

312
Act
of 2 July 2001
on Civil Service and on amendments to certain acts

The National Council of the Slovak Republic has adopted the following Act:

Article I
PART ONE
FUNDAMENTAL PROVISIONS

Scope of the Act

§ 1

(1) The scope of this Act shall be to set legal relations in the performance of civil service. The content of civil service performance shall be the rights and duties of the state and civil servants resulting from the performance of civil service or connected with the performance of civil service.

(2) Civil service pursuant to this Act shall be founded on the principles of:

- a) professionalism
- b) political neutrality
- c) effectiveness
- d) flexibility
- e) impartiality
- f) ethics.

(3) The Labour Code shall affect the legal relations of civil servants in the course of civil service performance only where specifically provided by this Act.

§ 2

(1) Legal relations of civil servants in the performance of civil service shall be relations under the public law between civil servants and the state.

(2) Civil service, for the purposes of this Act, shall be the performance of state administration tasks or the performance of state affairs in the scope of activity laid down by

special regulations¹⁾, carried out by a civil servant at a Service Office (§ 7) in the relevant sector, if such performance of his/her tasks includes

- a) management
- b) decision making
- c) inspection
- d) professional preparation of decisions
- e) professional preparation of legislation drafts and other generally binding legal regulations including professional activities related to discussion and approval of the above or
- f) professional preparation of requirements for the performance of state affairs.

(3) Service Offices for the purposes of paragraph (2) shall prepare description of the activities of civil service positions.

(4) Performance of state affairs pursuant to paragraph (2) for the purposes of this Act shall mean activities not deemed as direct performance of state administration tasks but executed in the exclusive interests of the state in connection with the performance of state administration tasks. Performance of state affairs shall also mean performance of tasks laid down in paragraph (2) letters a) through d) by a civil servant securing the implementation of legal relations of civil servants in the Personnel Office pursuant to this Act and special regulations, and performance of tasks of judge candidates and prosecution candidates pursuant to a special regulation²⁾.

(5) Civil service pursuant to the paragraph (2) shall be performed under civil service employment relationship.

(6) Unless stipulated otherwise by special law, the legal relations of judge candidates and prosecution candidates performing state affairs shall be governed by this Act.

(7) Civil service of the members of the Police Force, members of the Slovak Intelligence Service, members of the Corps of Prison Wardens and Judiciary Guards, members of Railway Police, Customs Officers and professional soldiers and members of Fire-Brigades shall be governed by special regulations³⁾.

¹⁾ For example, Act No. 314/2001 Coll. of the Slovak National Council on fire prevention, Act No. 347/1990 Coll. of the Slovak National Council on the organisation of ministries and other central state administration bodies of the Slovak Republic, in wording of later regulations; Act No. 80/1992 Coll. of the Slovak National Council on seats of courts and judicial districts of the Slovak Republic, state administration of courts, handling of complaints and on election of lay judges (Act on State Administration of Courts), in wording of later regulations; Act No. 16/1993 Coll. of the National Council of the Slovak Republic on the Office of the President of the Slovak Republic; Act No. 38/1993 Coll. of the National Council of the Slovak Republic on the organisation of the Constitutional Court of the Slovak Republic, on proceedings before the Court and on the status of judges of the Court, in wording of later regulations; Act No. 39/1993 Coll. of the National Council of the Slovak Republic on the Supreme Audit Office of the Slovak Republic, in wording of the Act No. 458/2000 Coll.; Act No. 150/2001 Coll. on taxation bodies and on amendments to the Act No. 440/2000 Coll. on administration of financial controls, Act No. 238/2001 Coll. Customs Act; Act No. 222/1996 Coll. of the National Council of the Slovak Republic on the organisation of local state administration and on amendments of certain Acts, in wording of later regulations; Act No. 153/2001 Coll. on Prosecutor's Office; Act No. 350/1996 Coll. of the National Council of the Slovak Republic on Standing Order of the National Council of the Slovak Republic, in wording of later regulations; Act No. 351/1997 Coll. Conscription Act, in wording of the Act No. 401/2000 Coll.

²⁾ For example, Act No. 335/1991 Coll. on Courts and Judges, in wording of later regulations; Act No. 153/2001 Coll.

³⁾ For example, Act No. 351/1997 Coll. in wording of the Act No. 401/2000 Coll.; Act No. 370/1997 Coll. on

(8) This Act shall not apply to

- a) Members of the Parliament of the Slovak Republic (hereinafter referred to as “Members of the Parliament”), the President of the Slovak Republic (hereinafter referred to as “the President”), members of the Government of the Slovak Republic (hereinafter referred to as “Government members”), the President of the Supreme Audit Office of the Slovak Republic (hereinafter referred to as “President of the Supreme Audit Office) and Vice-President of the Supreme Audit Office of the Slovak Republic (hereinafter referred to as “Vice-President of the Supreme Audit Office),
- b) Judges of the Constitutional Court of the Slovak Republic (hereinafter referred to as “Constitutional Court judges”),
- c) Judges,
- d) Prosecutors,
- e) Employees of Service Offices not performing tasks pursuant to paragraph (2) or paragraph (4).

§ 3

(1) Any citizen of the Slovak Republic (hereinafter referred to as “citizen”) shall have the right to enter civil service on the basis of a fair selection procedure if he meets requirements laid down by this Act and special regulations. Any citizen shall have the right to be informed on post vacancies in the civil service (§ 15).

(2) Rights laid down by this Act shall be guaranteed equally to all citizens when entering and performing civil service, regardless of sex, race, colour of skin, language, faith or religion, political or other opinions, national or social origin, nationality or ethnic origin, property or other position.

(3) A civil servant who feels wronged due to a breach of the rights pursuant to paragraph (2) may claim his/her rights at a competent authority (§ 126). In proceedings before a competent authority or court, a Service Office (§ 7) shall prove that rights have not been breached.

PART TWO

CIVIL SERVICE EMPLOYMENT RELATIONSHIP

TITLE ONE

DEFINITION OF CERTAIN TERMS

§ 4

national service in the armed forces, in wording of later legislation; Act No. 73/1998 Coll. on civil service of members of the Police Force, of the Slovak Intelligence Service, of the Prison Wardens and Judiciary Guards Corps of the Slovak Republic and of the Railway Police, in wording of later legislation; Act No. 200/1998 Coll. on civil service of customs officers and on amendments to certain laws, in wording of later legislation.

Pursuant to this Act civil service shall be performed as:

- a) preparatory civil service (§ 19),
- b) permanent civil service (§ 24), and
- c) temporary civil service (§ 25).

§ 5

(1) A civil servant, for the purposes of this Act, shall be a natural person in a civil service employment relationship who performs civil service in a Service Office in the relevant civil service sector.

(2) For the purposes of this Act a civil service sector shall be a professional department executing state administration tasks or state affairs within the scope as stipulated by special regulations¹⁾, performed by the civil servant at a Service Office. Individual sectors of the civil service shall be determined by the Civil Service Office of the Slovak Republic in the service regulation, based on the proposal of the highest-ranking Service Offices; civil service sectors in Service Offices stipulated in § 7, paragraph (1) letter b) point 1 through 4 shall be determined by service regulations issued by these Service Offices.

(3) For the purposes of this Act a civil servant shall also be a natural person who, pursuant to special regulations¹⁾, is elected to and recalled from a position by the National Council of the Slovak Republic (hereinafter referred to as “the National Council”), or appointed and recalled by:

- a) The President,
- b) Government of the Slovak Republic (hereinafter referred to as “Government”),
- c) The President of the National Council of the Slovak Republic,
- d) The Chairman of the Constitutional Court of the Slovak Republic.

(4) For the purposes of this Act the functions to which civil servants are elected or appointed pursuant to paragraph (3) are political functions, unless stipulated otherwise by a special regulation.

(5) Provisions of this Act concerning remuneration, paid leave and sickness insurance apply also to superiors in a political function, unless provided otherwise by a special regulation.

§ 6

Civil Service Office of the Slovak Republic

(1) The Civil Service Office of the Slovak Republic (hereinafter referred to as “the Civil Service Office”) shall perform tasks in the field of civil service. The seat of the Civil Service Office shall be in Bratislava.

(2) The Civil Service Office shall

- a) ensure a unified procedure for application of this Act and generally binding legal regulations issued for its enforcement,
- b) Prepare an annual report on the application of the Act on Civil Service submitting it to the Government,

- c) Issue, pursuant to the authorisation of this Act, generally binding legal regulations,
- d) Issue service regulations for the insurance of application of legal relations in the course of performance of civil service pursuant to this Act,
- e) Prepare a systematisation proposal in the civil service (hereinafter referred to as “systematisation”) and control conformity to it,
- f) Perform selection procedures for preparatory civil service and temporary civil service; the selection procedure for preparatory civil service and temporary civil service in Service Offices pursuant to § 7, paragraph (1) letter b) points one, two and four shall be executed by these Service Offices,
- g) Manage education in civil service and provide for uniform systemic access for further education of civil servants,
- h) Perform tasks of the Personnel Office in the scope laid down by this Act,
- i) Decide on appeals to Service Office decisions in matters of civil service employment relationship,
- j) Control compliance with this Act, and with generally binding legal regulations issued for the purposes of implementation of this Act, and with service regulations,
- k) Publish information on vacant civil service posts in civil service employment,
- l) Keep the records on civil servants and perform administration of their personnel files on termination of their civil service; records on civil servants and their personnel files on termination of their civil service employment as stipulated in § 7, paragraph (1) letter b) point one, two and four shall be kept and administered by these Service Offices,
- m) Project and analyse the necessary number of civil service employment posts; in Service Offices as stipulated in § 7, paragraph (1), letter b) point one, two and four, necessary number of civil service employment posts shall be projected and analysed by these Service Offices
- n) Elaborate the principles for professional growth of civil servants and of their professional careers in civil service; in Service Offices as stipulated in § 7, paragraph (1), letter b) point one, two and four, the principles for professional growth and professional career of civil servants are elaborated by these Service Offices,
- o) Determine the criteria of service assessment of civil servants,
- p) Elaborate the concepts of social welfare in the civil service,
- r) Generate and unify the information system in the civil service and determine its standards,
- s) Issue the Code of Ethics of the Civil Servant (hereinafter referred to as “Code of Ethics”).

(3) For the purposes of performing the tasks laid down in paragraph (2), the Civil Service Office shall be authorised to request a Service Office for assistance, information and documents, and to discuss any relevant measures with the Service Office.

(4) Provisions stipulated in paragraph (2) letters f) through h), i), l), and n) shall not apply to the courts and the Prosecutor’s Office. Provisions stipulated in paragraph (2) letters e), f) and i) shall not apply to the Supreme Audit Office of the Slovak Republic (hereinafter referred to as “the Supreme Audit Office ”).

(5) The scope of activities of the Civil Service Office laid down in paragraph (2) letters g), h) and n) shall be performed in relation to a civil servant employed:

- a) at the courts by the Ministry of Justice of the Slovak Republic (hereinafter referred to as “Ministry of Justice”),

- b) in the Prosecutor's Office by the Office of the General Prosecutor of the Slovak Republic (hereinafter referred to as "the Office of the General Prosecutor"),
- c) in the Service Offices stipulated in § 7, paragraph (1) letter b) point one through four, by these Service Offices.

(6) An appeal against a decision of the Service Office in matters involving civil service employment relationship of a civil servant at a court, shall be decided by the Ministry of Justice.

(7) An appeal against a decision of a Service Office in matters relating to civil service employment relationship of a civil servant in the Prosecutor's Office, shall be decided by the Office of the General Prosecutor. In cases relating to a civil servant at the Office of the General Prosecutor the appeal against a decision of the Service Office in matters relating to civil service employment relationship shall be decided by the General Prosecutor of the Slovak Republic (hereinafter referred to as "General Prosecutor") by proposal of a special commission set up by the General Prosecutor, consisting of prosecutors of the Office of the General Prosecutor.

(8) An appeal against a decision of a Service Office in matters relating to civil service employment relationship of a civil servant at the Supreme Control Office shall be decided by the President of the Supreme Audit Office of the Slovak Republic (hereinafter referred to as "the President of the Supreme Audit Office") on proposal of a special commission established by the President of the Supreme Audit Office and consisting of civil servants in permanent civil service.

(9) Control over compliance with systemisation at the Supreme Audit Office shall be performed by the National Council or a body set up for this purpose.

(10) Provisions of paragraph (2) letters e) through h), j), m) and o) shall not apply to Service Offices stipulated in § 7, paragraph (1) letter b) point one through six.

(11) Provisions of paragraph (2) letters b), d) through f) shall not apply to the Military Intelligence.

(12) An appeal against a decision of a Service Office in matters related to civil service employment relationship of a civil servant in Service Offices as stipulated in § 7, paragraph (1) letter b) point one, two and four shall be decided by the director of this Service Office on a proposal of a special commission established by the Head of the Office and consisting of civil servants in permanent civil service.

(13) The scope of activities of the Civil Service Office as stipulated in paragraph (2) letter d), e), g) through i), m) through p) and s) shall be performed by an organisational unit of the Military Intelligence.⁴⁾

(14) An appeal against a decision of the Service Office in matters related to civil service employment relationship of a civil servant at the Military Intelligence shall be decided by the Minister of Defence of the Slovak Republic (hereinafter referred to as "Minister of

⁴⁾ § 3 of Act of the National Council of the Slovak Republic No. 198/1994 Coll. on Military Intelligence.

Defence”) on a proposal of a special commission established by the Minister of Defence and consisting of civil servants in permanent civil service.

(15) Control of adherence to systemisation in the Military Intelligence shall be ensured by the Minister of Defence.

§7

Service Office

(1) A Service Office, for the purposes of this Act, shall be

- a) ministry or other central state administration body,
- b) body or office which performing state affairs, i.e.
 - 1. Office of the National Council of the Slovak Republic (hereinafter as ”Office of the National Council”),
 - 2. Office of the President of the Slovak Republic,
 - 3. Supreme Audit Office of the Slovak Republic (hereinafter as ”Supreme Audit Office),
 - 4. Constitutional Court of the Slovak Republic (hereinafter as ”Constitutional Court”),
 - 5. Court,
 - 6. General Prosecutor’s Office, Regional Prosecutor’s Office, Higher Military Prosecutor’s Office, District Military Prosecutor’s Office,
- c) local state administration body,
- d) other state administration body,
- e) unit of the Police Force,
- f) Academy of the Police Force,
- g) organisational unit of the military forces assigned by the competent ministry governing military forces,
- h) organizational unit of the Military Intelligence,
- i) organisational unit of the Slovak Intelligence Service,
- j) unit of the Railway Police,
- k) basic unit of the Prison Wardens and Judicial Guards Corps of the Slovak Republic.

(2) Service Office of civil servant at District Prosecutor’s Offices shall be Regional Prosecutor’s Office.

(3) The Supreme Service Office shall be a Service Office with no superior Service Office.

(4) Superior Service Office shall be a Service Office managing, controlling and coordinating activities of a subordinate Service Office.

§ 8

Personnel Office

(1) Personnel Office as a personnel unit of a Service Office in which a civil servant performs civil service ensure performance of tasks resulting from its civil service relations. A Personnel Office also ensure application of the legal relations of employees who do not perform tasks of state administration or do not perform state affairs pursuant to § 2, paragraph (2) or paragraph (4).

(2) Personnel Office of the Head of a Service Office shall be the Personnel Office of his/her superior Service Office. The Personnel Office of heads of Service Offices as stipulated in § 7 paragraph (1), letter b) points one, two and four and letter h), shall be the Personnel Office of a Service Office in which they perform civil service.

(3) If a Service Office has no superior Service Office, the Personnel Office of the Head of such Service Office shall be the Civil Service Office.

§ 9

Superior Officer

(1) A superior officer shall be a superior civil servant who is authorized to give to a subordinate civil servant instructions for the performance of civil service, and shall be obliged to perform, with regard to the subordinate civil servant, tasks of the Service Office for the performance of civil service in the scope determined by a service regulation.

(2) Position of a superior officer may only be held by a civil servant who is appointed to the permanent civil service, unless this Act stipulates otherwise, and who meets the special qualification requirements for performing management activities.

(3) Provisions of paragraphs (1) and (2) do not apply to superior officers in a political position, or to a superior officer who is an ambassador or to superior officers whose legal relation shall be subject to a special regulation.²⁾

§ 10

Head of Service Office

(1) Head of a Service Office (hereinafter as "Head of the Office") for purposes of this Act shall be superior officer to all employees in the relevant Service Office. Position of a Head of the Office may only be held by a civil servant in the permanent civil service, unless provided otherwise by this Act. A Head of an Office performs tasks relating to the enforcement of civil service employment relations and organisational assurance of Service Office activities.

(2) Head of the Office shall be appointed by the head of a Superior Service Office. The Head of the Office with no Superior Service Office shall be appointed by the Chairman of the Civil Service Office of the Slovak Republic (hereinafter as "Chairman").

(3) Head of a Service Office which is the General Prosecutor's Office of the Slovak Republic (hereinafter as "General Prosecutor's Office"), shall be the General Prosecutor. Head of the Service Office which is a Regional Prosecutor's Office shall be the Regional Prosecutor. Head of the Office which is the Supreme Military Prosecutor's Office shall be the Supreme Military Prosecutor. Head of the Office, which is a District Military Prosecutor's Office shall be the District Military Prosecutor.

(4) Head of the Service Office which is the Office of the National Council shall be the Head of the Office of the National Council. Head of the Service Office which is the President's Office shall be the Head of the President's Office. Head of the Service Office which is the Constitutional Court shall be the Head of the Constitutional Court Office. Head

of the Service Office which is the Supreme Audit Office shall be the President of the Supreme Audit Office.

(5) Head of the Service Office which is the Supreme Court of the Slovak Republic (hereinafter as " Supreme Court"), shall be the Chief Justice. Head of the Service Office which is a regional court shall be the Chairman of the Regional Court. The Head of the Service Office which is a District Court shall be the Chairman of the District Court. The head of the Service Office which is the Supreme Military Court shall be the Chairman of the Supreme Military Court.

(6) Heads of the Service Offices stipulated in § 7, paragraph (1), letter b) shall be appointed pursuant to a special regulation⁵⁾.

§11 Service Regulations

(1) Service regulations within the scope of this Act provide for details on civil service performance by civil servants, determine the scope of the authority of superior officers to give orders to civil servants for performance of civil service and fulfil Service Office tasks towards regards civil servants pursuant to this Act. Service regulations of a subordinate Service Office may not be contradictory to service regulations of a superior Service Office. Service regulations of a superior Service Office are binding for a subordinate Service Office. A civil servant must be duly acquainted with service regulations.

(2) Service regulations shall be issued by a Service Office, a superior Service Office and the Civil Service Office.

§ 12 Systemisation

(1) Systemisation pursuant to this Act in the civil service shall mean determination of the number of the civil service posts in permanent civil service, in temporary civil service and in preparatory civil service in Service Offices ranked by positions (§ 16) resulting from the organisational structure of Service Offices. Systemisation includes the volume of financial resources designated for remuneration of civil servants.

(2) Service Office, unless provided otherwise by this Act, shall be obliged to submit to the Civil Service Office and the Ministry of Finance of the Slovak Republic (hereinafter as "Ministry of Finance") information for draft systemisation for each budgetary year, based on staffing as of March 1 of the current year, together with an organisational structure. Regional and district offices submit this information via the Ministry of Interior of the Slovak Republic, regional and district Prosecutor's Offices via the General Prosecutor's Office, the Supreme Military Court, sectoral military court and the military part of the General Prosecutor's Office, the Supreme Military Prosecutor's Office and sectoral military prosecutor's offices via Ministry of Defence of the Slovak Republic (hereinafter as "Ministry of Defence").

(3) Draft systemisation shall be prepared by the Civil Service Office on the bases of the organisational structure of Service Offices in co-operation with the Ministry of Finance,

⁵⁾ For example, Act No. 335/1991 Coll. in wording of later regulations; Act No. 16/1993 Coll. of the National Council of the Slovak Republic, Act No. 38/1993 Coll. of the National Council of the Slovak Republic, in wording of later regulations; §143, paragraph (5) of Act No. 350/1996 Coll. of the National Council of the Slovak Republic.

with competent ministries and other central state administration bodies of the Slovak Republic. Service Offices stipulated in § 7 paragraph (1) letter b), points one, two and four and the Supreme Audit Office shall submit the draft systemisation of their Service Offices to the National Council or its body formed for this purpose, and shall then announce them to the Civil Service Office and the Ministry of Finance so they may be approved in the time when the Government decides on its State Budget Act for the respective budget year. Draft systemisation of the Ministry of Defence, Service Offices under its competence, the Supreme Military Court, District Military Court, the military part of the General Prosecutor's Office and Military Prosecutors' Offices shall be prepared by the Ministry of Defence with the Ministry of Finance and notified to the Civil Service Office. Draft systemisation of the Supreme Court shall be prepared by the Supreme Court in co-operation with the Ministry of Finance and notified to the Civil Service Office. Draft systemisation of regional and district courts shall be prepared by the Ministry of Justice in co-operation with the Ministry of Finance and notified to the Civil Service Office. The draft systemisation of the General Prosecutor's Office and regional and District Prosecutors' Offices shall be prepared by the General Prosecutor's Office in co-operation with the Ministry of Finance and notified to the Civil Service Office.

