LAW OF GEORGIA

ON PUBLIC SERVICE

Chapter I – General Provisions

Article 1 – Aim of the Law

This Law aims to establish a legal basis for the formation and functioning of a stable, unified public service in Georgia based on career promotion, merit, integrity, political neutrality, impartiality and accountability.

Article 2 – Scope of the Law

This Law determines the status of a public servant, the conditions for the recruitment of qualified public officers and performance of service by them and matters of public service administration. It also regulates official legal relations between public servants in state bodies (institutions), in bodies (institutions) of the autonomous republics and municipalities and in legal entities under public law, unless otherwise provided for by this Law.

Article 3 – Definitions

The terms used in this Law have the following meaning:

a) state service – service in elected or appointed positions in the state bodies (institutions) of Georgia and in the bodies (institutions) of the autonomous republics that exercise legislative, executive and judicial authority, state supervision and control, and state defence under the legislation of Georgia;

[a) state service – service in elected or appointed positions in the state bodies (institutions) of Georgia and in the bodies (institutions) of the autonomous republics that exercise legislative, executive and judicial authority, state supervision and control, state defence under the legislation of Georgia, or service in an independent body created based on the basis of special legislation; ***(Shall become effective from 1 January 2021)***]

b) state servant – a person holding an elected or appointed position in state service, whose powers are defined under the Constitution of Georgia and/or a relevant legislative act; or a first deputy/a deputy of such person; or a person provided for by Article 4(1)(j) of this Law;

c) public service – performance of public service (except for service performed by persons defined in Article 4(1) of this Law), service in municipal bodies (institutions), service in legal entities under public law (except for service in cultural, educational, scientific, research, sports and religious and membership-based legal entities under public law and in legal entities under public law defined by this Law and the Law of Georgia on Legal Entities under Public Law). Public service includes working in the Administration of the President of Georgia; in the staffs of the advisory bodies of the Prime Minister of Georgia and the Government of Georgia; of the National Bank of Georgia; of the State Audit Office of Georgia; of the High Council of Justice of Georgia; in the Office of the Public Defender of Georgia; the Office of the Business Ombudsman of Georgia; the State Inspector's Service; the Office of the Central Election Commission of Georgia; the Offices of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara; and in the administration of the state representatives;

d) public servant – a qualified public officer/public officer/officer, a person employed on the basis of an agreement under public law, a person employed on the basis of an employment agreement;

e) qualified public officer/public officer/officer ('the officer') – a person, who is appointed for an unspecified term to a full-time

position of an officer in public service by the State, the autonomous republic, a municipality, or a legal entity under public law, and who exercises powers under public law as his/her principal professional activity, which guarantees the protection of public interests by him/her, and who receives relevant remuneration and social and legal security guarantees in return;

f) person employed on the basis of an employment agreement – a person who, for the performance of public service, is granted powers to fulfil support or non-permanent tasks in a public institution on the basis of an employment agreement;

g) person employed on the basis of an agreement under public law – a person who provides support to a public political official for the exercise by the public political official of his/her powers by giving industry/sector-specific advice, rendering intellectual and technical assistance and/or performing organisational and managerial functions and who does not occupy a position provided for by this Law for an officer or a person employed on the basis of an employment agreement; or a person provided for by Article 78(1)(d) of this Law;

h) public political official – the President of Georgia, Members of Parliament of Georgia, the Prime Minister and other members of the Government of Georgia and their deputies, members of the Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, members of the Governments of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara and their deputies;

i) political official – a state representative, a deputy state representative, an official of the municipality Sakrebulo (municipality assembly), a municipality mayor, a deputy mayor;

j) public institution – an institution established with funds from the State Budget, from the Republic Budget of an Autonomous Republic or the budget of a local self-government unit and funded from the relevant budget, also an organisation accountable to/controlled by such institution, and any other legal entity under public law, provided that such legal entity is an organisation that employs public servants and is authorised to spend allocations under the programmes/sub-programmes stipulated by the budgets of the relevant level;

k) position – a career stage that represents a set of functions and defines its place and role in the public service system;

l) evaluation of officers – the evaluation by public institutions of officers employed in positions of all hierarchical ranks and/or of the work performed by them to define the requirements for career promotion, improvement of professional skills, incentives, and professional development of officers and other legal consequences provided for by this Law.

Law of Georgia No 1265 of 26 July 2017 – website, 29.7.2017

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 3289 of 21 July 2018 – website, 9.8.2018

Law of Georgia No 3387 of 5 September 2018 – website, 24.9.2018

Law of Georgia No 4263 of 27 December 2018 – website, 29.12.2018

Law of Georgia No 4602 of 8 May 2019 – website, 8.5.2019

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Law of Georgia No 6731 of 2 July 2020 – website, 16.7.2020

Article 4 – Persons not subject to this Law

1. This Law shall not apply to:

a) public political officials and political officials;

b) employees of the staffs of a parliamentary faction, a temporary investigation commission and other temporary commissions; employees of the staff of a faction of the Supreme Representative Bodies of the Autonomous Republics of Abkhazia and Ajara; employees of the staff of a faction of a municipality Sakrebulo;

[b) employees of the staff of a faction of the Parliament of Georgia; employees of the staffs of factions of the Supreme Representative Bodies of the Autonomous Republics of Abkhazia and Ajara; employees of the staff of a faction of a municipality Sakrebulo; *(Shall become effective upon the acquisition of full powers by the Parliament of Georgia elected in the next Parliamentary Elections of Georgia)*]

c) judges;

d) prosecutors and investigators of the Prosecutor's Office;

e) the President of the National Bank of Georgia and members of the Board of the National Bank of Georgia;

f) the General Auditor of the State Audit Service and his/her deputy;

g) the Public Defender and his/her deputy;

h) the State Inspector and his/her deputy;

i) (Deleted – 5.9.2018, No 3387);

j) the Head of the Administration of the President of Georgia and his/her deputy, the Head of the Administration of the Government of Georgia and his/her deputy, the Head of the Staff of the Parliament of Georgia and his/her deputy; heads of the staffs of the Supreme Representative Bodies of the Autonomous Republics of Abkhazia and Ajara and their deputies; heads of the staffs of the Governments of the Autonomous Republics of Abkhazia and Ajar and their deputies;

k) heads of the advisory bodies of the Prime Minister of Georgia, the Government of Georgia, and of the ministers of Georgia and their deputies;

l) the head of the State Security Service of Georgia and his/her deputy;

m) the head of the National Regulatory Body and his/her deputy, members of the National Regulatory Body;

n) Parliamentary Secretaries of the President of Georgia and of the Government of Georgia and their deputies;

o) the Business Ombudsman of Georgia and his/her deputy;

p) elected members of the Central Election Commission of Georgia, of the Supreme Election Commissions of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara, and of District Election Commissions;

q) the Legal Entity under Public Law called the Notary Chamber of Georgia, except for employees of the Staff of the Board of the Notary Chamber of Georgia;

r) members of the High Council of Justice of Georgia;

s) heads of legal entities under public of law and their deputies;

t) the head of the Emergency Management Service, a special-purpose state institution directly subordinate to the Prime Minister of Georgia, and his/her deputies;

t) (Deleted – 22.12.2018, No 4075);

u) the head of a state sub-agency and his/her deputy, the head of a territorial body of a state sub-agency and his/her deputy, the head of a territorial body of a Ministry and his/her deputy, the head of a territorial body of a legal entity under public law and his/her deputy;

v) the director of the Legal Entity under Public Law called the Pension Agency, members of the Investment Board of the Pension Agency, and employees of the Pension Agency;

[w) a member of a board on the solution of disputes related to public procurement. *(Shall become effective from 1 January 2021)*]

2. Article 27(2)(a), (c) and (d), Article 51, Article 55(1) and Article 55(2)(a), (b) and (d)-(h), Article 55(3) and (4), and Articles 62, 64, 66 and 124 shall apply to persons defined in paragraph 1 of this article (except for the persons defined in sub-paragraph (b) of

this article) as well as to state servants, unless otherwise provided for by a special legislation.

3. Unless otherwise provided for by a special legislation or on the bases of a special legislation, this Law shall apply to:

a) employees of the Ministry of Internal Affairs of Georgia;

a^1) (Deleted – 22.12.2018, No 4075);

b) an enforcement officer of the Legal Entity under Public Law – the National Bureau of Enforcement, and a police officer of the Enforcement Police Department;

c) an employee of the Investigative Service of the Ministry of Finance of Georgia;

d) an employee of the Georgian Intelligence Service;

e) an employee in the system of the Special State Protection Service;

f) a military service person in the system of the Ministry of Defence of Georgia, and an employee of the Defence Forces of Georgia;

g) an employee of the diplomatic service;

h) an employee of the Special Penitentiary Service, a state sub-agency within the system of the Ministry of Justice of Georgia;

i) an employee (a probation officer) of the Legal Entity under Public Law called the National Agency for Crime Prevention, Execution of Non-custodial Sentences and Probation operating within the governance of the Ministry of Justice of Georgia;

j) a staff member of the Prosecutor's Office, except for a prosecutor and an investigator of the Prosecutor's Office;

k) (deleted – 5.9.2018, No 3387);

l) (deleted – 7.12.2017, No 1710);

m) the Office of the National Regulatory Body;

n) the Staff of the National Bank of Georgia;

o) an employee in the system of the State Security Service of Georgia;

o^1) an employee of the Office of the National Security Council;

p) an employee of the State Audit Service;

q) employees of a structural unit implementing official inspection and of an investigative division of the State Inspector’s Service.

4. Service in a public institution that does not involve the performance of public service shall be regulated by the relevant law and/or the labour legislation of Georgia, in consideration of the peculiarities defined in this Law.

Law of Georgia No 5599 of 24 June 2016 – website, 13.7.2016

Law of Georgia No 482 of 22 March 2017 – website, 27.3.2017

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 1710 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 3136 of 5 July 2018 – website, 11.7.2018

Law of Georgia No 3311 of 21 July 2018 – website, 6.8.2018

Law of Georgia No 3289 of 21 July 2018 – website, 9.8.2018

Law of Georgia No 3387 of 5 September 2018 – website, 24.9.2018

Law of Georgia No 3819 of 30 November 2018 – website, 13.12.2018

Law of Georgia No 4075 of 22 December 2018 – website, 28.12.2018

Law of Georgia No 4263 of 27 December 2018 – website, 29.12.2018

Law of Georgia No 4402 of 2 April 2019 – website, 8.4.2019

Law of Georgia No 4602 of 8 May 2019 – website, 8.5.2019

Law of Georgia No 4546 of 3 May 2019 – website, 10.5.2019

Law of Georgia No 4899 of 28 June 2019 – website, 28.6.2019

Law of Georgia No 4983 of 20 September 2019 – website, 23.9.2019

Law of Georgia No 5398 of 29 November 2019 – website, 10.12.2019

Law of Georgia No 6703 of 1 July 2020 – website, 7.7.2020

Law of Georgia No 6731 of 2 July 2020 – website, 16.7.2020

Article 5 – Language of the state service and public service

The state service and public service shall be performed in the official language of Georgia – Georgian, and also in Abkhazian in the Autonomous Republic of Abkhazia.

Article 6 – Scope of application of this Law and the Organic Law of Georgia the Labour Code of Georgia with respect to public servants

1. The Organic Law of Georgia the Labour Code of Georgia shall apply to officers in cases directly provided for by this Law.

2. This Law shall apply to persons employed on the basis of an agreement under public law and to persons employed on the basis of an employment agreement in cases directly provided for by the same Law.

3. The labour legislation of Georgia shall apply to persons employed on the basis of an employment agreement, unless otherwise provided for by the legislation of Georgia.

