

Law of the Republic of Azerbaijan

On Civil Service

Chapter I GENERAL PROVISIONS

Article 1. Objective of the Law

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

Article 2. Civil service

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

2.2. This Law shall be applied to civil servants serving in the offices of the executive, legislative and judicial bodies.

2.3. Service of the civil servants employed in the prosecutor's office, bodies of justice, national security, defence, emergency situations, border service, migration service, internal affairs, custom, tax, foreign affairs and field-chasseur service, in the National Bank of the Republic of Azerbaijan shall be regulated by other laws of the Republic of Azerbaijan considering provisions related to the right of citizens of the Republic of Azerbaijan to be recruited to the civil service, competition and transparency based recruitment to civil service, performance appraisal of civil servants and other principles of civil service; and service in these bodies is considered as specific type of civil service.

This Law is applied to the persons working in the offices of these bodies (except for the National Bank of the Republic of Azerbaijan) and not owning military or specific ranks (except for employers not being civil servants – cleaners, yard cleaners, gardeners, guards, stokers, workers without professional rank, etc.).

2.4. Unless otherwise is provided in this Law, this Law shall not be applied to the President of the Republic of Azerbaijan, deputies of the Milli Mejlis of the Republic of Azerbaijan,

Prime Minister of the Republic of Azerbaijan and his deputies, judges of courts of the Republic of Azerbaijan, an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman), heads and deputy heads of central executive power bodies, chairman, deputies, secretary and members of the Central Election Commission of the Republic of Azerbaijan, chairman, deputy and auditors of the Chamber of Accounts of the Republic of Azerbaijan, heads of the local executive power bodies, deputies of the Supreme Mejlis of the Nakhchevan Autonomous Republic, Prime Minister of the Nakhchevan Autonomous Republic and his deputies, heads of central executive power bodies of the Nachchevan Autonomous Republic, as well as military servants.

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

2.6. *(taken out)*.

Article 3. Main duties of civil service

3.1. Main duties of civil service are the following:

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

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

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

Article 4. Principles of civil service

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

4.1.1. legality;

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

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

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

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

4.1.6. transparency of recruitment to the civil service;

4.1.7. competition and interview based recruitment of citizens to the civil service;

- 4.1.8. equality of rights citizens in occupation of any civil service position due to their abilities, service achievements and professional development;
- 4.1.9. equality of rights of citizens regardless of race, nationality, religion, language, sex, social origin, marital, property and service status, residence, convictions, membership in social organizations, as well as other aspects not concerning to the professional skills of servants;
- 4.1.10. rotation of civil servants aimed to the efficient use of their potential, service and professional development;
- 4.1.11. social and legal protection of civil servants, ensuring of decent living conditions for them and their families;
- 4.1.12. responsibility of civil servants for performance of service obligation, as well as responsibility of state body for actions of civil servant.

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

4.3. When performing official duties, civil servants shall be governed by the Constitution of the Republic of Azerbaijan, laws and other legislative acts adopted thereof and shall not be concerned with decisions of political parties and social organizations.

Article 5. **Civil service management bodies**

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

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

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

Article 6. Legislation on civil service

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

Chapter II STATE BODIES

Article 7. Concept of state body

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

7.2. Unit of a state body – is a structure of this body established in order provided for in or determined by legislative acts and partly fulfilling authorities of the state body within the functions assigned thereto.

Article 8. Classification of state bodies

8.1. State bodies shall be classified on the following categories considering their status, hierarchy and jurisdiction (on state, regional and local level):

8.1.1. supreme state bodies of executive and court power, as well as supreme executive bodies whose principal authorities are determined by the 3rd part of article 7 of Constitution of the Republic of Azerbaijan – Bodies direct providing the performance and implementing the executive authorities of the head Azerbaijan state, Milli Mejlis of the Republic of Azerbaijan, Constitutional Court of the Republic of Azerbaijan implementing authorities of Supreme constitutional justice (state bodies of supreme category);

8.1.2. state bodies whose principal authorities are determined by the Constitution of the Republic of Azerbaijan, Constitutional laws of the Republic of Azerbaijan and state bodies defined by law of the Republic of Azerbaijan – Supreme Court of the Republic of Azerbaijan, Supreme Mejlis of the Nakhichevan Autonomous Republic, Chief Prosecutor's Office of the Republic of Azerbaijan, Chamber of Accounts of the Republic of Azerbaijan, Office

of Judicial Legal Board, Office of an Attorney of the Republic of Azerbaijan for Human Rights (Ombudsman) (state bodies of the 1st category);

