

LAW
OF THE REPUBLIC OF ARMENIA

Adopted on 23 March 2018

ON CIVIL SERVICE

CHAPTER 1

GENERAL PROVISIONS

Article 1. Subject matter of the Law

1. This Law shall regulate relations pertaining to organisation of the civil service of the Republic of Armenia, classification of civil service positions, filling of civil service positions, performance evaluation and training of civil servants, the legal status of civil servants, dismissal from the position, termination of the service, as well as other relations in connection with civil service as an individual type of state service.

Article 2. Scope of the Law

1. The scope of this Law shall extend to the persons holding positions provided for by the namelist of civil service positions within the legislative, executive and judicial bodies, the Staff to the President of the Republic, the Prosecutor's Office, investigation bodies, independent state bodies, autonomous bodies, the Staff to the Human Rights Defender, as well as within the state bodies subordinate to the Government, the Prime Minister and ministries (hereinafter referred to as “relevant body”).

2. Relations of state service within the bodies provided for by part 1 of this Article shall be regulated by this Law, unless peculiarities are prescribed by other laws.

3. In services (bodies), for which peculiarities are provided by other laws on state service, servants implementing supporting professional functions shall be civil servants.

Article 3. Legal acts of the Republic of Armenia on civil service

1. Relations pertaining to civil service shall be regulated by the Constitution of the Republic of Armenia, this Law, the Law of the Republic of Armenia “On public service”, the Law of the Republic of Armenia “On remuneration for persons holding state positions and state service positions”, decisions of the Government, Prime Minister and Deputy Prime Minister coordinating the civil service (hereinafter referred to as “the coordinating Deputy Prime Minister”), as well as by other legal acts.

2. Civil service shall be organised on the basis of the principles prescribed by Article 12 of the Law of the Republic of Armenia “On public service”.

3. Relations pertaining to main rights and obligations of civil servants, social guarantees, integrity system and other relations deriving from these legal regulations, which are mandatory for civil servants, shall be regulated by the Law of the Republic of Armenia “On public service”.

The conditions and procedures relating to the exercise of rights — deriving from this Law — of the citizens joining the civil service shall be adopted by the Government, and the peculiarities of organisation of the service shall be defined by the coordinating Deputy Prime Minister.

Article 4. Main concepts used in the Law

1. The following main concepts shall be used in this Law:

(1) **civil service** — a merit-based professional activity which is characterised by career advancement, requires political neutrality and is carried out within the relevant bodies provided for by part 1 of Article 2 of this Law, with a view to carrying out the powers vested in those bodies by the legislation of the Republic of Armenia;

(2) **civil service position** — a staff unit provided for by the namelist of civil service positions which is placed in the management system requiring rights and obligations deriving from the legal acts and objectives defining the competence of the relevant body, as well as requiring professional knowledge and competencies;

(3) **namelist of civil service positions** — the list of all civil service positions formed as prescribed by Article 5 of this Law;

(4) **civil servant** — a citizen of the Republic of Armenia that holds a civil service position as prescribed by this Law and carries out professional activity reserved for that position or is registered in the personnel reserve of the civil service and remunerated from the State Budget of the Republic of Armenia;

(5) **job description for the civil service position** — a document, approved as prescribed by this Law, describing the functions, rights and obligations of the civil servant deriving from the legal acts and objectives defining the competence of the relevant body, as well as communications and accountability thereof and providing for professional knowledge and competencies necessary for effective performance of such functions, as well as providing for its placement in the management system;

(6) **training of civil servants** — consistent and continuous improvement of professional knowledge and competencies of civil servants;

(7) **personnel reserve of the civil service** — a registry in which civil servants, dismissed from civil service positions, are registered in the cases and in the manner prescribed by this Law;

- (8) **intern** — a person registered in the relevant bodies to acquire work experience, as prescribed by part 6 of Article 31 of this Law;
- (9) **integrity affairs organiser** — a civil servant of the staff management subdivision, the job description for the position whereof enshrines rights and obligations with regard to the integrity requirements of the civil service;
- (10) **competency** — a unity of knowledge, skills, abilities and conduct which is necessary for the effective performance of the functions provided for by the job description for the position;
- (11) **professional knowledge** — a unity of information, concepts, ideas, facts and circumstances which is necessary for the effective performance of the functions provided for by the job description for the position;
- (12) **equal position** — a civil service position included in the same subgroup of the relevant group of the civil service position in the namelist of civil service positions;
- (13) **official examination** — examination of issues related to official duties and/or integrity of the civil servant and/or his or her activity and/or labour relations;
- (14) **information platform of the civil service** — an electronic programme managed by the Bureau of the Civil Service of the Staff to the Prime Minister (hereinafter referred to as “the Bureau of the Civil Service”);
- (15) **professional work record** — work record complying with qualification referred to in the document verifying higher education, and in case higher vocational education is prescribed by the job description for the given position — in the document verifying that education, irrespective of work completed in state or private sectors. Professional work record shall include the period of employment after getting the relevant qualification;
- (16) **temporary vacant position** — a fixed-term vacant position on the bases provided for by part 1 of Article 13 of this Law.

CHAPTER 2

JOB DESCRIPTIONS FOR CIVIL SERVICE POSITIONS AND NAMELIST OF POSITIONS, CLASSIFICATION OF POSITIONS

Article 5. Approving (changing) job descriptions for civil service positions and namelist of positions

1. Job descriptions for civil service positions shall be prescribed based on professional requirements for the given managerial level which is conditioned by the tasks reserved to the relevant body by the legal acts defining the competence thereof. Each civil service position shall have a name that accurately reflects the basic functions of the civil service position and does not bear general character.
2. In the relevant bodies, job descriptions for civil service positions shall be approved by the General Secretary of the given body, and in the Audit Chamber — by the Audit Chamber.
3. A change in the job description for the civil service position shall not be a ground for dismissing from the civil service position or terminating the service, except for part 1 of Article 23 of this Law.
4. The namelist of civil service positions in the information platform of the civil service shall be maintained by the relevant bodies. The namelist of civil service positions shall be made public.
5. The General Secretary of the relevant body shall, with the draft job descriptions for civil service positions, submit the proposal — formed in accordance with the approved methodology and substantiated by documents — to the Bureau of the Civil Service within one month following the moment of emergence of a legal ground for making changes and supplements to the namelist of civil service positions.

6. Within three working days after receiving the consent of the Bureau of the Civil Service to include (remove) the position in (from) the namelist of civil service positions, the position shall be included in (removed from) the information platform of the civil service, as well as the job description for the position shall be approved.

7. Methodology for evaluation, classification, formation of names of the civil service position, of job descriptions for civil service positions, placement of positions in the general system, for defining rights and obligations, maintenance of the namelist of positions, as well as for defining requirements for professional knowledge and competencies of a civil servant for holding the given civil service position shall be approved by the coordinating Deputy Prime Minister.

Article 6. Classification of civil service positions

1. Civil service positions shall be classified into groups, based on the requirements for responsibility of the persons holding those positions for work organisation and management, their powers to make decisions, impact of the activity, communications and representation, complexity of the issues and resolution thereof, as well as for professional knowledge and competencies.

2. Civil service positions shall be classified into the following groups:

(1) leading civil service positions;

(2) professional civil service positions.

3. The group of leading civil service positions shall be classified into the 1st, 2nd, 3rd, 4th and 5th subgroups. The group of professional civil service positions shall be classified into the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th and 8th subgroups.

Article 7. Standards of job descriptions for the civil service position for education and work record

1. A citizen of the Republic of Armenia must have higher education for holding civil service positions, except for the positions of the 6th, 7th and 8th subgroups of professional civil service positions, for holding whereof a citizen of the Republic of Armenia must have at least secondary education.

2. At least the following standards of work record and experience shall be necessary for holding civil service positions:

(1) for the positions of the 1st and 2nd subgroups of leading civil service positions, except for the civil service position of the General Secretary — at least five years of work record in the public service or seven years of professional work record, or seven years of work record — in the field of work required by job description. For the civil service position of the General Secretary — at least five years of work record in the public service, at least two years of which — in the position of the head of the structural subdivision;

(2) for the positions of the 3rd, 4th and 5th subgroups of leading civil service positions — at least three years of work record in the public service or five years of professional work record, or five years of work record — in the field of work required by job description;

(3) for the positions of the 1st and 2nd subgroups of professional civil service positions — at least two years of work record in the public service or four years of professional work record, or four years of work record — in the field of work required by job description;

(4) for the positions of the 3rd, 4th and 5th subgroups of professional civil service positions — at least one year of work record in the public service or three years of professional work record, or three years of work record — in the field of work required by job description.

3. No work record is required for the positions of the 6th, 7th and 8th subgroups of professional civil service positions.