(4) The Civil Service Office shall submit draft systemisation prepared pursuant to paragraph (3) to the Ministry of Finance and to the Government by the end of June in the current year.

(5) Draft systemisation shall be approved by the Government when discussing Draft State Budget Act for the relevant budgetary year. The systemisation shall be approved by the National Council as a part of the Act on State Budget. The Government shall make amendments to systemisation pursuant to the approved Act on State Budget.

§ 13

(1) The Head of the Office shall be obliged to

- a) monitor, ensure and adhere to fulfilment of approved systemisation,
- b) report to the Civil Service Office on admission of civil servants to civil service posts and vacancies in civil service posts in the Service Office; this does not apply to heads of Service Offices as stipulated in §7 paragraph (1), letter b) and h).

(2) Scope of activities of a Head of the Office pursuant to paragraph (1) shall be performed in relation to

- a) regional and district courts by the Head of the Office of the Ministry of Justice,
- b) the Supreme Court by the Chief Justice of the Supreme Court,
- c) Prosecutor's Office by the General Prosecutor.

TITLE TWO

ESTABLISHMENT, CHANGE AND TERMINATION OF CIVIL SERVICE EMPLOYMENT RELATIONSHIP

§ 14

Admission to Civil Service

(1) A citizen who applies for civil service (hereinafter as "applicant") may be admitted to the civil service employment position in a relevant sector of civil service employment if such a person meets the following requirements:

- a) has reached the age of 18 years,
- b) enjoys full legal capacity,
- c) has integrity and was not released from the civil service pursuant to § 61, paragraph (2), letters c) through e),
- d) meets qualification requirements,
- e) is in fit health condition for the performance of civil service,
- f) has permanent residence in the Slovak Republic,
- g) speaks the state language,
- h) speaks a foreign language if this is required for the performance of civil service by service regulations issued by the Civil Service Office; in Service Offices stipulated in §7 paragraph (1), letter b) points one through four this shall be determined by service regulations issued by these Service Offices.
- i) has been successful in selection procedure for preparatory civil service or meets the requirements for temporary civil service pursuant to § 25, paragraph (2), letter a).

(2) A citizen with integrity shall be, for the purposes of this Act, a citizen, who has not been legally sentenced for an deliberate crime. Integrity shall be documented by an extract from the Criminal Register not older than three months.⁶⁾

(3) Qualification requirements, for the purposes of this Act, are

- a) education,
- b) special qualification requirements pursuant to a special regulation, unless provided otherwise by this Act.⁷⁾
- c) special qualification requirements for performance of management activities,
- d) professional practical experience.

(4) Education, for the purposes of this Act, is

- a) complete secondary education or complete secondary vocational education (hereinafter as "complete secondary education"),
- b) higher vocational education,
- c) education acquired by completing the study of a bachelor degree (hereinafter as "bachelor education"),
- d) education acquired by completing the study of a master degree or engineer degree or doctor degree at university (hereinafter as "university education").

(5) Qualification requirements except for special qualification requirements pursuant to paragraph (3) letter c) are listed in descriptions of civil servant salary tariffs in Annex 1.

⁶⁾ Act No. 311/1999 Coll. on Criminal Register

⁷⁾ For example, Regulation of the Government of the Slovak Republic No. 157/1997 Coll. on special qualification requirements for performance of certain activities at regional offices and district offices; Regulation of the Government of the Slovak Republic No. 163/1992 Coll. laying down requirements for performance of positions in environmental bodies of state administration requiring a special professional qualification, in wording of later regulations; Decree of the Ministry of Public Health of the Slovak Socialist Republic No. 79/1981 Coll. on health care workers and other specialists working in the field of health care; Act No. 337/1998 Coll. on veterinary care and on amendments to other certain Acts, in wording of the Act No. 70/2000 Coll.; Act of the Slovak National Council No. 51/1988 Coll. on mining, explosives and on the state administration of mines, in wording of later regulations; Act no. 153/2001 Coll.

(6) Acquisition of education referred to in paragraph (4) shall be assessed pursuant to special regulations⁸⁾.

(7) A candidate in preparatory civil service (§19) acquires particular qualification requirements pursuant to special regulation through adaptive initial education and adaptive preparatory education concluded by an examination prior to his/her appointment to the post of a civil servant in permanent civil service.

(8) A civil servant in permanent civil service acquires particular qualification requirements for performance of management activities (§24) through service education which is concluded by an examination prior to his/her appointment as a superior officer. Details on service education and its termination shall be stipulated by a generally binding regulation issued by the Civil Service Office. Details on functional education of civil servants at court and its termination shall be stipulated by a generally binding regulation issued by the Ministry of Justice. Details on functional education of civil servants in Prosecutor's Offices and its termination shall be stipulated by a generally binding regulation issued by the Civil Service Office after agreement with the General Prosecutor's Office. Details on functional education of civil servants in the Supreme Court and its termination shall be stipulated by generally binding regulation issued by the Civil Service Office after agreement with the Supreme Court. Details on functional education of civil servants in Service Offices stipulated in §7 paragraph (1), letter b) points 1 through 4 and its termination shall be determined by service regulations issued by these Offices. Details on functional education of civil servants in Military Intelligence and its termination shall be determined by the Minister of Defence.

(9) The qualification requirement of professional practical experience, for the purpose of this Act, shall be the minimum period of time, expressed in years, required for performance of the activity of a civil servant as provided in Annex No. 1 and pursuant to § 81. In exceptional cases, Head of the Office may decide that professional practical experience for the purposes of this Act shall be one year at least.

(10) Compliance with qualification requirements pursuant to paragraphs (3), (4), (7) and (9) cannot be forgone, unless provided otherwise by this Act.

(11) An assessment of the state of health for the purposes of this Act shall be the inspection of the physical capacity of a civil servant to perform civil service in a Service Office in the relevant sector of the civil service. The assessment of state of health shall be provided by a special regulation.⁹⁾

(12) A candidate may be admitted only to probationary civil service, unless provided otherwise by this Act.

(13) A civil servant must meet the requirements as stipulated in paragraph (1), letters b) through f) and with the condition of Slovak Republic citizenship throughout the whole period of the civil service. The qualification requirements laid down in paragraph (3) letter b)

⁸⁾ §8, paragraph (2) and paragraph (3), §59 of Act No. 29/1984 Coll. on the system of primary and secondary schools (the School Act), in wording of later regulations; §19, §43 of Act No. 172/1990 Coll. on universities, in wording of later regulations.

⁹⁾ Act of the National Council of the Slovak Republic No. 98/1995 Coll. on the health treatment code, in wording of later regulations.

need not be met by a civil servant in preparatory civil service and requirements laid down in paragraph (3), letter c) by a civil servant in temporary service, unless provided otherwise by this Act.

§15

Selection Procedure for Preparatory Civil Service and for Temporary Civil Service

(1) Vacant civil service posts in preparatory civil service and temporary civil service, except for Superior Officers in political positions and Superior Officers who are Ambassadors shall be staffed on the bases of the results of selection procedures.

(2) Selection procedure for staffing of a vacant civil service employment post in the relevant sector of the civil service shall verify the skills, and professional knowledge and other facts on an applicant necessary or suitable with regard to the terms of the nature of the tasks which such a civil servant is to perform in the civil service. Selection procedure shall be conducted regardless of sex, race, colour of skin, belief, religion, political or other opinions of candidates, their national or social or ethnic origin and property or other status (§ 3, paragraph (2)).

(3) The Chairman shall announce the selection procedure in the public press or possibly in other publicly accessible mass communication media at least three weeks before its start, providing the following information on civil service employment post:

- a) name of the Service Office, including the municipality where the service office or its organizational unit is seated (hereinafter as “seat of Service Office”),
- b) type of civil service and vacant position,
- c) civil service sector,
- d) requirements for performance of the civil service pursuant to § 14,
- e) list of required documents,
- f) date and place of submission of applications,
- g) notice on mass selection procedures need not include data stipulated in letters b), d) and e).

(4) Selection procedure shall be carried out by a selection commission established by the Chairman and consisting of civil servants in permanent civil service. The selection commission shall consist of five members, of who at least three are from the corresponding sector of the civil service. The chairman of the selection commission shall be the highest-ranking civil servant. If there are several civil servants of the same rank in the selection commission, the chairman of the selection commission shall be appointed by the Chairman. If a member of the selection commission is biased, he shall announce this fact to the Chairman.

(5) Selection procedure at the Supreme Audit Office shall be carried out by a selection commission established by the President of the Supreme Audit Office and consisting of civil servants in permanent civil service. The selection commission shall consist of five members. The Chairman of the selection commission shall be the highest-ranking civil servant. If there are several civil servants of the same rank in the selection commission, the Chairman of the selection commission shall be appointed by the President of the Supreme Audit Office. Selection procedure at Service Offices stipulated in § 7 paragraph (1), letter b) points one, two and four shall be carried out by a selection commission established by the Chairman of the Service Office and consisting of civil servants in permanent civil service, of whom at least three are from the relevant sector of the civil service. The Chairman of the

selection commission shall be a civil servant of the highest rank. If there are a number of civil servants of the same rank in the selection commission , the Chairman of the selection commission shall be appointed by the Chairman of the Service Office.

(6) An applicant who meets the requirements laid down in § 14 paragraph (1), letter a) through h) shall be invited by the Civil Service Office to the selection procedure not later than 7 days prior to its start.

(7) Selection commission shall evaluate the outcome of the selection procedure and, based on the results, determine the order of applicants. This order of candidates shall be obligatory for appointment of a civil servant.

(8) The Civil Service Office will notify applicants in writing on the outcome of the selection procedure no later than ten days from its conclusion.

(9) If the selection commission, on the basis of the selection procedure, does not choose an applicant for the vacant civil service employment post to the civil service as no applicant was suitable, the Chairman shall announce a new selection procedure.

(10) Details on the selection procedure shall be laid down by a generally binding legal regulation, issued by the Civil Service Office.

(11) Details on the selection procedure for staffing civil service employment posts in courts shall be laid down by a generally binding legal regulation issued by the Ministry of Justice.

(12) Details on the selection procedure for staffing civil service employment posts in Prosecutor's Offices shall be laid down by a generally binding legal regulation issued by the Civil Service Office upon an agreement with the General Prosecutor's Office.

(13) Details on the selection procedure for staffing civil service employment posts in service offices as stipulated in § 7 paragraph (1), letter b) point one through four shall be laid down by service regulations issued by these service offices. Provisions of paragraph (1) through (9) shall be applied appropriately.

§ 16

Establishment of Civil Service Employment Relationship

(1) Civil service employment relationship shall be established on the basis of appointment to a civil service employment post on the day determined in the written decision on appointment and service oath (§18). The service oath shall be sworn on the occasion of notice of appointment handing over. Civil service employment relationship shall not be established if an applicant refuses to swear the oath, or swears it with the reservation. At the time of notice of appointment handing over, a civil servant shall receive a written notification of the period of vocational experience and credited experience, of service salary, of weekly service time and length of paid holidays. Appointment shall be executed by the Chairman of the Office.

(2) Appointment to the civil service in a civil service post may only be executed if the civil service post is vacant pursuant to approved systemisation. A vacant civil service post shall preferably be staffed by a civil servant classified outside active civil service who has

performed civil service in the same sector, or another civil servant who meets the requirements pursuant to § 14.

(3) A civil servant in permanent civil service or temporary civil service shall be ranked in 1st through 9th salary classes according to the most demanding activity to be performed in the relevant civil service employment post in compliance with Annex No. 1.

<u>Position</u>	<u>Salary class</u>
desk officer	1
senior desk officer	2
desk officer – specialist	3
chief desk officer	4
counsellor	5
senior counsellor	6
counsellor - specialist, district counsellor	7
chief counsellor, regional counsellor	8
state counsellor	9

(4) A civil servant in a Service Office with district competence holds the position of district counsellor if he performs the most demanding activity ranked in salary class 7. A civil servant in a Service Office with regional competence holds the position of regional counsellor if he performs the most demanding activity ranked in salary class 8.

(5) A civil servant in preparatory civil service (hereinafter as "candidate") shall be classified to the position corresponding to his/her most demanding activity.

§17

Decision on Appointment to Civil Service

Decision on appointment to the civil service shall contain

- a) name and surname of a civil servant, date and place of birth, personal identification number and permanent residence address,
- b) position of the civil servant,
- c) type of civil service,
- d) sector of civil service,
- e) Service Office including address of the seat of the Service Office
- f) duration of reduced service time, if allowed,
- g) duration of temporary civil service.

§ 18

Service oath

(1) A civil servant shall swear a service oath, with wording as follows: "I swear on my honour to loyalty to the Slovak Republic. In the course of performance of the civil service,

I will adhere to the Constitution of the Slovak Republic, constitutional laws, laws, other generally binding legal regulations, the civil servants' Code of Ethics and service regulations and, in accordance with them, I will follow the instructions of superior officers. I will fulfil my duties correctly, honourably, faithfully and impartially.“

- (2) The service oath is sworn if, following the reading of the service oath, the swearing person declares: "I so swear" and certifies this by signature on the appropriate document. This document must contain the date of the service oath.

§ 19

Preparatory Civil Service

- (1) Preparatory civil service shall be preparation for performance of permanent civil service in the relevant sector of the civil service. Preparatory civil service shall be performed by a candidate.
- (2) The probation period from the day of establishment of civil service employment relationship shall last three months. The probationary period does not include periods of civil service as stipulated in § 73 paragraph (1), except for letter d).
- (3) Preparatory civil service shall last at least six months, two years at most, unless provided otherwise by this Act or a special regulation²⁾. Duration of the preparatory civil service shall commence on the day of establishment of civil service employment relationship and shall be completed by the qualification examination. This duration does not include periods of civil service performance as stipulated in § 73 paragraph (1), letters b), c) and i) and time of performing national service, surrogate service or civilian service.
- (4) Preparatory Civil Service includes the professional training of the candidate to meet particular qualification requirements pursuant to a special regulation⁶⁾. Professional training shall be carried out by means of adaptive education during the probationary period and by adaptive qualification education. Adaptive entrance education shall be completed within the probationary period by an interview with the superior officer. Adaptive entrance qualification education shall be completed by the qualification exam.
- (5) A candidate in probationary civil service shall fulfil service duties under the supervision of a trainer. The trainer shall be determined by the Service Office from among civil servants in permanent civil service.

Qualification Exam

§20

- (1) Purpose of the qualification exam shall be to verify a candidate's knowledge and capability to apply the Constitution of the Slovak Republic, constitutional laws, laws and generally binding legal regulations required for performance of civil service in the relevant sector of the civil service, including knowledge of this Act and service regulations. In case of a Service Office that a ministry, other central state administration body or a Service Office as stipulated in § 7, paragraph (1), letter b) points one through four, purpose of the qualification exam shall also be to verify a candidate's capability to perform conceptual tasks and legislation drafting tasks in the relevant sector of civil service. The qualification exam includes a service assessment made by the trainer.
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- (2) The qualification exam consists of a written and verbal part. Both parts of the qualification exam are usually held on one day. The Service Office shall determine the day of the qualification examination within two months of the submission of the candidate's application for taking the qualification exam, however at the latest within the last three months of duration of this preparatory civil service, if not provided otherwise by this Act. The Service Office shall establish the qualification commission and invites the candidate in writing, at least one month before the date of the qualification exam.
- (3) The day of a candidate's successfully passing of the qualification exam shall be the last day of the preparatory civil service. After successful passing of the qualification exam, the candidate shall be appointed to permanent civil service.

§ 21

- (1) If a candidate does not pass the qualification exam, the service office, following his/her written application, will allow him/her to retake the qualification exam. The qualification exam may be repeated only once.
- (2) An application to retake the qualification exam must be delivered to the service office by a candidate within ten calendar days after failure of qualification exam.
- (3) Repetition of the qualification exam may not be done sooner than three months, and not later than six months, after failure of the qualification exam. The time until repeating the qualification exam shall be a continuation of the preparatory civil service. Repeated qualification exam shall be held in front of a qualification commission consisting of persons other than those present at the first qualification exam.

§ 22

Qualification Commission

- (1) Qualification commission shall be established in the Supreme Service Office of the relevant sector of the civil service. Qualification commissions in Service Offices as stipulated in § 7, paragraph (1) letter a), b), points one through four, at General Prosecutor's Office and at the Supreme Court shall be established in these Service Offices of the relevant sector of the civil service.
- (2) Qualification commission shall be established by the Head of the Office and consist of civil servants in permanent civil service. The qualification commission shall consist of five members, of whom at least three members are from the relevant civil service sector. In a Service Office which is the Supreme Court, three members of the qualification commission must be judges. In a Service Office which is the Prosecutors' Office, three members of the qualification commission must be prosecutors. Chairman of a qualification commission shall be the highest-ranking civil servant. If a qualification commission consists of several civil servants of the same rank, the Head of the Office shall determine the chairman of this qualification commission.
- (3) Qualification commission shall have a quorum if all its members are present. The qualification commission shall vote on the result of the qualification exam by a majority of all votes. Member of a qualification commission may not abstain from voting. Decision of the qualification commission shall be as follows: "passed" or "not passed"; the decision shall be provided in writing.

- (4) Conditions of the qualification exam and composition of the qualification commission for civil service at courts and at the prosecutor's offices shall be laid down by a special Law.

§ 23

Ranking of Closely Related Persons

- (1) Should the civil servants are close relatives pursuant to a special regulation¹⁰⁾, they may not be ranked into mutual direct subordination or superiority relation, or sooth way that one performs cash or account control over the other one, except for civil servants in the representative offices of the Slovak Republic.
- (2) An applicant to the civil service shall be obliged to report to the Service Office, prior to his/her appointment to the civil service, facts stipulated in paragraph (1).
- (3) A civil servant shall be obliged to report, without undue delay, to the Service Office facts stipulated in paragraph (1) which occur in the course of performance of the civil service.

§ 24

Permanent Civil Service

Permanent civil service directly follows preparatory civil service. Successful passing of the qualification exam in the relevant sector of civil service shall be a prerequisite for appointment to permanent civil service.

§ 25

Temporary Civil Service

- (1) Temporary civil service shall be civil service for a determined period of time performed by an expert who is necessary for the fulfilment of civil service duties, a superior officer in political positions or a superior officer who is an ambassador.
- (2) Following categories of individuals may be appointed to temporary civil service:
- a) an applicant who is a specialist, on the basis of a selection procedure
 - b) a superior officer in a political position and a superior officer who is an ambassador, without a selection procedure.
- (3) An expert in temporary civil service performs civil service individually and for a determined period of time, five years at the most.
- (4) Temporary civil service performed by an expert includes a probationary period of three months and commence as of the day of establishment of the civil service employment relationship.
- (5) A superior officer in a political position, and a superior officer who is an ambassador, may be recalled from this position.

¹⁰⁾ § 116 of the Civil Code

§26

Appointment to Permanent Civil Service in Special Cases

(1) An applicant who has been in permanent civil service and who meets requirements pursuant to § 14, may apply in writing at a Service Office for repeated appointment to the permanent civil service without an obligation to repeatedly pass preparatory civil service, if he/she applies not later than

a) three years after termination of the previous civil service, if he repeatedly swears the service oath.

b) six years after termination of previous civil service if he passes the qualification exam and repeatedly swears the service oath.

(2) An applicant who was in temporary civil service more than two years and meets the requirements as stipulated in § 14, may ask a Service Office in writing to be appointed to the permanent civil service without an obligation to perform preparatory civil service, not later than three years after termination of temporary civil service and provided that he passes the qualification exam and repeatedly swears the service oath.

(3) A superior officer who was in temporary civil service more than two years and complies with requirements stipulated in § 14 may ask a Service Office in writing to be appointed to the permanent civil service without having to execute probationary civil if he repeatedly swears the service oath.

Modifications to Civil Service Employment Relationship

§ 27

Modifications to civil service employment relationship shall be

a) temporary transfer,

b) permanent transfer,

c) appointment to a superior officer position,

d) deputization for a superior officer for the period longer than three weeks,

e) recall of a superior officer,

f) withdrawal of a female civil servant from the permanent civil service due to the pregnancy and maternity,

g) placement of a civil servant in permanent civil service outside active civil service due to being elected to a position in a higher trade union organization pursuant to § 119,

h) placement of a civil servant outside active civil service due to change of systemisation in the permanent civil service.

i) placement of a civil servant in the permanent civil service outside active civil service due to serious service offence,

- j) placement of a civil servant outside active civil service due to the reasons not allowing civil service performance,
- k) repeated appointment of civil servant to civil service after termination of placement outside active civil service.

