

29.11. If relevant administrative position is not occupied in result of an interview, competition may be held in order provided for in article 28 of this Law on the basis of decision of the head of state body about holding such position on competitive ground.

Article 30. Terms of civil service

30.1. Working time in civil service shall be 40 hours per week. Shortened working time may be determined by law for different categories of civil servants.

30.2. If service requires, the head of a state body in exceptional cases may increase the working time up to 5 hours per month without additional remuneration. If working time is increased for more than 5 hours the civil servant shall be paid overtime for each additional hour.

30.3. Once in a year civil servants shall be entitled for paid annual leave for a period of 30 calendar days. An additional paid leave shall be granted for the length of service in the following order:

- 30.3.1. for service from 5 to 10 years – 2 calendar days;
- 30.3.2. for service from 10 to 15 years – 4 calendar days;
- 30.3.3. for service more than 15 years – 6 calendar days.

30.4. Civil servants sent on business travel shall be provided with the following:

- 30.4.1. accommodation in a hotel or service living area, and separate service housing area if business travel lasts more than 6 months;
- 30.4.2. workplace, possibility to use communication facilities;
- 30.4.3. other required technical and social services, including services financed by the body sent him/her to a business trip.

30.5. A civil servant, temporarily transferred to another location for service, shall have a right to take the family with him/her. He/she shall be provided with service apartment equipped with all domestic accessories according to living standards, his/her living area at the place of previous service shall also be kept. Family members of civil servants shall be supported in employment or arrangement to educational institutions, placed in pre-school institutions and, if necessary, shall be rendered with medical services at the expenses of body sending civil servant to the business travel. Other issues related to temporary transfer of civil servant to another service shall be regulated by the Labour Code of the Republic of Azerbaijan.

30.6. The labour relations of civil servants holding auxiliary positions shall be regulated by the Labour Code of the Republic of Azerbaijan with consideration of provisions of this Law.

Article 30-1. Performance appraisal of the civil servants

30-1.1. The service performance of civil servants holding administrative positions shall be appraised in the end of each calendar year. Aim of the service performance appraisal of the civil servant is to assess performance of his duties during the year, carrying out of requirement on holding position, as well as to define future development of the employee. The service performance appraisal results shall be taken into consideration during attestation of the civil servant.

30-1.2. Performance appraisal of the civil servant shall be carried out by his direct supervisor.

30-1.3. Service performance of the civil servant shall be assessed due to the following criteria:

- 30-1.3.1. professional knowledge;
- 30-1.3.2. attitude to the service positions;
- 30-1.3.3. ability to analyze, problem-solving and decision making;
- 30-1.3.4. creativeness and initiative;
- 30-1.3.5. labor discipline
- 30-1.3.6. working experience and sharing such experience
- 30-1.3.7. ability to team-working, sociability, relations between workers.

30-1.4. Besides points indicated in article 30-1.3 of this Law service performance of the managing servants shall be assessed on the following basis:

- 30-1.4.1. analysis and forecasting;
- 30-1.4.2. management;
- 30-1.4.3. ability to influence and inspire inside the team;
- 30-1.4.4. ability to build a team.

30-1.5. Service performance of the civil servant shall be appraised as follows:

- 30-1.5.1. perfect;
- 30-1.5.2. good;
- 30-1.5.3. satisfactory;
- 30-1.5.4. unsatisfactory.

30-1.6. Results of the service performance appraisal of the civil servant shall be made officially through document on service performance appraisal. Performance of the civil servant shall be appraised in this document due to all criteria and relevant comments shall be given. The opinion of the civil servant, whose service performance has been appraised, shall be added to the document on service performance appraisal.

30-1.7. The standard acts on rules referring to the service performance appraisal of the civil servant shall be accepted by the relevant executive power body.

30-1.8. Results of the service performance appraisal of the civil servant shall be added to his/her personal file.

Article 31. **Attestation of civil servants**

31.1. Each civil servant holding administrative and auxiliary positions shall be attested not more than once in five years.

31.2. An attestation shall be performed collectively, impartially with involvement of independent experts. Structure of attestation commission and attestation results shall be approved by the relevant civil service management body. If civil servant is considered as not eligible for holding position then question on his/her demotion or dismissal should be raised.