4. Taking into consideration the peculiarities of the civil service position and/or subgroups of the position, with the consent of the Bureau of the Civil Service, other standards for education and/or work record and/or field of work may be defined for the civil service position and/or subgroups of the position, as well as qualification standards, including internationally recognised certification systems may be defined for separate civil service positions. After receiving the consent of the Bureau of the Civil Service, such standards shall be stipulated in job descriptions of relevant civil service positions before holding those positions as prescribed by this Law.

CHAPTER 3

HOLDING CIVIL SERVICE POSITIONS

Article 8. Holding civil service positions

1. Civil service positions shall be held for indefinite term by the results of the competition or from rating lists or by the results of transfer or reorganisation and/or structural change or from the personnel reserve until attainment of the age prescribed by this Law, and for a fixed term — by the fixed-term employment contract or as a result of transfer or in case of secondment.

2. Citizens of the Republic of Armenia meeting the requirements submitted in accordance with the job description for the given civil service position, fluent in Armenian and having attained the age of 18 shall have the right to hold a civil service position as prescribed by this Law.

Article 9. Types and peculiarities of competitions for filling vacant civil service positions

1. A competition for filling vacant civil service positions (hereinafter referred to as “the competition”) shall be based on equal opportunities and merits.
2. The competition shall be classified into two types — external and internal.
3. The competition shall be held by the relevant bodies, except for the competition for filling the vacant civil service position of the General Secretary, which shall be held by the Bureau of the Civil Service.
4. The preparatory works for holding competition shall be performed by the staff management subdivision of the relevant body.
5. The competition for the General Secretary of the Staff to the Human Rights Defender shall be organised and held by the Staff to the Human Rights Defender.

Article 10. Competition for filling a vacant civil service position

1. The competition shall be called within three months after the civil service position becomes vacant. If no application for participation in the competition has been submitted, or any of the grounds provided for by part 4 of this Article exists in all the applications submitted, as well as if none of the persons, having submitted an application for participation in the competition, has appeared, or none of the participants of the competition has passed the testing stage, or none of the participants, having been selected for the interview stage, has passed the interview stage, or they have passed the interview stage but have not submitted an application for being appointed to that position, a competition for the given position shall be called within one month.
2. Before calling an external competition, an internal competition may be held upon the decision of the official having competence to appoint to a position. After the civil

service position becomes vacant, one internal competition may be held for filling the given position. If no application for participation in the internal competition has been submitted, or any of the grounds provided for by part 4 of this Article exists in all the applications submitted, as well as if none of the persons, having submitted an application for participation in the internal competition, has appeared, or none of the participants of the internal competition has passed the testing stage, or none of the participants, having been selected for the interview stage, has passed the interview stage, or they have passed the interview stage but have not submitted an application for being appointed to that position, an external competition shall be held. Public servants of the given body and civil servants registered in the personnel reserve of the civil service may participate in the internal competition.

3. The relevant body holding the competition shall publish the call for holding a competition not later than one month before the competition is held, on the official website of the body performing the preparatory works for the competition, on the official website of the Bureau of the Civil Service and on the official website of Public Notifications of the Republic of Armenia. The spheres to be included in the test shall be published with the call.

4. A citizen shall not participate in the competition if he or she does not comply with the requirements prescribed by part 2 of Article 8 and part 4 of Article 17 of this Law, and/or any one of the grounds provided for by Article 14 of the Law of the Republic of Armenia “On public service” exists, and/or the ground provided for by part 8 of Article 37 of this Law exists.

5. For participating in the competition, a citizen shall submit the documents in electronic form. The General Secretary shall decide on the participation in the competition based on the opinion of the staff management subdivision. The staff management subdivision shall, within three working days, inform the citizen, having submitted an application, of the decision on the participation in the competition in electronic form. The Head of the Bureau of the Civil Service shall decide on the

participation of the General Secretary in the competition for the vacant civil service position, based on the opinion of the relevant structural subdivision of the Bureau. The Bureau of the Civil Service shall, within three working days, inform the citizen, having submitted an application, of the decision on the participation in the testing in electronic form.

6. The competition shall be held in two stages: testing and interview. The competition shall be held where at least one citizen has applied.

7. Testing shall be conducted in electronic form — in the information platform of the civil service — by the relevant bodies.

8. Based on the peculiarities of civil service positions, tests of different contents may be drawn up. Tests must derive from the requirements for professional knowledge and competencies prescribed by the job description for the civil service position. The proportion of the assignments being included in the test shall be determined according to the subgroups of the positions: the lower the subgroup of the position is, the greater the prevalence of assignments on professional knowledge.

9. Assignments on professional knowledge being included in the test shall be prepared and posted on the information platform of the civil service by the relevant body, and assignments on competencies — by the Bureau of the Civil Service.

10. Assignments on professional knowledge and competencies being included in the test of the competition for filling the vacant civil service position of the General Secretary shall be drawn up by the Bureau of the Civil Service.

11. The participant of the competition, when answering to assignments included in the test, shall immediately learn about his or her results. In case of disagreement with the results of the testing, the participant of the competition may appeal against his or her results to the General Secretary. The General Secretary shall examine the application and make a decision on changing the results or on leaving them unchanged. In case of disagreement with the results of the testing of the competition

for the vacant civil service position of the General Secretary, the participant of the competition may appeal against his or her results to the Head of the Bureau of the Civil Service. The Head of the Bureau of the Civil Service shall examine the application and make a decision on changing the results or on leaving them unchanged.

12. The five participants having received the maximum scores which are higher than the score defined by the Government shall be entitled to participate in the second stage of the competition — the interview. If, in case of having the same results, it is impossible to verify the five participants that have received the maximum scores and passed the testing stage, the participants having received the same maximum scores shall proceed to the interview stage. In case the number of the participants having passed the testing stage is less than five, all the participants shall be entitled to participate in the interview stage, if they have received the score necessary for passing the testing stage.

13. The interview shall be held by the commission established by the official having competence to appoint to the given position, except for the competition for filling the vacant civil service position of the General Secretary, in case of which the commission shall be established by the Bureau of the Civil Service from the list of commission membership candidates approved by the coordinating Deputy Prime Minister.

14. The official, or his or her substitute, having competence to appoint to the given position, the Head, or his or her substitute, of the structural subdivision for filling the vacant position of which the given competition has been called, the Head, or his or her substitute, of the staff management subdivision, as well as other persons having the ability to verify the level of professional knowledge and competencies necessary for the given position shall be included in the composition of the commission established by the official having competence to appoint to a position.

15. The commission shall be comprised of at least five members.

16. Only one participant shall pass the interview stage. As a result of the interview,

the commission shall submit an opinion on the participants of the interview to the official having competence to appoint to a position mentioning the sole participant having passed the interview stage. The official having competence to appoint to a position shall, within three working days after receiving the opinion of the commission, appoint the sole participant having passed the interview stage to the relevant position.

17. If no application for participation in the external competition, called two times consecutively, has been submitted, or any of the grounds provided for by part 4 of this Article exists in all the applications submitted, the relevant body shall change the requirements defined for the given position as prescribed by this Law.

18. New civil service positions that have occurred as a result of the supplements and changes made in the namelist of positions, except for civil service positions that have occurred as a result of reorganisation and/or structural change of the relevant body, shall be held through competition.

19. Promotion of a civil servant in the relevant body shall be made through the competition prescribed by this Law.

20. A final settlement shall not be made with the civil servant in case of being appointed to another civil service position in the same relevant body based on competition results.

21. The competition shall be declared invalid through judicial procedure. In case of declaring the competition invalid, a competition shall be called which shall be held as prescribed by this Law.

22. The procedure for holding competition shall be defined by the Government.

23. The procedure for drawing up tests and forming test assignments, contextual peculiarities of test assignments, number of test assignments, as well as methodology and format for holding an interview shall be defined by the coordinating Deputy Prime Minister.

Article 11. Drawing up of the rating lists and holding of a position from the rating lists

1. For participating in the interview for holding the positions of the 6th, 7th and 8th subgroups of professional civil service positions, candidates shall be elected from the rating lists.
2. For drawing up rating lists, the Bureau of the Civil Service shall, at least twice a year, conduct a testing. Based on the number of the participants, testing may be conducted by one or more groups, on different days and/or hours. A new test shall be drawn up for each group.
3. For participating in the testing, a citizen shall submit the documents in electronic form. The Head of the Bureau of the Civil Service shall decide on the participation in the testing based on the opinion of the relevant structural subdivision. The Bureau of the Civil Service shall, within three working days, inform the citizen, having submitted an application, of the decision on the participation in the testing in electronic form.
4. A citizen shall not participate in the testing, if he or she does not meet the requirements prescribed by part 2 of Article 8, part 4 of Article 17 of this Law and Article 14 of the Law of the Republic of Armenia “On public service”.
5. The participants having received scores higher than the minimum score defined by the Government shall pass the testing. Based on the testing results, the Bureau of the Civil Service shall maintain on-line numbered rating list. The candidates having received the same results shall be registered under the same number.
6. The relevant bodies shall invite to the interview the persons registered under numbers 1-5 of the rating list meeting the requirements of the job description for the given civil service position.
7. Where a requirement of higher professional education is provided for by the job description for the position, and there are no five candidates with the relevant

education under numbers 1-5 of the rating list, the first five candidates having the given profession shall be invited.