§ 28

- (1) A modification to civil service employment relationship may only be executed in permanent civil service in the same sector of civil service, with exception of modifications pursuant to §27 letter f); modification from one sector to another can only be executed if a civil servant can perform such civil service with respect to fulfilment of the qualification requirements and to the difficulty of the civil service being performed by him/her before, and with respect to the result of a service assessment .
- (2) Modification to the civil service employment relationship shall be executed by the Head of the relevant Office pursuant to § 10, by means of a written decision. Permanent transfer may be executed by a decision of the Head of the Office where the civil servant will perform civil service after conclusion of the agreement with the Head of the Office where the civil servant performs civil service.
- (3) In the course of placement outside active civil service, a civil servant shall be obliged to fulfil the duties of a civil servant, except for the duty to perform civil service.

§ 29

Temporary and Permanent Transfer

(1) A civil servant may be temporarily transferred to perform civil service for a specified period of time, at the most six months, if not provided otherwise by this Act, to another civil service sector, to another Service Office of the same sector of the civil service, or to another Service Office of another sector of the civil service.

(2) A civil servant may be repeatedly temporarily transferred after termination of the period of 24 months as of the first day of the previous temporary transfer.

(3) A civil servant may, upon the agreement, be permanently transferred to perform civil service in the same Service Office to another sector of the civil service, to another Service Office of the same sector of the civil service, or to another Service Office of another sector of the civil service.

(4) After termination of the period of a civil servant's transfer pursuant to paragraph (1), the civil servant shall be placed to the same sector of civil service of the Service Office where he/she performed civil service before being transferred, if the civil servant does not agree otherwise with the Service Office.

§ 30

Appointment to Superior Officer and Deputising for a Superior Officer

- (1) A superior officer shall be appointed by the Head of the Office on the bases of a selection procedure. Besides civil servants in permanent civil service also applicants who are not civil servants may take part in the selection procedure. An applicant who is not a

civil servant, may, after successful selection procedure, be appointed to permanent civil service if he/she swears the service oath.

- (2) Provisions of § 15 shall be applied adequately in selection procedure for appointment of a superior officer. Selection commission shall also take into consideration the service assessment of a civil servant in course of the selection procedure.
- (3) Provisions of paragraphs (1) and (2) shall not apply to the Prosecutor's Office or to the Military Intelligence.
- (4) Deputy of the Head of the Office shall be a civil servant deputising for the Head of the Office in the full scope of his rights and obligations, unless provided otherwise by a special regulation.
- (5) Head of the Office shall appoint a civil servant in permanent civil service to deputise for a superior officer if his/her absence exceeds three weeks. Deputising may not exceed six consecutive months in a calendar year.

§ 31

Recall of a Superior Officer

- (1) Head of the Office shall recall a superior officer in permanent civil service if
 - a) the number of civil service employment posts has been reduced due to systemisation,
 - b) according to service assessment he has not achieved due results in civil service,
 - c) he cannot fulfil the obligations of a superior officer for longer than six months due to health reasons, or
 - d) a superior officer requests the Service Office in writing to be recalled.

(2) Performance of a superior officer's position pursuant to paragraph (1) shall terminate on the day determined in the decision. The period as of the issue of such a decision until termination of the performance of a superior officer's position may not exceed one month.

(3) Performance of a superior officer's position shall terminate on the day of effect of a decision on imposition of a disciplinary measure pursuant to § 61 paragraph (2) letter b).

Placement of Civil Servant Outside Active Civil Service

§ 32

If a pregnant civil servant performs a civil service which is forbidden to pregnant women by a special regulation, or which, according to a medical assessment, is a threat to her pregnancy, and the Service Office may not execute a temporary modification to her service conditions or transfer her to civil service being suitable for her, she shall be placed outside active civil service until commencement of her maternity leave. This shall apply equally to a civil servant after the end of maternity leave at the end of the period of nine months after

giving birth. During the period of placement outside active civil service she shall be entitled to the service salary to which she was entitled before being placed outside active civil service.

§ 33

- (1) If the number of civil servant posts in permanent civil service was reduced due to systemisation, the civil service employment relationship shall not terminate. A civil servant in permanent civil service whose civil service employment post has been cancelled shall be placed outside active civil service for a maximum period of 18 months. During the period of 12 months of the placement outside active civil service, he shall be entitled to 70% of the service salary he would be entitled to in active civil service, and during the remaining period of 6 months of being placed outside active civil service to 50% of the service salary he/she would be entitled to in active civil service. If such calculated amount is lower than the minimum wage laid down by a special regulation ¹¹⁾, a civil servant shall be entitled to the minimum wage effective from the day of placement outside active civil service.
- (2) If a civil servant in permanent civil service is legitimately suspected of a serious service offence or of the commitment of crime, and his/her further execution of civil service would threaten the serious interest of the civil service, he/she shall be placed outside active civil service. During his/her placement outside active civil service he/she shall be entitled to 50 % of the service salary he/she would be entitled to in active civil service. The amount of the service salary, in compliance with the second sentence, shall be increased by 10% for each dependent person, but only to the maximum amount of 70% of the service salary he would be entitled to if not placed outside of active civil service.
- (3) A civil servant who has been placed outside active civil service for the reasons stipulated in paragraph (2) shall, after the termination of his/her placement outside active civil service, be repaid, at the latest within 15 days of the next calendar month, the difference by which his/her service salary would be reduced, as well as the next salary to which he would be entitled if he had not been placed outside of active civil service if
 - a) the civil servant was not legally condemned for the commitment of a deliberate criminal offence, or
 - b) the disciplinary proceeding held against the civil servant have legally terminated otherwise than by imposition of a disciplinary measure for serious service offences; this shall not apply if the disciplinary proceeding was ceased because the civil service employment relationship has terminated on the request of the civil servant.

§ 34

Reasons for Exclusion from Performance of Civil Service

From the day when a civil servant becomes a Member of the Parliament of the Slovak Republic, President of the Slovak Republic, member of the Government of the Slovak Republic, President or Vice-President of the Supreme Audit Office of the Slovak Republic, judge of the Constitutional Court, Governor or Vice-Governor of the National Bank of Slovakia, mayor, representative of a municipality or municipal council or an expert of an international organisation who receives a wage for performance of such position, the civil servant shall be placed outside active civil service for the period of his/her performance of the above activities; during this period he/she shall not be entitled to a salary of a civil servant.

¹¹⁾ Act of the National Council of the Slovak Republic No. 90/1996 Coll. on minimum wage in wording of later regulations

§ 35

Repeated Placement of a Civil Servant to Performance of Civil Service

- (1) If the reasons for a civil servant's placement outside active civil service expire, the Service Office shall place the civil servant to performance of civil service in a civil service employment post in the same sector of the civil service and to the same position.
- (2) If a civil servant placed outside active civil service may not be placed to the same civil service position, the Service Office shall proceed pursuant to § 29 in cooperation with the Civil Service Office.
- (3) Placement of a civil servant in permanent civil service outside active civil service shall terminate at the latest on the day of fulfilment of the conditions for occurrence of the entitlement to the old age pension.

§ 36

Business Trip and Business Trip Abroad

- (1) Business trip, for the purposes of this Act, shall be the period of time as of the commencement of a civil servant's trip to perform civil service to a location different from the civil servant's regular location of civil service performance, including the time of civil service performance in the location which is the business trip's destination, until the end of this business trip.
- (2) Business trip abroad, for the purposes of this Act, shall be the period of time as of the commencement of the trip abroad to perform civil service, including performance of civil service abroad, until the end of this trip.
- (3) The Service Office shall send a civil servant on a business trip or a business trip abroad on a proposal of a superior officer, who is authorized to do so by a service regulation for a period of time of inevitable need. Service Office shall also determine place of origin of the trip, destination, duration, means of transport and place of the end of the business trip; it can also determine other terms of the business trip. The Service Office shall also be obliged to respect the legitimate interests of the civil servant.
- (4) Regular location of the civil servant's performance of civil service, for the purposes of providing compensation of expenses, shall be the seat of the Service Office, specified by the municipality and address of Service Office, where the civil servant performs civil service. The Service Office shall inform the civil servant, in occasion of his/her appointment to civil service, of the regular location of his/her civil service performance.

§ 37

Compensation for Expenses Relating to Business Trip or to a Business Trip Abroad

- (1) A civil servant sent for a business trip or a business trip abroad shall be entitled to compensation for expenses relating to the business trip or business trip abroad. A special regulation shall be applied¹²⁾ on provision of such compensation.
- (2) A civil servant who performs civil service in a Service Office with its seat abroad shall be provided with compensation for expenses relating to the business trip. Special regulation shall be applied¹²⁾ on the provision of such compensation.

§ 38

¹²⁾ Act No. 119/1999 Coll. on travel expenses compensation in wording of later regulations.

Compensation for Expenses Relating to Transfer

(1) In case of a temporary transfer, except for transfer to the seat of a Service Office abroad, a civil servant shall be entitled to compensation equal to compensation for expenses relating to the business trip if he/she is transferred to a location different from the municipality of his/her regular performance of civil service.

(2) In case of a permanent transfer, except for a transfer to the seat of a Service Office abroad, a civil servant shall be entitled to compensation for provable travel expenses for provable moving expenses if he is transferred to a community other than the seat of the Service Office where he regularly performs civil service.

§ 39

Termination and Expiry of Civil Service Employment Relationship

(1) A civil service employment relationship, unless provided otherwise by this Act, shall terminate

- a) by a recall from a civil service employment post from reasons stipulated in § 40 paragraphs (1), through (3),
- b) by imposition of the disciplinary measure of dismissal from permanent civil service, dismissal from temporary civil service, dismissal from preparatory civil service (§ 61 paragraph (2), letters c) through e),
- c) on a written request of a civil servant (§ 41), or
- d) during the probationary period (§ 42)
- e) by completion of temporary civil service (§ 43).

(2) Civil service employment relationship shall also terminate ex statuto (§ 43).

(3) Civil service relationship shall terminate by the death of a civil servant.

(4) Written decision pursuant to paragraph (1), letters a), c) and d), or a written certificate of termination of civil service employment relationship pursuant to § 43 paragraph (2) shall be issued by the Head of the Office.

§ 40

Termination of Civil Service Employment Relationship by a Service Office

(1) A Service Office shall terminate a civil service employment relationship by a recall if the civil servant ceases to meet the requirements necessary for performance of civil service, which are as follows:

- a) citizenship of the Slovak Republic,
- b) permanent residence in the Slovak Republic,
- c) good long-term state of health as certified by a medical facility or upon an assessment or a decision of the Social Insurance Agency.

(2) In preparatory civil service or temporary civil service, a Service Office shall also terminate a civil service employment relationship by a recall for the following reasons:

- a) a civil servant does not achieve required results in civil service, according to the outcome of the service assessment,
- b) reduction of the number of civil service posts due to systematisation; in this case a civil servant shall be provided with the compensation in the amount of five times his/her service salary.

(3) Service Office shall terminate a civil service employment relationship with a civil servant in permanent civil service by a recall if the civil servant does not achieve required results in civil service on two directly consecutive service assessments.

(4) Civil service employment relationship pursuant to paragraph (1) through (3) shall terminate on the day of effect of delivery of decision on appeal.

(5) Civil service employment relationship shall terminate on the day of effect of a decision on imposition of a disciplinary measure of dismissal from permanent civil service, a recall from temporary civil service, except for a superior officer in political position, and dismissal from preparatory civil service.

§ 41

Termination of Civil Service Employment Relationship on Request of Civil Servant

(1) Based on a written request of a civil servant, a civil service employment relationship shall terminate by decision of a Service Office, which must be issued by the Service Office within 30 days as of the day of submission of such request.

(2) Civil service employment relationship shall terminate on the day determined in the decision. The period between the day of the issue of the decision and the day provided in the decision may not exceed 30 days.

(3) If a Service Office does not issue the decision within the time as stipulated in paragraph (1), a civil service employment relationship shall terminate on the 60th day following the day of delivery of the request of the civil servant.

§ 42

Termination of Civil Service Employment Relation in Probationary Period

A civil service employment relationship may terminate during the probationary period in preparatory civil service or temporary civil service for any reason or without specifying a reason, both by the Service Office and by the civil servant. The civil service employment relation shall be terminated on the day determined in the decision; the period between the day of the issue of the decision and the day determined in the decision may not exceed 15 days and may not terminate after the expiry of the probationary period.

§ 43

Termination of Civil Service Employment Relation Ex Statuto

(1) A civil service employment relationship shall terminate on the day when

- a) preparatory civil service has terminated, if the qualification exam was not passed successfully,
- b) the period of temporary civil service has expired,
- c) a decision, which sentenced a civil servant due to deliberate criminal offence enters into force, or if the imprisonment sentence was not probationally suspended,
- d) a decision removing the civil servant's capability to carry out legal acts, or restricting his/her capability to carry out legal acts enters into force,
- e) the civil servant reached 65 years of age, or
- f) the period of placement outside active civil service for reasons stipulated in § 33, paragraph (1) expires, if the civil servant can not be replaced to a civil service employment post pursuant to § 35, paragraph (2).

(2) The civil service employment relationship of a superior officer in a political position, or a superior officer who is an ambassador, shall terminate on the day of recall from the position or on the day of his/her resignation from this position.

(3) An acknowledgment in writing on the termination of a civil service employment relationship ex statuto shall contain data on the day of termination of the civil service employment relationship, and the reason for its termination.

§ 44

Illegitimate Termination of Civil Service Employment Relationship

If termination of a civil service employment relationship, pursuant to a legal decision of the relevant body, is illegitimate, the civil service employment relationship continues. For the period of time from the illegitimate termination of a civil service employment relationship until the day of replacement to civil service, the civil servant shall be entitled to the service salary he would be entitled to if the civil service employment relationship had not been terminated illegitimately.

§ 45

Service Reference

(1) Service Office shall issue for the civil servant a written service reference not later than two weeks before the termination of a civil service employment relationship. The service reference may only contain facts concerning the performance of civil service.

(2) Service reference shall be issued by the Service Office for a civil servant in writing based on the service assessment and personnel file of the civil servant .

§ 46

Confirmation of Civil Service

(1) Service Office shall issue a confirmation of the civil service for a civil servant on the day of termination of the civil service employment relationship based on the personnel file of the civil servant.

(2) Confirmation of the civil service shall contain in particular the following data:

- a) duration of civil service employment relationship,
- b) obligations of a civil servant relating to the civil service employment relationship,
- c) sequence of deductions from the civil servant's salary and to whose benefit the deductions have been made,
- d) termination of preparatory civil service and temporary civil service due to reduction of civil service employment posts due to systemisation,
- e) position and service salary of a civil servant, if requested by the civil servant in writing,
- f) facts that are fundamental for assessing entitlement to paid holiday.

§ 47

Personnel File of Civil servant

(1) All documents concerning a civil servant's employment relationship shall be inserted into his/her personnel file. The personnel file of a civil servant shall be kept in the Personnel Office.

(2) Service Office shall provide a civil servant with copies of documents stored in his/her personnel file and shall enable him to make extracts and photocopies of the documents stored in the personnel file.

(3) Service Office may provide information on a civil servant only after his/her approval or if so provided by a special regulation.¹³⁾

(4) After termination of the civil service employment relationship, a Service Office shall submit the personnel file to the Civil Service Office. The personnel file of a civil servant of a court shall be submitted by the Service Office to the Ministry of Justice. The personnel file of a civil servant of the Prosecutor's Office shall be submitted by the Service Office to the General Prosecutor's Office. Personnel files of civil servants of Service Offices as stipulated in § 7 paragraph (1), letter b), point one through four, are kept in these Service Offices. Personnel files of civil servants shall be archived for 50 years following the termination of the civil service employment relationship.

§ 48

Service Assessment of Civil Servant

(1) Service assessment of a civil servant shall be regularly made by his/her superior officer every year. A service assessment of a civil servant in preparatory civil service shall be made by his/her superior officer on the termination of the preparatory civil service.

(2) The service assessment of a civil servant shall contain an evaluation of his/her civil service performance from the aspect of

- a) the knowledge of the Constitution of the Slovak Republic, constitutional law, laws and other generally binding legal regulations relating to the civil service performed by him/her, and their implementation,
- b) the knowledge of service regulations of which a civil servant has been duly notified
- c) overall performance and contribution to the Service Office, consisting chiefly of correctness, timeliness, independence and initiative in performance of the tasks resulting from the performance of civil service or connected with the performance of civil service,
- d) adherence to the Code of Ethics and service discipline,
- e) results of deepening of qualification and results of extension of qualification.

(3) Details on the service assessment, including the Service Office's method of determination of the points score that the superior officer shall use in the service assessment, shall be laid down in a service regulation issued by the Civil Service Office; in Service Offices stipulated in § 7, letter b), point one through four, details shall be laid down by the service regulations issued by these Service Offices.

(4) Service assessment of a civil servant shall apply to all civil servants covered by this Act. A service assessment of the Chairman of an Office shall be made by the head of the superior Service Office. If a Service Office has no superior Service Office, the service assessment of the Chairman of the Office shall be made by the Chairman. The third sentence

¹³⁾ Act No. 52/1998 Coll. on protection of personal data in information systems

shall not refer to courts, to the Prosecutor's Office, or to a superior officer in a political position. The service assessment of the Head of the Office as stipulated in § 7, letter b), point one, two and four shall be made by the one who appointed him.

(5) Conclusion of a service assessment shall consist of a written expression and the appertaining point score. Conclusion of a service assessment and the appertaining point score shall be as follows:

- a) "achieves extraordinary results in civil service performance"; point score "4",
- b) "achieves a higher degree of required results in civil service performance"; point score "3",
- c) "achieves satisfactory results in civil service performance"; point score "2",
- d) "achieves partially satisfactory results in civil service performance"; point score "1",
- e) "does not achieve required results in civil service performance", point score "0".

(6) If a civil servant does not achieve required results in civil service, further service assessment of the civil servant may only be made after the expiry of the period of six months as of the day of delivery of the service assessment.

§ 49

Reward for Performance in Extraordinary Events

A Service Office may grant a civil servant a reward for personal assistance provided in extraordinary events. Such a reward may consist of a financial reward, material gift or other gift.

§ 50

Complaint of Civil servant in Matters of Civil Service Performance

(1) Civil servant may file a complaint in matters of civil service performance, if he assumes that his/her rights, pursuant to this Act, other generally binding legal regulations and service regulations are being or have been breached in matters regarding civil service performance.

(2) Civil servant shall file a complaint in writing and deliver it to the Service Office.

(3) The complaint shall be decided by the Head of the Office.

(4) A complaint by the Head of the Office who is covered by this Act, shall be decided by the Head of a superior Service Office. If the Service Office does not have a superior Service Office, such complaint by the Head of the Office shall be decided by the Chairman. Complaints by Head of the Service Offices as stipulated in § 7 paragraph (1), letter b), point one, two and four, shall be decided by the person who appointed him.

§ 51

Service Pass of a Civil Servant

A civil servant shall show a service pass when performing civil service. The service pass shall be drawn up by the Service Office.

TITLE THREE

RIGHTS AND OBLIGATIONS OF CIVIL SERVANTS

§ 52

Rights of Civil Servant

- (1) Civil servant shall have the right to
- a) creation of conditions for the due performance of civil service,
 - b) a salary pursuant to this Act, or if it concerns civil service in Service Offices as stipulated in §7, paragraph (1) letter b), points one, two and four, to a salary pursuant to special regulation¹⁴⁾
 - c) assurance of deepening of qualification,
 - d) refuse a service task which is in contradiction with generally binding legal regulations or a service task which, pursuant to special regulations, does not fall within the competence of the Service Office where he/she performs civil service, or if such task does not fall within his/her civil service sector,
 - e) refuse to perform a service task which, pursuant to special regulations, service regulations or orders issued, falls under the exclusive competence of a superior officer,
 - f) see his/her personal file and make extracts, copies or photocopies of it,
 - g) file complaints to the Service Office in matters regarding performance of civil service,

(2) Civil servant shall have, besides the rights stipulated in paragraph (1), rights arising from other generally binding legal regulations.

§ 53

Obligations of Civil Servants

- (1) Civil servant shall be obligated to
- a) maintain loyalty to the Slovak Republic in the course of civil service performance,
 - b) adhere to the Constitution of the Slovak Republic, constitutional laws, laws and other generally binding legal regulations applying to the performance of civil service, the Code of Ethics and service regulations in the course of civil service performance,
 - c) perform service tasks personally, responsibly and on time,
 - d) perform all tasks falling under the scope of his/her service duties in the civil service sector,
 - e) maintain confidentiality of all facts discovered in the course of civil service performance, if not relieved from this obligation by the Head of the Office, unless provided otherwise by a special regulation; this obligation shall also apply after termination of the civil service employment relationship,
 - f) perform civil service impartially and politically neutrally,
 - g) deepen his/her qualification
 - h) in relation with performance of civil service, not accept gifts or other advantages, except for gifts or other advantages provided by the Service Office,
 - i) abstain from action that could lead to conflict of public and personal interests, especially not abuse information acquired in relation with performance of civil service for personal benefit or for benefit of other persons; this obligation shall also apply after termination of the civil service employment relationship,

¹⁴⁾ For example, § 143 paragraph (8) of Act of the National Council of the Slovak Republic No. 350/1996 Coll. in wording of the Act No. 86/2000 Coll.