31.3. During attestation professional, diligence and ethical qualities of civil servant shall be evaluated and conclusion on his/her eligibility for held position shall be made.

31.4. Main objectives of attestation shall be as follows:

31.4.1. definition of eligibility of a civil servant for holding position;

31.4.2. revealing of possibility to use potential abilities, encouraging him/her to professional development;

31.4.3. definition of needed degree of professional development or re-training of a servant;

31.4.4. provision with opportunity to compose a long-term plan for staff promotion as well as timely dismissal of civil servant or his/her demotion.

31.5. An attestation shall assist in revealing of common staff potential and optimal ensuring of functional assignment of a state body.

31.6. Civil service management body shall approve the concrete date as well as schedule of attestation holding and inform the persons passing an attestation at least one month prior to starting of attestation.

31.7. Civil servants holding their positions less than 1 year, as well as trialers shall not hold an attestation. Females being on maternity leave shall hold an attestation not earlier than one year after returning to work.

31.8. In order to perform an attestation, an attestation commission consisting of the chairman, secretary and at least five commission members shall be approved. Attestation commission, which structure is periodically changed, shall include highly qualified specialists and invited scientific experts.

31.9. Each civil servant being obliged to hold an attestation shall be given a service reference by his/her direct supervisor not later than two weeks prior to the attestation. The reference shall include comprehensive assessment of personality, personal abilities, strengths and weaknesses of an employee, working results of employee during previous period. Attestation lists of previous attestations shall also be presented at the following attestations.

31.10. Each employee holding an attestation should become acquainted with his reference beforehand, at least two weeks prior to an attestation.

31.11. During attestation of employee head of structural subdivision where employee works, should participate in this attestation. Attestation commission shall hear his information on performance of employee holding an attestation and consider presented documents.

31.12. In case of non-appearance of civil servant to the meeting of attestation commission due to unreasonable excuse, commission may carry out an attestation in his/her absence.

31.13. On the basis of results of civil servant attestation, attestation commission may evaluate as follows:

31.13.1. eligible for the holding position;

31.13.2. eligible for the holding position at improvement of work and implementation of recommendations of commission subject to repeated attestation in one year;

31.13.1. not eligible for the holding position.

31.14. On the basis of results of an attestation, the attestation commission may give recommendations on encouragement of different civil servants for achieved merits, change of official salaries on relevant positions, determination of allowances to official salaries, change or cancellation of allowances, inclusion into reserve for promotion, demotion or dismissal, as well as raise proposals on professional development of persons passed attestation, improvement of results of service and job performance. In this case, raising relevant proposals, commission should indicate what considerations it is guided by.

31.15. Assessment given to the performance of civil service and recommendation of commission for person holding an attestation shall be passed by open vote in the absence of this person.

31.16. Attestation and voting shall be carried out with participation of at least two third of members of the attestation commission being in approved structure. Voting results shall be determined by majority vote. In case of equal vote, civil servant passing an attestation shall be considered as eligible for the holding position. If civil servant holding an attestation is a member of attestation commission, he shall not participate in voting. Civil servant shall be informed on attestation results immediately after the voting.

31.17. Attestation results (assessment and recommendations) shall be included into attestation list (annex) drafted in one copy and signed by the chairman, secretary and members of attestation commission participating in voting.

31.18. Attestation list and reference of civil servant passed an attestation shall be kept in his/her personal file and its copy shall be given to a civil servant passed an attestation.

31.19. Considering assessment and recommendations of attestation commission and observing acting legislation, decisions on material and moral encouragement of different civil servants for achieved merits, determination of allowances to their official salaries, change or cancellation of allowances, direction to professional development, promotion or demotion of civil servants, dismissal of civil servants not being eligible to holding position due to results of attestation shall be passed or attention of a person holding an attestation shall be attracted to disadvantages in performance of service duties or weak results of his/her activity.

31.20. Such decisions shall be passed not later than on the expiry of 2 months from the day of holding an attestation by civil servant. After expiry of this period, decrease of official salary of civil

servant, decrease and cancellation of paid allowance, dismissal of civil servant on the basis of results of attestation shall not be allowed.