8. The maximum period of the one-time registration in the rating list shall be two years. The candidate shall automatically be dismissed from the list on the day following the day of expiry of the maximum time limit for registration in the rating list. The vacant numbers of the rating list shall be filled subsequently — in descending order and automatically.

9. The rating list shall be filled on the working day following the day of summarising the results of all the testing groups.

10. For filling the positions of the 6th, 7th and 8th subgroups of professional civil service positions, the interview shall be organised and held in the manner prescribed by part 13-16 of Article 10 of this Law. A candidate having been appointed to the position shall be dismissed from the rating list.

11. The procedure for organising the testing and the interview for drawing up the rating lists shall be defined by the Government.

12. The procedure for drawing up tests and forming test assignments of the testing being held for drawing up the rating lists, contextual peculiarities of test assignments and the number of test assignments shall be defined by the coordinating Deputy Prime Minister.

Article 12. Holding a civil service position under the procedure of swap, transfer or secondment

1. The official having competence to appoint to a position may, upon a reasoned decision, for a period of up to two years, swap the positions of the civil servants holding equal civil service positions in the structural subdivisions, if the civil servants meet the requirements of the job description for the civil service position.

2. In case of occurring of a vacant civil service position, the official having competence to appoint to a position may, within seven working days, transfer the civil servant of the same or another structural subdivision to the vacant position, if he or she meets the requirements of the job description for the civil service position.
3. The position having remained vacant after the transfer (transfers) shall be filled through the external competition prescribed by this Law.
4. In case of occurring of a temporary vacant civil service position, until the elimination of the prescribed ground, the official having competence to appoint to a position may, within seven working days, transfer the civil servant of another structural subdivision to that position, if he or she meets the requirements of the job description for the civil service position. In case of transfer to a temporary vacant position, the obligations of the transferred civil servant shall be carried out by the replacing civil servant provided for by the job description for the given civil service position.
5. The General Secretary may, taking into account the workload, transfer the civil servant holding a position of the group of professional positions in the structural subdivision to another structural subdivision on his or her position, without terminating the service. In such case, the civil servant will perform similar work as he used to perform before the transfer. In this case, functions shall not be changed, other standards and requirements shall not be prescribed in the job description for the position.
6. The transfer shall be made to an equal civil service position.
7. The swap, the transfer shall be made upon the decision of the official having competence to appoint to a position — with the consent of the civil servant. Based on the peculiarities of work organisation of the relevant body, the cases, where the consent of the civil servant is not required when swapping the positions or making transfer, may be defined upon the decision of the Government.

8. A final settlement shall not be made with the civil servant in case of swap or transfer.

9. In case of occurring of a vacant or temporary vacant position, the official having competence to appoint to a position may, within one month, with the mutual consent of the heads of the relevant bodies, as well as with the consent of the civil servant, second the civil servant to other relevant body for holding equal position for a period of up to three years. In such case, the civil servant must perform similar work as he used to perform before the secondment. In this case, a final settlement shall not be made with the civil servant, and after the expiry of the prescribed time limit, the civil servant shall hold his or her previous position without making a final settlement. In case of filling the vacant position as a result of secondment, no competition shall be called for the given position until the end of the secondment.

10. The procedure and conditions for holding a position under the procedure of swap, transfer or secondment shall be defined by the Government taking into account the peculiarities of the relevant bodies.

11. When holding a position under the procedure of swap, transfer or secondment, the procedural peculiarities of staff management shall be defined by the coordinating Deputy Prime Minister.

Article 13. Holding the civil service position for a fixed term:

1. The civil service position is filled for a fixed term:

- (1) in case of pregnancy and maternity leave;
- (2) in case of leave granted for taking care of a child under the age of three;
- (3) in case of recruitment to compulsory military service;
- (4) in case of temporary impossibility of performing one's official duties by a civil servant;

- (5) in case of leaving for training or secondment exceeding the three-month period;
- (6) in case provided for by part 9 of Article 12;
- (7) in other cases prescribed by law.

2. In cases referred to in part 1 of this Article these positions are held at the discretion of the official having competence to appoint to a position — by the replacing civil servant provided for by the job description for the given position or in the manner prescribed by part 4 of Article 12 of this Law or taking into account the requirements prescribed by part 2 of Article 8 and part 4 of Article 17 of this Law and the grounds provided for by Article 14 of the Law of the Republic of Armenia "On public service" — by concluding a fixed-term employment contract with another person (including persons included in the reserve).

3. It is not allowed to conclude a fixed-term employment contract with another person where the given vacancy of the civil service has occurred as a result of termination of the service of that person on any of the grounds provided for by points 2-4, 6-10 and 16 of part 2 of Article 37 of this Law.

4. The procedure for concluding fixed-term employment contracts shall be established by the Government.

Article 14. Holding a civil service position from the personnel reserve

1. In case of occurring of a vacant civil service position within the relevant body, before calling a competition, a civil servant holding by fixed-term employment contract the position from the personnel reserve of the civil service as prescribed by part 2 of Article 13 of this Law, who has registered in the reserve after being dismissed from the civil service position of the given body, may be appointed to that position by the official having competence to appoint to a position.

Article 15. Special cases of holding a civil service position and peculiarities of organizing the civil service

1. The peculiarities in relation to the appointment of persons holding civil service positions connected to information containing state and official secret, their training, performance evaluation, official examinations and the list of those civil service positions shall be approved by the coordinating Deputy Prime Minister upon proposal of the head of the relevant body, with the consent of the head of the authorised body for national security.

2. The manner and cases of holding a civil service position by diplomats seconded in the manner prescribed by the Law of the Republic of Armenia "On diplomatic service" shall be defined by the Government, and the list of the positions — by the coordinating Deputy Prime Minister.

3. State bodies subordinate to the Prime Minister, the Government and ministries that do not have supporting professional structural subdivisions and a General Secretary, the participation of these bodies in the civil service relations shall be carried out by the relevant body under the direct subordination of which they operate.

Article 16. Appointment to and dismissal from the civil service position (termination of the service)

1. General secretaries shall be appointed to and dismissed from the position by the Prime Minister, except for the general secretaries of bodies provided for by part 2 of this Article.

2. General secretaries of bodies indicated in this part shall be appointed to and dismissed from the position:

(1) in the Central Electoral Commission — by the Chairperson of the Central Electoral Commission;

- (2) in the Commission on Television and Radio — by the Chairperson of the Commission on Television and Radio;
- (3) in the Audit Chamber — by the Chairperson of the Audit Chamber;
- (4) in the Staff to the Human Rights Defender — by the Human Rights Defender;
- (5) in the Prosecutor's Office of the Republic of Armenia — by the Prosecutor General;
- (6) in investigation bodies of the Republic of Armenia — by the heads of investigation bodies;
- (7) in autonomous bodies of the Republic of Armenia — by the heads of autonomous bodies.

3. Civil servants holding a position of the 1st, 2nd and 3rd subgroups of leading civil service positions, internal auditors shall be appointed to and dismissed from the position by the head of the relevant body.

4. Appointment to other civil service positions and dismissal therefrom shall be carried out by the General Secretary.

Article 17. Probation period for holding a civil service position, maximum age

1. A person who takes office in the civil service for the first time as a result of competition shall be appointed with a probation period:

- (1) for the group of leading positions — for 12 months;
- (2) for the positions of the 1st, 2nd, 3rd, 4th and 5th subgroups of professional positions — for 9 months;
- (3) for the positions of the 6th, 7th and 8th subgroups of professional positions — for 6 months.

2. During the probation period the civil servant may not hold any other civil service position as prescribed by Article 12 of this Law. In case of being appointed to another position during the probation period as a result of competition, a probation period shall be defined for the civil servant.

3. The peculiarities in relation to the probation period shall be defined by the coordinating Deputy Prime Minister, taking into account the groups, subgroups of positions, peculiarities of positions.

4. The maximum age for holding a civil service position shall be 65 years old. In case of attaining the maximum age for holding a civil service position the civil servant may continue to hold his or her position for a period of up to one year, upon the decision of the official having competence to appoint to the given position.