- j) take care that none of his/her political activities endanger the confidence of the public, of the Service Office, in his/her ability to impartially and faithfully perform service tasks,
- k) provide the Service Office with information regarding his/her personal state or changes to it
- l) inform the Service Office on any actual or potential conflict of interest,
- m) notify the Service Office of being legally sentenced for a deliberate criminal offence, or that he/she was deprived of capability to perform legal acts, or that his/her capability to perform legal acts is restricted,
- n) abstain, during performance of civil service and outside it, from anything that could discredit the dignity of the civil service or threaten confidence in its impartiality or the impartiality of its decision-making process,
- o) protect state property entrusted to him against damage, loss, destruction and abuse,
- p) behave politely to superior officers, to other civil servants and employees of the Service Office, and in service contact with natural persons and legal entities,
- r) maintain determined weekly service time or shorter weekly service time,
- s) in the course of civil service performance, be dressed decently and take care of the appropriateness of his/her appearance,
- t) deputise for superior officers in the scope of his/her activity, if ordered to do so by the Service Office,
- u) fulfil other obligations pursuant to this Act.

(2) The Code of Ethics, on the basis of generally accepted and generally applied moral rules and values of social relations, shall set the standards of behaviour of a civil servant in performance of civil service. The Code of Ethics shall contain basic rules of behaviour of the civil servant, to which he/she shall be obliged to adhere from the viewpoint of ethical social relations with the public, superior officers and other civil servants.

§ 54

Declaration of Assets by Civil Servant

- (1) A civil servant shall be obliged, in the course of the civil service employment relationship, to declare his/her assets
- a) within 30 days of the establishment of the civil service employment relationship,
 - b) by March 31 of each calendar year.

- (2) Obligation pursuant to paragraph (1) shall apply to all assets of a civil servant, and the declaration of assets shall contain data on
- a) intangible assets,
 - b) tangible assets,
 - c) property rights and other property values.

(3) The assets stipulated in paragraph (2) letter a) shall not be valued. The civil servant shall value the assets stipulated in paragraph (2) letters b) and c) for the purposes of a declaration of assets in current prices. These assets shall be entered in the declaration of assets only when its total value exceeds the amount of 500,000 SKK. Assets in undivided ownership with the spouse shall be for these purposes divided equally, unless provided otherwise by a special regulation.¹⁵⁾

(4) A part of the declaration of assets of a civil servant shall also be an honourable declaration of a civil servant that he/she has no knowledge of such assets of persons

living with him in one household¹⁶⁾ which could be regarded as untaxed assets or as assets coming from disreputable sources.

- (5) The deliberate presentation of incomplete data or untrue data in the declaration of assets or in the honourable declaration shall be regarded as a serious service offence (§ 60, paragraph (2)).
- (6) Data on declared assets pursuant to paragraphs (1) and (2) shall be presented to the Head of the Office; if it concerns the Head of the Office, to the Chairman, and if it concerns a Chairman, to the Prime Minister, who shall provide an assessment of the declaration of assets in the relevant Service Offices, for the purposes of ascertaining the increase of the assets of a civil servant and their maintenance.
- (7) Civil servant shall be obliged, on request of the Head of the office, the Chairman or the Prime Minister, particularly in case of justified doubt on the verity of data presented in the declaration, to submit in the declaration; if it concerns assets pursuant to paragraph (2), letter a) also information on the legal reason and date of its acquisition, in case of his/her own construction also information on the price of its acquisition, expenses on its obtaining, in case of non-payment acquisition the price pursuant to a special regulation¹⁷⁾ and also data on assets pursuant to paragraph (2) letter b) and c) the total value of whose is lower than 500 000 SKK.

§ 55

Obligations of Civil Servant assigned to Position of Exceptional Significance

(1) The Head of the Office shall determine, with the consent of the Civil Service Office, which civil service employment posts of the Service Office determined in systemisation are posts of exceptional financial and decision-making significance (hereinafter referred to as “civil service employment posts of exceptional significance”).

(2) Civil servant assigned to a civil service employment posts of exceptional significance shall be obliged to

- a) keep a record of meetings in the Service Office with persons who are not employees of the Service Office,
- b) keep a record of meetings outside the Service Office with persons who are participating in proceedings before the Service Office or whose interests otherwise directly influence the actions of a civil servant assigned to a civil service employment post of exceptional significance,
- c) keep a record of meetings outside the Service Office with persons who are statutory bodies, employees, owners or representatives of legal entities that are participants in proceedings before the Service Office or whose interests otherwise directly influence the actions of a civil servant assigned to a civil service employment post of exceptional significance,
- d) publish a record pursuant to letter a) through c) pursuant to special regulation¹⁸⁾

¹⁵⁾ § 143 (a) Of the Civil Code

¹⁶⁾ § 115 of the Civil Code

¹⁷⁾ Decree of Ministry of Finance of the Slovak Republic, No. 465/1991 Coll. on prices of constructions, land, permanent woods, settlements for establishment of rights to personal use of land and settlements for temporary use of land in wording of later regulations.

¹⁸⁾ Act No. 211/2000 Coll. on free access to information and on amendments to certain Acts (Act on Freedom of Information)

e) inform the Civil Service Office on any income or profit-bearing activity performed outside civil service.

(3) Close relatives¹⁰ of a civil servant in a civil service employment post of exceptional significance shall be obliged to

- a) issue a declaration of assets pursuant to § 54 on the declaration of assets by civil servant,
- b) announce their labour relations, participation in the statutory bodies of legal entities as well as an enterprising activity.

(4) Civil servant assigned to a civil service employment post of exceptional significance shall be entitled to a personal bonus of 30% of the tariff salary.

(5) Non-adherence to the obligations pursuant to paragraphs (2) and (3) shall be a service offence pursuant to this Act.

§ 56

Proceedings in Matters of Declarations of Assets by Civil Servant

(1) Civil servant failing to submit the declaration of assets pursuant to §54 in due time shall be instructed by the Head of the Office, Chairman or the Prime Minister to comply with this obligation within the period of 30 days at the latest.

(2) The Head of the Office, Chairman or the Prime Minister shall examine the declaration of assets for completeness, and when necessary, invite the civil servant to specify the declaration in the required detail or supplement it within 30 days.

(3) In case when a civil servant's assets increase was found on the basis of the assessment of his/her declaration of assets pursuant to §54, paragraph (6) exceeding the total sum of his/her salary and other specified income, the civil servant shall be obliged to report their calculated value or prove their origin. The Head of the Office, Chairman or the Prime Minister shall determine an adequate period of 60 days at least, to the civil servant to fulfil this duty.

(4) Any failure to comply with the obligations as stipulated in paragraphs (1) to paragraph (3) shall be notified by the head of the Office, Chairman or the Prime Minister to the relevant disciplinary commission, accompanied with a proposal to commencement of the disciplinary action. The same shall apply when the Head of the Office, Chairman or the prime Minister considers compliance with the obligation pursuant to paragraph

(3) as being insufficient, and has justified doubts of the legality of origin of the assets increase of the civil servant, or of the authenticity of facts declared by the latter on the origin of such increases.

§ 57

Instructions of Superior Officer for Performance of Civil Service

(1) In the course of civil service performance, a civil servant shall be obliged to follow the instructions of a superior officer, if these are in accordance with generally binding legal regulations; The superior officer may not exceed the scope of his/her competencies pursuant to special regulations applicable to the performance of his/her civil service.

(2) Superior officer shall not be authorised to impose on subordinated civil servants such service tasks which, according to legal regulations or service regulations, he/she should perform personally.

(3) If a civil servant considers the instructions that he was imposed, not being in compliance with generally binding legal regulations or service regulations, he/she shall be obliged to notice of this in writing to his/her superior officer, before he/she starts to perform such instructions. If the superior officer insists on performance of such instruction, he/she shall be obliged to notify the civil servant of this in writing.

§ 58

Obligations of Superior Officer

In addition to fulfilment of obligations of a civil servant (§ 53 to § 55) a superior officer shall be furthermore obliged to

- a) manage and control the performance of civil service by subordinated civil servants,
- b) create conditions necessary for due performance of civil service by civil servants,
- c) behave politely to subordinated civil servants,
- d) act before disciplinary commissions and appeal disciplinary commissions in disciplinary proceedings, and before the court,
- e) make service assessments of civil servants subordinated to him.

§ 59

Restrictions on Entrepreneurship and Other Profitable Activities

- (1) A civil servant may not be entrepreneur or perform any other profitable activities.
- (2) A civil servant may not be a member of managing, control or supervisory bodies of legal entities. This does not apply in cases when the civil servant is appointed into such a body by the Government or by the Service Office pursuant to a special regulation¹⁹⁾. A civil servant, in connection with such membership, may not be remunerated by such legal entities.

(3) Restriction pursuant to paragraph (1) shall not apply to providing health care in state or non-state health-care facilities established by a municipality, to scientific activity, pedagogic activity, teaching activity, lecturing activity, publishing activity, literary activity or artistic activity, activity of the children and youth camp leaders, his/her deputy for management affairs and deputy for medical matters, a group leader, educator, instructor or health worker in a camp for children and youth, to activities as intermediary or arbitrator in collective bargaining, and to administration of his/her own assets or the assets of his/her dependent children, to activity of civil servant in governmental advisory body or to activity of a member of a dissolution commission. Appraiser opinion and interpreting activities can only

¹⁹⁾ for example Act of the National Council of the Slovak Republic No. 273/1994 Coll. on health insurance, the health insurance funding, on establishment of General Health Insurance Company (Všeobecná Zdravotná Poisťovňa) and on establishment of departmental, sectional, company and civil health insurance companies in wording of later regulations, Act of the National Council of the Slovak Republic No. 274/1994 Coll. on Social Insurance Company in wording of later regulations, Act of the National Council of the Slovak Republic No. 387/1996 Coll. on employment in wording of later regulations.

be performed by a civil servant in cases where such activities are performed for a court, other state body or a municipality.

(4) Breach of restrictions pursuant to paragraphs (1) and (2) shall be regarded as a serious service offence (§ 60, paragraph (2)).

Disciplinary Accountability in Civil Service

§ 60

(1) A civil servant shall be accountable for service offences. A service offence shall be the deliberate breach of the obligations of a civil servant.

(2) A serious service offence shall be an action as stipulated in paragraph (1) if, with regard to the nature of the service obligation breached, the manner of action or negligence, the scope of the offence, repeated service offences or other aggravating circumstances, the gravity of such a offence shall be more serious.

§ 61

(1) The following disciplinary measures may be brought against a civil servant for service offences

- a) written reproof or
- b) reduction of service salary by 15% for a period not exceeding a period of three months.

(2) The following disciplinary measures may be brought against a civil servant for serious service offences:

- a) reduction of service salary by 30% for a period not exceeding a period of three months,
- b) recall of superior officer
- c) dismissal from permanent civil service,
- f) dismissal from temporary civil service except for a superior officer in political position or a superior officer who is an ambassadors, or
- g) dismissal from preparatory civil service.

§ 62

(1) Decisions on imposing a disciplinary measures upon a civil servant shall be issued in writing and delivered to the civil servant.

(2) Legally effective decisions on imposing a disciplinary measures upon a civil servant are stored in the personnel file of the civil servant.

(3) After elapsing of the period of one year as of the day of effect of a decision on imposing disciplinary measure upon a civil servant, such civil servant shall be regarded as not having received a disciplinary measure for a service offence. This shall not apply if a disciplinary measure has been imposed on a civil servant pursuant to § 61, paragraph (2), letters c) through e).

(4) Legally effective decision on imposing a disciplinary measure shall be removed from a civil servant's personnel file as soon as civil servant is regarded as not having been imposed a

disciplinary measure. This shall not apply if the civil servant was imposed the disciplinary measure pursuant to § 61 paragraph (2), letters c) through e).

§ 63

(1) Disciplinary proceeding shall be held before a disciplinary commission.

(2) A disciplinary commission shall be established in the Service Office for disciplinary proceedings on service offences of civil servants who are within its competence, except for the Head of the Office. The disciplinary proceedings on service offences of civil servants at regional and district courts shall be held before and decided by disciplinary commissions established at the regional courts which are within its competence. The disciplinary proceedings on service offences of civil servants at the Superior Military Court and the District Military Court who are not professional soldiers shall be held before and decided by a disciplinary commission established at the Superior Military Court. The disciplinary proceedings on service offences of civil servants in the superior Military Prosecutor's Office and the District Military Prosecutor's Office who are not professional soldiers shall be held before and decided by a disciplinary commission established at the superior Military Prosecutor's Office. Disciplinary proceedings on service offences of the Head of the Office shall be held before a disciplinary commission of a superior Service Office. If the Service Office has no superior Service Office, service offences of the Head of the Office shall be held before a disciplinary commission of the Civil Service Office. The proceedings on a service offence of the Head of a Service Office as stipulated in § 7, paragraph (1), letter b) point one, two and four will be held by the person who appointed him.

§ 64

(1) Disciplinary commission shall be established by a Head of the Office and consist of civil servants in permanent civil service. The disciplinary commission must consist of three members, at least one of who must be from the same sector of the civil service as the civil servant on whose service offence the proceeding is held before such commission. At least one member of the disciplinary commission must have legal university-degree education. The chairman of the disciplinary commission shall be appointed by the Head of the Office. In a Service Office which is a court, two members of the disciplinary commission must be judges.

(2). Disciplinary commission at the General Prosecutor's Office shall be established and its chairman appointed by the General Prosecutor. A regional prosecutor shall establish a disciplinary commission at a Regional Prosecutor's Office, and appoint its chairman. The superior military prosecutor shall establish a disciplinary commission at a Superior Military Prosecutor's office, and appoint its chairman. A disciplinary commission must have three members; one member of the commission must be from the same sector of the civil service as the civil service on whose disciplinary offence the disciplinary commission is deciding; two members must be prosecutors.

(3) A disciplinary commission at the Supreme Court shall be established and its chairman appointed by the Chairman of the Supreme Court. A chairman of a Regional Court shall establish the disciplinary commission at a Regional Court, and appoint its chairman. A disciplinary commission at the Superior Military Court shall be established and its

chairman appointed by the Chairman of the Superior Military Court. A disciplinary commission must consist of three members; one member of the commission must be from the same sector of the civil service as the civil service on whose disciplinary offence the disciplinary commission is deciding; two members must be judges.

(4) If a party to the proceeding has doubts about the impartiality of any member of the disciplinary commission, he shall report this without undue delay to the Head of the Office at which such a disciplinary commission is established. The Head of the Office as stipulated in the first sentence shall decide whether such a member is to be removed from the disciplinary commission. In case of removal of a commission member, he shall also decide on replacement of the removed member.

(5) Members of disciplinary commission shall not follow the instructions of superior officers when coming to their decision.

(6) A disciplinary commission shall have a quorum when all its members are present. A majority of votes of all members shall be necessary to reach a decision. Members of a disciplinary commission may not abstain from voting.

(7) A disciplinary proceeding shall commence on a proposal of a Head of the Office and, in the case of breach of service discipline by the Head of the Office, on a proposal by a Head of the superior Office. If the Service Office has no superior Service Office, the Civil Service Office shall present the proposal for commencement of disciplinary proceeding.

(8) The claimant, or a superior officer or representative appointed by him/her shall act in proceeding before a disciplinary commission or before an appeal disciplinary commission.

(9) A proposal for commencement of disciplinary proceeding must be submitted to the relevant disciplinary commission within the period of one month as of the day when the claimant learned about the service transgression.

(10) Disciplinary measures may be imposed upon a civil servant not later than one year as of the day when the civil servant deliberately breached the service discipline.

§ 65

(1) If a civil servant disagrees with the decision imposed upon him by some of the disciplinary measures pursuant to § 61, within 15 days from delivery thereof he may appeal to an appeal disciplinary commission. An appeal shall be considered as submitted in due time even when it was submitted within the period of 15 days to the disciplinary commission which imposed the disciplinary measure. An appeal submitted in due time shall have a deferring effect.

(2) Disciplinary commission which imposed a disciplinary measure may cancel the appealed decision on imposing a disciplinary measure within the period of 15 days as of the day of delivery of the appeal, if the appeal was fully allowed by the commission.

(3) If the disciplinary commission which imposed the disciplinary measure disallowed an appeal pursuant to paragraph (2), it shall be obliged, within 15 days, to submit

the appeal with its complete file to the relevant appeal disciplinary commission for further proceedings.

§ 66

(1) Appeals against a decision of disciplinary commission shall be decided by an appeal disciplinary commission established at the Civil Service Office, unless provided otherwise by this Act.

(2) Appeal disciplinary commission shall be established by the Chairman and consist of civil servants in permanent civil service. An appeal disciplinary commission shall consist of three members; all members of this commission must have legal university-degree education. The chairman of the appeal disciplinary commission shall be appointed by the Chairman.

(3) Appeals against a decision of a disciplinary commission established at a Regional Court shall be decided by an appeal disciplinary commission established at the Ministry of Justice. The appeal disciplinary commission shall be established, and the chairman thereof appointed, by the Minister of Justice of the Slovak Republic (hereinafter as "Minister of Justice). The appeal disciplinary commission shall consist of five members; all members must have legal university-degree education. Appeal against a decision of a disciplinary commission established at the Supreme Court shall be decided by an appeal disciplinary commission established at the Supreme Court. The appeal disciplinary commission shall be established and its chairman appointed by the Chairman of the Supreme Court. The appeal disciplinary commission shall consist of five members; one of its members must be from the same sector of the civil service as the civil servant on whose service offence the disciplinary commission has decided, two members must be judges, and the other two must be civil servants of the Civil Service Office nominated by the Chairman.

(4) Appeals against a decision of a disciplinary commission established at the General Prosecutor's Office, at a Superior Military Prosecutor's Office and at a Regional Prosecutor's Office shall be decided by an appeal disciplinary commission established at the General Prosecutor's Office. The appeal disciplinary commission shall be established, and its chairman appointed, by the General Prosecutor. The appeal disciplinary commission must consist of five members; one of its members must be from the same sector of the civil service as the civil servant on whose service offence the disciplinary commission has decided, two members must be civil servants of the Civil Service Office nominated by the Chairman.

(5) Appeals against a decision of a disciplinary commission established at the Supreme Audit Office shall be decided by an appeal disciplinary commission established at the Supreme Audit Office. The appeal disciplinary commission shall be established, and the chairman thereof appointed, by the President of the Supreme Audit Office.

(6) If a participant in the proceeding has doubts about the impartiality of any member of the appeal disciplinary commission, he shall immediately report this to its Chairman, who shall decide on removal of such member of the appeal disciplinary commission. In case of removal of a member of the commission from the proceeding, the chairman of the commission shall also decide on his/her replacement.

(7) Provisions of paragraph (6) shall equally apply to the courts, to the Prosecutor's Office and to the Supreme Audit Office so that the scope of activities of the chairman shall be performed by the establisher of the appeal disciplinary commission.

(8) An appeal disciplinary commission shall have the quorum if all members are present. The consent of a majority of all members of the appeal disciplinary commission shall be required for an approval of decision. A member of an appeal disciplinary commission may not abstain from voting.

(9) In Service Offices stipulated in § 7, paragraph (1), letter b) points one through four points, the provisions of § 60 through 66 shall apply appropriately.

TITLE FOUR

TERMS OF CIVIL SERVICE PERFORMANCE

§67

(1) Service time of a civil servant shall be the period of time during which the civil servant performs civil service and is at disposal of the Service Office.

(2) The service time of a civil servant shall be a maximum of 40 hours per week. A civil servant who has his/her service time scheduled in a manner that he regularly performs the civil service divided between two shifts in a double-shift operation shall have a service time of a maximum 38 3/4 hours per week, and in all shifts in a triple-shift operation or continuous operation shall have a service time of a maximum 37 1/2 hours per week. Reduced weekly working time of the civil servant may be agreed on in the Collective Agreement.

§68

(1) A civil servant shall be entitled to time-off for civil service performed during public holidays. A civil servant shall be entitled to his/her service salary for the day he was provided with time-off due to his/her service performance on Public Holidays. If the Service Office, in the urgent interest of the civil service, does not provide the civil servant with time-off within the following month at the latest, it shall proceed pursuant to §88.

(2) A civil servant who did not perform his/her civil service because of Public Holidays falling on his/her usual working day shall be entitled to his/her service salary.