Chapter II – Public Service Principles

Article 7 – Legality

Public servants shall only act according to the Constitution of Georgia and other legislative and subordinate acts of Georgia. Any act of a public servant shall be based on the principles of the rule of law and legal reservation.

Article 8 – Loyalty

Public servants shall exercise official powers in compliance with the public service principles and public interests.

Article 9 – Equality before the law

All public servants are equal before the law; the exercise of legal rights, freedoms and legal interests of any citizen of Georgia involved in official legal relations may not be restricted or obstructed, irrespective of their race, colour, language, sex, age, nationality, origin, place of birth or residence, property or social status, religion or faith, national, ethnic or social origin, profession, marital status, health status, disability, sexual orientation, gender identity and expression, affiliation with political or other associations, including trade unions, political or other views, or other characteristics.

Article 10 – Economic efficiency and effectiveness

Public servants shall organise their activities in public service in an effective, correct and coordinated manner by using and spending resources economically, in order to protect public and state interests and successfully fulfil the tasks facing the country.

Article 11 – Merit-based public service

A decision on the recruitment of an officer and other decisions on the career promotion of an officer shall be impartial and based on a fair and transparent evaluation of the officer's competence and skills to perform work, and shall aim at selecting the best candidate.

Article 12 – Impartiality

Public servants shall be impartial when exercising official powers and shall be guided only by public interest. A public servant may not be guided by his/her personal interests.

Article 13 – Equal access to public service for citizens of Georgia

Every citizen of Georgia shall have an equal opportunity to be employed in public service according to their skills, qualification and professional training.

Article 14 – Accountability

Public servants shall be personally accountable, as determined by the legislation of Georgia, for the activities carried out within his/her official powers.

Article 15 – Political neutrality

Public servants may not use their official position for partisan (political) purposes and/or interests. Public servant may not participate in election campaigns either during working hours or when performing official duties. A public servant may not use administrative resources in the process of an election campaign in support of, or against, a political party, an electoral subject or a candidate for an electoral subject.

Article 16 – Career promotion

Career promotion in public service is based on a fair evaluation system and professional development based on other mechanisms.

Article 17 – Transparency and openness

Public service shall be performed in a transparent and open manner, as determined by the legislation of Georgia.

Article 18 – Social and legal security of an officer

The legislation of Georgia provides for social and legal security guarantees for officers to promote the observance by them of the principle of allegiance to the people and the State.

Chapter III – Centralised Public Service Management System

Article 19 – Public Service Council

1. To facilitate the development of a unified state policy in public service, the Public Service Council shall be established as an advisory body to the Prime Minister of Georgia.

2. The Public Service Council shall be composed of 11 members. The term of office of a member of the Public Service Council shall be four years. The chairperson of the Public Service Council is the Prime Minister of Georgia.

3. The Prime Minister of Georgia shall convene meetings of the Public Service Council at least once in six months.

4. Two members of the Public Service Council are elected by the Parliament of Georgia from among its members, two members, by the Government of Georgia from among its members, two members, by the High Council of Justice of Georgia from among the judges of common courts, one member is elected by the Supreme Representative Body of the Autonomous Republic of Abkhazia and 1 member by the Supreme Representative Body of the Autonomous Republic of Ajara from among their members, and two members, by the Self-government Association from among the representatives of local self-government bodies.

5. The Public Service Council is authorised to:

a) consider proposals for the improvement of a unified state policy in public service;

b) hear progress reports of the Civil Service Bureau and make recommendations concerning the issues reflected in these reports;

c) put to vote the issue of early dismissal of the head of the Civil Service Bureau in cases provided for by this Law;

d) exercise other powers determined by the legislation of Georgia.

6. The Statutes of the Public Service Council shall be approved by the Prime Minister of Georgia.

Article 20 – Civil Service Bureau

1. The Civil Service Bureau ('the Bureau') shall be established as a legal entity under public law to facilitate the coordination of activities in the area of public service, to implement the main policies defined in this Law, to monitor the receipt of asset declarations of officials, the publicity of asset declarations of officials and their submission within the established time limits in accordance with the legislation of Georgia, and to perform other functions provided for by Article 21 of this Law.

2. The Bureau shall be headed by the Head of the Bureau who shall be appointed by the Prime Minister of Georgia for a period of five years.

3. The powers of the Head of the Bureau shall be terminated prematurely if:

a) his/her Georgian citizenship is terminated;

b) a final judgement of conviction enters into force against him/her;

c) a court declares him/her missing or dead or recognises him/her as a beneficiary of support, unless otherwise determined under the court decision;

d) he/she has occupied or holds a position incompatible with his/her status or carries out activities incompatible with his/her position;

e) he/she resigns;

f) he/she dies;

g) he/she fails to properly exercise the powers defined in Article 22 of this Law.

4. If there are any of the circumstances referred to in paragraph 3(a-f) of this article, the Prime Minister of Georgia shall issue an individual administrative act for the early termination of powers of the Head of the Bureau. If there are circumstance referred to in paragraph 3(g) of this article, the Public Service Council shall, on the initiative of the Prime Minister of Georgia, put to vote the issue of early termination of powers of the Head of the Bureau. The decision shall be made by a two-thirds majority of the total membership of the Public Service Council. Based on the opinion of the Public Service Council, the Prime Minister of Georgia shall issue an individual administrative act for the early termination of powers of the Head of the Bureau.

5. The Statutes and the staff list of the Bureau shall be approved by the Government of Georgia.

Article 21 – Functions of the Bureau

The main functions of the Bureau are to:

a) study and analyse the current situation in the area of public service; monitor implementation of a unified state policy in the area of public service and the observance of normative acts related to the policy and prepare respective recommendations;

b) develop action standards, instructions and other guidelines, as well as normative acts and draft legislative proposals in the area of public service;

c) provide methodological assistance to public institutions to ensure the uniform observance of current action standards, instructions and normative acts in the area of public service;

d) maintain a unified human resources management electronic system; cooperate with human resources management units of public institutions in the process of preparation of annual human resources management plans;

e) examine and generalise existing practices of recruitment, evaluation, career promotion, career management, professional development and dismissal of officers and adherence by public servants to ethical norms, and prepare respective recommendations;

f) cooperate with relevant public institutions to create a unified classification system of positions and remuneration of officers and to ensure its functioning;

g) study the current level of qualification and professional training in public service; develop unified standards for the professional development of officers and supervise observance of those standards; implement relevant activities to ensure professionalism and professional development in public service;

h) study and generalise the experience of other countries in the area of public service and cooperate with international

organisations to improve public service management;

i) analyse legal disputes arising between officers and prepare respective recommendations to improve the current practice;

j) participate in the development and implementation of state programmes for fighting corruption in public service; monitor asset declarations completed by officials; and exercise other powers defined in the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions;

k) ensure certification of applicants seeking recruitment in the public service under the procedure established by the legislation of Georgia;

l) prepare progress reports on the activities performed by the Bureau, which is to be presented to the Public Service Council once in every six months;

m) perform other functions defined by this Law and functions vested by the other normative acts.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 22 – Head of the Bureau

1. The Head of the Bureau shall:

a) manage and supervise the activities of the Bureau, represent the Bureau in relations with third parties and be responsible for its activities;

b) prepare and submit annual working plans of the Bureau to the Public Service Council for approval;

c) submit to the Public Service Council reports on the activities performed by the Bureau;

d) have the right to appoint and dismiss employees on the staff list of the Bureau, conclude employment agreements with other employees of the Bureau and distribute functions among the employees of the Bureau;

e) supervise the performance by the Bureau's structural units of duties assigned to them by the Bureau;

f) take statutory measures in the case of administrative offences committed by officials in connection with asset declarations;

f^1) approve, by an individual administrative-legal act, standards for functioning of the unified electronic system of the human resources management in public service;

g) exercise other powers determined by the legislation of Georgia.

2. The Head of the Bureau issues decrees and orders and gives recommendations on the basis of this Law and other legal acts.

3. The Head of the Bureau issues decrees in the case of administrative offences committed by officials in connection with asset declarations in accordance with the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions.

4. The Head of the Bureau gives recommendations regarding the issues provided for by Article 21(a), (c-g) and (i) of this Law.

5. The Head of the Bureau issues orders regarding other matters within the powers of the Bureau.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 23 – Annual report of the Bureau

1. The results of activities of the Bureau shall be reflected in a substantiated report of the Head of the Bureau, which shall be submitted to the Prime Minister of Georgia and the Public Service Council.

2. The Bureau shall publish its annual reports proactively, on a website administered by the Bureau.

Article 24 – Human resources management unit of a public institution

1. A human resources management unit shall be established in every public institution (it shall be represented by an independent structural unit (sub-division) or an officer carrying out the respective activities). The Bureau shall cooperate with and provide methodological assistance to human resources management units of public institutions.

2. A human resources management unit of a public institution shall develop a human resources management policy of the public institution and shall ensure its implementation. A human resources management unit of a public institution shall exercise powers provided for by this Law and other legislative and subordinate acts of Georgia, in particular, it shall be responsible for the functioning of a unified human resources management electronic system and for entering information defined by the legislation of Georgia into a unified human resources management electronic system.

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Chapter IV – Classification of Officers' Positions

Article 25 – Ranking of officers' positions

1. Each officer position corresponds to one career stage and is ranked as follows:

a) Rank I – top management level

b) Rank II – middle management level

c) Rank III – senior specialist level

d) Rank IV – junior specialist level.

2. Rank I is the highest hierarchical rank, whereas Rank IV is the lowest hierarchical rank.

3. Officer positions shall be assigned to the hierarchical ranks defined in paragraph 1 of this article according to the following relevant factors of the functions of each position:

a) responsibility;

b) the level of complexity of duties;

c) competences;

d) required qualification;

e) work experience.

4. Based on the factors referred to in paragraph 3 of this article, the Government of Georgia determines officer position titles, the unified procedure for assigning officer positions to hierarchical ranks and the hierarchical list of officer positions assigned to a respective hierarchical rank.

Article 26 – Officer's class

1. An officer shall be assigned an officer's class according to the evaluation results.

2. The total number of officer classes shall be 12.

3. An officer shall retain the assigned class permanently. The assigned officer's class may not be removed.

4. Officers who have been assigned an officer's class shall be paid a salary increment as determined by this Law.

5. Officers shall retain salary increments determined for the given class when moving to another position in another and/or the same public institution. Officers shall retain salary increments determined for the given class if they are transferred to a lower rank position when a public institution is reorganised, liquidated and/or merged with another public institution, or due to their state of health.

6. If an officer is transferred to the reserve of officers, a salary increment determined for the given class shall not be paid to him/her.

7. The procedure and conditions for assigning an officer's class to officers are defined by an ordinance of the Government of Georgia.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Chapter V – Appointment of Officers

Article 27 – Basic requirements for officers

1. Any legally competent citizen of Georgia may be recruited as an officer if he/she :

a) knows the official language;

b) has attained the age of 18;

c) holds an officer's certificate provided for by this Law.

2. A person shall not be recruited as an officer if:

a) he/she has a previous conviction for committing an intentional crime;

b) he/she has been dismissed from public service for disciplinary misconduct and one year has not expired from the dismissal of the officer for the disciplinary misconduct;

c) at the time of recruitment for public service, he/she fails to submit a drug test certificate, the form of which is established by the legislation of Georgia or the submitted drug test certificate proves the use of drugs by him/her;

d) a court has deprived him/her of the right to occupy the relevant position in public service;

e) a court has recognised him/her as a beneficiary of support, unless otherwise determined under a court decision.

3. Any legally competent person having the status of a compatriot residing abroad, who has appropriate knowledge and experience, knows the official language of Georgia and has attained the age of 18, may be recruited for public service only on the basis of an employment agreement.