CHAPTER 4

PERFORMANCE EVALUATION AND TRAINING OF CIVIL SERVANTS

Article 18. Performance evaluation of the civil servant

1. The performance of the civil servant shall be the results of the work provided for by the work plan and the efficiency of achieving these results, which shall be evaluated by the immediate supervisor.

2. Performance evaluation shall be carried out once a year. Current evaluation of performance shall be carried out at the end of each semester.

3. In case of disagreement with performance evaluation (current one as well) the civil servant may appeal against it in the manner prescribed by the legislation of the Republic of Armenia to the immediate supervisor of the official having carried out the evaluation.

4. The results of performance evaluation shall serve as grounds for drawing up incentives and (or) individual training programmes in the prescribed manner, as well as enjoying the right of preference in cases prescribed by the legislation of the Republic of Armenia on public service.

5. The procedure for performance evaluation of the civil servant shall be established by the Government taking into account the peculiarities of relevant bodies.

Article 19. Training of the civil servant

1. The civil servants shall be entitled to improve and shall be obliged to improve their professional knowledge and competencies through participation in trainings based on the principle of continuous professional development.

2. Relevant bodies shall be obliged to take all necessary measures to organise the trainings and to ensure the participation of civil servants in these trainings.

3. The training process in relevant bodies shall be organised by the General Secretary.

4. The training shall be carried out for each civil servant in accordance with the individual programme, which shall be drawn up (changed) upon assessment of needs of the training carried out in parallel to evaluation of the annual performance of the civil servant.

5. The training shall also be held in case of prescription of new requirements for professional knowledge and competencies of a civil servant provided for by the job description for the given civil service position — by the initiative of the civil servant or the head of structural subdivision.

6. Maximum period of participation in the training shall be six months.

7. After summarising the results of assessment of training needs the General

Secretary shall draw up the training programme of civil servants of the relevant body that includes training needs, training methods, allocated credits, time distribution, organisations carrying out trainings, candidates for specialists carrying out trainings and other criteria defined by the decision of the coordinating Deputy Prime Minister, and shall present that programme to the Bureau of the Civil Service for consent.

8. The Bureau of the Civil Service shall examine the programme and give its consent for approving the training programme. Upon receiving the consent the General Secretary shall approve the training programme and shall inform the civil servants about the individual training programme of a civil servant resulting from that programme. The training programme in the Audit Chamber shall be approved by the Audit Chamber.

9. Where necessary the General Secretary may review the training programme in the manner prescribed by parts 7 and 8 of this Article.

10. Trainings concerning competencies shall be organised by the Bureau of the Civil Service, and trainings concerning professional knowledge — by the relevant body.

11. When examining the programmes of relevant bodies the Bureau of the Civil Service may propose to review the training programme, as well as may also include in these programmes the training programmes concerning competencies.

12. Expenses related to training shall be covered by the State Budget, as well as by other funds not prohibited by the legislation of the Republic of Armenia.

13. According to the result of trainings the civil servant shall receive credits. After receiving relevant credits approved by the individual programme the civil servant shall be considered as trained.

14. The procedure for training of civil servants, main criteria for organisations conducting a training, main principles of prescribing credits, principles, types of assessing the needs and drawing up an individual programme, as well as drawing up

the training program of a relevant body, recognising the international certificates, based on this Law, shall be defined by the coordinating Deputy Prime Minister.

CHAPTER 5

PECULIARITIES OF LEGAL STATUS OF CIVIL SERVANTS

Article 20. Types of incentives applied to the civil servant

1. The following incentives may be applied to a civil servant for long-term service and (or) performance of official duties and (or) assignments (tasks) in good faith, as well as in other cases prescribed by the legislation:

- (1) expression of gratitude;
- (2) monetary reward;
- (3) award of a token;
- (4) rewarding with a certificate of honour (medal);
- (5) granting an additional paid leave;
- (6) lifting of a disciplinary penalty.

2. Other types of incentives prescribed by the legislation may also be applied to a civil servant.

3. The incentives shall be applied to civil servants by the official having competence to appoint him or her to a position.

4. The President of the Republic may — in the manner prescribed by law — confer highest class ranks, as an incentive, to civil servants holding a position of the 1st, 2nd and 3rd subgroups of leading civil service positions.

5. The highest class ranks are: the class rank of First Class State Counsellor of Civil Service, the class rank of Second Class State Counsellor of Civil Service, the class rank of Third Class State Counsellor of Civil Service. The highest class rank is the class rank of First Class State Counsellor of Civil Service.

Article 21. Disciplinary measures applied to the civil servant and peculiarities thereof, appealing the decision on applying a disciplinary penalty, the decision on dismissing from the position or terminating the service

1. In cases of not performing official duties with no valid reason and (or) not performing them properly and (or) exceeding official powers and (or) violating internal rules of labour discipline and (or) violating the rules of conduct of the civil servant and (or) failure to follow other restrictions applied to a public servant and (or) violating the rules of conflict of interests, of prohibition on accepting gifts, the disciplinary penalties prescribed by this Law shall be applied to a civil servant in the prescribed manner.

2. Disciplinary penalties shall be classified into two types — light and severe penalties:

(1) light disciplinary penalties are:

- (a) warning;
- (b) reprimand;

(2) severe disciplinary penalties are:

- (a) severe reprimand;
- (b) decrease in salary for up to 20 percent, but not more than the amount of the base salary;
- (c) termination of the service.

3. Disciplinary penalty shall be applied after conducting an official investigation.
4. A penalty shall be imposed unless more than three months have elapsed from the day when the violation has been revealed, not counting the periods of absence of the civil servant due to temporary incapacity for work, business trip, training or leave.
5. A penalty may not be imposed where more than six months have elapsed from the day when the violation was committed. Where the violation is revealed during financial-economic activity, a check (including inventory) of monetary or other values, a disciplinary penalty may be applied where not more than three years have elapsed from the day when the violation was committed.
6. When imposing a disciplinary penalty the nature of the violation, the gist thereof, the circumstances under which the violation was committed, the consequences of the violation, the circumstances of whether disciplinary penalties have been applied to the civil servant and (or) whether he or she has committed violations in the past, shall be taken into account.
7. The civil servant shall be informed about the disciplinary penalty not later than within three working days after the imposition of the disciplinary penalty.
8. One disciplinary penalty may be imposed for each violation. The disciplinary penalty provided for by subpoint (b) of point 2 of part 2 of this Article may not be applied again where the disciplinary penalty is not lifted or the period defined by part 9 of this Article has not expired.
9. Where the civil servant has not been subjected to a new disciplinary penalty within six months after the day of imposing a light disciplinary penalty, and has not been subjected to a new disciplinary penalty within a year after the day of imposing a severe disciplinary penalty, he or she shall be considered to have not been subjected to disciplinary penalty.
10. Disciplinary penalties provided for by part 2 of this Article shall be applied to the civil servant by the official having competence to appoint him or her to a position.

11. A civil servant may appeal the decision on applying a disciplinary penalty to him or her, dismissing from the position or terminating the service, to the immediate supervisor of the official having competence to appoint to a position within three working days calculated as from the day of being notified of the decision on applying a disciplinary penalty, dismissing from the position or terminating the service.

12. Filing appeal in the manner prescribed by part 11 of this Article shall suspend the execution of the appealed act.

13. The procedure for appealing prescribed by part 11 of this Article shall not apply to disciplinary penalties applied in cases of violating the rules of conduct of the civil servant, failure to follow other restrictions applied to a public servant, violating the rules of conflict of interests, of prohibition on accepting gifts. Disciplinary penalties applied in the indicated cases shall be appealed through judicial procedure.

14. Considering the filed appeal the competent official shall be entitled to:

(1) grant the appeal in whole or in part — change the type of the disciplinary penalty or declare the decision on applying a disciplinary penalty or dismissing from the position or terminating the service invalid;

(2) reject the appeal — upholding the decision on applying a disciplinary penalty or dismissing from the position or terminating the service.

15. Where the decision on dismissing from the civil service position or terminating the service is declared invalid, the civil servant shall, within five working days following the entry into force of the administrative or judicial act, be reinstated in his or her position, and shall receive compensation for mandatory idleness in the manner and amount prescribed by the legislation of the Republic of Armenia.

16. A civil servant may appeal the decision on applying a disciplinary penalty to him or her, including the decision on dismissing from the civil service position or terminating the service through judicial procedure.

17. Material liability may be applied — in the manner prescribed by this Law — to civil servants in the amount prescribed by law.

Article 22. Official examination

1. In cases provided for by this Law the official having competence to appoint to a position shall assign an official examination, indicating the grounds for conducting the official examination, questions subject to clarification and the method of conducting the examination.