§69

A civil servant shall be entitled to time-off for overtime performed in civil service. This does not apply to the Head of the Office or a superior officer in a political position. If a Service Office in a justified case does not provide a civil servant with time-off within the following month at the latest, it shall proceed pursuant to § 93.

§70

When a civil servant who was placed on a standby list and is obliged to report his/her whereabouts to his/her superior officer out of his/her civil service time and is obliged to be ready to appear in a specified way to carry out particular tasks concerning provision of measures for a state military emergency shall, for the purpose of this Act, mean a standby duty for the provision of measures for a period of military emergency of the state.

§ 71

(1) The basic paid holiday entitlement for a civil servant shall be a minimum of four weeks in a calendar year. The basic paid holiday entitlement for a civil servant who, by the end of a calendar year, has completed at least 15 years of a civil service employment relationship or an employment relationship shall be at least five weeks. Extension of the basic paid holiday entitlement may be agreed on in the Collective Agreement.

(2) A civil servant shall be entitled to a service salary for the period of his/her paid holiday.

§ 72

(1) A civil servant shall be entitled to a paid time-off for preparation for and taking a qualification examination, including a repeated taking of a qualification examination to the extent of five days.

(2) During the time-off pursuant to paragraph (1), a civil servant shall be entitled to his/her service salary.

§ 73

(1) The time of civil service performance shall mean a time of:

- a) taking paid leave
- b) paid time-off
- c) improvement service pursuant to a special regulation²⁰⁾
- d) deepening qualification
- e) extending qualification
- f) breast-feeding breaks
- g) time-off due to overtime civil service and to civil service performance on public holiday
- h) when a civil servant does not perform his/her civil service because a public holiday falls on his/her usual service day
- i) absence of a civil servant from his/her civil service because of:
 - 1. temporary inability to perform civil service due to illness or injury
 - 2. quarantine
 - 3. maternity leave and parental leave up to the child's age of three years, care of a long-term heavily disabled child who requires special care and care of a long-term heavily disabled child who requires specially demanding care up to seven years of the child's age.

(2) For the purposes of paid leave, the following shall not be considered as civil service performance:

- a) period of parental leave excluding parental leave of a civil servant when caring for a new born baby up to 20 weeks from his/her day of birth,
- c) provided unpaid time off ,

²⁰⁾ § 26 of Act No. 351/1997 Coll.

- d) the time of temporary incapability to perform civil service due to disease or accident, except for the time of temporary incapability originating as the result of the service accident or occupational disease for which the Service Office is responsible.

§ 74

A Service Office shall be obliged to provide civil servants with the conditions for proper, safe and economical service performance, particularly:

- a) generally binding legal regulations, service regulations and information necessary for proper civil service performance
- b) setting up, maintenance and improvement of facilities that are essential for proper civil service performance
- c) providing conditions for catering during civil service performance
- d) providing a civil servant with a uniform, if required by a special regulation

§ 75

A Service Office shall be obliged to provide a civil servant with catering by serving one hot main meal during his/her or her daily working hours, for which the Service Office contributes 65% of the meal price, to a maximum however of 65% of meals provided on a business trip lasting between 5 and 12 hours, pursuant to a special regulation.¹²⁾ The Service Office obligation pursuant to the first sentence shall not apply to civil servants performing civil service abroad.

§ 76

If a pregnant civil servant performs civil service that is forbidden to a pregnant civil servant by a special regulation, or this service pursuant to a medical assessment endangers her pregnancy, the Service Office shall be obliged to transfer her to civil service which is appropriate to her. This shall apply equally to a civil servant after the termination of maternity leave to the end of the ninth month following the birth-giving. During this transfer, the civil servant shall be entitled to a service salary according to the performed civil service, however to a minimum amount of the service salary she was entitled to before this transfer.

TITLE FIVE

DEEPENING AND EXTENDING QUALIFICATION OF CIVIL SERVANTS

§ 77

- (1) A Service Office shall provide regular deepening of civil servants' qualifications.

(2) Qualification deepening shall mean a systematic professional education of civil servants with the aim of continuous maintaining, improving and replenishing of the knowledge and skills necessary for civil service performance in the relevant civil service sector. Types and forms of qualification deepening shall be determined by a service regulation issued by the Civil Service Office. The second sentence shall not apply to the courts and Prosecutor's Offices. The service regulation determining types and forms of qualification deepening shall be issued by the Minister of Justice for civil servants at courts, and by the

General Prosecutor for civil servants in the Prosecution Office. For Service Offices as stipulated in §7, paragraph (1), letter b) point one through four types and forms of qualification improvement shall be determined by a service regulation issued by this Service Office.

(3) The Service Office shall provide the civil servant with minimum of five service days of time-off during a calendar year to deepen his/her qualification. A civil servant shall be entitled to his/her service salary for this time. The costs of qualification deepening shall be covered by the Service Office.

(4) The results of qualification deepening of a civil servant shall be a component of his/her service assessment .

(5) Qualification extension shall mean the acquisition of qualification with the aim of fulfilling the disposition for civil service performance in another civil service employment post in compliance with the needs of Service Office.

(6) Service Office may issue, on the request of a civil servant, a decision concerning the civil servant's qualification extension, if this extension is in compliance with requirement for civil service performance.

(7) Decision on qualification extension shall include:

- a) type of qualification and the means of its extension,
- b) duration of the civil servant's obligation to remain in civil service employment relationship after achieving his/her qualification
- c) types of costs and maximum amount to be paid by the civil servant in case he/she does not fulfil the obligation to stay in the civil service.

(8) Service Office shall provide the civil servant with time-off for qualification extension on the basis of training facility evidence, concerning the type and duration of studies, pursuant to a special regulation ⁸⁾

- a) to an extent necessary for his/her participation in the training
- b) two service days for preparation and taking of each examination
- c) 20 service days for preparation and taking a state examination
- d) 30 service days for thesis preparation and defence of a final or diploma work

(9) A civil servant shall be, pursuant to paragraph (8), entitled to his/her service salary during his/her time-off. The Service Office shall cover the costs related to the qualification extension, pursuant to a special regulation.

(10) If a civil servant does not fulfil his/her or her obligation pursuant to paragraph (7), letter b), he/she shall be obliged to cover the costs entirely or partially, depending on the duration of his/her civil service employment relationship; this shall not apply in case of the civil service employment relationship being terminated pursuant to § 40, paragraph (1), letter c), and paragraph (2), letter b).

TITLE SIX

REMUNERATION OF CIVIL SERVANTS AND OTHER ENTITLEMENTS

§ 78

Salary of Civil Servant

(1) The civil servant shall be under the terms laid down by this Act entitled to a salary, which is:

- a) tariff salary
- b) management bonus
- c) bonus for deputizing
- d) personal bonus
- e) bonus for civil service at night
- f) bonus for civil service on Saturdays and Sundays
- g) bonus for civil service on public holidays
- h) bonus for civil service in constrained and health detrimental environment
- i) bonus for candidate preparation
- j) bonus for civil service in crisis areas
- k) shift bonus
- l) salary for overtime civil service
- m) rewards
- n) additional salary

(2) For the purpose of this Act, a service salary shall be

- a) the sum of the tariff salary and bonuses determined by a monthly amount pursuant to paragraph (1), letters b) through d), h) through k),
- b) salary pursuant to §159, paragraph (3),

(3) A civil servant shall be entitled under the terms and to the extent laid down by this Act, besides the salary pursuant to paragraph (1), to compensation for standby duty service and standby duty in providing measures for a period of state military emergency.

§ 79

Salary Class

(1) On the basis of appointment to a civil service employment post and to the position belonging to it pursuant to § 16, paragraph (3), a civil servant shall be provided with a tariff salary in the appropriate salary class.

(2) For the purpose of determining the most demanding activity resulting from description of the activity of the relevant civil service employment post in view of its complexity, responsibility, psychic or physical burden in compliance with Annex 1 and with the scope of activities of Service Offices determined by special regulations¹⁾, the regulation of the Government of the Slovak Republic (hereinafter as "government declaration") shall establish a catalogue of activities in the civil service (hereinafter as "catalogue"). When new activities of a Service Office are established by special regulations, the catalogue shall be complemented by relevant activities so that it enters into force on the date of entering into

force of the special regulation. Proposals for supplements to the catalogue shall be submitted by the Supreme Service Office to the Ministry of Labour, Social Affairs and Family of the Slovak Republic, which shall be obliged to oversee that catalogue supplements on new activities are in compliance with the descriptions of salary classes in Annex 1. Details on additions to the catalogue shall be determined by a regulation of the Government. The catalogue of activities of civil servants in the Office of the National Council shall be determined as a part of its salary order¹⁴). The catalogue of activities of civil servants in Service Offices stipulated in § 7, paragraph (1), letter b), point two and four shall be determined by a special regulation.

(3) In determining the most demanding activities pursuant to paragraph (2) account shall be taken to their complexity, responsibility, physical and psychic burden.

§ 80

Salary Category and Calculated Practical experience

(1) Salary categories shall be determined according to calculated practical experience.

(2) Calculated practical experience pursuant to paragraph (1) shall include period of professional practical experience and other time.

§ 81

Time of professional experience and other time

(1) Within the professional experience of a civil servant the following periods shall be counted in:

a) performance of civil service as of the day of entry into force of this Act, except for time stipulated in § 73, paragraph (1), letter i), point three.

b) professional experience also gained before appointment to civil service if the previous work activity had identical or similar character as the activity performed at the relevant civil service post, unless provided otherwise further.

(2) As other time the following periods shall be counted in:

a) practical experience in other than required activity gained before appointment to civil service, depending on its level of usefulness for the successful performance of civil service as conferred by the Service Office, to the maximum extent of two-thirds,

b) actual performance of national service and surrogate service, to the maximum extent determined by a special regulation legally effective at the time of its performance,

c) civilian service, to the extent of its actual performance, to a maximum extent of 18 months,

d) care of a child,

1. corresponding to the length of maternity leave, further maternity leave or parental leave as stipulated by a special regulations at the time of their performance, provided that a maximum of three years may be calculated for one child ,

2. which is long-term seriously physically disabled, demanding special care; or care of a long-term seriously physically disabled child requiring specially demanding care, as stipulated by a special regulation,

e) a period evaluated as a period of employment for the purposes of pension security, pursuant to special regulations,²¹⁾

f) post-graduate study²²⁾ in the extent corresponding to the level of usefulness of the specialisation of the training course for the successful performance of required activity,

g) performance of activities pursuant to § 34,

h) gained on the basis of the service assessment.

(3) Provisions of paragraph (2) letter d) may be applied if a parent simultaneously in full-time study was not preparing for the profession, however to a maximum period of six years as a total aggregate of these periods.

(4) A government regulation shall establish the scope and conditions of counting of periods based on the service assessment results.

§ 82

Determination of Tariff Salary

- (1) A civil servant, in connection with the salary class pursuant to § 79, paragraph (1)), and salary category pursuant to § 80, shall receive a tariff salary pursuant to the salary tariff scale presented in Annex 2. Scale of salary tariffs for civil servants in the Office of the National Council shall be determined as a part of its salary order¹⁴⁾ ; scale of salary tariffs of civil servants in Service Offices stipulated in § 7, paragraph (1) letter b) point two and four shall be determined by a special regulation.
- (2) If a civil servant with years counted in pursuant to § 81 achieves more than 32 years of counted period of practical experience, the determined tariff salary shall be increased by 1% for every year so counted in. The tariff salary increase shall be rounded up to the whole ten crowns higher.

§ 83

Management Bonus

²¹⁾ Act No. 119/1990 Coll. on Judicial Rehabilitation in wording of later regulation.

Act No. 87/1991 Coll. on Extra-judicial Rehabilitation in wording of later regulation.

²²⁾ § 22 and 43, letter b) of Act No. 172/1990 Coll. in wording of later regulation.

(1) A superior officer shall be entitled to management bonus within the range of a percentage share of the total of his/her tariff salary of the highest salary category of the salary class within which his/her tariff salary is provided. The range of the percentage share for superior officers according to the management degree is presented in Annex 3.

(2) The amount of the management bonus pursuant to paragraph (1) by a fixed amount rounded up to the whole ten crowns higher shall be determined by the Head of the Office, with regard to the difficulty of the management activity of the superior officer.

(3) Details on management bonus provision shall be determined by a service regulation issued by the Service Office.

§ 84 Bonus for Deputizing

(1) A civil servant who, pursuant to § 27, letter d), deputizes for a superior officer for a period longer than three weeks shall be entitled, as of the beginning of deputizing, to a bonus for deputizing in the amount of the management bonus of the deputized superior officer.

(2) If a superior officer deputizes for a superior officer at a higher management degree, from the beginning of the civil service modification he/she shall be entitled to a bonus for deputizing to the amount determined for the deputized superior officer, if it is more advantageous for him. He/she shall not be entitled to the original fixed management bonus during the civil service modification.

§ 85 Personal Bonus

(1) A civil servant may be awarded a personal bonus of a fixed amount rounded up to the whole ten crowns higher, up to the amount of the determined limit

- a) For the purposes of appreciation of special results in performance of civil service,
- b) while performing civil service in a civil service employment post in a sector of the civil service where an applicant can be barely gained.

(2) The personal bonus pursuant to paragraph 1 may be awarded, increased or decreased or taken away on the basis of the civil servant service assessment made pursuant to § 48.

(3) A list of civil service employment posts pursuant to paragraph (1), letter b) shall be determined by a service regulation issued by the Civil Service Office.

(4) A personal bonus pursuant to paragraph (1) may be awarded simultaneously.

(5) Limit of the personal bonus for the purposes of paragraph 1 shall be 70% of the tariff salary of the highest salary category of the salary class within which the tariff salary is provided to the civil servant.

(6) Limit of the personal bonus pursuant to paragraph 5 shall be gradually decreased to a value of 35%. Level of gradual decrease in the personal bonus shall correspond to the degree of increase of the salary tariff scale pursuant to § 105 determined by the Act on the National Budget such that the absolute amount in the individual salary classes remains preserved. Decreased limit of the personal bonus and the date of its entry into force shall be

determined by a Decree of the Government laying down increased scale of salary classes (§ 105, paragraph 3). Validity of the limit of the personal bonus pursuant to paragraph 3 shall terminate by establishment of a decreased limit of personal bonuses by the Decree of the Government.

§ 86

Bonus for Civil Service at Night

A civil servant shall be entitled, for one hour of civil service performed at night, to a bonus in the amount of 25% of the amount appropriate part of the service salary.

§ 87

Bonus for Civil Service on Saturdays and Sundays

A civil servant shall be entitled, for one hour of civil service performed on Saturdays and Sundays, to a bonus in the amount of 30% of the appropriate part of the service salary.

§ 88

Bonus for Civil Service on Public Holidays

If pursuant to § 68, paragraph 1, a time-off is not granted to a civil servant for civil service on public holidays, he shall be entitled to a bonus in the amount of the appropriate part of the service salary for each hour of such service.

§ 89

Bonus for Civil Service in Constrained and Health Detrimental Environments

(1) A civil servant shall be entitled to a bonus for civil service in constrained and health detrimental environments if he performs activities that lead to threat to life or health for reasons of

- a) work-related infection,
- b) ionising or non-ionising radiation,
- c) chemical contaminants,
- d) physical effects.

(2) A civil servant shall be entitled to a bonus in connection with classification of constrained or detrimental effect to group I or II in the list of activities presented in Annex 4. In the group I, the monthly bonus shall be from 1.8% to 19% of the payment tariff of the first salary category of the first salary class, and in group II from 5.3% to 35% of the payment tariff of the first salary category of the first salary class. The Service Office shall set the amount of the bonus within the range of the appropriate group, rounded up to the whole ten crowns higher, according to the level of risk and also the intensity and time of performance of activity with constrained and detrimental effects in the course of performing activity.

(3) If a civil servant, from the point of view of entitlement to provision of bonuses, performs pursuant to paragraph 1 various tasks listed under Annex No. 4 to groups I and II, he/she shall be entitled to a bonus in the minimum amount of the lower limit of the range determined for group II.

(4) The decisive criteria for dividing activities into their relevant bonus groups and for determining the concrete amounts of the bonus within the range, using possible expert findings and analysis, shall be as follows:

- a) the character of the activity and approaches used,
- b) the physical, chemical and biological nature of the damaging factors of the environment and approaches, concerning the character and level of risks with the most unfavourable effects on the human organism,
- c) emerging and affecting contaminants (type, quantity, effect on human organism),
- d) the length of the period of the civil servant's exposure to the activity of the constrained and health detrimental effects,
- e) the occurrence of damaged health and occupational diseases as a result of performing activities,
- f) comparison of measured rates of the factors decisive for the degree of demand or damage to health in the considered place where the civil service performs civil service with highest allowed rates (concentrations, doses, limits) pursuant to the relevant regulations for ascertaining work safety and health protection.

(5) In evaluating the level of the constrained and detrimental effects or activities the usual conditions at the civil service employment post and not isolated occurrences or accidents are taken into account,.

(6) In case of appearance of other constrained and detrimental effects or activities in course of which a bonus should be provided pursuant to paragraph (1); the Service Office shall list these activities to groups comparable to the activities presented in Annex 4.

(7) A civil servant shall be entitled, for performance of activities requiring utilisation of breathing isolation appliance or clothing against radiant heat or for underwater activities or destructive and research testing of explosive objects, to a bonus for civil service in constrained and health detrimental environments to the amount of 0.7% of the payment tariff of the first salary category of the first salary class for each hour of such service. The amount of the bonus shall be rounded up to the whole crown higher.

(8) A civil servant shall be entitled, for performance of activities requiring utilisation of underwater explosives, to a bonus for civil service in constrained and health detrimental environments to the amount of 1% of the payment tariff of the first salary category of the first salary class for each hour of such service if he is not entitled to the bonus pursuant to paragraph (7). The amount of the bonus shall be rounded up to the whole crown higher.

(9) A civil servant shall be entitled, for performance of activities 10 metres and more above the ground in unsecured workplaces, to a bonus for civil service in constrained and health detrimental environments to the amount of 0.25% of the payment tariff of the first salary category of the first salary class for each hour of such service. The amount of the bonus shall be rounded up to the whole crown higher.

(10) Details of bonus provision for civil service performed in constrained and health detrimental environments shall be determined by service regulations issued by the Service Office.

§ 90

Bonus for Candidate Preparation

For the preparation of a candidate (§ 19), a trainer shall be entitled to a monthly bonus in the amount of 10% of the payment tariff of the highest salary category of the salary class within which he/she is provided a tariff salary. If the trainer prepares two or more candidates, he shall be entitled to a monthly bonus in an amount of 15% of the payment tariff of the highest salary category of the salary class within which he/she is provided a tariff salary. If the trainer starts the training during a calendar month or completes the preparation during a calendar month, he/she shall be entitled to the relevant part of the fixed monthly sum of this bonus for the days of candidate preparation. The amount of the bonus shall be rounded up to the whole ten crowns higher.

§ 91

Bonus for Civil Service in Crisis Areas

(1) A civil servant performing civil service abroad in crisis areas shall be entitled to a monthly bonus in the amount of 10% of his/her total tariff salary and a of the personal bonus. The amount of the bonus shall be rounded up to the whole ten crowns higher.

(2) A generally binding legal regulation issued by the Ministry of Foreign Affairs of the Slovak Republic shall determine the crisis areas for the purposes of paragraph 1.

§ 92

Shift Bonus

(1) A civil servant who has a weekly service time scheduled in such manner that he/she performs civil service in several service shifts, shall be entitled to a bonus in the amount of 1.7% through 14.1% of the payment tariff of the highest salary category of the first salary class. A civil servant whose weekly service timetable is unevenly scheduled shall also be entitled to a shift bonus pursuant to the first sentence. The amount of the bonus shall be rounded up to the whole ten crowns higher.

(2) Details of bonus provision pursuant to paragraph (1) shall be determined by a service regulation issued by the Service Office.

§ 93

Salary for Overtime Civil Service

(1) If a civil servant is not granted time off for overtime civil service pursuant to § 69, he/she shall be entitled to an appropriate part of his/her service salary for each hour of this service calculated at a 30% increase in time of overtime civil service, and 60% in case of uninterrupted rest in a week.

(2) If the overtime civil service is performed at night, on Saturday or Sunday or on a public holiday, the civil servant shall also be entitled to bonus pursuant to § 86 through 88. He shall be entitled to these bonuses even if the overtime civil service is compensated for by provision of time off.

(3) The service salary of a superior officer in a political position and of a Head of the Office in the relevant Service Office shall be determined with regard to possible overtime civil service.

§ 94 Rewards

(1) A reward may be granted to a civil servant

- a) for service tasks performance of a high quality and for service tasks performance above the scope of activities resulting from the relevant civil service employment post,
- b) for performance of special, particularly significant service tasks or pre-determined service tasks or possibly their objective stages (objective reward),
- c) on reaching the age of 50 years, in the maximum amount of his/her service salary.