Article 28 – Special requirements and additional qualification requirements

1. Special requirements shall be established for each hierarchical rank of the officer positions, which determine the level of education and experience necessary for the given rank.

2. Special requirements necessary for each hierarchical rank of officer positions shall be determined by an ordinance of the Government of Georgia on Determining Special Requirements for Each Hierarchical Rank of Positions of Qualified Public Officers.

3. Additional qualification requirements shall be established by the heads of public institutions in agreement with the Bureau, taking into account the specific nature of and job description of each position.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 29 – Officer's certificate

1. An officer's certificate is a document certifying the general aptitude and knowledge necessary for applicants seeking recruitment for an officer position in public service, which is issued after successfully passing the certification.

2. The following persons shall not be required to have an officer's certificate when participating in competitions announced to fill the vacant officer positions:

a) an existing officer;

b) a former officer;

c) a person with higher education;

d) a person who successfully passed the national unified exams. The successful passing of the national unified exams by a person shall mean the overcoming by a person (an entrant) of the minimum competence threshold determined by the Legal Entity under Public Law called the National Assessment and Examinations Centre in compulsory subjects of the national unified exams, and in case of choosing optional subjects – also in optional subjects.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 30 – Ensuring the conduct of certification

1. Certification shall be provided by the Bureau.

2. Certification shall be conducted electronically in the state language.

3. The procedure and topics of certification of officers shall be determined by an ordinance of the Government of Georgia.

4. The Bureau shall maintain a register of persons holding officer's certificates.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 31 – Requirements for certification participants

Any legally competent citizen of Georgia who has attained the age of 18 and received a secondary education may participate in the certification.

Article 32 – Validity of an officer's certificate

1. The validity of an officer's certificate is five years.

2. If a person holding an officer's certificate is appointed to an officer position within the validity period defined under paragraph 1 of this article, the officer's certificate shall have no time limit.

Article 33 – Term of public service

A person shall be appointed to an officer position for an unspecified term.

Article 34 – Appointment to a vacant officer position through competition

1. A person shall be appointed to a vacant officer position on the basis of a competition, except as provided for in Articles 47 and 52 of this Law.

2. A person shall be appointed to a Rank IV officer position on the basis of an open competition.

3. An officer shall be appointed to a superior rank (Rank III, II or I) officer position on the basis of an internal or a closed competition. A closed competition is announced within the public service system to select an appropriate candidate from among existing officers, officers transferred to the reserve of officers and persons employed on the basis of an employment agreement. A person employed on the basis of an employment agreement may participate in a closed competition if he/she has been working in the public service system for at least one year.

4. A person may be selected through an open competition to be appointed to a Rank III, II or I officer position if:

a) an appropriate candidate could not be selected through a closed competition defined under paragraph 3 of this article;

b) there is a reasoned recommendation of the Bureau that an appropriate candidate cannot be selected through a closed competition taking into account the additional qualification requirements determined for the given vacant position.

5. The Bureau shall give the recommendation provided for by paragraph 4(b) of this article in the case of an application of a public institution, on the basis of the verification of data available in the unified human resources management electronic system.

6. The procedure and conditions for conducting a competition under this Law, as well as the detailed rule of operation of the Competition Commission shall be determined by the ordinance of the Government of Georgia on the Procedure for Conducting a Competition in Public Service.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 35 – Announcing a competition to fill a vacant officer position

1. Public institutions shall announce competitions to fill vacant officer positions through the website administered by the Bureau.

2. The announcement of a competition shall contain a job description for the vacant position and define the requirements and qualification necessary for an applicant to occupy the vacant position. This implies that there shall be a list of documents certifying both personal skills and professional experience of the candidate.

3. Candidates shall be given at least 5 calendar days after the announcement of a competition to submit an application for the participation in the competition.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 36 – Submission of an application for the participation in a competition

An application for the participation in a competition may only be submitted electronically, through the website administered by the Bureau.

[Article 36 – Submission of an application for the participation in a competition

1. An application for the participation in a competition may only be submitted electronically, through the website administered by the Bureau.

2. The Civil Service Bureau shall ensure access to the services administered by it to facilitate the employment of persons with disabilities in the public sector. ***(Shall become effective from 1 January 2021)***]

Law of Georgia No 6841 of 14 July 2020 – website, 28.7.2020

Article 37 – Competition commission and the chairperson of the Competition Commission

1. Competition Commissions shall be established in public institutions to ensure the conduct of open, closed or internal competitions.

2. The head of the public institution concerned shall appoint as the chairperson of the Competition Commission an officer holding Rank I or II position in the same public institution. The head of a public institution may not be the chairperson of the Competition Commission.

3. The chairperson of the Competition Commission may form a specialised composition of the Competition Commission based on professional and territorial principles.

4. The chairperson of the specialised composition of the Competition Commission shall be appointed by the chairperson of the Competition Commission.

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 38 – Number of members and composition of the Competition Commission

1. The number of members and composition of the Competition Commission shall be determined by the chairperson of the Competition Commission based on urgent necessity. The Competition Commission shall be composed of a representative of the human resources management unit of the public institution concerned, a representative of the structural unit of the public institution where there is a vacant position, a representative of a sectoral trade union (if any) and an invited independent expert and/or an expert in the relevant field who is not officially related to the given public institution.

2. The chairperson of the Competition Commission shall appoint a deputy chairperson of the Competition Commission from among the members of the Competition Commission; the deputy shall substitute for the chairperson in his/her absence.

3. A representative of the Bureau may, upon instructions of the Head of the Bureau, attend a competition in any public institution.

Article 39 – Competition stages

The competition stages are:

a) the establishment of compliance of applications submitted for participation in a competition with basic official requirements

b) the evaluation of a candidate

c) the announcement of competition results.

Article 40 – Establishment of compliance of applications submitted for participation in a competition with basic official requirements

1. The human resources management unit of the given public institution shall, upon instructions of the Competition Commission, ensure the establishment of compliance of applications submitted for participation in the competition with basic official requirements, which means the verification of compliance of the documentation submitted by the candidates with the basic requirements, special requirements and additional qualification requirements established for the announced vacant position.

2. If a candidate fails to pass the stage defined under Article 39(a) of this Law, the Competition Commission shall notify him/her electronically and/or in writing seven calendar days before the next stage of the competition, and if the last calendar day coincides with a day off or a holiday – including the next working day, of the non-compliance of the application submitted by him/her with the basic official requirements, and if the candidate requests, the reason of non-compliance as well.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 41 – Evaluation of a candidate

1. The Competition Commission shall evaluate the compliance of a candidate with the requirements established for the vacant position.

2. The evaluation of a candidate shall be objective and impartial and shall be applied consistently and equally towards every candidate at all stages of selection and recruitment. The evaluation of a candidate shall be based on his/he work experience, the quality of work performed by him/her and on the results of the establishment of compliance of his/her professional knowledge with the job description for the vacant position and with special and additional requirements and qualifications.

3. The evaluation of a candidate shall be conducted by:

a) a written and/or oral assignment;

b) interview;

c) other forms of evaluation provided for by the legislation of Georgia.

4. When announcing a competition to fill a vacant officer position, the Competition Commission shall determine the forms of evaluation provided for by paragraph 3 of this article and coordinate them with the Bureau.

5. The substantiated results of the evaluation of a candidate shall be recorded by the Competition Commission in the minutes of the session of the Competition Commission.

6. The minutes of the session of the Competition Commission shall be submitted to the person authorised to appoint the candidate to the vacant officer position not later than five calendar days after it is prepared, and if the last calendar day coincides with a day off or a holiday – including the next working day.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 42 – Competition results

1. The Competition Commission shall nominate the best candidate for the appointment to the vacant officer position or refuse to nominate a candidate.

2. Within not later than five calendar days after making a relevant decision, and if the last calendar day coincides with a day off or a holiday – including the next working day, the Competition Commission shall notify each candidate electronically and/or in writing of the decision.

3. A competition shall be considered to have failed if no applications have been submitted or if the Competition Commission gives a reasoned refusal to nominate any candidate for appointment to the vacant officer position.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 43 – Appointing a candidate to an officer position

1. A candidate nominated by the Competition Commission shall be appointed to an officer position by the head of the relevant public institution or other duly authorised person.

1^1. If a candidate nominated by the Competition Commission refuses to be appointed to an officer position, the Competition Commission may discuss the issue of nominating another candidate participating in a competition for appointment to the vacant position, or shall make a decision declaring a competition to have failed.

2. An individual administrative act issued for the appointment of a candidate to an officer position shall comply with the official requirements determined by the General Administrative Code of Georgia and shall additionally include the following data:

a) the name and surname of the appointee;

b) the name of the public institution where the person is to be appointed;

c) the position title, remuneration, and salary increment determined for the given class (if any);

d) the date of appointment to the position;

e) the duration of the probation period if a probation period is applied.

3. An individual administrative act for the appointment of a candidate nominated by the Competition Commission to an officer position shall be issued after 5 calendar days after the submission by the Competition Commission of the relevant decision to the head of the public institution, but not later than 30 calendar days, and if the last calendar day coincides with a day off or a holiday – not later than the next working day.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 44 – Oath of an officer

1. Official legal relations of an officer begin from the moment he/she takes an oath of an officer.

2. A person appointed to a vacant officer position shall present the following oath to the competent official: 'Being aware of the great responsibility imposed on me in public service, I declare that I will serve faithfully the State and the public, observe the Constitution of Georgia, the laws and other legal acts of Georgia, respect state interests, human rights and freedoms and fulfil my duties in good faith'.

3. The person appointed to the position of an officer and the competent official shall sign the text of the oath.

4. The oath shall be kept in the personal file of the officer.

Article 45 – Probation period of an officer

1. A person not holding the status of an officer shall be recruited for a vacant officer position for a probation period, as determined by this Chapter.

2. The probation period of an officer shall be 12 months.

3. If official powers of an officer are suspended on any of the grounds defined in Article 55(2) of this Law, the running of his/her probation period shall also be suspended. The probation period shall be included in the length of service.

4. The compatibility of the officer's professional skills, capabilities and personal characteristics with the occupied position shall be evaluated during the probation period of the officer by his/her immediate supervisor on the basis of the evaluation provided for by this Law.

5. In the case of two negative evaluations within a probation period, the officer shall be dismissed.

6. The authorised person shall issue an individual administrative act for dismissal of the officer recruited for the probation period not later than five calendar days after a negative evaluation has been submitted, and if the last calendar day coincides with a day off or a holiday – not later than the next working day.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 46 – Cancelling the appointment to an officer position

A person authorised to appoint officers shall cancel the individual administrative act on the appointment of the officer to the position if, before the commencement of official duties, circumstances precluding the appointment of the officer are revealed.

Chapter VI – Managing the Career of Officers

Article 47 – Transfer of an officer

1. The transfer of an officer involves assigning to an officer other and/or functionally similar powers corresponding to the same hierarchical rank and position in the same public institution or within its system (horizontal transfer).

2. The transfer of an officer may be performed:

a) on the initiative of the officer, as determined by Article 48(1) and (2) of this Law;

b) by a reasoned decision of the head of a public institution and with the consent of the officer, based on public interests.

3. An officer may not be transferred to a position that is functionally incompatible with his/her competence.

4. A public institution shall enter information on the transfer of the officer into the unified human resources management electronic system.

Article 48 – Procedure for the transfer of an officer

1. To identify officers willing to be transferred to another position in the case provided for by Article 47(2)(a), the human

resources management unit of a public institution shall publish information about the vacant position on the official intranet site of the public institution and shall determine a period of two working days for submitting applications.