2. Official examination assigned for examining the questions concerning the rules of conduct of the civil servant, incompatibility requirements, other restrictions applied to a public servant, conflict of interests, prohibition on accepting gifts shall be conducted by the Ethics Commission of Civil Servants.

3. Official examination, upon the application of another person and (or) publications in the media concerning the rules of conduct of the civil servant, incompatibility requirements, other restrictions applied to a public servant, conflict of interests, prohibition on accepting gifts, shall be assigned by the General Secretary.

4. When conducting an official examination, where necessary, the official who has assigned the official examination may, upon his or her decision, involve a specialist not interested in the results of the official examination for providing consultation.

5. While conducting the official examination the performance of official duties by the civil servant (civil servants) in the period of conducting the official examination may be suspended by the official having competence to appoint to a position — by keeping the remuneration of the civil servant.

6. In cases of detecting features of crimes and (or) misdemeanours in the materials of the official examination, relevant state bodies shall be notified thereof and the official examination shall be suspended.

7. Based on the results of the official examination the person conducting the official examination shall submit to the official having competence to appoint to a position an opinion that at least includes the circumstances revealed by the official examination and conclusions thereon, where necessary, relevant recommendations and grounds thereof.

8. The official having competence to appoint to a position shall, within three working days after the period provided for by part 11 of Article 21 of this Law, discuss the opinion and adopt a relevant decision, except for cases provided for by Article 35 of this Law.

9. The procedure for conducting an official examination shall be established by the Government.

Article 23. Legal status of the civil servant in case of reorganisation and structural changes of a relevant body

1. Reorganisation and (or) structural change of a relevant body shall not be a ground for dismissing a civil servant from the position (terminating the powers thereof), except for cases when they are accompanied by the reduction of staff positions and (or) civil service positions due to reorganisation and (or) structural change of a relevant body and (or) by prescription of new requirements in the job descriptions due to reorganisation and (or) structural change of a relevant body, the satisfaction whereof is impossible to ensure by training.

2. In case of reduction of staff positions and (or) civil service positions due to reorganization and (or) structural change the right of preference to continue professional activity shall be given to the civil servant who is pregnant or is taking care of a child under the age of three, or has been recruited to compulsory military service, and in case of equality or absence of this condition — to the civil servant with a longer record of work or with higher results of performance evaluation in the past

three years in the civil service. In cases of equality or absence of the indicated conditions the preference of continuing the professional activity shall be decided by the head of the relevant body.

3. In case of reduction in the number of employees of a relevant body in the manner prescribed by the legislation of the Republic of Armenia the preference of continuing the professional activity shall be decided by the head of the relevant body.

4. In case of structural changes the civil servant of a structural subdivision subject to structural change may be transferred with his or her staff unit to a structural subdivision not subject to structural change — to an equal or lower civil service position — with his or her consent.

5. Positions that have occurred in the namelist of civil service positions as a result of reorganisation and (or) structural change of a relevant body shall be filled within 10 working days after making changes in the namelist — in the manner prescribed by part 6 of this Article.

6. In case of reorganisation and (or) structural change of a relevant body the civil servant shall be reappointed to a position equal to the position held prior to reorganization or a lower position with his or her consent, except for the case of promotion. In case of promotion a fixed-term employment contract shall be concluded with the civil servant and a competition shall be called for holding the given position.

7. Civil service positions that have not been filled in the manner prescribed by this Article shall be held through competition.

8. As a result of reorganisation and (or) structural change a final settlement shall not be made with the civil servant.

9. As a result of reorganisation and (or) structural change, where the position of a civil servant seconded in accordance with part 9 of Article 12 of this Law is removed from the namelist, the civil servant shall be offered an equal or lower position after the

expiry of the period of secondment. Where the civil servant does not give his or her consent to be appointed to the offered position, he or she shall register in the personnel reserve.

10. After reorganisation and (or) structural change the procedural peculiarities of staff management shall be defined by the coordinating Deputy Prime Minister.

Article 24. Personnel reserve of the civil service

1. Personnel reserve of the civil service in the information platform shall be maintained by relevant bodies.

2. Personnel reserve of bodies whose activity has terminated, shall be maintained, the remuneration shall be provided by the Bureau of the Civil Service.

3. Civil servants dismissed from the civil service position on the grounds provided for by points 2-6 of part 1 of Article 37 of this Law shall, upon their application, register in the personnel reserve of the civil service.

4. The maximum period of the one-time registration in the personnel reserve of the civil service shall be six months, but not more than the attainment of 65 years of a civil servant registered in the personnel reserve. Pursuant to his or her application a civil servant may be early removed from the personnel reserve.

5. The period of being registered in the personnel reserve shall be included in work record in the civil service. The civil servant shall, in the manner prescribed by law, receive remuneration for three months from the relevant body where he or she has held a civil service position.

6. In case of registering in the personnel reserve a final settlement shall not be made with the civil servant. In this case the final settlement shall be made with the civil servant where the powers of the civil servant terminate on the ground provided for by point 15 of part 2 of Article 37 of this Law.

7. Where a civil servant holds, in the manner prescribed by Article 13 of this Law, a civil service position within the same relevant body, in this case in case of leaving the personnel reserve a final settlement shall not be made, and in case of holding a position within another relevant body a final settlement shall be made.
8. Where a civil servant holds a civil service position in the manner prescribed by Article 14 of this Law, in this case in case of leaving the personnel reserve a final settlement shall not be made.
9. A civil servant shall be dismissed from the personnel reserve in case of holding a public position or a public service position or taking another job.
10. During the period of being registered in the personnel reserve a civil servant shall not have the right to leave, and the period of being registered in the reserve shall not be calculated in the final settlement.
11. The procedure for maintaining personnel reserve of the civil service, registering in the personnel reserve and dismissing from the personnel reserve shall be defined by the Government.

Article 25. Personal file of the civil servant and register for civil servants

1. The development of the official activity of a civil servant shall be reflected in his or her personal file.
2. The personal file of a civil servant shall be the constituent part of the register that shall be maintained by the relevant body in the information platform of the civil service.
3. The procedural peculiarities of maintaining the register shall be defined by the coordinating Deputy Prime Minister.

Article 26. Remuneration of the civil servant

1. Each civil servant shall have the right to adequate remuneration for work, without any discrimination.
2. A civil servant (including a civil servant registered in the personnel reserve of the civil service) shall receive remuneration in the manner and period prescribed by the Law of the Republic of Armenia "On remuneration for persons holding state positions and state service positions".

CHAPTER 6

PECULIARITIES OF LABOUR RELATIONS OF CIVIL SERVANTS

Article 27. Labour relations of the civil servant

1. Labour relations of civil servants shall be regulated by this Law, by the legislation of the Republic of Armenia on public service.
2. Labour relations of civil servants that are not regulated by this Law and (or) by the legislation of the Republic of Armenia on public service, shall be regulated by the labour legislation of the Republic of Armenia.
3. Official mutual relations of civil servants shall be regulated by internal rules of labour discipline.

Article 28. Working (service) hours of the civil servant

1. Working (service) hours shall be the period during which, in accordance with the law or other regulatory legal act, a civil servant shall be obliged to perform his or her

official duties, as well as other periods that, in accordance with the laws and other regulatory legal acts, shall be included in the working time.

2. Working hours of a civil servant may be changed in connection to the peculiarities of organising works in the given body.
3. Working hours in the bodies of executive power shall be defined by the Government, taking into account the peculiarities of organising works in the relevant body.

Article 29. Secondment of the civil servant

1. Secondment of a civil servant shall mean the leaving, based on the relevant legal act of the official having competence to appoint to a position, of the civil servant to another place from the permanent workplace of the civil servant for a certain period of time — for the purpose of performing certain official duties.
2. The decision on secondment of the General Secretary shall be made by the head of the relevant body.
3. The terms and procedure for secondment of a civil servant shall be established by the Government.

Article 30. Leave of the civil servant

1. The civil servant shall be entitled to minimum annual and additional annual leave.
2. The duration of annual leave of the civil servant shall be 20 working days, and the duration of additional leave — four working days.
3. The civil servant shall be granted regular and (or) additional leave in such a way as not to hinder the normal operation of the given structural subdivision.

4. In specific cases, due to personal or family circumstances, the civil servant may be granted unpaid leave for not more than 30 days throughout the year.
5. The procedure and terms for granting leave to a civil servant shall be established by the Government.
6. A civil servant shall be granted leave by the General Secretary, and the General Secretary — by the head of the relevant body.