(2) A proposal for granting a reward to a civil servant pursuant to paragraph (1), including the amount, shall be justified in writing by the appropriate superior officer.

§ 95 Additional Salary

(1) A civil servant shall be entitled to an additional salary in a calendar year in the amount equal to his/her last service salary in the month of being granted such additional salary, providing that by November 30th of that calendar year:

- a) a service assessment has been made,
- b) according to the latest service assessment he/she gained at least the points score as stipulated in a service regulation pursuant to § 48, paragraph (3),
- c) he/she has been placed into active civil service,
- d) no disciplinary measure pursuant to §61, paragraph (2) letter a), b) has been imposed upon him/her.

(2) Additional salary shall be paid to a civil servant meeting the conditions pursuant to paragraph (1) on the day determined for the payment of salary for the month of November.

§ 96 Compensation for Service Standby and Compensation for Standby

(1) If a civil servant is ordered to perform a service standby, he shall be entitled to compensation for each hour of this standby, if the relevant standby is performed

a) at location of his/her civil service performance, compensation in the amount of 50% of the appropriate part of his/her service salary or 100% of this amount in case of a day of rest,

b) in the place of his/her permanent or temporary residence or in another agreed-upon place, compensation in the amount of 15% of the appropriate part of his/her service salary or 25% of this sum in case of a day of rest.

c) if outside of the place of his/her civil service performance with the possibility of using mobile communications equipment, in the amount of 5% of the sum which is the appropriate part of his/her service salary or 10% of this sum in case of a day of rest.

(2) Compensation for service standby pursuant to paragraph (1) shall not be granted for the period of time when the civil service was performed. This performance of civil service shall be regarded as overtime civil service.

(3) A civil servant covered by § 70, on the basis of a decision by a Head of the Office shall be entitled to monthly compensation for standby in the amount of 3.5% through 35.4% of the payment tariff of the highest salary category of the first salary class. A Service Office shall notify a civil servant in writing of the amount of the compensation for standby rounded up to the whole ten crowns higher.

§ 97

Salary relations of a civil servant on temporary civil service

(1) Provisions of § 78 through 89, § 91 through 96 and § 98 shall apply equally to the salary relation of a civil servant in temporary civil service.

(2) Provisions of § 78 through 83, § 85 through 89, § 91, § 94 and 95, § 96 paragraph (3) and § 98 shall apply equally to the salary of a superior officer in a political position (§ 25, paragraph (1)).

§ 98

Salary for Civil Service Abroad

(1) A civil servant performing civil service at the seat of a Service Office abroad may, based on a written application, be awarded a part of his/her salary in other than Slovak currency. For these purposes the part of the salary shall mean 43% of his/her service salary. Remaining 57% of the service salary shall be provided in Slovak crowns. The salary pursuant to § 78, paragraph (1), letter e) through g), l) through n), and compensation for service standby time pursuant to § 78, paragraph (3) shall also be provided in Slovak crowns.

(2) The service salary of a civil servant performing civil service abroad for the purposes of §86 through 88 and § 93 shall be his/her service salary enumerated in Slovak currency prior to the implementation of the procedure pursuant to paragraph (1).

(3) A civil servant performing civil service at the seat of a Service Office abroad shall be entitled to a part of his/her salary to be paid in financial means of other than Slovak currency to the amount appertaining to hours worked.

(4) Provisions of paragraph (1) shall not apply to a civil servant whose presumed performance of civil service at the seat of a Service Office abroad is shorter than six months. Performance of this civil service shall be, for the purposes of this Act, regarded as a business trip and the civil servant shall be entitled to travel expenses pursuant to a special regulation.¹²⁾

(5) The Service Office shall provide a civil servant with an advance payment for the part of his/her salary provided in financial means of other than Slovak currency. The civil servant shall be obliged to make an account of the advance provided, not later than six months from the first day of the month following the month when the advance payment was provided. After completion of civil service at the seat of a Service Office abroad, the civil servant shall return the advance payment provided or its proportional part prior to his/her departure from the foreign country at the latest.

§ 99

Salary Relation, Salary Index

(1) A part of the salary pursuant to § 98, paragraph (1) multiplied by the salary relation shall be the part of the salary provided in financial means of other than Slovak currency.

(2) A salary relation shall be the relation of the salary index and the exchange rate announced by the National Bank of Slovakia, of the financial means provided in foreign currency in which the part of salary in financial means in foreign currency is paid.

(3) A salary index expresses that share of the consumption basket value for selected goods and services of the country where the civil servant performs civil service, and of the consumption basket value for selected goods and services in the Slovak Republic. The price documentation shall be the basis for determination of the salary index. The content of the price documentation shall be determined by a Regulation of the Government.

(4) The salary relation calculated pursuant to paragraphs (2) and (3) shall be determined by a generally binding legal regulation issued by the Ministry of Foreign Affairs of the Slovak Republic.

Common Provisions on Remuneration of Civil Servants

§ 100

(1) If a civil servant is provided with unpaid time off, his/her service salary shall be reduced for every hour not served. If a civil servant, upon the consent of his/her Service Office, serves the provided unpaid time off, the reduction pursuant to the first sentence shall not be applied.

(2) Reduction of the service salary pursuant to paragraph (1) shall be executed when a civil servant does not fulfil his/her weekly service time for reasons due to which he/she is not entitled to the full service salary, or if he was authorized to reduced weekly service time.

§ 101

The Service Office shall ensure protection of data on salaries and other financial affairs of a civil servant.

§ 102

The service salary of a superior officer in a political position and the Head of the Office shall be determined by the body that appointed him, unless provided otherwise by a special regulation.

§ 103

(1) If a civil servant is appointed to a civil service post with a higher demanding activity or a less demanding activity and an appertaining higher or lower position, he shall be entitled to a tariff salary adequate to the new post on the day of entry of the new appointment into force.

(2) A superior officer shall be entitled to a management bonus as of the day of modification to civil service pursuant to § 27, letter c) in relation to the amount appropriate to the relevant service time performed per month.

(3) A civil servant shall be entitled to a bonus for deputizing as of the day of modification to civil service pursuant to § 27, letter d) in relation to the amount appropriate to the relevant service time performed per month.

(4) A civil servant shall be entitled to a tariff salary in the amount of the higher salary category as of the first day of the month in which pursuant to § 80, paragraph (2) he achieved the number of years of practical experience counted in, necessary for advancement to a higher salary category.

(5) The Service Office shall notify the civil servant in writing on the modifications pursuant to paragraph (1) through (4), along with changes in other bonuses determined in the form of a monthly amount.

§ 104

The appropriate part of the service salary for the purposes of this Act on a 40 hour weekly service time shall mean 1/175 of the service salary. The relevant part of the service salary shall be modified appropriately for another weekly service time.

§ 105

(1) Within the negotiation on conditions for performing civil service pursuant to § 145 an increase of the scale of the salary tariffs shall be agreed every year depending on the presumed development of the average monthly salary for an employee in the entrepreneurial sphere and on the resource possibilities of the state budget in the appertaining year, the date of effect of the raised scale of salary tariffs shall be also agreed. Increased salary tariffs shall be rounded up to a whole ten crowns. The agreed increases of the scale of the salary tariffs and date of effect of the raises shall be included in the State Budget Act.

(2) If a collective agreement is not concluded, the increase of the scale of the salary tariffs and the date of effect of their increases pursuant to paragraph (1) shall be proposed by the Government as a part of the Act on State Budget.

(3) Raising of the scale of the salary tariffs and date of their effect pursuant to paragraph (1) or paragraph (2) shall be laid down by a Government regulation. The scale of salary tariffs presented in Annex 2 shall become invalid on the application of raised scale of salary tariffs pursuant to the first sentence.

§ 106 Material Benefits

(1) A Head of the Office pursuant to § 10 which is a ministry, and the Chairman shall have the right to

a) use a service motor vehicle free of charge with or without a driver for the purposes of performance of his/her position or in connection with this,

b) provide and use a mobile service telephone free of charge for ensuring accessibility at the time of civil service performance and/or being out of the service,

(2) Limit of free usage of a service mobile phone shall be determined by a service regulation issued by the Civil Service Office. The limit on free usage of a service mobile phone in Service Offices pursuant to § 7, paragraph (1) letter b) points one through four shall be determined by service regulations issued by these Service Offices.

(3) If a modification to the civil service employment relationship pursuant to § 27 letter e) applies to a civil servant pursuant to paragraph (1), this civil servant shall be compelled to hand over the mobile service telephone provided pursuant to paragraph (1), letter b) to the Service Office.

(4) Material benefits pursuant to paragraph (1) shall apply to a superior officer in a political position in a Service Office which is a ministry, a central state administration body not headed by a member of the Government, the Office of the President, the Office of the National Council, the Constitutional Court, unless he/she is provided with them pursuant to a special regulation.

(5) Provision of paragraph (3) shall apply equally in case of recall from the position of a superior officer in a political position.

(6) A superior officer in a political position in a Service Office which is a ministry, the Office of the President, the Office of the National Council, and the Constitutional Court shall be, for the coverage of unavoidable expenses in

service and other personal expenses, entitled to untaxed flat rate compensation in the amount of 16% of the salary tariff of the first salary category of the first salary class if they are not granted to him by a special regulation. The claim to the flat rate compensation shall arise on the day of commencement of the position performance and expire on the day of termination of the position performance.

- (7) The Chairman and a superior officer in a political position in a Service Office which is a central state administration body not headed by a member of the Government, shall be, for the coverage of unavoidable expenses for services and other personal expenses in connection with the position performance, entitled to untaxed flat rate compensation in the amount of 48% of the salary tariff of the first salary category of the first salary class if they are not granted to him by a special regulation. The claim to the flat rate compensation shall arise on the day of commencement of the position performance and expire on the date of termination of the position performance.
- (8) The untaxed flat rate compensation pursuant to paragraphs (6) or (7) shall be determined by a fixed amount rounded up to the whole hundred crowns.

TITLE SEVEN

Sickness Security of Civil Servants

§ 107

Bonus to Sickness Benefit

(1) If a civil servant has been certified as temporarily incapable of performance of civil service due to sickness or accident, and is entitled to a sickness benefit, he shall be entitled to a bonus to the sickness benefit in the amount of the difference between his/her service salary after deductions of advances on income tax from dependent activities and functional emoluments, of contributions paid to the health insurance, sickness insurance and pension security; in preparatory civil service and temporary civil service, also contributions to unemployment and provided sickness benefits. Total period of provision of the bonus to the sickness benefit for the same temporary incapability to performance of civil service or for several cases of temporary incapability to performance of civil service occurring in one calendar year, shall be 30 days at the longest.

(2) A civil servant shall not be entitled to a bonus to the sickness benefit in case of his/her temporary incapability for the performance of civil service has resulted from a service accident or an occupational disease.

§ 108

Bonus to Benefits for Care of sick Member of the Family

If a claim of a civil servant to a support in care of a sick member of the family arises, he/she shall be entitled to a bonus to this support in the amount of the difference between his/her service salary after deductions of the advances on income tax for dependent activities and functional emoluments, of contributions paid to health insurance, sickness insurance and pension insurance, in preparatory civil service and temporary civil service, also contributions

to unemployment insurance and to the provided support. Total period of provision of the bonus to the benefits for care of a sick member of the family or for several cases of care occurring in one calendar year, shall be 30 days at the longest.

**Common Provisions Relating to the Bonus to Sickness Benefits
and Bonus to Benefits for care of a Sick Member of the Family**

§ 109

For the purposes of §107 and §108 the service salary shall mean the service salary of the civil servant to which a civil servant would be entitled, if he/she has not been entitled to sickness benefits or benefits for care of a sick member of the family.

§110

(1) Entitlement to the bonus to sickness benefit, bonus to the benefit for care of a sick member of the family (hereinafter as “bonus”) shall arise by fulfilling the conditions for entitlement to the bonus as stipulated by this Act.

(2) Proceedings on awarding a bonus shall be launched on the basis of a written application by a civil servant or by the civil servant’s survivor. The application shall be submitted on a form determined for that purpose by the Civil Service Office.

(3) Should it later be discovered that a bonus has been awarded or paid in a lower amount than justified, or that it had been unlawfully denied or awarded on a later date than it should have been, the bonus shall be increased or awarded as of the day of entitlement to the bonus or its increase, however, no more than three years back from the day of discovery or application of the right to a bonus or its increase.

(4) Should the right to a bonus expire, or should it be discovered that a bonus has been awarded wrongly, the bonus shall be withdrawn.

(4) Should it be discovered that a bonus has been awarded in a higher amount than justified, the bonus shall be reduced. The civil servant or his/her survivor shall be obliged to pay the bonus or its part back should it be discovered that

- a) the bonus has been awarded wrongly or in a higher amount than the claimant was entitled to, or knew or should have assumed from the circumstances that the bonus has been awarded wrongly or in a higher amount than entitled.
- b) he/she deliberately caused that bonus has been awarded wrongly or in a higher amount than entitled to.

(6) The entitlement to repayment of the bonus provided wrongly or in an incorrect amount expires one year after the day on which the Civil Service Office discovered this fact, at the latest three years from the day when the bonus was paid.

(7) Should the facts decisive for the qualification for payment of a bonus be modified, its payment shall be terminated or renewed, or the bonus shall be paid in a lower or higher amount.

(8) The entitlement to a bonus shall not expire through the elapsing of time.

- (9) The entitlement to payment of a bonus or its part shall be barred by the statute of limitation of three years as of the day for when he/she is entitled to a bonus.

§ 111

(1) A sickness benefit and bonus to benefit for care of a sick member of the family shall be paid by the Service Office retrospectively along with the salary for the relevant calendar month.

(2) The amount of sickness benefit and bonus to benefit for care of a sick member of the family shall be rounded up to a whole crown higher.

§ 112

(1) The entitlement to a bonus shall expire as of the civil servant's death. Where the entitlement to a bonus is passed to the civil servant's survivor, the entitlement shall expire on the day of death of the civil servant's survivor.

(2) If a civil servant has died after the exertion of his/her entitlement to a bonus, following persons shall enter further proceedings concerning the bonus and shall gain the claim to the amount payable by the day of the death of the civil servant: spouse, children and parents if they lived with the civil servant at the time of his/her death in a common household¹⁶⁾.

(3) If the bonus was granted before the civil servant's death, the payable amounts not paid by the date of the death of the civil servant, shall be paid to a member of the family pursuant to the order and under conditions as stipulated in paragraph (2).

(4) Entitlements transferred to the persons listed in paragraphs (2) and (3) shall not be a subject to inheritance; they become subjects to inheritance if such persons do not exist.

§ 113

Contribution to Health Insurance, Sickness Insurance and Pension Security

(1) For the purposes of payment of contribution to health insurance²³⁾ a civil servant shall be regarded as an employee; the Service Office shall be regarded as an employer.

(2) For the purposes of payment of bonus for sickness insurance and pension security²⁴⁾, a civil servant shall be considered an employee; Service Office shall be considered an employer.

§ 114

Unemployment Insurance Contributions

(1) For the purposes of paying unemployment insurance contributions²⁵⁾ a civil servant in preparatory civil service and civil servant in temporary civil service shall be regarded as employees. The Service Office shall be regarded as an employer.

²³⁾ Act of the National Council of the Slovak Republic No. 273/1994 Coll. in wording of later regulations.

²⁴⁾ Act of the National Council of the Slovak Republic No. 274/1994 Coll. in wording of later regulations.

²⁵⁾ Act of the National Council of the Slovak Republic No. 387/1996 Coll. in wording of later regulations.

(2) A civil servant in permanent civil service shall not pay unemployment insurance contributions. The Service Office shall not pay unemployment insurance contributions for a civil servant in permanent civil service.

TITLE EIGHT

Compensation for Damage

§ 115

(1) A civil servant liable for a damage shall be obliged to compensate the Service Office for the actual damage in cash, unless he settles the damage by reintroduction of the previous state. Where a damage was caused by the Head of the Office himself or jointly with his/her subordinate civil servant, the amount of compensation shall be determined by a superior Service Office. If the Service Office does not have a superior Service Office, the amount of damages shall be determined by the Civil Service Office.

(2) The Service Office shall be obliged to claim compensation of damage from the civil servant for which the civil servant is liable to the Service Office.

(3) Provisions of paragraph (1) and (2) shall apply appropriately to civil servants working at courts and Prosecutor's Offices and, in case the damage is caused by a Head of the Office jointly with his/her subordinate, the amount of damages shall be determined by the Head of the Supreme Service Office.

§ 116

If a civil servant has settled at least two thirds of the determined compensation for damage, the Service Office may refrain from claiming the remaining amount of compensation. This shall not apply to damages caused by the civil servant deliberately, in an intoxicated state or after having taken other addiction-causing substances, and to damages in case of special liability.

§ 117

The Service Office that has compensated damage to the injured shall be entitled to compensation from the person liable for the damage pursuant to a special regulation²⁶⁾, and this to the extent corresponding to the degree of liability toward the injured.

TITLE NINE

Activities of Trade Unions

§ 118

²⁶⁾ Civil Code

(1) The Service Office shall be obliged to discuss, in advance, with the relevant trade union authority draft:

- a) decisions on matters related to the establishment, modification and termination of civil service employment relationship,
- b) service regulations,
- c) measures to create adequate conditions for due performance of the civil service,
- d) measures concerning a large number of civil servants,
- e) basic information for implementing systemisation.

(2) The relevant trade union body shall perform control over conditions for the performance of the civil service within a Service Office. In so doing, the trade union body shall be particularly entitled:

- a) to enter the premises where the civil service is performed,
- b) to request superior officers for the necessary information and documents,
- c) to submit proposals for the improvement of the conditions for the proper performance of the civil service,
- d) to request the Service Office to rectify any deficiencies in this respect,
- e) to request from the Service Office a report on the measures taken to remove the deficiencies identified in the performance of its control function or to implement the measures proposed by the relevant trade union body performing the control.

(3) A Service Office shall decide on the means of using the social fund, upon the agreement of the relevant trade union body.

(4) For the purposes stipulated in paragraph (2), a Service Office shall provide the relevant trade union authority with the necessary information, consultations and supporting documents, and take into account its opinion.

(5) In a Service Office with no trade union organization, civil servants shall be represented by the personnel council or personnel trustee to the extent specified in paragraphs (1) through 3,

(6) A member of the respective trade union body, a member of the personnel council and a personnel trustee shall be protected against measures that could threaten them, including termination of the civil service employment relationship, and which could be motivated by their position or activities.

§ 119

A civil servant who has been elected to a position in superior trade-union body, performance of which requires relief from fulfilling his/her duties following from civil service to the extent of a one-week service period, shall be placed out of active service throughout the performance of such a position. He shall be not entitled to a service salary during that period.

TITLE TEN

Common Provisions

§ 120

Limitation and Extinction of Rights

(1) A right shall become barred by the statute of limitation unless exercised within the period as stipulated in this Act. The limitation shall be considered only if the person in respect of

whom the right is exercised, claims limitation. In this case, the forfeited right cannot be conferred to the person who exercises it.

(2) A right becomes extinct unless exercised within the period stipulated in this Act, in cases of the extinction of disciplinary liability, liability for damage to stored items or the payment of court fees. If the right is exercised after the expiry of the prescribed period, consideration will be given to the extinction of that right also in case where a party to the proceedings raises no objection thereto.

(3) If a party to the proceedings claims its right and the proceedings continue, the limitation period shall not follow throughout the duration of the proceedings. This shall also apply to a right that was legally recognized and a performance of the decision has been proposed.

§ 121

Special Provision on Former Civil Servants Under Custodianship

If concerning the rights of the former civil servants who must have a custodian or the rights of a Service Office against them, in the period established for claiming the rights shall not be calculated the time they have been without an appointed custodian.

Transfer of Rights and Obligations Arising from Civil Service Employment Relationship

§ 122

Cessation of Service Office through Merger, Amalgamation or Division

(1) If the Service Office ceases to exist by being merged with or amalgamated into another Service Office pursuant to a special law, the rights and obligations ensuing from the civil service employment relationship shall be transferred to the acquiring Service Office.

(2) If the Service Office ceases to exist pursuant to a special law by being divided, the rights and obligations arising from the civil service employment relationship shall be transferred to the newly-formed Service Offices. A special law shall lay down which one of the newly-formed Service Offices shall assume the rights and obligations arising from the original civil service employment relationship.

§ 123

Transfer of Part of Service Office

(1) If, on the basis of a separate law, a part of a Service Office is transferred to another Service Office, the rights and obligations ensuing from civil service employment relation with respect to civil servants employed with this part of the Service Office shall be transferred to the acquiring Service Office.

(2) The rights and obligations of the former Service Office toward the civil servants from the transferred part of the Service Office, whose civil service employment relationships were terminated as of the day of transfer, shall remain unchanged.