2. If an application is registered within the specified period, the head of a public institution shall interview the candidate and make a decision on the transfer of the candidate based on the evaluation results and qualification of the officer.

3. If no application has been submitted within the specified period or if no candidate has been selected under paragraph 2 of this article, the public institution shall announce a competition as determined by Article 34 of this Law.

4. In the cases provided for by this article, the public institution shall enter the relevant information in the unified human resources management electronic system.

Article 49 – Career promotion

1. The career promotion of an officer takes place when:

a) he/she is transferred from a position of a lower hierarchical rank to a position of higher hierarchical rank;

b) he/she is transferred from a lower position to a higher position of the same hierarchical rank.

2. The career promotion of an officer shall take place on the basis of an internal or a closed competition. The procedure for conducting an internal competition shall be determined by an ordinance of the Government of Georgia on the Procedure for Conducting a Competition in Public Service.

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 50 – Assigning temporary functions to an officer

1. Based on public interests and/or the state of health of an officer, he/she may be temporarily assigned functions that are outside his/her official duties.

2. The head of a public institution or another duly authorised person may temporarily assign to an officer:

a) the performance of additional functions;

b) the performance of other functions and release him/her from the performance of his/her main functions.

3. An officer may also be assigned functions provided for by paragraph (2)(b) of this article within the public service system and abroad, based on the interests of the public institution.

4. a) the total period for performing additional functions assigned to an officer shall be fixed under an individual administrative-legal act of the head of a respective public institution;

b) a period for performing other functions assigned to an officer within the public service system shall not exceed three years, except as provided by law.

5. Temporary functions that are incompatible with an officer's competence shall not be assigned to him/her.

6. An officer may be assigned temporary functions for more than one month only with his/her consent.

7. An unreasoned refusal of an officer to perform temporary functions for less than one month may entail his/her disciplinary liability.

8. Based on the interests of the public institution, an officer transferred to the reserve of officers may be assigned temporary functions, taking into account his/her competence.

9. The procedure and conditions for the remuneration of an officer for the performance of additional functions shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 51 – Sending an officer on a business trip

1. By decision of a public institution, an officer may be sent on a business trip, both within and outside the country, to exercise official powers.

2. The procedure for sending an officer on a business trip, the amount of compensation and conditions for reimbursing his/her business trip expenses, and other related social guarantees, shall be determined by an ordinance of the Government of Georgia.

3. The procedure for reimbursing official business trip expenses of a Member of the Parliament of Georgia and of a public servant of the Office of the Parliament shall be determined by the Chairman of the Parliament of Georgia.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 52 – Mobility

1. In the case of reduction in the number of posts due to the reorganisation, liquidation and/or merger with another public institution, an officer may be transferred, with his/her consent, to an equal position in the same or another public institution, and if no such position is available, to a lower position, taking into account his/her competence.

2. An officer may be transferred to another public institution based on the mobility principle defined under paragraph 1 of this article only with the consent of that public institution.

3. An officer may not be transferred to a vacant position in another public institution based on the mobility principle defined under paragraph 1 of this article if the procedures defined in Articles 34 and 48 of this Law have been initiated to fill the vacant position.

4. If the mobility defined under paragraph 1 of this article is not possible, an officer shall be transferred to the reserve of officers and shall be paid appropriate compensation.

5. If an officer refuses to use the offered mobility, he/she shall be transferred to the reserve of officers and be given compensation in the amount of one month official salary.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 53 – Evaluation of officers

1. Public institutions shall evaluate officers of all hierarchical ranks once a year, according to the procedure for the evaluation of officers approved by an ordinance of the Government of Georgia on the Procedure and Conditions for the Evaluation of Qualified Public Officers.

2. A person hired for a probation period shall also be subject to evaluation.

3. The evaluation process shall be conducted in a transparent manner by an immediate supervisor of an officer with the participation of a representative of the human resources management unit of the public institution concerned. The following four-level evaluation system shall be applied for the evaluation of officers:

a) exceptional – an officer has performed the duty and/or work exceptionally well, and is clearly distinguished from others with his/her results and/or professional skills;

b) good – an officer has performed the duty well, and his/her results and/or professional skills consistently comply with the

established requirements;

c) satisfactory – the duty has been partially performed and needs improvement; the officer is not substantially distinguished by his/her professional skills;

b) unsatisfactory – an officer perfumed the duty in sub-standard manner, and his/her results and/or professional skills do not meet the established requirements.

4. A person hired for a probation period shall be subject to evaluation once a quarter.

5. An officer shall be subject to evaluation if he/she has been performing official duties in the given position for at least three months.

6. The evaluation of officers is conducted by means of the evaluation of documents and interviewing officers.

7. If an officer to be evaluated refuses to undergo the evaluation, it shall be considered as serious disciplinary misconduct.

8. Public institutions shall enter evaluation results in the unified human resources management electronic system.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 54 – Professional development

1. Officers shall, based on the goals of public service, develop their professional abilities by participating in professional development programmes offered by public service.

2. The goal of the professional development of officers is to facilitate their professional development and ensure proper functioning of public institutions.

3. A public institution shall, based on the goals of the public institution, ensure the participation of officers in mandatory professional development programmes and facilitate their participation in professional development programmes outside the public service system.

4. Public institutions shall determine the needs for professional development of officers at the beginning of each year, based on the professional development standards approved by the Government of Georgia, according to the results of the analysis of the needs of a public institution and evaluation of officers.

5. An officer may additionally determine on his/her own the need for training programmes necessary for his/her professional development and, in agreement with the public institution, request an appropriate leave as determined by this Law.

6. If the duration of a professional development programme exceeds three months and this programme is financed by a public institution, the officer may not resign on his/her own initiative within one year after the completion of the programme, based on an agreement between the officer and the public institution. This rule shall not apply if the officer reimburses the public institution for the expenses incurred for his/her professional development.

7. The procedure for determination of the needs for the professional development of officers, and the standards and procedures for the professional development of officers shall be approved by an ordinance of the Government of Georgia.

8. Public institutions shall enter the reports on the needs for the professional development of officers into the unified human resources management electronic system taking into account the Ordinance referred to in paragraph 7 of this article.

Article 55 – Suspension of official powers of an officer

1. The suspension of official powers of an officer means his/her temporary release from performing official functions.

2. Official powers of an officer shall be suspended:

a) during leave;

b) during temporary incapacity for work, which shall be proved by a certificate of sickness;

c) when an officer is suspended from office as provided for by Article 99;

d) when an officer is nominated as a candidate in presidential elections, in the elections of a representative body or a municipality mayor, unless otherwise provided for by law;

e) in the case of conscription for compulsory military service or non-military, alternative labour service, or when doing military reserve service or during the mobilisation of military reserves, if an officer is no longer able to perform official duties;

f) when an official is placed in a shelter for victims of violence against women and/or domestic violence or in a crisis centre, if he/she is no longer able to perform official duties but for not more than 30 calendar days a year. In that case, the obligation of notifying the public institution shall rest with the service provider organisation;

g) when an officer is arrested in the manner established by the legislation of Georgia, or is subjected to an administrative detention or to such pre-trial restriction measures that preclude the exercise of official powers; or when an officer is held criminally liable by a decision of a public institution, until prosecution is terminated or a judgment enters into legal force;

h) in other cases of temporary dismissal of an officer under or on the basis of the law.

3. During the suspension of official powers, an officer shall retain his/her official salary and the class-based increment, except in the case provided for by paragraph 2(d) of this article and in the case of conscription of an officer for compulsory military service or non-military, alternative labour service. In the case provided for by paragraph 2(g) of this article, the issue of retaining an officer's official salary and class-based increment shall be decided the respective public institution.

4. An individual administrative act shall be issued for the suspension of official powers of an officer.

Law of Georgia No 782 of 4 May 2017 – website, 25.5.2017

Law of Georgia No 1265 of 26 July 2017 – website, 29.7.2017

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 2043 of 7 March 2018 – website, 26.3.2018

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Chapter VII – Rights, Guarantees and Obligations of Officers

Article 56 – Safe and necessary working conditions for officers

1. Officers shall have the right to enjoy safe working conditions and receive the organisational and technical means necessary to perform their official functions.

2. Public institutions shall create an appropriate working environment to provide officers with conditions and means defined under paragraph 1 of this article, and shall ensure equal and fair treatment of officers in connection with issues related to human resources management, career promotion, remuneration and legal protection.

3. A public institution shall, for ensuring observance of the principle of equal treatment for persons at the place of work, take measures for the equal treatment of persons employed by an institution, including it shall enter antidiscrimination provisions into the bylaw and other documents of the public institution and shall ensure they are complied with.

Law of Georgia No 4280 of 19 February 2019 – website, 25.2.2019

Article 57 – Remuneration

1. The remuneration system for officers shall be based on the principles of transparency and fairness, which means equal pay for equal work performed.

2. Officers shall have the right to receive remuneration from the day of entry into public service up to the day of their dismissal.

3. Remuneration of an officer includes an official salary, a class-based increment, a salary increment and a monetary reward.

4. The source of the payroll fund of officers is the relevant budget. The reduction of budgetary allocations shall not cause the reduction in the official salaries of officers.

5. Remuneration shall be paid to officers by non-cash settlement.

6. The amount of official salaries assigned for the positions of each hierarchical rank shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 58 – Salary increment

1. An officer shall be paid a salary increment:

a) (deleted – 22.12.2017, No 1826);

b) based on the overtime work performed on the instructions of a superior official;

c) when he/she is assigned additional functions, including for performing activities during night hours, on days off or holidays and under working conditions dangerous to health.

2. The total amount of a salary increment of an officer shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 58^1 – Class-based increment

1. An officer shall be paid a class-based increment based on the officer's class.

2. The procedure for paying class-based increments to officers shall be determined in accordance with the procedure established by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 59 – Incentives

1. The following types of incentives shall be determined based on the results of the evaluation of officers:

a) commendation;

b) a monetary reward;

c) a valuable gift.

2. The procedure for giving incentives to officers shall be determined by an ordinance of the Government of Georgia.

3. The upper limit of a monetary reward for an officer shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Article 60 – Work time and rest time

1. The work time of an officer is part of calendar time during which he/she is obliged to perform official duties.

2. An officer shall work five days a week and the duration of work time shall not exceed 8 hours a day and 40 hours per week.

3. The rest time of an officer and holidays shall be determined by the Organic Law of Georgia – the Labour Code of Georgia.

Article 61 – Overtime work and part-time work

1. Overtime work shall be performed by an officer only on the basis of a written instruction of by a superior official.

2. Overtime work performed by an officer shall be remunerated at the option of the officer, either by paying the officer a salary increment or granting him/her additional rest time proportionate to the overtime work.

3. The total duration of work time of an officer and overtime work time shall not exceed 48 hours a week.

4. Officers may enjoy the right to part-time work for health reasons, or for raising a child of less than one year old and during pregnancy.

5. The procedure for working in public service part-time, during night hours, on days off and holidays and under working conditions dangerous to health, and for exercising public service powers 24 hours continuously, shall be determined by an ordinance of the Government of Georgia.

6. Work and rest hours for persons with disabilities, pregnant women and nursing mothers and the conditions for remuneration of overtime and part-time work shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 62 – Leaves

1. An officer shall enjoy an annual paid leave of 24 working days.

2. An officer shall be entitled to a leave after 11 months from his/her appointment to the position. With the consent of the authorised person, an officer may be granted a leave before the expiration of this period. After a year from the appointment to the position an officer shall be granted leave at any time of a calendar year.

3. Officers may enjoy the leave provided for by paragraphs 1 and 5 of this article in parts.

4. Officers may enjoy a paid leave that has not been used during the calendar year, in the following calendar year. In that case, the periodicity of the leave shall be agreed to with the head of the public institution.