Article 31. Work record in the civil service

1. Work record in the civil service shall include the whole period of holding a civil service position, of being registered in the personnel reserve of the civil service, of working within the relevant bodies before entry into force of this Law.
2. Work record in the civil service shall not include the period of holding a civil service position, of being registered in the personnel reserve of the civil service by violation of the procedure established by this Law, as well as of working within the relevant bodies before entry into force of this Law by violation of the law.
3. Work record in the civil service shall be calculated in the general work record of a civil servant.
4. Work record of the period of holding a state office by a person removed from the civil service position on the ground provided for by point 7 of part 1 of Article 37 of this Law, shall be equalised to work record in the civil service.
5. The period of being registered as an intern in relevant bodies shall, within the meaning of this Law, be calculated as work record in the public service for holding a civil service position. The intern shall not be remunerated for participation in works in the period of being registered as an intern.
6. The peculiarities of registering as an intern and of participating in works shall be defined by the coordinating Deputy Prime Minister.

Article 32. Employment of physical force, special means and weapons by the civil servant and the uniform

1. Depending on the peculiarities of tasks of relevant bodies a civil servant may wear a uniform and (or) carry weapons, as well as employ physical force and special means.
2. The procedure, terms of employing physical force, special means and weapons, providing, keeping, carrying and using weapons by the civil servant, descriptions of uniforms and the list of these bodies shall be prescribed by the Government unless otherwise provided for by law.

CHAPTER 7

***ETHICS COMMISSION OF CIVIL SERVANTS AND
INTEGRITY AFFAIRS ORGANISER***

Article 33. Ethics Commission of Civil Servants

1. In order to be included in the Ethics Commission of Civil Servants, the general secretaries of relevant bodies shall, in the information platform of civil service, fill out the candidacies of two civil servants meeting the requirements set by the co-ordinating Deputy Prime Minister. The General Secretary may not be a member of the Ethics Commission.
2. The Ethics Commission of Civil Servants shall be composed of five members. A separate Ethics Commission of Civil Servants shall be established for each case.
3. The Integrity Affairs Organiser of the relevant body shall, within one working day following emergence of the legal ground for establishing an Ethics Commission of Civil

Servants, establish, randomly and through an electronic programme, an Ethics Commission of Civil Servants, compulsorily including one of the member candidates of the given body in the Ethics Commission of Civil Servants. The electronic programme shall randomly select the civil servant with a higher position to be Chairperson of the Ethics Commission of Civil Servants. The representative of the given body may not be a Chairperson of the Ethics Commission of Civil Servants.

4. When exercising his or her powers, the member of the Ethics Commission of Civil Servants shall be guided only by the Constitution and laws of the Republic of Armenia and be independent from the official having nominated him or her.

5. The civil servant, as a member of the Commission and thereafter, may not be subject to disciplinary liability for actions arising from his or her status as a member of the Commission, except for cases of being absent during the sessions of the Commission for inexcusable reasons.

Article 34. Activities of the Ethics Commission of Civil Servants

1. The Ethics Commission of Civil Servants shall organise its activities in compliance with the procedure of the official examination.

2. The Chairperson of the Commission shall distribute tasks among the members of the Commission.

3. The Commission shall adopt a conclusion on the official examination by convening a session of the Commission. A session shall have quorum, where at least three members of the Ethics Commission of Civil Servants are present at the session.

4. The Ethics Commission of Civil Servants may address the Commission for Prevention of Corruption in order to receive professional consulting and methodical support with regard to incompatibility requirements and other restrictions, as well as the benchmark principles of ethics and the rules of ethics arising therefrom.

5. The Ethics Commission of Civil Servants shall submit to the relevant body or official recommendations for prevention and elimination of incompatibility requirements of public servants, other restrictions, the prohibition on receiving gifts, violations of rules of ethics, as well as situations of conflict of interests.

Article 35. Peculiarities of liability in case of violating the rules of conduct, failure to maintain other restrictions applied for public servants, violating the rules on conflict of interests and the prohibition on receiving gifts

1. The Ethics Commission of Civil Servants shall immediately forward the conclusion adopted following official examination to the parties of the official examination.

2. Civil servants may appeal the conclusion of the Ethics Commission of Civil Servants regarding violations of incompatibility requirements and other restrictions to the Commission for Prevention of Corruption within three working days following receipt of the conclusion.

3. In case of absence of a document substantiating submission of an appeal within the time limit provided for by part 2 of this Article, and upon receipt of the conclusion of the Ethics Commission of Civil Servants with regard to violation of the rules of conduct and/or the rules on conflict of interests and/or the prohibition on accepting gifts, and in the case of appeal - within one working day following receipt of the relevant conclusion, the General Secretary shall post the conclusion on the official website of that body.

4. The official with the competence to appoint to a position shall, within three working days following the announcing of the conclusion, consider the conclusion and post information on the results on the official website of the particular body.

Article 36. Integrity Affairs Organiser

1. A civil service position of Integrity Affairs Organiser is envisaged within the staff management subdivision of relevant bodies.
2. The Integrity Affairs Organiser shall:
 - (1) provide civil servants with professional consulting regarding incompatibility requirements, other restrictions, the prohibition on accepting gifts and the rules of conduct, submit a recommendation on taking steps to resolve a situation of conflict of interests;
 - (2) identify training needs in regard to integrity affairs and develop training programmes, as well as other programmes for following integrity requirements;
 - (3) conduct studies related to the integrity system upon the request of the General Secretary of the relevant body, Ethics Commission or upon the recommendation of the Commission for Prevention of Corruption;
 - (4) develop the draft integrity plans for civil servants, submit them to the General Secretary for approval;
 - (5) maintain statistics on cases of violation by civil servants of incompatibility requirements, other restrictions, rules of conduct and conflict of interests and violation of the prohibition on accepting gifts.

CHAPTER 8

TERMINATION OF SERVICE, DISMISSAL FROM CIVIL SERVICE POSITION, TERMINATION OF POWERS

Article 37. Grounds for dismissing a civil servant from position and terminating service

1. The grounds for dismissing a civil servant from position shall be the following:

- (1) a personal application;
- (2) reduction of staff lists and/or elimination of civil service position in the case prescribed by Article 23 of this Law;
- (3) not being appointed to civil service position in the cases prescribed by part 6 of Article 23 of this Law;
- (4) declaring invalid the decision on dismissing from civil service position or the decision on terminating the service and restoring the person in his or her position of civil service;
- (5) termination of activities of the relevant body;
- (6) not consenting to appointment to a civil service position in the case prescribed by part 9 of Article 23 of this Law;
- (7) being elected or appointed to a public position.

2. The powers of a civil servant shall be terminated:

- (1) in case of his or her death;
- (2) in case of applying again, within one year, the disciplinary penalty provided for by sub-point "a" of point 2 of part 2 of Article 21 of this Law;
- (3) in case of applying, within one year, the disciplinary penalties provided for by sub-points "a" and "b" of point 2 of part 2 of Article 21 of this Law;

- (4) in case of applying the disciplinary penalty provided for by sub-point "c" of point 2 of part 2 of Article 21 of this Law;
- (5) in case of not appearing at work for more than four consecutive months in the course of one year as a result of temporary incapacity for work or for more than 140 days in the course of the last twelve months — not counting maternity leave;
- (6) in case of failure to pass the probation period established by this Law;
- (7) in case of violation of the procedure for appointment to a civil service position as prescribed by this Law — upon petition of the Bureau of Civil Service;
- (8) in cases of failure to follow the incompatibility requirements set by the Law of the Republic of Armenia "On public service", on the ground of the relevant conclusion;
- (9) in case of terminating citizenship of the Republic of Armenia;
- (10) in case of the judgement of conviction against him or her that has entered into force, except for the cases when a penalty has been imposed. In case the penalty or the unpaid part of the penalty is replaced with community service in case of violation by a person of performance of the duties established by the timetable for payment of the penalty, service shall be terminated;
- (11) in case of attaining the maximum age for holding a civil service position as prescribed by this Law;
- (12) in case of being declared by court order as having no or limited legal capacity or as missing;
- (13) in case of being deprived by court order of the right to hold a civil service position;
- (14) in case of contracting any one of the diseases approved by the Government;
- (15) in case of being removed from the personnel reserve, except for the cases when the civil servant holds a public position or a public service position;

(16) in case of not receiving for two consecutive years, by his or her fault, the credits approved for an individual training programme;

(17) based on a personal application.

3. In case the results of annual performance evaluation for two consecutive years are lower than the percent (point) set by the Government, the official with the competence to appoint to a position shall be entitled to terminate the powers of the civil servant.

4. The service of a civil servant may not be terminated under the point 17 of part 2 of this Article, where any one of the grounds provided for by points 1-16 exists.

5. Under the grounds provided for by point 1 of part 1 and point 17 of part 2 of this Article, a civil servant shall be dismissed from the position held, or service shall be terminated on the third working day following submission of an application, where a later time limit is not envisaged in that application. Prior to adoption of a relevant legal act, a civil servant may take back the submitted application.