8.1.3. state bodies whose principal authorities are determined in order anticipated in article 113 of the Constitution of the Republic of Azerbaijan – Supreme Court of the Nakhichevan Autonomous Republic, relevant executive power body of the Nakhichevan Autonomous Republic, Military Prosecutor’s Office of the Republic of Azerbaijan, Prosecutor’s Office of the Nakhichevan Autonomous Republic, Office of an Attorney of the the Nakhichevan Autonomous Republic for Human Rights (Ombudsman), appeal courts of the Republic of Azerbaijan, Office of the Central Election Commission of the Republic of Azerbaijan, Secretariat of the Commission on Fight against Corruption of the Republic of Azerbaijan, relevant executive power bodies, Office of the National TV and Radio-broadcasting Board (state bodies of the 2nd category)

8.1.4. state bodies whose principal authorities are determined in order anticipated by articles 113 and 124 of the Constitution of the Republic of Azerbaijan and the law – state agencies and state services established under the relevant executive power bodies, regional centers of the Office of an Attorney of the Republic of Azerbaijan for Human rights (Ombudsman), Office of the Central Election Commission of the Nakhichevan Autonomous Republic, relevant executive power bodies of the Nakhichevan Autonomous Republic, Office of the National TV and Radio-broadcasting Board, courts on grave crimes, administrative economic courts, military courts, Military Prosecutor’s Office of the Nakhichevan Autonomous Republic (state bodies of the 3rd category);

8.1.5. state bodies whose principal authorities are determined in order anticipated in articles 113, 120 and 124 of the Constitution of the Republic of Azerbaijan and the law – relevant executive power bodies, regional divisions of relevant executive power bodies, bodies being subordinated, under relevant executive power bodies, city (region) courts, district (city) prosecutor’s offices and military prosecutor’s offices (state bodies of the 4th category);

8.1.6. state bodies whose principal authorities are determined in order anticipated in articles 113 and 124 of the Constitution of the Republic of Azerbaijan – local divisions of state agencies and state services established under relevant executive power bodies, being under and subordinated to relevant executive power bodies, representations of relevant executive power bodies on administrative territorial district (state bodies of the 5th category).

8.2. *(taken out)*

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

Chapter III

CIVIL SERVICE POSITION

Article 9. **Definition of civil service position**

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

Article 10. **Classification of positions in state bodies**

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

10.2. *(taken out)*

10.3. *(taken out)*

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

10.5. Administrative positions are positions of heads of offices and departments of state bodies of the Supreme - 5th category, their deputies, as well as positions of specialists recruited to civil service. Legal status of a person holding an administrative position shall be determined by the legislative acts defining authorities of relevant body, as well as by job descriptions.

10.6. Auxiliary positions are positions of civil servants carrying out the technical works in state bodies of the Supreme - 5th category (clerk, typist, courier, archivist, lift operator, driver and other employees). Legal status of a person holding an auxiliary position shall be determined by the legislative acts defining authorities of the relevant body, as well as by job descriptions.

Article 11. **Classification of administrative and auxiliary positions**

11.1. Classifications of administrative positions are the following:

11.1.1 Supreme classification of administrative positions:

11.1.1.1. position of a head of the Administration in the Administration of the President of the Republic of Azerbaijan directly providing for performance of the Head of the Azerbaijani State, position of a head of Office of the Milli Mejlis of the Republic of Azerbaijan, position of a head of Office of the Constitution Court of the Republic of Azerbaijan, position of a head of Office of a body performing executive authorities of head of the Azerbaijani state, position of the State counselor of the Republic of Azerbaijan.

11.1.2. First classification of administrative positions:

11.1.2.1. Positions of a deputy head of the Administration in the Administration of the President of the Republic of Azerbaijan directly providing for performance of a Head of the Azerbaijani state, deputy head of office of the Milli Mejlis of the Republic of Azerbaijan and Constitutional Court of the of the Republic of Azerbaijan, position of a deputy head of office performing executive authorities of head of the Azerbaijani state, as well as positions of division heads in these state bodies.

11.1.2.2. positions of heads and their first deputies of other state bodies directly providing the performance of the President of the Republic of Azerbaijan;

11.1.2.3. positions of heads of office of the state bodies of the 1st category.