5. Officers may enjoy an unpaid leave for not more than one year, unless this contradicts the interests of the public institution.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 63 – Leave for the purpose of professional development

1. To participate in the mandatory professional development programme for officers provided for by this Law, an officer shall be granted a paid leave for the duration of the programme.

2. Officers may, once in five years, enjoy a leave, with the retention of the official salary and class-based increment, for not more than three months for participation in a professional development programme outside the public service system, and/or a leave of not more than one year, without the retention of the official salary and class-based increment.

3. The period of leave specified in paragraph 2 of this article may not be extended.

4. Where the duration of the professional development programme of an officer exceeds the period specified in paragraph 2 of this article, the officer shall be dismissed from office and, if he/she so desires, shall be transferred to the reserve of officers. In this case, the period of being in the reserve of officers shall be counted from the day of completion by the officer of the respective professional development programme.

5. The procedure and conditions for the enjoyment by an officer of a leave for the purpose of professional development shall be determined by an ordinance of the Government of Georgia.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 64 – Maternity and adoption leaves

1. Officers shall be granted a maternity leave of 730 calendar days on the basis of their application.

2. 183 calendar days of a maternity, or 200 calendar days in the case of complicated childbirth or twin birth, shall be compensated. Compensation shall be paid from the budget of the public institution concerned based on the officer's official salary and class-based increment, and an officer with a military rank or a special rank shall be paid a length-of-service increment and a rank salary in addition to his/her official salary.

3. Officers may distribute the period of the leave defined under paragraph 1 of this article between the pregnancy and postnatal periods, as they consider necessary.

4. Officers who have adopted a child under the age of 1 shall, on the basis of their application, be granted an adoption leave of 550 calendar days from the birth of the child. 90 calendar days of this leave shall be compensated. Compensation shall be paid from the budget of the public institution concerned based on the officer's official salary and class-based increment, and an officer with a military rank or a special rank shall be paid a length-of-service increment and a rank salary in addition to his/her official salary.

.

5. Upon submission of documents evidencing a medical examination, the hours of absence of an officer from work due to medical examinations during pregnancy shall be considered as excusable and she shall retain her remuneration.

6. Only the parent actually taking care of an adopted child may enjoy the adoption leave provided for by paragraphs 1 and 4 of this article. In that case, an officer shall be granted a leave of 550 calendar days, 90 calendar days of which are paid, provided the child's mother has not used the leave provided for by this article.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 65 – Entitlement of an officer to be transferred to a position compatible with his/her state of health

1. If an officer's state of health does not allow him/her to continue performing official duties, he/she may request, based on a medical opinion, to be transferred to another position compatible with his/her state of heath in the same public institution or within its system in accordance with Article 47(2)(a) of this Law.

2. If the position compatible with the state of health and competence of the officer is not available, he/she shall be dismissed as determined by this Law.

Article 66 – Reimbursement of business trip expenses

1. Officers shall be reimbursed business trip expenses.

2. Officers shall retain their positions and remuneration during business trips.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 67 – Right of an officer to join a trade union

1. Officers may form or join a trade union to protect their rights in public service.

2. Officers may be elected to management bodies of a trade union and participate in its activities without pay, on their free time.

Article 68 – Political rights of officers

Officers shall exercise their official powers by observing the principle of political neutrality, which involves their obligation to refrain from political activities during working hours to ensure observance of the principle of impartiality in public service.

Article 69 – Death or disability allowances for officers

1. If an officer dies in the line of duty, his/her family shall be paid a one-time allowance of GEL 10 000.

2. If an officer was injured as a result of an assault in the line of duty and was maimed or declared disabled, he/she shall be paid a one-time allowance of not more than GEL 5 000.

3. If an employee of the Ministry of Defence of Georgia, who has a special rank, dies in the line of duty, his/her family shall be paid a one-time allowance of GEL 15 000 from the State Budget of Georgia.

4. If an employee of the Ministry of Defence of Georgia, who has a special rank, is wounded/maimed in the line of duty or is declared disabled, he/she shall be paid a one-time allowance of not more than GEL 7 000 according to the seriousness of the bodily injury.

Article 70 – Retirement pension

Officers shall retire as determined by the legislation of Georgia.

Article 71 – Right to information and right to appeal decisions

1. An officer shall be informed of the initiation of administrative proceedings related to his/her work in public service and of any decision made with respect to him/her, except as provided for by this Law.

2. An officer may have access to his/her personal file and request its amendment if the factual circumstances change.

3. An officer may, as determined by Chapter X of this Law, request disciplinary proceedings to refute information degrading his/her honour and dignity.

4. An officer may use the assistance of a defence lawyer and appeal any decision related to his/her professional activities in accordance with the legislation of Georgia.

Article 72 – Performance of official duties and obligations to observe the requirements of legal acts

1. Officers shall observe the principles of public service defined in this Law and refrain from such actions that may prejudice the reputation of public service.

2. Officers shall, without any special instructions, perform their official duties, observe legal acts and be guided by the legislation of Georgia and by the job description for the position occupied by him/her when fulfilling the obligations imposed.

3. Officers shall respect the Constitution of Georgia, fundamental rights and freedoms of citizens and serve the interests of the public and the State.

4. Officers shall be held fully responsible as determined by the legislation of Georgia for the lawfulness of activities performed by them.

Article 73 – Obligation to execute orders

1. An officer shall execute his/her immediate supervisor's orders that are compatible with the legislation of Georgia, even if the execution of such orders is outside his/her official duties and, based on the interests of the functioning of the public institution, their execution is necessary to timely prevent natural disasters and accidents and to save property from loss and damage, except where the execution of such orders poses a risk to the health of the officer or clearly exceeds his/her capabilities.

2. An officer may refuse to execute an order if:

a) it contradicts the legislation of Georgia;

b) giving such order exceeds the powers of the person giving the order;

c) the execution of the order requires competence and professional skills that the officer does not have;

d) the execution of the order poses a risk to his/her health;

e) it is directed against the members of his/her family and close relatives provided for by the Law of Georgia on the Conflicts of Interest and Corruption in Public Institutions;

f) the execution of the order causes the commission of a crime or an administrative offence.

3. In the cases provided for by paragraph 2 of this article, the officer shall inform his/her immediate supervisor or the head of the respective public institution of this fact. The order shall be executed if it is given again in writing, except as provided for by paragraph 2(a) and (d-f) of this article.

4. The execution of the order in the case provided for by paragraph 3 of this article shall not result in the disciplinary liability of the officer.

Article 74 – Obligation to observe the principle of transparency and openness

Officers shall:

a) perform activities in a transparent and open manner;

b) ensure the release of public information to interested persons and/or assist in its release in accordance with the legislation of Georgia;

c) protect from disclosure personal data of other persons and state, commercial and professional secrets of which he/she becomes aware when performing official duties;

d) use the information obtained in the course of his/her official duties only for the purposes prescribed by law.

Article 75 – Obligation to protect secret information

Officers shall not, both when exercising official powers and after their dismissal, disclose state, commercial and professional secrets, information related to other persons' family and private life, and other information (subject to Article 50(4) of the Criminal Procedure Code of Georgia), of which they became aware in the line of duty.

Article 76 – Exercising official powers in an economically efficient and effective manner

1. Officers shall exercise official powers by using and spending resources economically and shall rationally use the public institution's property that serves the proper functioning of the institution.

2. Officers shall, before taking a leave or resigning, apply to an authorised person to return the public institution's property entrusted to him/her for the exercise of official powers and, the authorised person is obliged to accept the property.

3. Officers shall use the work time efficiently and only for the exercise of official duties.

4. Officers may not use the public institution's property and other resources for personal purposes.

Article 77 – Other rights and obligations of officers

1. The obligation of officers to complete and submit the asset declarations of officials, and the issues of conflicts of interest, incompatibility of duties and restrictions on the entry into transactions are regulated by the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions.

2. The issue of participation of officers in assemblies and demonstrations is regulated by the Law of Georgia on Assemblies and Demonstrations.

3. The obligation of officers to observe the general rules of ethics and conduct is defined by the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions.

4. Articles 49-52 of the Organic Law of Georgia – the Labour Code of Georgia shall apply to officers.

5. Officers shall perform other duties provided for by this Law.

6. Under the legislation of Georgia, other additional rights and guarantees, as well as other duties and restrictions may be determined for officers.

Chapter VIII – Agreements under Public Law in Public Service

Article 78 – Persons employed on the basis of an agreement under public law and their recruitment for public service

1. The following persons shall be recruited for public service on the basis of an agreement under public law:

a) assistants to public political officials

b) advisers to public political officials

c) employees of the personal staff/secretariat/bureau of public political officials

d) a representative of a municipality mayor or a person employed in an administrative unit within a municipality (except the Tbilisi municipality).

2. As a rule, persons shall be recruited for public service on the basis of an agreement under public law without a competition.

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 79 – Number of persons employed in public institutions on the basis of an agreement under public law and their remuneration

The limits of the number of persons employed in public institutions on the basis of an agreement under public law and of the amount of their remuneration shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Article 80 – Content of agreements under public law entered into for the recruitment for public service

1. An agreement under public law entered into for the recruitment of persons for public service shall contain a detailed description of powers under public law to be exercised by them. The description shall correspond to the specific nature of the activities of the given public institution.

2. The standard forms of an agreement under public law defined in Article 78(1) of this Law shall be approved by the Government of Georgia.

3. Articles 27(2), 51, 55, 56, 57(1), 58, 60-62, 64, 66-68, 70-76 and 77(3) and Chapter X of this Law shall apply to persons employed on the basis of an agreement under public law.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 81 – Form and duration of agreements under public law concluded for the recruitment for public service

1. An agreement under public law shall be made only in written form, in compliance with the procedures determined by the General Administrative Code of Georgia.

2. The duration of an agreement under public law shall not exceed the term of office of a respective public political official, and in the case of a person provided for by Article 78(1)(d), the term of office of a respective municipality mayor.

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 82 – Termination of agreements under public law

1. An agreement under public law shall be terminated if:

a) there are any of the grounds provided for by Article 107(1)(b-e) and (h-j);

b) the validity period of an agreement under public law expires;

c) there is a written consent of the parties;

d) the powers of a respective public political official have been terminated, and in the case of a person provided for by Article 78(1)(d), if the powers of a respective municipality mayor have been terminated.

2. Except as provided for by paragraph 1 of this article, an agreement under public law may be terminated on the initiative of either party, of which the other party shall be given a one month notice. If an agreement under public law is terminated according to this paragraph on the initiative of a public political official, and in the case of a person provided for by Article 78(1)(d), on the initiative of a respective municipality mayor, the person employed on the basis of an agreement under public law shall be paid compensation in the amount of one-month's official salary.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Chapter IX – Employment Agreements in Public Service

Article 83 – Procedure for the recruitment for public service on the basis of an employment agreement

1. To recruit a person for public service on the basis of an employment agreement, as a rule, a simplified public competition is announced on the website administered by the Bureau. In this case, a period of 10 calendar days shall be determined for the submission of applications, and the decision shall be made by an authorised person based on interviews with selected candidates. Employment agreements concluded without a simplified public competition shall be forwarded to the Bureau.

2. The limits of the number of persons employed in public institutions on the basis of an employment agreement and of the amount of their remuneration shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 84 – Application of this Law to persons employed on the basis of an employment agreement

1. The rights and duties of persons recruited for public service on the basis of an employment agreement shall be defined in the employment agreements.