31.21. Time of sick leave and vacation of civil servant shall not be included in this two-month period.

31.22. Civil servant may appeal attestation results to the relevant executive power body.

Article 32. **Right of promotion at civil service**

32.1. Civil servant may be promoted at civil service through appointment to a higher rank position or award of a higher professional rank, as well as in result of competition.

32.2. Right of promotion at civil service shall be carried out with consideration of successful and fair performance of duties by civil servants, existence of vacant position, as well as results of practice, re-training and professional development in accordance with requirements of vacant position.

32.3. Rejection from promotion of servant may be appealed in order determined by legislation, i.e. only in cases of infringements of competition or attestation holding order.

32.4. Appointment to new position shall be performed on behalf of the Republic of Azerbaijan and approved by the document (certificate) of relevant body.

Article 33. **Termination of civil service**

33.1. Civil service shall be terminated on the following bases:

33.1.1. *(taken out)*

33.1.2. voluntary resignation of a civil servant holding an administrative position and owning professional rank;

33.1.3. dismissal of a civil servant holding an administrative position;

33.1.4. dismissal of a civil servant holding an auxiliary position in accordance with the labour legislation;

33.1.5. dismissal of a civil servant due to renunciation of citizenship of the Republic of Azerbaijan;

33.1.6. bringing to criminal liability in result of imprisonment of a civil servant for a period exceeding 1 year.

33.2. *(taken out)*

33.3. In case of voluntary retirement of civil servant due to attainment of retirement age in accordance with relevant legislation, such person shall be granted with lump-sum in the amount of six-fold monthly pension calculated in general order and tax shall not be withheld from this amount.

33.4. If civil servant voluntarily resigns and in case of existence of decision of head of state body, civil servant shall continue civil service during three months after presenting of voluntary application on resignation.

33.5. As article 33.1.3 of this Law provides, dismissal of civil servant shall be allowed by decision of the head of relevant body in the following cases:

33.5.1. on the basis provided by the Labour Code of the Republic of Azerbaijan;

33.5.2. refusal from abdication of authorities of deputy of Milli Mejlis of the Republic of Azerbaijan if holding of civil service position is incompatible with the deputy status of Milli Mejlis of the Republic of Azerbaijan;

33.5.3. transfer to another employment prohibited by this Law outside civil service.

33.6. Unless otherwise is provided in labour agreement (contract), civil servant without professional rank shall be dismissed within at latest 3 months from the date of presenting of an application on voluntary resignation.

33.7. Civil servant may, on his/her own initiative and by authority of head of a body that appointed him/her to position, be sent to long-term unpaid leave.

Chapter IV FINAL PROVISIONS

Article 34. Other issues of civil service

Other issues related to performance of civil service not regulated by this Law and legislation acts passed in accordance with this Law shall be regulated by labour legislation of the Republic of Azerbaijan.

Article 35. Effectiveness of this Law

This Law shall become effective from the 1st of September, 2001.

The President of the Republic of Azerbaijan

Heydar Aliyev

Baku city, 21st of July 2000

No 926-IQ

With amendments made on the basis of laws No 74-IIQD dated of 13 February 2001; No 359-IIQD dated of 02 July 2002; No 398-IIQD dated of 03 December 2002; No 569-IIQD dated of 30 December 2003; No 597-IIQD dated of 05 March 2004; No 646-IIQD dated of 04 May 2004; No 684-IIQD dated of 08 June 2004; No 751-IIQD dated of 10 September 2004; No 886-IIQD dated of 15 April 2005; No 914-IIQD dated of 10 May 2005; No 980-IIQD dated of 01 September 2005; No 78-IIIQD dated of 03 March 2006; No 108-IIIQD dated of 12 May 2006; 122-IIIQD dated of 30 May 2006; 159-IIIQD dated of 10 October 2006, 179-IIIQD dated of 28 November 2006, 246-IIIQD dated of 16 February 2007, 303-IIIQD dated 10 April 2007, 356-IIIQD dated of 31 May 2007; 420-IIIQD dated of 1 October 2007; 424-IIIQD dated of 1 October 2007; No 458-IIIQD dated of 19 October 2007; No 462-IIIQD dated of 19 October 2007; No 504-IIIQD dated of 7 December 2007; No 510-IIIQD dated of 7 December 2007