11.1.3. Second classification of administrative positions:

11.1.3.1. position of deputy head of division in the Administration of the President of the Republic of Azerbaijan directly providing the performance of the head of the Azerbaijani state, position of deputy head of division in the offices of the Milli Mejlis of the Republic of Azerbaijan and Constitution Court of the Republic of Azerbaijan;

11.1.3.2. position of deputy head of the division in the Office of a body implementing the executive authorities of the head of the Azerbaijani state;

11.1.3.3. positions of deputy heads of other state bodies directly providing the performance of head of the Azerbaijani state;

11.1.3.4. positions of deputy heads of office, heads of division of the state bodies of the 2nd category;

11.1.3.5. positions of head of offices of the state bodies of the 2nd categories in the Nakhichevan Autonomous Republic;

11.1.3.6. positions of heads of state agencies and state services established under relevant executive power bodies;

11.1.3.7. positions of deputy heads of relevant executive power bodies.

11.1.4. The 3rd classification of administrative positions:

11.1.4.1. positions of specialists in the offices of the Administration of the President of the Republic of Azerbaijan directly providing performance of the head of the Azerbaijani state, Milli Mejlis of the Republic of Azerbaijan and Constitution Court of the Republic of Azerbaijan;

11.1.4.2. positions of heads of divisions, their deputies and specialists of other state bodies directly providing performance of the head of the Azerbaijani state;

11.1.4.3. positions of specialists in the Office of a body implementing executive authorities of the head of the Azerbaijani state;

11.1.4.4. positions of deputy heads of division of the state bodies of the 1st category;

11.1.4.5. positions of heads of office and their deputies of state bodies of the 2nd category;

11.1.4.6. positions of deputy heads of office and heads of division of state bodies of the 2nd category in the Nakhichevan Autonomous Republic;

11.1.4.7. positions of deputy heads of state agencies and state services established under the relevant executive power bodies.

11.1.5. The 4th classification of administrative positions:

11.1.5.1. positions of specialists in the offices of state bodies of the 1st category;

11.1.5.2. positions of heads of division and their deputies of the 2nd category state bodies

11.1.5.3. positions of deputy heads of division of state bodies of the 2nd category in the Nakhichevan Autonomous Republic;

11.1.5.4. positions of deputy heads of relevant executive power bodies.

11.1.6. The 5th classification of administrative positions:

11.1.6.1. positions of specialists of state bodies of the 2nd category;

11.1.6.2. positions of heads of office of the 3rd category of relevant executive power bodies in the Nakhichevan Autonomous Republic;

11.1.6.3. positions of heads of division and their deputies of state bodies of the 3rd category;

11.1.6.4. positions of heads of local division of state bodies of the 4th category – relevant executive power bodies, bodies being under and subordinated to the relevant executive power bodies, bodies subordinated to relevant executive power bodies.

11.1.7. The 6th classification of state bodies:

11.1.7.1. positions of specialists of state bodies of the 3rd category;

11.1.7.2. positions of head of division and his deputy of relevant executive power body of the 4th category.

11.1.7.3. positions of deputy heads of local divisions of state bodies of the 4th category – relevant executive power bodies, bodies being under and subordinated to the relevant executive power bodies, bodies subordinated to relevant executive power bodies

11.1.7.4. positions of heads and their deputies of the local divisions of state agencies and state services, their subordinated bodies, bodies under its subordination established under relevant executive power bodies - the 5th category state bodies.

11.1.8. The 7th classification of administrative positions:

11.1.8.1. positions of specialists of relevant executive power bodies – state bodies of the 4th and 5th categories, local divisions of relevant executive power bodies, bodies being under and subordinated to relevant executive power bodies, regional (city) courts, bodies subordinated to relevant executive power bodies, local divisions of state agencies and

state services established under relevant executive power bodies, bodies being under and subordinated to such state agencies and state services;

11.1.8.2. positions of representatives, their deputies and specialists on administrative territorial areas of relevant executive power bodies.

11.2. Classifications of auxiliary positions are follows:

11.2.1. the 1st classification of auxiliary positions – technical positions in state bodies of superior category;

11.2.2. the 2nd classification of auxiliary positions – technical positions of state bodies of the 1st category;

11.2.3. the 3rd category of auxiliary positions – technical positions of state bodies of the 2nd and 3rd categories;

11.2.4. the 4th classification of auxiliary positions – technical positions of state bodies of the 4th and 5th categories.

11.3. *(taken out)*

11.4. Offices of the state bodies (or structures providing their performance) and their divisions shall be classified as providing and assisting with consideration of functions and authorities of the Superior – 5th category state bodies determined by the Constitution and laws of the Republic of Azerbaijan, as well as characteristics of their performance.