2. Articles 27(2), 50(1)-(7) and (9), 51, 55, 56, 57(1), 58, 60-62, 64, 66-68, 70-76 and 77(3) and Chapter X of this Law shall apply to persons recruited for public service on the basis of an employment agreement.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Chapter X – Disciplinary Liability

Article 85 – Disciplinary misconduct

1. Disciplinary misconduct by officers includes:

a) failure to perform official duties through negligence or intentionally;

b) damage to the property of the public institution or creation of danger of such damage intentionally or through negligence;

c) neglect and breach of ethical norms and the general rules of conduct that are intended to discredit an officer or a public institution, irrespective of whether it is committed at or outside work.

2. Disciplinary misconduct may be serious or minor.

3. Disciplinary misconduct is considered serious if:

a) it causes the discrediting of the reputation of the person who committed the disciplinary misconduct, which precludes proper performance of official duties by this person in the future;

b) it prejudices the reputation of the public institution;

c) it causes significant damage to the property of the public institution;

d) it causes harm to other public servants employed in the public institution, to third parties or to public interests;

e) an officer refuses to undergo the evaluation provided for by this Law;

f) a person who has committed disciplinary misconduct before, engages in disciplinary misconduct again.

Article 86 – Aim of disciplinary proceedings

Disciplinary proceedings are intended to promptly and fully detect the fact of disciplinary misconduct and determine a disciplinary measure proportionate to the disciplinary misconduct.

Article 87 – Principles of disciplinary proceedings

1. Disciplinary proceedings shall be based on the principles of the rule of law and legal reservation. No one may be subjected to a disciplinary action in contradiction to the grounds and rules determined by this Law.

2. No one may be repeatedly subjected to a disciplinary action for the same disciplinary misconduct.

3. An officer may not participate in disciplinary proceedings if he/she has personal interests and/or if there is any circumstance that may affect the solution of the case.

4. Disciplinary proceedings shall be conducted based on the principle of confidentiality.

5. A person shall not be considered as a person who has engaged in disciplinary misconduct until the decision to impose a disciplinary measure enters into force.

Article 88 – Initiating disciplinary proceedings

1. The grounds for initiating disciplinary proceedings shall be:

a) an application of an officer or a former officer for the initiation of disciplinary proceedings;

b) the existence of a reasonable suspicion of an alleged disciplinary misconduct;

c) the results of a statutory audit, inspection and/or monitoring conducted in the public institution.

2. The purpose of the application specified in paragraph 1(a) of this article is to refute the disseminated information degrading the honour and dignity of an officer or a former officer.

3. If there are any of the grounds provided for by paragraph 1 of this article, the head of the respective public institution or

another duly authorised person shall issue an order to initiate disciplinary proceedings, specifying the identity (if available) of the person who has allegedly committed the disciplinary misconduct, the time limits of the disciplinary proceedings and circumstances that led to the institution of disciplinary proceedings.

4. Disciplinary proceedings shall be initiated within one month after the detection of disciplinary misconduct, unless three years have elapsed after the commission of the disciplinary misconduct.

Article 89 – Unit conducting disciplinary proceedings

1. Disciplinary proceedings in a public institution shall be conducted by a structural unit responsible for the conduct of official inspections of the public institution.

2. If a public institution does not have a structural unit responsible for official inspection of the public institution or if disciplinary proceedings are conducted against an employee of that structural unit, disciplinary proceedings shall be conducted by the structural unit of the institution (superior body) exercising state control over this public institution.

3. The head of a public institution or another duly authorised person may set up an independent commission for disciplinary proceedings:

a) if the public institution does not have a structural unit responsible for official inspection of the public institution or a superior body;

b) by the reasoned decision of the head of a public institution or another duly authorised person.

4. In the cases provided for by paragraph 3 of this article, the head of a public institution or another duly authorised person shall define the composition of an independent commission for disciplinary proceedings by an individual administrative act.

Article 90 – Powers of the unit conducting disciplinary proceedings

1. The powers of the unit conducting disciplinary proceedings shall be to:

a) collect and study information on the circumstances and related facts specified in the order to initiate disciplinary proceedings;

b) receive and analyse written and/or oral explanations;

c) confirm, on the basis of evidence, the existence or non-existence of disciplinary misconduct;

d) determine a disciplinary measure proportionate to the disciplinary misconduct;

e) fulfil other obligations provided for by the legislation of Georgia.

2. When exercising its powers, a unit conducting disciplinary proceedings shall be independent and guided only by the Constitution of Georgia, this Law and other legal acts.

Article 91 – Disciplinary proceedings

1. Information on the initiation of disciplinary proceedings shall be sent to the person who has allegedly committed the disciplinary misconduct within five days after the initiation of disciplinary proceedings or after the identification of the person, except when the notification of the person may interfere with the interests of the conduct of disciplinary proceedings.

2. A unit conducting disciplinary proceedings shall set a time limit for submitting explanations to the person who has allegedly committed disciplinary misconduct; the time limit shall be at least three working days.

3. If the explanations of the person who has allegedly committed a disciplinary misconduct are incomplete or require presenting

additional documents, the unit conducting the disciplinary proceedings shall immediately notify him/her and set a time limit for submitting additional documents, which shall not be less than two working days.

4. A unit conducting disciplinary proceedings shall inform the person who has allegedly committed disciplinary misconduct of his/her rights and obligations and of the procedure of disciplinary proceedings and present to him/her case materials.

5. A unit conducting disciplinary proceedings shall involve in the disciplinary proceedings any person who possesses information on the fact of a disciplinary misconduct and who can submit a written or oral explanation (a witness), except when submitting the explanation contradicts the interests of this person (witness) or his/her family members.

6. If the expected result of disciplinary proceedings is dismissal as a disciplinary measure, the unit conducting the disciplinary proceedings shall conduct an oral hearing with the participation of the person who has allegedly committed the disciplinary misconduct, except when he/she refuses to participate in the oral hearing.

7. Articles 110-112 of the General Administrative Code of Georgia shall apply in the case of oral hearings during disciplinary proceedings.

Article 92 – Rights of a person who has allegedly committed a disciplinary misconduct

A person who has allegedly committed a disciplinary misconduct shall have the right to:

a) use the assistance of a defence lawyer;

b) request the presentation of case materials of the disciplinary proceedings;

c) submit written and/or oral explanations;

d) present evidence;

e) submit his/her views in writing regarding the opinion of the unit conducting the disciplinary proceedings;

f) appeal the decision imposing a disciplinary measure as determined by law.

Article 93 – Opinion of the unit conducting disciplinary proceedings

1. After analysing materials obtained in the course of disciplinary proceedings, the unit conducting disciplinary proceedings shall prepare an opinion on:

a) the existence of disciplinary misconduct and on the imposition or on the impossibility to impose a disciplinary measure on the person;

b) the absence of disciplinary misconduct.

2. The opinion specified in paragraph 1(a) of this article shall contain:

a) the name and surname, and occupied position of the person who allegedly committed the disciplinary misconduct;

b) the official functions and duties that the person who allegedly committed the disciplinary misconduct failed to perform;

c) the description, time and place of commission of the disciplinary misconduct;

d) other information on the disciplinary misconduct obtained by the unit conducting the disciplinary proceedings;

e) the relevant justification of the imposition or impossibility to impose a disciplinary measure on the person.

3. The opinion specified in paragraph 1(b) of this article shall contain information obtained by the unit conducting the disciplinary

proceedings and the substantiation of the absence of a disciplinary misconduct.

Article 94 – Results of disciplinary proceedings

1. The opinion of the unit conducting disciplinary proceedings shall be sent to the person who has committed the disciplinary misconduct (if any) and the head of the public institution or another duly authorised person.

2. The head of the public institution or another duly authorised person shall make one of the following decisions within seven working days after receiving the opinion of the unit conducting the disciplinary proceedings:

a) to impose the disciplinary measure specified in the opinion or a more lenient disciplinary measure;

b) to exempt the officer from disciplinary liability, in the case of a minor disciplinary misconduct;

c) to return the opinion with reasoned comments to the unit conducting disciplinary proceedings.

3. If the unit conducting disciplinary proceedings submits the opinion again, the head of the public institution or another duly authorised person shall make a decision specified in paragraph 2(a) or (b) of this article.

4. The decision specified in paragraph 2(a) or (b) of this article is an individual administrative act and shall comply with the requirements of Article 52 and 53 of the General Administrative Code of Georgia.

5. An individual administrative act specified in paragraph 4 of this article may be appealed in accordance with the administrative legislation of Georgia.

6. If the existence of a disciplinary misconduct is not confirmed as a result of disciplinary proceedings, the head of the public institution or another duly authorised person shall terminate the disciplinary proceedings by an individual administrative act.

Article 95 – Time limits of disciplinary proceedings

1. The time limits of disciplinary proceedings shall not exceed one month.

2. If more than one month is necessary to determine circumstances essential to the disciplinary misconduct, the head of the public institution or another duly authorised person shall, 10 working days before the period of one month expires, make a decision to extend the time limit by not more than two months.

Article 96 – Disciplinary measures

1. Disciplinary measures shall be:

a) warning;

b) reprimand;

c) deduction of 10 to 50 per cent of official salary for a period of one to six months;

d) dismissal.

2. If an officer has committed several acts of disciplinary misconduct, he/she shall be subjected to one disciplinary measure for the more serious disciplinary misconduct.

Article 97 – Imposing disciplinary measures

1. A disciplinary measure shall be proportionate to the disciplinary misconduct.

2. When imposing a disciplinary measure on an officer, the following shall be taken into account:

a) whether the disciplinary misconduct has been committed by negligence or intentionally;

b) the seriousness of the consequences caused by the commission of the disciplinary misconduct;

c) whether a disciplinary action has already been applied to the person who has committed the disciplinary misconduct;

d) the results of the evaluation of the person who has committed the disciplinary misconduct;

e) the reason for non-performance of official duties;

f) the possibility to avoid the consequences of the disciplinary misconduct;

g) whether the person who has committed the disciplinary misconduct attempted to prevent or mitigate the consequences of the disciplinary misconduct;

h) other circumstances influencing the determination of a disciplinary measure.

3. Irrespective of whether a disciplinary measure has been imposed or not, the officer shall compensate the damage to property of the public institution caused by the disciplinary misconduct, provided that he/she committed the disciplinary misconduct intentionally or through gross negligence.

Article 98 – Dismissal from office due to a disciplinary misconduct

Dismissal from office may be possible only when a disciplinary misconduct is committed.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 99 – Suspension of an officer from work during disciplinary proceedings

The head of the public institution or another duly authorised person may, during disciplinary proceedings, suspend from work the person who has allegedly committed the disciplinary misconduct.

Article 100 – Suspension and termination of disciplinary proceedings

1. Disciplinary proceedings shall be suspended if criminal and/or administrative proceedings are initiated for the same action against the person who has allegedly committed the disciplinary misconduct.

2. The court's judgment of acquittal in the relevant criminal case and/or administrative case shall not exclude the possibility to impose a disciplinary measure due to the existence of the fact of a disciplinary misconduct.

3. A court's relevant judgment of conviction shall exclude the possibility of imposing a disciplinary measure due to the existence of the fact of disciplinary misconduct.

4. Disciplinary proceedings shall be terminated if objective grounds for the disciplinary proceedings no longer exist; an individual administrative act shall be issued to that effect.

Article 101 – Validity of disciplinary liability

1. A person shall be considered as being subjected to disciplinary liability for one year after a disciplinary measure is imposed.

2. The head of the public institution or another duly authorised person may prematurely exempt from disciplinary liability a person who has committed a minor disciplinary misconduct, unless he/she has committed a new disciplinary misconduct or if he/she has proved himself/herself as a conscientious officer.

3. Information on the imposition of a disciplinary measure, on the expiry of the validity of disciplinary liability and on the early exemption form disciplinary liability shall be reflected in the unified human resources management electronic system.