§ 124

Dissolution of a Service Office

If, on the basis of a special law, a Service Office is dissolved, a special law shall determine which Service Office takes over the rights and obligations ensuing from civil service employment relations of civil servants from the dissolved Service Office and which Service Office is required, on behalf of the state, to satisfy the claims of the civil servants from the dissolved Service Office, or exercise their rights.

TITLE ELEVEN

PROCEEDINGS IN MATTERS RELATING TO CIVIL SERVICE EMPLOYMENT RELATIONSHIP

§ 125

Subject to Proceedings

(1) Proceedings in matters relating to civil service employment relationship (hereinafter as "proceedings") shall be held with respect to matters related to civil service employment relationship, with the following exceptions:

- a) selection proceedings for preparatory and temporary civil service;
- b) qualification examination and repeated qualification examination;
- c) establishment of a selection commission, qualification commission, disciplinary commission and advisory bodies established pursuant to this Act or internal service regulations;
- d) business trips.

(2) General regulations on administrative proceedings shall not apply to the Proceedings pursuant to paragraph (1).²⁷⁾

§ 126

Competence for first-instance proceedings

Proceedings in the first instance shall be carried out and decided by the relevant body, which shall be:

- a) a disciplinary commission in matters relating to service offences,
- b) the Personnel Office in matters related to the payment of bonuses to sickness benefits and benefits for care of a sick family member, as well as to the obligation of the civil servant or the survivor of a deceased civil servant to return a bonus paid out unjustly or at a higher rate,
- c) the Personnel Office in matters related to civil service employment relationship if such does not belong to the decision-making of another body, pursuant to provisions governing appointment to the civil service and the establishment of a civil service employment relationship, a modification to civil service, termination of civil service, service assessments, complaints of a civil servant in matters relating to performance of civil service.

§ 127

Parties to the Proceedings

(1) Parties to the Proceedings shall be a civil servant or the survivor of a deceased civil servant, and a Service Office.

(2) The Service Office shall be represented by a superior officer who is:

- a) the proponent, in the case of disciplinary proceedings,
- b) the superior officer determined by a service regulation, in other matters.

²⁷⁾ Act No. 71/1967 Coll. on Administrative Procedure (Code of Administration).

§ 128
Initiation of Proceedings

- (1) Proceedings shall be initiated on a proposal of a party thereto or an authorized superior officer.
- (2) Proceedings shall be initiated as of the date on which the proposal of a party to the proceedings is delivered to the relevant body. If proceeding is initiated on a proposal of an authorized superior officer, it shall be deemed initiated as of the day on which the relevant body undertook the first action with respect to the parties.

§ 129
Procedure in Proceedings

- (1) Prior to issuing a decision, the relevant body shall proceed such that the factual state of the matter are precisely and entirely ascertained. For this purpose it shall be obliged to obtain the supporting documents necessary for decision-making.
- (2) In considering the matters, the relevant body shall thoroughly clarify all significant circumstances, regardless of whether they testify in favour or disfavour to the civil servant concerned in the proceedings.

§ 130
Petition

- (1) Where this Act provides so, a petition must be made in writing and delivered to the relevant body. In other cases, an oral petition entered into a protocol may be made.
- (2) A petition shall be considered in terms of its contents. Petition must be clearly clarify who is serving it, the matter in respect to which it has been held, and what the petitioner proposes; it must be signed and marked with the date of serving.
- (3) If the party to the proceedings requests so, the relevant body shall confirm the receipt of the petition.

§ 131
Protocol

- (1) A protocol shall be taken of any oral petition and of the important actions in the proceedings.
- (2) The protocol must clearly clarify by whom, where and when the proceedings were conducted, the subject of the proceedings, persons participated in the proceedings, the course of the proceedings, proposals put forward and which measures adopted. In a protocol concerning disciplinary proceedings, the statement of decision and result of the vote shall also be specified.
- (3) The protocol shall be signed by all representatives of the body carrying out the proceedings and, depending on the nature of the matter, also the parties to the proceedings. Refusal to sign, and the reasons for such refusal, as well as any objections raised against the contents of the protocol, shall also be stated therein.

§ 132
Rights and Obligations of Parties to the Proceedings

(1) Parties to the proceedings shall be obliged to act in a manner that does not impede or delay the course of the proceedings. Parties to the proceedings shall have the right to inspect the relevant documents except for the record on the vote, take notes and make excerpts or copies there from.

(2) The relevant authority shall be obliged to ensure that no state or service secret shall be divulged, nor an important interest of a party to the proceedings damaged by making a document available for perusal or making excerpts or copies there from.

§133

Evidence Taking

(1) Everything that may contribute to the determination of the true state of the matter, particularly testimonies or statements of the parties or witnesses, specialist opinions, expert judgments, reports, statements or confirmations of other parties, documents and examinations shall be regarded as evidence.

(2) A party to the proceedings shall be obliged to propose evidence in support of his/her claims. The relevant body shall decide which evidence shall be taken. The relevant body shall also be obliged to take other evidence than that proposed by the party, if such evidence is necessary to determine the true state of the matter.

(3) The relevant body shall evaluate evidence pursuant to its consideration, every piece of evidence and all parts of evidence in their reciprocal relations.

§ 134

Costs of Proceedings

(1) Costs of the proceedings incurred by a Service Office shall be born by the Service Office. Costs incurred by the civil servant in connection with the proceedings shall be born by the civil servant; the civil servant shall be entitled to reimbursement if successful in the case. Reimbursement shall be provided by the Service Office.

(2) The Service Office shall reimburse a witness for cash expenses and the earnings he has demonstrably lost. Unless exercised within three days of its origination, the right to reimbursement shall expire.

(3) The costs of proceedings incurred in connection with the submission of a document or examination incurred to a person who is not a party to the proceedings, shall be reimbursed by the Service Office.

(4) Reimbursement for cash expenses and remuneration of experts shall be laid down by a special regulation²⁸⁾.

§ 135

Decision

(1) Prior to issuing a decision, the relevant authority shall enable all the parties involved to comment on the bases of the decision or the process through which it was reached, and suggest any supplements thereof.

(2) Decision of the relevant body shall be prepared in writing, must be in compliance with generally binding legal regulations and internal service regulations, and be based on the

²⁸⁾ Act No. 36/1967 Coll. on appraisers and interpreters as amended by Act No. 238/2000 Coll.

determination of the true facts of the matter. The decision shall contain a decision, substantiation and instructions for an appeal; it shall also contain the date of its issue, as well as the name, surname and position of the civil servant in the relevant authority..

(3) The decision shall contain decision on the matter itself, quote the relevant provisions of the generally binding legal regulation based on which the decision and the decision on the costs of the proceedings were made; if an obligation to pay is imposed in the decision, the relevant authority shall also determine on the time limit of such payment.

(4) In the substantiation part of the decision, the relevant authority shall specify the facts that served as a basis for the decision, the considerations of the relevant body in assessing the evidence and in applying the legal regulations based on which the decision was made.

(5) At any time and without being petitioned to do so, the relevant authority shall correct any typing or calculation errors, as well as other apparent mistakes in the decision, and notify the parties of such corrections.

(6) In case of simple matters, particularly when a decision can be issued purely on the basis of documents served by a party to the proceedings, decision must be made without undue delay. In case of other matters, decision should be made within 30 days or, in exceptionally complicated cases, within 60 days of the commencement of the proceedings.

(7) A written copy of the decision shall be delivered personally to a participant in the proceeding. The date of delivery shall be deemed to be the date of notification.

(8) A party to the proceedings who is present may be notified of the decision orally. A record shall be made of the oral statement. The day on which such an oral notification is made shall be deemed the date of decision notification only if the party waives his/her right to have a written version of the decision delivered. The protocol on the oral notification of the decision shall be signed by all parties to the proceedings. It must specify the date of the oral notification of the decision.

§ 136

Suspension of Proceedings

The proceedings shall be suspended if a party withdraws its petition for the commencement thereof, if the reasons for proceedings initiated by the Service Office cease to exist, or if a party to the proceedings dies.

Appeal Proceeding

§ 137

(1) A notice of an appeal may be given against decision of the relevant authority.

(2) A notice of an appeal must be given within 15 days of the day of delivery of the decision.

(3) A notice of an appeal shall be given to the relevant body that issued the decision.

(4) A notice on an appeal shall be considered given on time and with the relevant authority also when given after the lapse of the period legally prescribed in this Act or with the inappropriate body due to the fact that the party giving the notice of an appeal acted on an erroneous instruction or in the absence of instruction for filing appeals. In such case, a notice on an appeal may be given within three months as of the day when the decision has been served upon the party.

(5) The body authorised to decide on appeals (hereinafter as "the Appeal Body") may exempt a failure to give a notice of an appeal on time if this occurred for serious reasons and a party

to the proceeding requests this within 15 days of the date when the reason for delay ceased to exist and gives the notice of an appeal.

(6) A notice of an appeal given on time does not have a suspense effect, except for matters of compensation for damage or unjustified enrichment and complaint by the civil servant.

(7) The relevant body that issued the contested decision may comply with the appeal on its own to the full extent. Unless it does so, the relevant authority shall, no later than 15 days of the delivery of the appeal, shall be obliged to submit the appeal with the files of the case to the Appeal Body.

§ 138

(1) The appeal body shall be:

a) in matters relating to civil service employment relationship, the Head of the Service Office; the Civil Service Office shall be the appeal body in cases where under the provisions regulating appointment to the civil service and establishment of the civil service employment relationship, a modification to of civil service, termination of the civil service, service assessment, or complaints given by civil servants in matters relating to the civil service performance, other body than the Civil Service Office shall be deciding,

b) In matters relating to appointment to civil service and establishment of the civil service employment relationship, a modification to civil service, termination of the civil service, service assessment, or complaints given by civil servants in matters relating to the civil service performance in the Civil Service Office, the Chairman,

c) In matters regarding the service offences, the Appeal Disciplinary Committee.

(2) Provisions of paragraphs (1) letter (a) and (b) shall not apply to the courts, the Prosecutor's Office and the Supreme Audit Office. In matters of civil service employment relationship of civil servants at courts, the Appeal Body shall be the body specified in § 6 paragraph (6). In matters relating to civil service employment relationship of civil servants at Prosecutor's Offices, the appeal body shall be the body specified in § 6 paragraph (7). In matters relating to civil service employment relationship of civil servants at the Supreme Audit Office, the Appeal Body shall be the body specified in § 6 paragraph (8). In matters relating to civil service employment relationship of civil servants in Service Offices stipulated in § 7, paragraph (1) letter b) points one, two and four, the appeal body shall be the Head of this Service Office

(3) The appeal body shall be obliged to rule on an appeal without delay, but in no case later than within 60 days of delivery of the appeal.

(4) Before being ruled on, an appeal must be discussed within the appeal advisory commission.

(5) The appeal body shall examine the contested decision in its complexity. If necessary, it must complement the proceedings and rectify any deficiencies therein.

(6) If the reasons exist, the appeal body shall modify or rescind the decision; otherwise it shall dismiss the appeal and uphold the decision.

(7) The appeal body shall rescind the decision and return the matter to the relevant body that has issued the decision, for new proceedings and decision, whenever such a procedure

appears to be more expedient and economical. The relevant authority shall be bound by the legal opinion of the appeal body.

(8) There shall be no appeal against a decision on appeal.

§ 139

Advisory Commission for Appeals

(1) The Head of the Office, in the capacity of an appeal body, shall establish an appeal advisory commission and appoint its chairman.

(2) The Appeal Advisory Commission must consist of at least three members. If the appeal advisory commission has more than three members, their number must be odd. Members of the appeal advisory commission must be civil servants in permanent civil service, primarily university graduates in law.

(3) The appeal advisory commission shall have a quorum if all its members are present. For a decision to be adopted, a simple majority of all votes shall be required. The decision shall be a proposal for the Head of the Office.

(4) A member of the Appeal Advisory Commission may not be an authorized superior officer, a civil servant of the body involved in making the first-instance decision or any other civil servant who might have a legal interest in ruling on the appeal.

(5) If the appellant has doubts regarding the impartiality of a member of the appeal advisory commission, he should communicate such doubts without delay to the Head of the Office. The Head of the Office shall then rule on whether a member of the appeal advisory commission will be removed.

Legal Validity and Enforceability of Decisions

§ 140

(1) A decision that cannot be appealed shall become legally valid.

(2) A decision shall be enforceable if it has become legally valid and the term for its execution has expired.

(3) The enforcement of a decision shall be governed by a special regulation²⁹⁾

§ 141

(1) Documents relating to a civil service employment relationship (hereinafter as "documents") must be delivered to the personal attention of the civil servant concerned.

(2) The Service Office shall deliver a document to the civil servant within the premises of the Service Office, to the civil servant's apartment or to whatever location the civil servant can be reached at. If this is not possible, the document can also be delivered by mail.

(3) Documents delivered by mail shall be sent to the last known address of the civil servant via registered mail with the note "personal delivery".

(4) The obligation of the Service Office to deliver a document shall be deemed fulfilled as soon as the civil servant receives the document in person or as soon as the postal service returns the document to the sending Service Office as undeliverable and the civil servant,

²⁹⁾ Code of Civil Procedure.

through his/her conduct or omission, frustrated the delivery. The delivery shall also take effect in case when a civil servant groundlessly refuses to accept the document.

§ 142

A civil servant shall deliver documents intended for the Service Office usually by way of giving in person with the Service Office.

§ 143

Examination of Legally Valid Decisions

(1) Whenever additional facts of serious significance come to be known, and the party to the proceedings could not use such facts in the proceedings through no fault of his/her own and such additional facts substantiate a decision that would be more favourable to the party concerned, the relevant body may amend or revoke a valid decision. The relevant body that revoked the decision, shall issue a new decision on the matter.

(2) A new decision on the same matter may be appealed.

(3) A proposal for the revocation of a decision pursuant to paragraph (1) may be submitted by the party concerned within three months of the date on which the party learned about the facts substantiating such a move, however, not later than within three years of the date as of which the decision entered into force.

§ 144

Judicial Examination of Decisions in Matters of Civil Service Employment Relationship

(1) Legally valid decisions on matters relating to the civil service employment relationship under this Act may be submitted for judicial examination³⁰⁾

(2) An application for judicial examination of a legally valid decision on matters relating to the civil service employment relation must be filed within one month of the delivery of a decision issued by the appeal body.

PART THREE

COLLECTIVE BARGAINING IN THE CIVIL SERVICE

§ 145

Subject to Collective Bargaining

(1) Collective bargaining in civil services (hereinafter as "Bargaining") shall mean the process of negotiating the conditions of the performance of the civil service as stipulated

³⁰⁾ § 244 to 250 letter k) of Code of Civil Procedure.

³¹⁾ § 3 paragraph (1) letter a) and b) of the Act of the National Council of the Slovak Republic No. 152/1994 Coll. on Social Fund and on amendments to the Act No. 286/1992 Coll. on income taxes in wording of later regulations

by this Act (§ 67, § 71 and § 105) and on the level of creation of the social fund pursuant to a special regulation aimed at concluding a Collective Agreement.

(2) The following contracting parties shall be authorized to negotiate and conclude a Collective Agreement:

- a) representatives of the relevant higher trade union bodies whose authorization results from trade union statutes or internal regulations of the relevant higher trade union body representing civil servants,
- b) determined representatives and a general prosecutor, if referring to civil servants in Prosecutor's offices representing the state.

§ 146

Procedure of Concluding a Collective Agreement

(1) Bargaining shall commence upon submission of a written proposal for concluding the Collective Agreement by either party to the other party.

(2) The contracting parties shall be obliged to mutually negotiate and interact as necessary for the Collective Agreement to be concluded no later than by the end of May of the calendar year.

(3) The conditions of civil service performance pursuant to (§ 145 paragraph (1) determined in the Collective Agreement shall be included in the draft State Budget Act for the respective calendar year.

(4) The collective agreement shall enter into force on the day of the State Budget Act's entry into force.

§ 147

Collective Disputes

(1) A collective dispute pursuant of this Act shall mean a dispute on concluding the Collective Agreement.

(2) The contracting parties agree to settle collective disputes primarily by means of conciliation proceedings.

(3) To solve a dispute over the Collective Agreement, the contracting parties may mutually agree to appoint a conciliator.

(4) If, in spite of conciliation, the Collective Agreement is not concluded, the parties may, subject to mutual agreement, set up a Conciliation Committee consisting of six members, of whom three shall be nominated by the government and three by the trade unions.

(5) The proposal of the Conciliation Committee shall serve as the basis for further procedures pursuant to § 105 (2).

§ 148

Strike in a Dispute over the Collective Agreement

(1) If the Collective Agreement is not concluded in spite of conciliation before the conciliator and the parties do not proceed according to § 147 paragraph (4), a strike – as a means of last resort in a dispute over concluding the Collective Agreement – may be called.

(2) The civil servants appointed as superior officers shall have their right to strike restricted.

(3) Civil servants who perform the service tasks indispensable to the protection of life or health shall have their right to strike restricted, if their participation in a strike might threaten lives or public health.

(4) In a strike over a dispute in concluding a collective agreement, a special regulation shall be used adequately.³²⁾

PART FOUR

COMMON, INTERIM AND FINAL PROVISIONS

§ 149

The following provisions shall be applied adequately to the civil service employment relationship of civil servants: § 39 paragraph (3), § 85 through 117, § 129 through 132, § 136 through 150, § 160 through 170, § 177 through 210, § 213, § 217 through 222, § 230, § 232 paragraph (1), (3) and (4), §236 through 239, and § 240 paragraph (1), (2), (4), (5) and (6) of Act no. 311/2001 Coll. Labour Code

§ 150

Provisions of § 3, paragraph (1), § 12, paragraph (2) through (4), § 14, paragraph (1) letter i), § 15 and § 16 paragraph (2), second sentence shall not apply to civil service employment relationship of civil servants of the Military Intelligence.

§ 151

(1) If special regulations applicable to the Service Offices or civil servants subject to this Act contain the provisions on average earnings, average wage or compensatory wage, this shall mean the service salary pursuant to § 78 paragraph (2) or (3) assigned to a civil servant at the time when the reasons for its use has occurred.

(2) If for the purpose of calculation of payments, an approach pursuant to generally binding legal regulations from the average net earning of an employee shall be followed, this shall be the net service salary. Net service salary shall be ascertained

a) for a civil servant in the permanent civil service, on the basis of the service salary with deductions of sums for sickness, pension and health insurance contributions, unemployment insurance contributions and advances on income tax from dependent activities and functional emoluments, calculated according to the conditions and rates applicable to the civil servant in the month for which the salary is ascertained;

b) for a civil servant in the preparatory civil service or a civil servant in the temporary civil service: on the basis of the service salary, with deductions of sums for sickness, pension and health insurance contributions, unemployment insurance contributions and advances on income tax from dependent activities and functional emoluments calculated according to the conditions and rates applicable to the civil servant in the month for which the salary is ascertained.

³²⁾ Act No. 2/1991 Coll. on collective bargaining, in wording of later regulations.

§ 152

In the appointment of employees stipulated in § 154 and § 155 the salary ascertainment shall be based on the organizational structure of the Service Offices and civil service employment posts according to positions stipulated in § 16 in accordance with the activities of Service Offices pursuant to special regulations.¹⁾

§ 153

- (1) The President shall, on the proposal of the Government, appoint the Chairman to permanent civil service if he meets the preconditions laid down in § 14 (1) (a) through h), for three years.
- (2) In Service Offices that are ministries, and other central bodies of the state administration, the Chairman shall nominate, from among present superior officers, Chairmen of Offices to permanent civil service if they perform the tasks stipulated in § 2 paragraph (2) and meet the conditions laid down in § 14 paragraph (1) letter (a) through h). The Head of the Office shall perform civil service in a civil service employment post for two years from the day of appointment.
- (3) Heads of Offices in other Service Offices shall be appointed by Head of Offices of their superior offices to civil service as Heads of Offices pursuant to this Act for two years from the date of effect of this Act. This appointment for a determined time shall not affect Heads of Offices stipulated in §7, paragraph (1) letter b), points one through six.

§ 154

- (1) An employee, who is in employment relationship to a Service Office as of April 1, 2002, performs the tasks stipulated in § 2 paragraphs (2) or (4), meets the requirements laid down in § 14 paragraph (1), letters (a) through (h), and has worked at least two immediately preceding years with the Service Offices stipulated in § 7 or their legal predecessors, if he requests in writing in a period of two months from the date of effectiveness of this Act to be accepted in civil service, shall become a civil servant in temporary civil service on the basis of appointment and after taking the service oath.
- (2) The temporary civil service for the purposes of paragraph (1) shall last a maximum of one year. During the temporary civil service, the civil servant shall take professional training, the purpose of which shall be to complete the required knowledge and skills in the relevant sector of the civil service. Appointment of a civil servant to the permanent civil service is conditional upon taking this professional training, completed by an examination before a commission.. The professional training of civil servants in the temporary civil service shall be arranged by the Civil Service Office. In Service Offices stipulated in §7, paragraph (1) letter b), points one through four, professional training shall be provided by these Service Offices.
- (3) Provisions of § 20 shall be used appropriately for passing of exams, and in the formation of commissions shall be used adequately the provisions of § 22, such that the commissions formed by the Head of the Office shall consist of five members. Three members shall be civil servants in permanent civil service and two commission members, specialists who shall

guarantee the objectiveness of performing the examinations through their knowledge, experience and authority.