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

Note:

Referring to the “office of state bodies (or structures providing their performance)” in article 11, it is accordingly supposed a structure of the state body which combines specified divisions composing of civil servants those to provide performance of the functions, duties and competences of the state body.

Article 12. Classification code of administrative and auxiliary positions

12.1. Classification code of administrative and auxiliary positions covers information on classifications and titles of positions, professional ranks and requirements for holding a positions.

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

Article 13. Professional requirements applicable to administrative and auxiliary positions

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

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

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

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

**Chapter IV
CIVIL SERVANT**

Article 14. Civil servant

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

14.2. Civil servant holding an administrative position and owning governmental authorities is considered as a state official.

14.3. *(taken out)*.

Article 15. **The oath of civil servant**

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

15.2. When recruited to civil service for the first time, the citizen shall swear the following oath prior to entering upon his/her performance:

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

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

15.4. The oath shall be sworn only once. A civil servant signs text of the oath which is kept in his/her personal file.

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

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

Article 16. **Professional ranks of civil servants**

16.1. Professional rank of civil servant indicates his/her professional level, gives a right to hold administrative position, receive a bonus to the official wage and use social benefits.

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

16.2.1. on superior classification of administrative positions – actual state counselor, state counselor of the 1st rank and state counselor of the 2nd rank;

16.2.2. on the 1st classification of administrative positions – state counselor of the 1st rank, state counselor of the 2nd rank and state counselor of the 3rd rank;
16.2.3. on the 2nd classification of administrative positions – state counselor of the 2nd rank, state counselor of the 3rd rank and chief civil service counselor;
16.2.4. on the 3rd classification of administrative positions – chief civil service counselor, civil service counselor and junior civil service counselor;
16.2.5. on the 4th classification of administrative positions – civil service counselor, junior civil service counselor and civil servant of the 1st rank;
16.2.6. on the 5th classification of administrative positions – junior civil service counselor, civil servant of the 1st rank and civil servant of the 2nd rank;
16.2.7. on the 6th classification of administrative positions – civil servant of the 1st rank, civil servant of the 2nd rank and civil servant of the 3rd rank;
16.2.8. on the 7th classification of administrative positions – civil servant of the 2nd rank, civil servant of the 3rd rank and junior civil servant.

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

16.3.1. on the 1st classification of auxiliary positions – chief civil service referent, senior civil service referent and civil service referent of the 1st rank;
16.3.2. on the 2nd classification of auxiliary positions – senior civil service referent, civil service referent of the 1st rank and civil service referent of the 2nd rank;
16.3.3. on the 3rd classification of auxiliary positions – civil service referent of the 1st rank, civil service referent of the 2nd rank and civil service referent of the 3rd rank;
16.3.4. on the 4th classification of auxiliary positions – civil service referent of the 2nd rank, civil service referent of the 3rd rank and junior civil service referent..

Article 17. Award of professional ranks and deprivation of professional ranks

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

The person firstly accepted to the civil service shall be awarded with the lowest professional rank determined for the administrative classification of holding position.

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

Rank of the chief counsellor of civil service and below shall be given by the head of relevant state body.

17.3. Except for the superior classification of administrative positions, civil servant holding administrative positions of the 1st-2nd classification shall have minimum 10-years of length of service on this classification and minimum 3-years of length of service at the relevant positions included into these classifications in order to receive following professional rank provided for this classification.

Civil servants holding the 3rd-6th classification positions shall have minimum 4-years of length of service in the positions included into these classifications in order to get higher (following) professional rank on this classification.

If civil servant does not meet any requirements specified in the first and second parts of this article, then he shall be awarded with the most junior professional rank established for classification of administrative position he holds.

While awarding the professional rank, both professional and managerial experience of the civil servant shall be considered.

Referring to the "relevant position" and "at the relevant position" in the first and second parts of article 17.3, it is accordingly supposed the civil service position occupied by a civil servant in state body where he/she serves at present.

17.4. The following requires for receiving higher professional rank within professional ranks determined for the relevant administrative positions:

- for the 3rd-5th classification positions – service period in the professional rank shall consist 3 years;
- for the 6th-7th classification positions – service period in the professional rank shall consist 2 years.

The following requires for receiving higher professional rank within professional ranks determined for the relevant auxiliary positions:

- for the 1st-2nd classification positions - consecutive service period in the professional rank shall consist 2 years;
- for the 3rd-4th classification positions - consecutive service period in the professional rank shall consist 1 year.