Chapter XI – Reorganisation, liquidation or merger of a public institution with another public institution

Article 102 – Aim of the reorganisation, liquidation or merger of a public institution with another public institution

1. Based on the interests of public service, a public institution may be reorganised, liquidated or merged with another public institution to ensure a systemic and efficient governance.

2. The reorganisation, liquidation or merger of a public institution with another public institution shall not cause the termination of the status of an officer, except as provided for by this Law.

Article 103 – Essence of the reorganisation, liquidation or merger of a public institution with another public institution

1. Reorganisation is the alteration of the institutional structure of a public institution, resulting in a completely or partially new structure of the public institution. Reshuffling or reduction in the number of posts in a public institution is also considered as reorganisation. The change in the subordination or the name of a public institution or its structural unit, and/or the assignment of a new function to a public institution shall not be considered as reorganisation.

2. Liquidation is the dissolution of a public institution.

3. Merger is the consolidation of the functions and objectives of two or more public institutions into one public institution.

Article 104 – Process of the reorganisation, liquidation or merger of a public institution with another public institution

1. A decision on the reorganisation, liquidation and/or merger of one public institution with another public institution shall be taken by a duly authorised person as determined by the legislation of Georgia.

2. The Bureau shall be immediately notified of a decision on the reorganisation, liquidation and/or merger of one public institution with another public institution, based on the interests of the officers of the public institution.

3. To ensure the proper conduct of the process provided for by this article, the Bureau shall:

a) provide methodological assistance to the public institution in institutional structure and prepare recommendations provided for by this Law;

b) search for information on relevant vacant positions available in the public service system by means of the unified human resources management electronic system;

c) in the case of reduction in the number of posts, facilitate the mobility of relevant officers according to the mobility procedure approved by an ordinance of the Government of Georgia.

4. The period of the reorganisation, liquidation and/or merger of the public institution with another public institution shall not exceed three months, except as provided for by the legislation of Georgia.

Article 105 – Reserve of officers

1. Where the mobility of an officer cannot be performed, he/she shall be transferred to the reserve of officers if he/she so desires and shall be paid compensation in the amount of three months' official salary.

2. An officer who has been dismissed for the purpose of participating in a professional development programme shall also be transferred to the reserve of officers.

2^1. The following persons shall also be transferred to the reserve of officers:

a) the spouse of a person that has been sent on a business trip to a diplomatic mission and a consular office on a rotational basis, who has been released from the professional public office based on his/her own application due to the sending of his/her spouse on the business trip on a rotational basis;

b) persons that have been called back from a business trip to a diplomatic mission and a consular office on a rotational basis, who failed to be appointed to appropriate offices due to absence of vacancies at the Ministry of Foreign Affairs of Georgia.

2^2. The period of time in the reserve for a person transferred to the reserve of officers on the basis of paragraph 2^1(a) of this article shall be counted from the end date of his/her spouse's business trip on a rotational basis.

3. Officers shall be transferred to the reserve of officers for a period of two years.

4. Officers transferred to the reserve of officers may participate in closed competitions announced within the public service system as determined by this Law.

5. The commencement of labour activities by an officer shall not result in his/her early removal from the reserve of officers, except where he/she is appointed to an officer position in public service through a competition.

6. The reserve of officers shall be administered by the Bureau.

Law of Georgia No 4142 of 26 December 2018 – website, 10.1.2019

Chapter XII – Dismissal of Officers

Article 106 – Essence of dismissal of officers

1. Officers shall be dismissed only if there are grounds provided for by this Law.

2. An officer may be dismissed only by the head of the relevant public institution or another duly authorised person.

3. A decision to dismiss an officer is an individual administrative act and it shall comply with the requirements of Articles 52 and 53 of the General Administrative Code of Georgia.

Article 107 – Mandatory grounds for the dismissal of an officer

1. Mandatory grounds for dismissing an officer shall be:

a) termination of Georgian citizenship;

b) recognition as a person with limited capacity in accordance with the Civil Code of Georgia;

c) declaration by a court that the person is missing or dead, or recognition as a beneficiary of support, unless otherwise determined under the court decision;

d) entry into force of the final judgment of conviction against the officer;

e) commission of a serious disciplinary misconduct, if dismissal from office has been applied as a disciplinary measure;

f) two successive evaluations of the person that produce the results provided for by Article 53(3)(d) of this Law;

g) two successive evaluations that produce the results provided for by Article 53(3)(d) of this Law during the probation period of the officer;

h) appointment to another position in state service or public service;

i) confirmation of the fact of the use of drugs, except when drugs are used by the officer for treatment purposes, as well as evasion of a periodic, random examination;

j) death.

2. Officers shall be dismissed on the day when the relevant circumstances provided for by paragraph 1 of this article are revealed.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 5717 of 18 February 2020 – website, 24.2.2020

Article 108 – Other grounds for dismissing officers

An officer may be dismissed:

a) on the basis of a personal application, except as provided for by Article 54(6) of this Law;

b) due to the reduction in the number of posts as a result of the reorganisation, liquidation and/or merger of the public institution with another public institution;

c) due to the state of health and/or long-term incapacity for work;

d) in the case provided for by Article 112 of this Law, provided there is a circumstance excluding the existence of a legitimate expectation with respect to the officer;

e) in the case of violation of the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions.

Article 109 – Dismissal of officers on the basis of a personal application

1. An officer shall be dismissed from work on the basis of a personal application.

2. In the case provided for by paragraph 1 of this article, an individual administrative act dismissing the officer shall be issued after 14 working days from the registration of the application for dismissal, except when the officer requests immediate dismissal and his/her dismissal does not prejudice the normal functioning of the public institution.

3. An officer may request the dismissal of the application within the period between the registration of the application and issuance of the individual administrative act. This request shall be granted.

4. In the case provided for by this article, an officer shall be dismissed upon being presented officially, in accordance with the General Administrative Code of Georgia, with the individual administrative act on the dismissal.

Article 110 – Dismissal of officers due to the reduction in the number of posts as a result of the reorganisation, liquidation and/or merger of a public institution with another public institution

1. An official may be dismissed due to the reduction in the number of posts as a result of the reorganisation, liquidation and/or merger of the public institution with another public institution, provided that the mobility of the officer under Article 52 of this Law cannot be performed.

2. The dismissal of an officer in the case provided for by paragraph 1 of this article shall not result in the termination of the status of an officer until the term of being in the reserve of officers expires.

Article 111 – Dismissal due to the state of health and/or long-term incapacity for work

1. An officer may be dismissed due to long-term incapacity for work confirmed by a relevant medical opinion for being absent for four consecutive months or for six months during a calendar year.

2. An officer shall also be dismissed if his/her state of health does not allow him/her to continue performing official duties according to a medical opinion and he/she cannot be transferred to another position compatible with his/her state of heath in accordance with this Law.

Article 112 – Dismissal of an officer due to the violation of statutory requirements during appointment

1. An officer may be dismissed if:

a) the procedure for recruitment for public service determined by this Law has been violated or if the details of an individual administrative act appointing the officer do not comply with the requirements determined by the legislation of Georgia.

b) an individual administrative act appointing the officer has been issued by an unauthorised person.

2. In the case of violation under paragraph 1(a) of this article, an officer shall be dismissed if the violation occurred due to an unlawful action of the officer.

3. If an officer has been appointed, he/she may not be dismissed after the violation under this article have been eliminated.

4. In the case provided for by this article, the cancellation of an individual administrative act appointing an officer shall not result in recognition as unlawful of official powers exercised by the officer and the return of remuneration received.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 113 – Dismissal of an officer in the case of violation of the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions

1. The violation of the Law of Georgia on Conflicts of Interest and Corruption in Public Institutions may result in the dismissal of an officer.

2. In the case provided for by paragraph 1 of this article, a duly authorised person shall make a decision in compliance with the relevant procedure determined by the legislation of Georgia.

Article 114 – Notifying an official of dismissal

1. An officer shall be notified in writing one month before the dismissal in the cases provided for by Article 108(b) and (c) of this Law.

2. If the time limit under paragraph 1 of this article is violated, the officer shall receive one month official salary in addition to the compensation provided for by this Law.

Article 115 – Compensation in case of dismissing an officer from office

In the case provided for in Article 108(c) of this Law, an officer dismissed from office shall be granted compensation in the amount of one month official salary.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 116 – Limitation of dismissals

A female officer may not be dismissed during the period of pregnancy or the period of raising a child aged up to 3 years old due, to the reorganisation and/or merger of the public institution with another public institution.

Chapter XIII – Protection of Rights

Article 117 – Protection of the rights of a candidate participating in a competition

1. A candidate participating in a competition who failed in the relevant stage of the competition may, within two working days after receiving the notification under Article 40(2) of this Law, apply to the Bureau with the request to verify the compliance of the application submitted by him/her with basic official requirements.

2. In the case of a request under paragraph 1 of this article, the Bureau shall make a decision within two working days after receiving the request and shall immediately notify the relevant Competition Commission and the candidate about the decision.

3. In the case of receipt of a notification under Article 42(2) of this Law, the candidate participating in a competition may apply to a court as determined by the Administrative Procedure Code of Georgia.

4. In the case provided for by paragraph 3 of this article, appealing the individual administrative act shall not result in its suspension.

Article 118 – Protection of officers' rights

1. An officer may appeal any decision made on official issues or an action in accordance with the administrative legislation of Georgia.

2. Appealing an individual administrative act on the dismissal of an officer shall not result in the suspension of this individual administrative act.

3. In the case of cancellation of a decision on the dismissal of an officer by a superior body or by a court, the public institution shall immediately reinstate the officer in the same position, or if such position is not available, in an equal position within the system of the same public institution. If an unlawfully dismissed officer cannot be reinstated due to unavailability of an equal vacant position within the system of the same public institution, the public institution shall immediately apply to the Bureau with a request to find an equal vacant position within the public service system. An unlawfully dismissed officer may be reinstated to an equal position in another public institution with the consent of the officer and that public institution.

4. In the case provided for by paragraph 3 of this article, the reinstated officer shall receive missed official salary and class-based increment, as well as length-of-service increment and rank salary (if any) determined in accordance with the legislation of Georgia.

5. In the case provided for by paragraph 3 of this article, where an officer cannot be reinstated to work, he/she shall be transferred to the reserve of officers and shall receive missed official salary and class-based salary, as well as length-of-service increment and rank salary (if any) determined in accordance with the legislation of Georgia. Compensation in the full amount of the last official salary shall also be paid for six months.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 119 – Protection of the right of persons employed on the basis of an employment agreement and on the basis of an agreement under public law

1. Disputes related to the entry into, performance and termination of employment agreements shall be considered in accordance with the civil procedure legislation of Georgia.

2. Disputes related to the entry into, performance and termination of agreements under public law shall be considered in accordance with the administrative procedure legislation of Georgia.

Chapter XIV – Organisational Support

Article 120 – Determination of official salaries

1. The procedure for determining the amounts of official salaries of the President of Georgia, a member of the Government of Georgia, and an official provided for in the Constitution of Georgia, who are appointed or elected by the President of Georgia or the Parliament of Georgia respectively, shall be determined by the Law of Georgia on Remuneration in Public Institutions, and the amount of the official salary of a Member of the Parliament of Georgia shall be determined by the Rules of Procedure of the Parliament of Georgia, within the limits determined by the Law of Georgia on Remuneration in Public Institutions.

2. The amounts of official salaries of members of the Constitutional Court of Georgia, members of the Supreme Court of Georgia, judges of common courts, and members of the High Council of Justice of Georgia, shall be determined in accordance with the legislation of Georgia.

3. The procedure for determining the amounts of official salaries assigned to officer positions of each hierarchical rank shall be determined by the Law of Georgia on Remuneration in Public Institutions.