6. In case of emergence of the grounds provided for by part 2 of this Article (except for the ground provided for by point 17), the official with the competence to appoint to a position shall, within two working days, adopt a relevant legal act on terminating the powers of a civil servant.

7. In case of dismissing from the civil service position under the grounds provided for by points 2-4 of part 1 of this Article, warning civil servants about that shall not be mandatory.

8. The person having terminated service under any one of the grounds provided for by points 2-4 of part 2 of this Article may not participate in the competition for the given civil service position prior to expiry of one year.

9. Prior to adoption of the legal act on dismissing from civil service position held or on terminating powers, the relevant body shall request from the civil servant the

materials delivered thereto for book-keeping and the property provided for his or her use. A civil servant shall be obliged to fulfil that request immediately.

CHAPTER 9

OFFICIALS RESPONSIBLE FOR ORGANISING AND MANAGING CIVIL SERVICE

Article 38. Organising and managing civil service

1. The Bureau of Civil Service of the Staff of the Prime Minister shall ensure management and uniformity of civil service as prescribed by this Law and other legal acts.
2. The Bureau of Civil Service shall be accountable to the Prime Minister, the Government and the co-ordinating Deputy Prime Minister.
3. The Bureau of Civil Service shall:
 - (1) carry out methodical management of and control over the human resources management of relevant bodies;
 - (2) examine and analyse the practice of applying the legislation on public service within the relevant bodies, develop relevant draft legal acts related to public service and submit them to the Government, the Prime Minister and the co-ordinating Deputy Prime Minister;
 - (3) conduct analyses to identify the dynamics of movement, the conditions contributing thereto, the reasons for lack of applicants for job announcements, including wrong evaluation of positions, definition of criteria and classification of sub-groups;

- (4) develop the policy on labour remuneration within state bodies;
- (5) analyse the labour market as prescribed by the Government, according to specialisations and territories;
- (6) monitor the results of performance evaluation and conduct appropriate analyses;
- (7) examine and analyse the results of training;
- (8) submit to the Government recommendations regarding issues related to re-organisation and termination of activities of relevant bodies and on issues of civil service during structural changes;
- (9) submit to relevant bodies recommendations regarding the results of studies and analyses;
- (10) receive from relevant and other bodies necessary information connected with civil service;
- (11) provide methodical instructions with respect to organisation of personnel management;
- (12) exercise other powers provided for by this Law, other laws and legal acts arising therefrom.

4. The Bureau of Civil Service may, in cases prescribed by law, organise experimental activities within relevant bodies in relation to certain institutes, functions and procedures of civil service.

Article 39. General Secretary

1. The General Secretary is a civil servant.
2. The General Secretary shall be the official responsible for following the requirements of the legislation of the Republic of Armenia on human resources management and public service within relevant bodies.

3. The powers of the General Secretary are prescribed by this Law, the Law of the Republic of Armenia "On public service", the Law of the Republic of Armenia "On regulation of administrative legal relations", other laws and legal acts.

4. The powers of the General Secretary prescribed by this Law shall be exercised — in the cases provided for by law — by the Chief of Staff, the Head of the Judicial Department and the Chief of Staff holding an administrative position considered as civil servants.

5. Within the Bureau of the National Security Council, the powers of the General Secretary — prescribed by this Law — shall be exercised by the Secretary of the National Security Council, and the powers reserved for the head of body — by the Prime Minister.

6. Within the inspection body where the position of General Secretary is not envisaged by the namelist of civil service positions, the head of the inspection body shall exercise the powers prescribed by parts 2 and 5 of Article 5, parts 5 and 11 of Article 10, part 4 of Article 16, parts 3 and 7-9 of Article 19, part 3 of Article 22, part 6 of Article 30, part 1 of Article 33 and part 3 of Article 35 of this Law. The head of the subdivision of the inspection body provided for by law shall be appointed to a position and dismissed from a position by the Chief of Staff of the Prime Minister.

CHAPTER 10

SPECIFICS OF ORGANISATION OF CIVIL SERVICE IN CASES OF ORGANISATION OF TASKS UNDER EXPERIMENTAL PROCEDURE

Article 40. Certain specifics of organisation of civil service

1. The descriptions of the civil service positions envisaged for experimental organisation of tasks — as and in the cases prescribed by the legislation of the

Republic of Armenia — may include other criteria and requirements that differ from those defined in this Law for work record, education, being subordinate and accountable.

2. Those criteria and requirements shall be set in the plan for experimental organisation of tasks and be included in the descriptions of those civil service positions as prescribed by this Law.

3. The civil service positions envisaged for experimental organisation of tasks shall be held only on a competitive basis provided for by this Law.

CHAPTER 11

FINAL PART AND TRANSITIONAL PROVISIONS

Article 41. Entry into force of the Law

1. This Law shall enter into force starting from 1 July 2018, except for Articles 33-36, 38, 42 and 49 of this Law. Articles 33-36 of this Law shall enter into force starting from 1 January 2019, and Articles 38, 42 and 49 shall enter into force on the day of assumption of office of the newly elected President of the Republic of Armenia.

2. Upon entry into force of this Law, Law of the Republic of Armenia HO-272 of 4 December 2001 "On civil service" shall be repealed, except for Articles 9 and 10.

3. Articles 9 and 10 of Law of the Republic of Armenia HO-272 of 4 December 2001 "On civil service" shall be repealed on the 60th day following the day of entry into force of the procedure provided for by part 1 of Article 45 of this Law.

4. Starting from 1 January 2019, Law of the Republic of Armenia HO-26-N of 19 May 2014 "On state service in the Department of the Investigative Committee of

the Republic of Armenia" and Law of the Republic of Armenia HO-286-N of 28 November 2007 "On Special Civil Service" shall be repealed.

Article 42. Formation of the Bureau of Civil Service

1. Before holding, on competitive basis prescribed by this Law, civil service positions of the Bureau of Civil Service, those civil service positions shall be held by other persons under a fixed-term employment contract.

Article 43. Termination of activities of the Staff of the Civil Service Council

1. Upon entry into force of this Law, the Chairperson of the Civil Service Council of the Republic of Armenia shall, within a fifteen-day period, transfer the property delivered to the Staff of the Civil Service Council of the Republic of Armenia by right of possession and use, as well as the property received in the result of implementation of international programmes, the results of studies and analyses conducted and plans drawn up for reforms of the institutes of civil service through international donor organisations and/or by own means to the Staff of the Prime Minister, and the archival documents — to the National Archives.

2. Upon implementation of the action provided for by part 1 of this Article, civil servants of the Staff of the Civil Service Council shall be registered in the civil service personnel reserve for a six-month period.

3. The activities of the Civil Service Council shall terminate upon implementation of the action provided for by part 1 of this Article.

Article 44. Adopting legal acts arising from this Law

1. Within a one-month period following formation of the Bureau of Civil Service, a timetable and action plan shall be submitted to the Prime Minister for approval in order to extend the scope of this Law to the established bodies.
2. The decisions of the Government ensuring enforcement of this Law shall be adopted within a one-month period following entry into force of this Law.
3. The decisions of the Deputy Prime Minister ensuring enforcement of this Law shall be adopted within a two-month period following entry into force of this Law.
4. Upon entry into force of this Law, other laws on state service shall be brought into compliance with this Law before 31 December 2018, accepting as a basis part 2 of Article 2 of this Law, in particular, specifics are established for positions of state servants passing military service, positions of police officers implementing functions of the Police, positions of the Rescue Service, positions of state service within the penitentiary bodies of the Ministry of Justice of the Republic of Armenia, positions of the higher group of the Penitentiary Service and positions of the special purpose subdivision of the Penitentiary Service, positions of compulsory enforcement officers, positions of diplomatic service, positions for implementing investigative, operative-intelligence functions within the tax authority, positions for implementing law-enforcement functions within customs bodies, positions for implementing functions for pre-release supervision and for ensuring internal security, as well as positions of the customs house and customs point, positions of judicial servants — assistant to judge, secretary of judge and secretary during court sessions, and positions of service of judicial bailiffs.
5. State servants are considered as civil servants. Pursuant to the timetable provided for by part 1 of this Article, state servants shall be appointed to the relevant positions of civil service without a competition.

Article 45. Specifics of implementation of functions prior to preparation of electronic programmes provided for by this Law

1. Prior to preparation of electronic programmes provided for by this Law, the Bureau of Civil Service shall organise those processes and implement functions not electronically, in accordance with the procedure established by the co-ordinating Deputy Prime Minister.
2. The requirements for classifying positions and setting standards shall, as prescribed by this Law, extend to the relevant bodies in accordance with the timetable established by the co-ordinating Deputy Prime Minister. The descriptions of the positions established prior to entry into force of this Law shall be valid until evaluation of the positions compliant to the new criteria and setting the criteria.
3. According to the timetable provided for by part 2 of this Article, in case of making the transition to the new system of classification of positions, civil servants shall be re-appointed to their positions without a competition and a fixed-term contract.