- (4) A civil servant in temporary civil service may become a member of a commission as a permanent civil servant after successful passing of an interview before a three-member commission composed of Heads of Offices. Questions from the relevant sector of the civil service in which, as a member of a commission, the civil servant should act shall be the content of the interview.
- (5) The content and scope of the professional training and the contents and scope of the exam shall be specified by a Regulation of the Government. In Service Offices stipulated in §7, paragraph (1) letter b), points one through four, this shall be determined by service regulations issued by these Service Offices.

§ 155

- (1) An employee, who is in employment relationship to a Service Office as of April 1, 2002, performs the tasks stipulated in § 2 paragraphs (2) or (4), meets the requirements laid down in § 14 paragraph (1), letters (a) through (h), and has worked less than two immediately preceding years with the Service Offices stipulated in §7 or their legal predecessors, if he requests in writing in a period of two months from the date of effectiveness of this Act to be accepted in civil service, shall become a civil servant in probationary civil service pursuant to § 19 on the basis of appointment and after taking the service oath.
- (2) A judge candidate who as of April 1, 2002 performs preparatory service pursuant to hitherto regulations²⁾, meets the requirements laid down in § 14 paragraph (1), letters (a) through (h), shall become a civil servant in preparatory civil service on the basis of appointment and after taking the service oath.

§ 156

- (1) A civil servant who as of April 1, 2002 is in a political position pursuant to § 5 paragraph (3), and meets the requirements laid down in § 14 paragraph (1), letters (a) through (h), shall become a civil servant in temporary civil service on the basis of appointment and after taking the service oath.
- (2) A hitherto head employee shall discharge the duties of a superior officer pursuant to this Act until the appointment of a superior officer on the basis of a selection proceedings pursuant to § 30 which shall take place within one year of April 1, 2002; the provisions of § 153 and 155 shall not be affected by this provision.

§ 157

The employment relationship of an employee agreed for a determined time shall terminate with the expiry of the remaining part of the agreed time, at the latest September 30, 2002.

§ 158

In appointing employees referred to in § 154 and § 155, procedures stipulated in §16 through 18, § 30, § 78 through 85, § 90 through 92, § 97, § 98 and § 102 shall apply.

§ 159

- (1) Claims from the employment relationship having arisen prior April 1, 2002 shall be settled pursuant to regulations valid until March 31, 2002.
- (2) For civil servants treated pursuant to § 154 and 155, calculated practice accepted by the employer pursuant to regulations effective until March 31, 2002 shall remain unchanged.
- (3) If the service salary pursuant to § 78, paragraph (2), letter a) determined for a civil servant treated pursuant to § 154 and 155 does not reach a sum that is equal to the amount of the tariff salary or the increased tariff salary and bonuses determined by the monthly sum in compliance with regulations valid until March 31, 2002, he shall be provided a service salary in this amount.
- (4) The service salary pursuant to paragraph (3) shall be provided by the Service Office to a civil servant only during the performance of the most demanding activities that the civil servant performs in the Service Office within the description of activities of the relevant civil service employment post and which places equal or comparable demands, from the point of view of necessary qualification requirements, degree of difficulty, responsibility, psychic and physical strain as the most demanding activity performed by him prior to April 1, 2002.
- (5) By April 1, 2002, the length of practical experience for the purposes of § 81 paragraph (1) shall be the practical experience recognized by the employee's employer according to § 6 paragraph (1), letter (a) of Regulation of the Government of the Slovak Republic No. 249/1992 Coll. on Salary Relations of Employees in Budgetary and certain Other Organizations and Bodies in wording of later regulations.

§ 160

A civil servant shall be obliged to terminate, without undue delay, the activities stipulated in § 59 in the manner following from special regulations.³³⁾

§ 161

- (1) The employment relationship of an employee shall terminate at the latest within 6 months of April 1, 2002 if he
 - a) does not apply for admission to the temporary civil service,
 - b) does not apply for admission to the preparatory civil service,
 - c) does not meet the requirements laid down in § 14 paragraph (1), letters (a) to (h),
 - d) refuses to take an service oath or takes an service oath with reservation or if he does not appear at swearing of the service oath without a written excuse delivered to the Service Office, or

³³⁾ For example, Act No. 455/1991 Coll. on trades licensing (the Small Business Act), as amended by later regulations

e) has reached 65 years of age as of April 30, 2002.

(2) In cases pursuant to paragraph (1), the employee shall be entitled to compensation wages in the amount representing five average monthly earnings.

§ 162

The employment relationship of an employee, whose state employment relationship has not been established pursuant to this Act, shall be governed by regulations effective until March 31, 2002.

§ 163

(1) A civil service employment relationship may also be terminated before March 31, 2004 by removal, if a civil servant becomes redundant due to a reduction of the number of civil service employment posts in systemisation. In such a case, the civil service shall be entitled to compensation in the amount of five times his/her service salary.

(2) A civil servant, from the date of his/her appointment to permanent civil service until March 31, 2004 shall pay a contribution for unemployment insurance. The Service Office shall pay a contribution for unemployment insurance for the civil servant as of the day of his/her appointment to permanent civil service until March 31, 2004.

§ 164

A civil servant shall not be entitled to a further salary pursuant to § 95, paragraph (1) in the year 2002.

§ 165

Agreements on the extension of qualifications concluded by April 1, 2002 according to regulations effective until March 31, 2002 shall be considered as decisions on extension of qualifications pursuant to this Act. The contents of a decision on extension of qualifications shall be governed by the Service Office in compliance with this Act.

§ 166

Repealing Provisions

The following shall be repealed:

1. § 15 of the Act of the Slovak National Council No. 420/91 Coll. on Salary Relations of Judges and Judge Candidates as amended by the Act of the National Council of the Slovak Republic No. 148/1993 Coll.
2. § 3 paragraph 5 of the Act of the Slovak National Council No. 66/1994 on Salary Relations of Prosecutors and Prosecutor Candidates at the Prosecutor's Office of the Slovak Republic.

Article II

The Act of the Slovak National Council No. 347/1990 Coll. on the Organization of Ministries and Other Central Bodies of State Administration of the Slovak Republic, as amended by Act

of the Slovak National Council No. 197/1991 Coll., Act of the Slovak National Council No. 298/1991 Coll., Act of the Slovak National Council No. 494/1991 Coll., Act of the Slovak National Council No. 294/1992 Coll., Act of the Slovak National Council No. 322/1992 Coll., Act of the Slovak National Council No. 453/1992 Coll., Act of the National Council of the Slovak Republic No. 2/1993 Coll., Act of the National Council of the Slovak Republic No. 61/1993 Coll., Act of the National Council of the Slovak Republic No. 83/1994 Coll., Act of the National Council of the Slovak Republic No. 74/1995 Coll., Act of the National Council of the Slovak Republic No. 207/1995 Coll., Act No. 58/1998 Coll., Act No. 143/1998 Coll., Act No. 200/1998, Act No. 337/1998 Coll., Act No. 263/1999 Coll., Act No. 293/1999 Coll., Act No. 95/2000 Coll., Act No. 195/2000 Coll., Act No. 329/2000 Coll., Act No. 338/2000 Coll., Act No. 417/2000 Coll., and Act No. 241/2001 Coll. shall be amended as follows:

1. In § 2 paragraphs (3) and (7) shall be deleted.

The previous paragraphs (4) through (6) shall be marked as paragraphs (3) through 5.

The previous paragraph 8 shall be marked as paragraph (6).

2. In § 2 in the newly marked paragraph (3), the words "and the head of the office" shall be deleted.
3. In the newly marked paragraph (6) the number "6" shall be replaced with the number "5" and the words "and paragraph (7)" shall be deleted.
4. In § 20, paragraph (1) shall be completed with the letter l), which shall be as follows: "l) the Civil Service Office of the Slovak Republic (hereinafter as " Civil Service Office")."
5. Following the § 20b, the § 20c shall be inserted, which including the title shall read:

§ 20c
Civil Service Office

(1) The Civil Service Office shall be the central state administration body for the civil service.

(2) At the head of the Civil Service Office there shall be the Chairman of the Civil Service Office of the Slovak Republic (hereinafter as "Chairman of the Civil Service Office") who, on a proposal from the Government of the Slovak Republic, shall be appointed and recalled by the President of the Slovak Republic. The term of the office of the Chairman of the Civil Service Office shall be five years.

(3) The President of the Slovak Republic shall recall the Chairman of the Civil Service Office if

- a) he is incapable in health of discharging the duties of a Chairman of the Civil Service Office for at least six consecutive months,

- b) he has ceased meeting the preconditions laid down by a special regulation^{1a}
- c) he has breached the duties laid down by generally binding legal regulations.

(4) The term of office of the Chairman of the Civil Service Office who was recalled from his/her position pursuant to paragraph (3) shall terminate on the day stated in the decision of the President of the Slovak Republic. The decision of the President of the Slovak Republic shall be final and cannot be appealed against further.

(5) The Chairman of the Civil Service Office may resign from his/her position by written notification on resigning the position of Chairman of the Civil Service Office; the written notification shall be delivered to the President of the Slovak Republic at the latest before the day that he/she stipulates as the day of termination of his/her position.

(6) The term of office of a Chairman of the Civil Service Office who resigned from his/her position pursuant to paragraph (5) shall terminate on the day stated in the announcement on resigning the position of Chairman of the Civil Service Office. If the Chairman of the Civil Service Office does not give a date for termination of his/her position, the term of office shall terminate on the day of delivery of the announcement to the President of the Slovak Republic or on a day that is determined by the President of the Slovak Republic.

Footnote to paragraph 1a shall read:

^{1a)} § 14 paragraph (1) of Act No. 312/2001 Coll. on Civil Service and on amendment of certain acts.”.

Article III

Act of the Slovak National Council No. 149/1975 Coll. on Archiving as amended by Act of the Slovak National Council No. 571/1991 Coll. and Act of the National Council of the Slovak Republic No. 222/1996 Coll. shall be amended as follows:

§ 18 paragraph (1) shall be as follows:

“(1) The Slovak National Archive shall be a facility of the Ministry of Interior, performing state administration tasks in the sphere of archiving.”

Article IV

Act of the National Council of the Slovak Republic No. 16/1993 Coll. on the Office of the President of the Slovak Republic shall be amended as follows:

In § 2, paragraph (2) the words “and other senior officers of the office on whom the office rules shall lay down” shall be deleted.

Article V

This Act shall enter into force on 1 April 2002, except for Article I, §6 and §145 through §148, and Article II fourth and fifth points, which shall enter into force on 1 October 2001.

Rudolf Schuster in his own hand

Jozef Migaš in his own hand

Mikuláš Dzurinda in his own hand

Annex No. 1 to Act No. 312 /2001 Coll.

Description of Salary Classes for Civil Servants

SALARY CLASS 1

Position: Desk Officer

Qualification requirements: completed secondary education and special qualification requirement if so provided by a special regulation.

Routine activities in preparation of decisions carried out with complete information prepared according to exact procedures and detailed instructions, under professional supervision, with standard physical burden, possibly the performance of civil service requiring increased physical burden, with relations within one collective.

SALARY CLASS 2

Position: Senior Desk Officer

Qualification requirements: completed secondary education, more than two years of professional experience and special qualification requirement if so provided by a special regulation.

Independent repetitive routine activities with flows of information carried out according to the framework instructions or usual procedures with precisely determined outputs, with responsibility for results affecting the activity of the collective. Ensuring a part of the agenda requiring coordination of activities within an organisation department.

SALARY CLASS 3

Position: Desk Officer - Specialist

Qualification requirements: completed secondary education or higher vocational education, more than four years of professional experience and special qualification requirement if so provided by a special regulation.

Professional activities in the preparation of decisions or in the preparation of administrative proceedings or court proceedings manageable within existing standards, or independent ensuring of less complex agenda in the restricted part of the civil service, with a significant range of connections within the set of performed activities.

SALARY CLASS 4

Position: Chief Desk Officer

Qualification requirements: completed secondary education or higher vocational education, and more than six years of professional experience and special qualification requirement if so provided by a special regulation.

Independent specialist activities or independent execution of determined agenda with decision-making competency in the relevant area of the civil service. Professional preparation of decisions in the first degree of administrative proceedings or court proceedings. Independent activities requiring cooperation with other organisation departments in the Service Office.

SALARY CLASS 5

Position: Counsellor

Qualification requirements: completed education of the bachelor degree or university education, and special qualification requirement if so provided by a special regulation.

Preparation of decisions in coordinated and directed activities in the restricted area of civil service in the local state administration bodies, territorial state administration bodies, bodies or offices executing state affairs. Professional preparation of decisions in the second degree of administrative proceedings in the relevant area of state administration, including participation in control.

SALARY CLASS 6

Position: Senior Counsellor

Qualification requirements: completed education of the bachelor degree or university education, more than two years of professional experience and special qualification requirement if so provided by a special regulation.

Independent professional compilation of the decisions and performance of the control. professional preparation of decisions in the second degree of administrative proceedings Independent determined professional activities in the relevant sector of civil service or in the relevant area of state administration. Management, coordination and direction of activities in the restricted area of local state administration bodies, territorial state administration bodies, bodies or offices executing state affairs.

SALARY CLASS 7

Position: Counsellor - Specialist or District Counsellor

Qualification requirements: completed university education, more than six years of professional experience and special qualification requirement if so provided by a special regulation.

Independent professional specialised activities composed mainly of analytic activities in evaluating results and in preparation of documents for decisions on issues falling under the scope of competencies of the ministries or other central state administration bodies (hereinafter referred to as “central state administration bodies”) or other state administration bodies or bodies or offices executing state affairs in the relevant sector of civil service. Preparation of measures in the relevant sector of civil service with national effect. Control and inspection activities as well as investigation of complaints and petitions, including the issuing of decisions in the relevant sector of civil service. Coordination of activities of the state administration bodies and municipalities on the district or regional level. Preparation of legal regulations pursuant to the competencies established by law with regional effect or with national effect. Preparation and coordination of development conceptions and programmes in a civil service sector with results affecting the territory of a district.

SALARY CLASS 8

Position: Chief Counsellor or Regional Counsellor

Qualification requirements: completed university education, more than six years of professional experience and special qualification requirement if so provided by a special regulation.

Conceptual or methodical activities on the level of central state administration bodies, bodies or offices executing state affairs. Coordination of civil service or a part of complex systems on the level of central state administration bodies in the relevant sector of civil service or other body of civil service or other state administration bodies with national effect, bodies or offices executing state affairs on the national level. Control and inspection activities including dealing with complaints and petitions with state-wide effect. Normative activities in the restricted area in the relevant sectors of civil service on the level of central state administration bodies with national effect, bodies or offices executing state affairs on the national level. Conceptual and systematic activities in the preparation of measures with responsibility for decisions affecting the territory of a region.

SALARY CLASS 9

Position: State Counsellor

Qualification requirements: completed university education, more than nine years of professional experience and special qualification requirement if so provided by a special regulation.

Preparation of state policy in the relevant area on the level of central state administration bodies, bodies or offices executing state affairs. Coordination of national or international systems with widest external and internal relations with other complex and widespread systems of various sectors and directions with results affecting the decisions of national or international effect on the level of central state administration bodies, bodies or offices executing state administration on the national level. Conceptual activities and preparation of principle legislative measures on the level of central state administration bodies, bodies or offices executing state affairs on the national level or with international effect.

Scale of Salary Tariffs of Civil Servants
(SKK/month)

Salary category	Experience period in years	Scale of salary tariffs according to salary classes and salary categories								
		Salary class								
		1	2	3	4	5	6	7	8	9
1	up to 2	3,250	6,740	7,300	7,890	9,500	10,090	11,370	12,200	13,170
2	up to 4	6,620	7,140	7,740	8,380	10,060	10,690	12,070	12,940	13,960
3	up to 6	6,980	7,540	8,170	8,870	10,630	11,290	12,770	13,690	14,760
4	up to 9	7,350	7,940	8,610	9,360	11,190	11,880	13,460	14,430	15,550
5	up to 12	7,720	8,340	9,050	9,850	11,760	12,480	14,160	15,170	16,350
6	up to 15	8,080	8,740	9,480	10,340	12,320	13,080	14,860	15,910	17,140
7	up to 18	8,450	9,130	9,920	10,830	12,890	13,680	15,560	16,660	17,940
8	up to 21	8,810	9,530	10,350	11,320	13,450	14,280	16,260	17,400	18,730
9	up to 24	9,180	9,930	10,790	11,811	14,020	14,880	16,960	18,140	19,530
10	up to 28	9,550	10,330	11,230	12,290	14,580	15,470	17,650	18,880	20,320
11	up to 32	9,910	10,730	11,660	12,780	15,150	16,070	18,350	19,630	21,120
12	over 32	10,280	11,130	12,100	13,270	15,710	16,670	19,050	20,370	21,910

PERCENTAGE SHARE OF MANAGEMENT BONUS

<u>Management degree</u>	<u>percentage share</u>
1. Head of the Office which is a Ministry, other Central state administration body, the Office of the National Council of the Slovak Republic, the Supreme Audit Office of the Slovak Republic, the Office of the President of the Slovak Republic, the Constitutional Court of the Slovak Republic, senior officer in a political position of these offices, and the Chairman.	35 - 65
2. Head of the Office not mentioned in point 1, and senior officer in a political position of a Service Office not mentioned in point 1, Deputy Head of the Office mentioned in point 1.	12 - 55
3. Senior officer managing a number of departments who may be at the same time the Deputy Head of the Office mentioned in point 2.	6 – 41
4. Senior officer managing subordinate civil servants who may be at the same time the deputy of senior officer mentioned in point 2.	4 – 30

Activities Whose Performance Entitles Bonus for Civil Service in Constrained and Health-Detrimental Working Environment

Group I

A. OCCUPATIONAL INFECTIONS

1. Activities performed in micro-biological laboratories and laboratories for infection diagnosis.
2. Professional epizootological examination, including execution and control of measures in the centre of infection.
3. Laboratory activities relating to evidence of pathogenic micro-organisms or their toxins, and activities relating to evidence of endo- and ecto-parasites in material being contaminated, or suspected of being contaminated with them.

B. IONISING AND NON-IONISING RADIATION

1. Activities performed in industrial workplaces with closed radioactive radiation beyond the controlled zone, assembly, disassembly and dose meter control of industrial radio-isotopic indication facilities.
2. Activities executed in investigating and checking new methods for measuring ionising radiation, activities in measuring and calibration of dose meter appliances.
3. Activities executed in using X-ray appliances, closed radioactive emitters and linear accelerators, performed exclusively from a service room using remote control equipment..
4. Activities executed in supervision, control and measurement of non-ionising radiation.

C. CHEMICAL CARCINOGENS

1. Activities performed in chemical, physico-chemical or other testing laboratory.
2. Supervision executed over tank wagons and tank containers in preparing condensed gases, crude oil materials, caustic and poisonous materials, which is connected with the risk of inhaling residues of chemical carcinogens in the course of internal physical inspection of such facilities.

D. PHYSICAL EFFECTS

Activities performed in the working environment of excessive noise where the equivalent rate of noise for daily working time is higher than 90 dB(A)

Group II

A. OCCUPATIONAL INFECTIONS

Activities performed by veterinary employees in direct contact with infective material and objects, including waste in sanitation institutes, incinerators, veterinary facilities and the like.

B. IONISING AND NON-IONISING RADIATION

1. Activities performed in the manufacture of radioactive emitters, assembly and disassembly of closed emitters into protective sealing shields, transport packaging, trying

and testing of X-ray appliances, activities in central storage facility of radioactive emitters.

2. Activities performed at workplaces with open radioactive emitters in the controlled zone of the workplace.
3. Handling of radioactive wastes, service of the facilities for treatment of solid, liquid and gaseous wastes, e.g. by pressing, burning, separation, thickening, concentration, etc., and decontamination of equipment and working premises with radioactive substances.
4. Activities performed in management and operation of accelerator particles (betatron, cyclotron), neutron generators and school reactors.
5. Activities performed with very high frequency pulse generators.

C. CHEMICAL CARCINOGENS

1. Activities performed with high-risk chemical carcinogens which are classified as especially dangerous poisons, executed in close contact with them, where the execution of the activity is conditioned on demanding professional preparation, with individual physiological and psychological capability and high requirements on constant observation of health protection and work safety principles.

E. PHYSICAL EFFECTS

Activities performed by pilots and aircraft crews.