4. The upper limits of official salaries of persons not belonging to the category of persons defined in paragraphs 1 – 3 of this article shall be determined by the Law of Georgia on Remuneration in Public Institutions.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Law of Georgia No 3890 of 6 December 2018 – website, 14.12.2018

Article 121 – Approving the structure of the office and the staff list of a public institution

1. The structure of the office and the staff list of a public institution shall be approved in accordance with the procedure established by the legislation of Georgia.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 122 – Content of internal regulations of a public institution

Internal regulations of a public institution shall determine:

a) start and end time of work;

b) time of rest breaks during a working day;

c) conditions and procedures for staying at the public institution on days off and holidays, as well as on work days, after working hours;

d) procedure for communicating decrees on work-related issues to public servants;

e) general instructions on work and fire safety;

f) procedures for notification of absence by public servants;

g) procedures for documenting business trips and leaves;

h) rules of communication between public servants;

i) other issues related to the relations between public institutions and public servants.

Article 123 – Approving and communicating internal regulations to public servants

1. Two weeks before approving internal regulations, the head of a public institution shall present the draft internal regulations to public servants to receive their comments and proposals. These comments and proposals shall be binding on the head of the public institution if directly required by law.

2. The head of a public institution shall approve internal regulations by an individual administrative act. A copy of the internal regulations shall be forwarded to the professional union (if any) of the employees of the public institution.

3. The internal regulations of a public institution shall enter into force on the day following its approval, unless a later date for entry into force shall be determined by the internal regulations.

4. The head of a public institution shall familiarise new public servants with the internal regulations (with signed acknowledgement) upon their recruitment and shall also ensure that public servants have access to the internal regulations at any time.

Article 124 – Employment period

1. Employment period shall include the periods of work in state service and public service, including the probation period, the period of professional development and being in the reserve.

2. Information on the employment period in public service shall be entered in the unified human resources management electronic system.

3. The Bureau shall issue certificates confirming the employment periods based on information available in the unified human resources management electronic system.

Chapter XV – Transitional Provisions

Article 125 – Measures to be taken in connection with the entry of this Law into force

1. Before 1 July 2017, public institutions under Article 3(c) of this Law shall ensure the distribution of the positions available in the public institutions within hierarchical ranks in accordance with Article 25 of this Law, as well as the transformation of persons employed in public institutions into public officers, or the conclusion of labour contracts or administrative contracts with persons having appropriate functions and rights and obligations.

2. A person who has been recruited to a position provided for under the staff list before 1 July 2017 and whose functions and rights and duties content-wise are identical to the functions and rights and duties corresponding to a position of a qualified public officer, by decision of a respective public institution, shall be considered as a qualified public officer from 1 July 2017. A person who has been recruited to the public service before 1 July 2017 at a position of an auxiliary employee or under a labour contract and whose functions and rights and duties content-wise are identical to the functions and rights and duties corresponding to a position of a qualified public officer (a person does not perform auxiliary, technical or temporary functions and duties in a public institution), by decision of a respective public institution, shall be considered as a qualified public officer from 1 July 2017. A person who has been recruited to the public service before 1 July 2017 and whose functions and rights and duties content-wise are not identical to the functions and rights and obligations corresponding to a position of a qualified public officer (a person performs auxiliary, technical or temporary functions and duties in a public institution), by decision of a respective public institution, shall be considered as a person employed under a labour contract from 1 July 2017 (in this case, the public institution acts according to the procedure established under Article 6 of the Organic Law of Georgia the Labour Code of Georgia). A person who has been recruited to the public service before 1 July 2017 and who performs functions relevant to a person under Article 78(1) of this Law, by decision of a respective public institution, shall be considered as a person employed under an administrative contract from 1 July 2017.

3. The position of an officer temporarily absent from the post shall be transformed under a general rule, and the substitute for an officer temporarily absent from this post shall retain the power for an already determined period of time.

4. Suspension of official powers during the period of transformation of offices (positions) shall not hinder the transformation of offices (positions).

5. The Bureau shall ensure the setting up of an electronic certification programme before 1 September 2017.

6. The class rank awarded to a public officer before 1 July 2017 shall be equated to the respective class of a qualified public officer under this Law, irrespective of whether he/she held the position of an officer before 1 July 2017.

7. The entry of this Law into force shall result in termination of the power of a person appointed as acting public officer.

8. If a public officer has been recruited for a probation period before 1 July 2017, the period served by the public officer shall be included in the probation period of a qualified public officer under this Law.

9. The period of employment of a public officer calculated according to the legislation of Georgia before 1 July 2017 shall be included in the period of employment provided for by this Law.

10. Public institutions shall ensure that the announced competitions and initiated proceedings are completed before 1 July 2017.

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Article 126 – Normative acts to be adopted before the entry of this Law into force

1. By 1 September 2016, the Government of Georgia shall prepare and submit to the Parliament of Georgia the draft Law of Georgia on Remuneration in Public Institutions and draft laws based thereon on making amendments to special laws.

2. By 1 September 2016, the Government of Georgia shall ensure the division of legal entities under public law into categories, and prepare and submit to the Parliament of Georgia the draft Law of Georgia on Public Entities under Public Law, taking into account the division of legal entities under public law into categories.

3. By 1 September 2016, the Government of Georgia shall adopt the following normative acts:

a) an ordinance of the Government of Georgia on the Determination of the Procedures and Topics for the Certification of Qualified Public Officers;

b) an ordinance of the Government of Georgia on Approving the Procedure for the Determining the Needs for Professional Development of Qualified Public Officers and of the Standards and Procedures for their Professional Development;

c) an ordinance of the Government of Georgia on the Determination of Position Titles of Qualified Public Officers, the Procedure for Assigning these Positions to Hierarchical Ranks and on the Determination of the Hierarchical List of Officer Positions Assigned to the respective Hierarchical Rank.

4. By 31 December 2016, the Government of Georgia shall adopt the following normative acts:

a) an ordinance of the Government of Georgia on the Conduct of Competitions in Public Service;

b) an ordinance of the Government of Georgia on the Procedure and Conditions for the Evaluation of Qualified Public Officers;

c) an ordinance of the Government of Georgia on the Procedures and Conditions for the Use of Leave by Qualified Public Officers for the Purpose of Professional Development;

d) an ordinance of the Government of Georgia on the Determination of the Procedure for Sending Qualified Public Officers on Business Tips, and of the Amount of Compensation and Conditions of Reimbursing Their Business Trip Expenses;

e) an ordinance of the Government of Georgia on the Procedure for Working Part-time, during Night Hours, on Days off and Holidays and under Working Conditions Dangerous to Health;

f) an ordinance of the Government of Georgia on Approving the Standard Forms of Agreements under Public Law;

g) an ordinance of the Government of Georgia on the Procedure for the Mobility of Qualified Public Officers;

h) an ordinance of the Government of Georgia on the Procedure and Conditions for Assigning Officer Classes to Qualified Public Officers;

i) an ordinance of the Government of Georgia on the Establishment of Mandatory Special Requirements for Each Hierarchical Rank of Positions of Qualified Public Officers;

j) an ordinance of the Government of Georgia on the Procedure for Giving Incentives to Qualified Public Officers;

5. By 1 September 2016, the Ministry of Labour, Health and Social Affairs of Georgia shall determine the procedure and conditions for Examining State Servants and Public Servants for the Use of Drugs and Issuing Appropriate Certificates.

6. The Supreme Representative Bodies of the Autonomous Republic of Abkhazia and the Autonomous Republic of Ajara shall be asked to determine by appropriate legislative acts, before 1 September 2016, the procedure for the election of the respective member of the Public Service Council.

Law of Georgia No 1826 of 22 December 2017 – website, 29.12.2017

Article 126^1 – Procedure for implementing certain legal relations under this Law during the transitional period

1. The period between 1 July 2017 and 31 December 2020 shall be considered as the transitional period, and for the purposes of determining remunerations and incentives in public institutions – the period between 1 July 2017 and 31 December 2017, except in the case provided for by paragraph 1^1 of this article.

1^1. The deadline for the completion of a transitional period defined in paragraph 1 of this article shall be 31 March 2018 for employees of the Ministry of Education and Science of Georgia, the Ministry of Environment and Agriculture of Georgia, the Ministry of Economy and Sustainable Development of Georgia, the Ministry of Culture and Sport of Georgia, the Ministry of Foreign Affairs of Georgia, and the Emergency Management Service (a special-purpose state institution directly subordinate to the Prime Minister of Georgia), and employees in their systems (structures), including employees of legal entities under public law within their systems.

2. This Law (except for Article 34(4), Articles 35, 36 and 39-43 of this Law) shall not apply to a legal entity under public law (except for a cultural, educational, scientific, research, sports, religious legal entities under public law and the one based on membership) during the transitional period. Issues related to labour activity in a legal entity under public law (except for issues provided for by the Law of Georgia on Remuneration in Public Institutions) shall be regulated according to the procedure established by the labour legislation.

3. During the transitional period, this Law shall apply to persons employed in legal entities under public law defined by Article 11(2) of the Law of Georgia No 1022-Iს of 31 October 1997 on Public Service, unless otherwise determined under the special legislation or on its basis.

4. During the transitional period, the head of a legal entity under public law may announce an open competition for a vacant position under the staff list of the legal entity under public law (save for the exceptions provided for in paragraph 3 of this article) or carry out career development of an employee of the legal entity under public law (appoint him/her to a higher position), or his/her horizontal transfer. Career development of an employee of a legal entity under public law shall only be possible if he/she is appointed to the position under the staff list of the legal entity under public law on competition basis. An open competition shall be conducted by the competition commission set up by the head of the legal entity under public law. The procedure and conditions for career development of an employee of a legal entity under public law shall be determined under an individual administrative-legal act of the legal entity under public law.

5. During the transitional period, a public institution (except for a legal entity under public law) may announce an open competition for holding vacant positions of the first, second and third classes as determined by this Law.

6. During the transitional period, a candidate participating in a competition announced by a public institution shall be released from the obligation to submit a certificate of an officer.

7. Until 1 April 2018, a public institution shall have the right to correct the results of the measures provided for in Article 125(1) and (2) of this Law. The Bureau shall prepare respective recommendations for introducing uniform practice in public service. A public institution shall have the right to take into consideration the recommendations of the Bureau and correct the staff lists on the basis of this paragraph.

8. (Deleted – 23.12.2017, No 1924).

9. (Deleted – 23.12.2017, No 1924).

Law of Georgia No 1157 of 29 June 2017 – website, 29.6.2017

Law of Georgia No 1710 of 7 December 2017 – website, 14.12.2017

Law of Georgia No 1924 of 23 December 2017 – website, 28.12.2017

Law of Georgia No 4003 of 1 December 2018 – website, 25.12.2018

Law of Georgia No 5506 of 11 December 2019 – website, 13.12.2019

Chapter XVI – Final Provisions

Article 127 – Legal acts repealed in connection with the entry of this Law into force

The Law of Georgia on Public Service of 31 October 1997 (the Parliamentary Gazette, No 45, 21.11.1997, p. 55) and the subordinate acts adopted/issued on its basis shall be repealed from 1 July 2017.

Law of Georgia No 126 of 21 December 2016 – website, 28.12.2016

Article 128 – Entry into force of the Law

1. This Law, except for Articles 1-124 and Article 125(2) and (5-9), shall enter into force upon its promulgation.

2. Articles 1-124 and Article 125(2) and (5-9) of this Law shall enter into force on 1 July 2017.

Law of Georgia No 126 of 21 December 2016 – website, 28.12.2016

President of Georgia **Giorgi Margvelashvili**

Kutaisi

27 October 2015

No 4346-Iს