Article 46. Formation of the Ethics Commission and appointment of Integrity Affairs Organisers

1. Prior to formation of the Ethics Commission provided for by this Law, the Bureau of Civil Service and/or the Commission for Prevention of Corruption shall organise trainings on matters of integrity for members candidates of the Ethics Commission.
2. The descriptions of the positions of Integrity Affairs Organisers shall be approved within the third ten-day period of January 2019.

Article 47. Certain provisions on succession

1. The legal consequences of incentives (rewarding) and means of disciplinary penalties applied prior to entry into force of this Law shall be maintained and shall be taken into consideration when applying disciplinary penalties and types of incentives provided for by this Law.
2. The legal consequences of leaves granted prior to entry into force of this Law shall be maintained. Leaves not used and transferred in the past shall be maintained and granted in accordance with the procedure existing prior to entry into force of this Law.
3. The competitions announced prior to entry into force of this Law shall be conducted in accordance with the procedure in force at the time of announcement of the competition.
4. Persons replacing persons in positions of state service as prescribed by law and/or persons holding positions by contract and/or persons holding temporary vacant positions shall continue to perform their duties until elimination of the grounds established for the given positions, unless otherwise provided for by this Law.
5. The legal consequences of the relations pertaining to training, attestation (performance evaluation), as well as the already envisaged actions and actions being implemented shall maintain their legal force.
6. Obtained class rankings and titles shall be maintained.
7. Persons holding a valid certificate for holding junior positions shall be included in the rating lists, in accordance with the procedure established by this Law.
8. Upon entry into force of this Law, within the bodies to which this Law extends in accordance with the timetable provided for by part 1 of Article 44 of this Law, the relations pertaining to state service shall be regulated in accordance with the procedure existing prior to entry into force of this Law.

9. Prior to entry into force of this Law, the time limits for not appearing at work for more than six months in the course of one year following temporary incapacity for work (not counting maternity leave) shall also be calculated upon entry into force of this Law, and the legal consequences shall emerge in cases of expiry of the time limits established by this Law.

10. Prior to entry into force of this Law, the envisaged trainings shall be organised and conducted in accordance with the procedure existing prior to entry into force of this Law.

11. Making the transition to a new system of classification of positions shall not serve as a ground for terminating service. A civil servant shall be re-appointed to a new position. Appointment to a new position shall not lead to recalculation of the time limits established by the legislation of the Republic of Armenia on civil service.

12. When making the transition to a new system of classification of positions, civil servants shall maintain their salaries, where the sub-group of the position (level of the scale) is lowered in accordance with the new classification.

13. Prior to entry into force of this Law, the increment granted for the class rank shall be granted in the period of holding the given position. In case of change of position, the increment shall not be calculated.

14. Prior to entry into force of this Law, civil servants registered in the short-term civil service personnel reserve shall be considered as registered in the personnel reserve maintained by the Bureau of Civil Service and receive the established remuneration for the established time limit prior to entry into force of this Law.

15. The fact that Law of the Republic of Armenia HO-272 of 4 December 2001 "On civil service" is repealed shall not serve as a ground for dismissing from civil service positions, except for the cases provided for by law.

16. Upon entry into force of this Law, in case of appointing a state servant to a civil service position as prescribed by this Law, the position rate established in the last position for the relevant servant shall be maintained as prescribed by the Law of the Republic of Armenia "On remuneration for persons holding state positions and state service positions".

17. Upon entry into force of this Law, in case of appointing a civil (state) servant to a civil service position as prescribed by this Law, which is conditioned by the transition to a new system of classification of positions, the position rate established in the last position for the relevant servant shall be maintained as prescribed by the Law of the Republic of Armenia "On remuneration for persons holding state positions and state service positions".

18. Where appointment of a state servant is not conditioned by the terms provided for by parts 16-17 of this Article, the position rate therefor shall be determined by the general procedure established by the Law of the Republic of Armenia "On remuneration for persons holding state positions and state service positions".

19. Equalisation prescribed for special civil servants by the Law of the Republic of Armenia "On military service and the status of a serviceman" shall extend to the civil servants of those bodies.

20. The privileges established for servicemen by the Law of the Republic of Armenia "On military service and the status of a serviceman" shall be valid after becoming a civil servant under the regulations that are envisaged for special civil servants.

21. The periods of completion of work under a civil contract and technical maintenance within the relevant bodies shall not be included in the civil service record.

22. Upon entry into force of this Law, the issues of judicial representation in court cases with the participation of the Civil Service Council shall be established by the Government within a one-month period following entry into force of this Law.

Article 48. Establishing the position of General Secretary

1. Prior to envisaging a position of General Secretary in the Police of the Republic of Armenia established by this Law, the powers established for a General Secretary by this Law shall be exercised by the Chief of Police of the Republic of Armenia.

Article 49. Specifics of the legal status of civil servants of the Staff of the Government and the Staff to the President of the Republic

1. The Staff of the Government shall be dissolved upon entry into force of the decision of the Prime Minister on creation of the Staff of the Prime Minister. The civil servants of the Staff of the Government shall continue to serve their terms in office, receiving the salary existing prior to dissolution, and shall not be subject to registration in the short-term civil service personnel reserve. The list of civil service positions of the Staff of the Government shall continue to be in effect until 1 July 2018.

2. The namelist of civil service positions of the Staff of the Prime Minister shall be approved in accordance with Law of the Republic of Armenia HO-272 of 4 December 2001 "On civil service". Upon approval of the namelist of positions, prior to 1 July 2018, officials with the competence to appoint civil servants of the Staff of the Government to positions shall appoint civil servants to the civil service positions of the Staff of the Prime Minister, without a competition, and to the civil service positions of the same group — without a final calculation. Prior to 1 July, civil servants who have not been appointed shall receive salaries, and that period shall be considered as civil service work record. On 1 July, final calculations shall be made with civil servants who have not been appointed, and they shall, for a six-month period and by virtue of law, be considered as registered in the civil service personnel reserve and shall receive remuneration from the Bureau of Civil Service for six months in the amount and as prescribed by law.

3. The namelist of civil service positions of the Staff to the President of the Republic shall be approved in accordance with Law of the Republic of Armenia HO-272 of 4 December 2001 "On civil service". Upon approval of the new namelist, officials with the competence to appoint civil servants of the Staff to the President of the Republic to positions shall appoint civil servants to the civil service positions of the Staff to the President of the Republic, without a competition, and to the civil service positions of the same sub-group — without a final calculation. The namelist approved prior to 9 April 2018 shall continue to be in effect until 1 July 2018. Civil servants who have not been appointed shall receive salaries until 1 July, and that period shall be considered as civil service work record. On 1 July, final calculations shall be made with civil servants who have not been appointed, and they shall, for a six-month period and by virtue of law, be considered as registered in the civil service personnel reserve and shall receive remuneration from the Bureau of Civil Service for six months in the amount and as prescribed by law.

4. Prior to 1 July, the civil servants of the Staff of the Government may, without a competition, be appointed to the positions of the same group of civil service of the Staff to the President of the Republic.

5. Prior to 1 July, the civil servants of the Staff to the President of the Republic may, without a competition, be appointed to the positions of the same group of civil service of the Staff of the Prime Minister.

6. In the cases provided for by parts 4 and 5 of this Article, recalculation shall not be made, and work record shall not be interrupted. Change of staffs shall not have an impact on the calculation of the salary and the coefficient, where they are going to hold the position of the same sub-group, and the previously applied disciplinary penalties, incentives and the results of performance evaluation shall be maintained and taken into consideration.

7. In the cases provided for by parts 4 and 5 of this Article, while holding a position, the civil servant shall be dismissed from the position held under the ground of holding a position within the Staff to the President of the Republic or within the Staff of the Prime Minister, in accordance with his or her application.

8. The requirement for appointment to positions of the same group provided for by this Article shall not extend to the cases of appointment to the position of head of structural subdivision.

9. In the case of appointments provided for by this Article, a civil servant may, upon his or her consent, be appointed to a lower position.

10. In case of appointments to positions as prescribed by this Article, civil servants shall receive rewards based on the results of semi-annual reports or semi-annual executive, where the semi-annual reports or the semi-annual executives have been positively assessed. Evaluation shall be carried out prior to holding a position within the new body. Based on the results of the evaluations conducted by the previous and new bodies, a civil servant shall receive a reward from the body in which he or she holds a civil service position.

**President
of the Republic of Armenia**

S. Sargsyan

29 March 2018

Yerevan

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