17.5. Rules of professional ranks awarding to civil servants in state bodies shall be determined by the relevant executive power body.

17.6. Civil servant is deprived of his/her professional rank in cases provided for in article 33.1.7 of this Law, and the relevant note shall be registered in his/her work record card.

Article 18. **Principal duties of civil servant**

- 18.0. In official duties, a civil servant shall do the following:
- 18.0.1. implement legislative and other standard legal acts approved by state bodies;
 - 18.0.2. fulfil the orders, resolutions and instructions of supervisors issued within their authorities;
 - 18.0.3. follow service regulations specified in state bodies;
 - 18.0.4. prevent any actions which may complicate work of other civil servants or damage the reputation of the state body he/she serves in;
 - 18.0.5. timely consider requests of citizens, enterprises, institutions and organizations and impartially settle it within his/her authorities;
 - 18.0.6. carry out an additional work upon the instruction of the official within his/her speciality, if required;
 - 18.0.7. permanently keep state secret and other secrets protected by law – also in case of civil service termination;
 - 18.0.8. keep confidential an information revealed during performance of official duties and information related to the private life, honour and dignity of citizens and their family, not demand such information, except for cases anticipated by law;
 - 18.0.9. submit annual financial report on personal income and property condition to the head of body he/she serves in, with indication of source, type and amount of additional income;
 - 18.0.10. temporarily move to different place of residence, serve in different place or perform other functions in cases and order determined by the legislation;
 - 18.0.11. make medical check-up to determine his/her physical and mental capacity or capability to fulfil functions he/she is assigned in cases and order determined by the legislation;
 - 18.0.12. observe the ethics conduct rules.

Article 19. **Principal rights of civil servant**

Civil servant shall own the following rights:

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

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

19.0.3. to get state wage;

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

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

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

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

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

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

19.0.10. to join trade unions;

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

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

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

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

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

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

20.1.1. to hold an additional paid position in state bodies (except for temporary substitute in order provided for by the labour legislation), to fill elective or appointed position;

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

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

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

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

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

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

20.1.8. to use the status of civil servant for religion promotion and to conduct religious actions in the premises subordinated to state bodies.

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

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

Article 21. **Guarantees for civil servants**

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

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

21.1.2. required working conditions;

21.1.3. paid leave;

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

21.1.5. additional education on relevant direction;

21.1.6. new recruitment due to salary and profession in case of liquidation of state bodies or staff reduction or priority in holding a position in state bodies corresponding to previous position;

21.1.7. pension allowance and state social insurance;

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

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

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

21.2. *(taken out)*

21.3. Civil servant may be transferred to another less paid position only with his/her consent except for provisions anticipated in this Law.

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

21.5. *(taken out)*.

Article 22. **State wage**

22.1. State wage is a payment paid to a civil servant. Amount of state wage depends on scope of authority, liability level, required professionalism and length of service.

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

22.3. Salary amount of civil servant of the 7th classification of administrative positions shall be equated to minimum official salary defined for administrative positions by the legislation of the Republic of Azerbaijan. Salary amount of civil servant of the 7th classification of auxiliary position shall be equated to minimum official salary defined for auxiliary positions by the legislation of the Republic of Azerbaijan. Amount of official salary of civil servants is determined under civil service position classification.

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

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

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

22.7. Starting from the second year of service an allowance shall be paid to a civil servant for length of official service and this amount shall increase in order specified by the legislation. Amount is determined by the legislation. This article shall also be applied to the persons holding positions of the Prime Minister and Deputy Prime Ministers of the Republic of Azerbaijan, the Prime Minister and Deputy Prime Ministers of the Nakhchevan Autonomous Republic, head and deputy heads of central executive power body of the Republic of Azerbaijan, head and deputy heads of central executive power body of the Nakhchevan Autonomous Republic, head (chief) of the local executive power body.

22.8. Order of allowance assignation for power authority performance shall be determined by the relevant law of the Republic of Azerbaijan.

Article 22-1. Additional education of civil servant

22-1.1 Additional education of civil servants is a component part of continuous education and vocational training and provides for opportunity of civil servant (including internees and probationers) to receive continuous education with state document about completion of any level of vocational training.

22-1.2. Period of additional education of civil servant shall be included into his/her length of service.

22-1.3. The following is a basis for additional education of civil servant of the civil servant:

22-1.3.1. appointment to the higher position in the civil service;

22-1.3.2. inclusion into the reserve staff list of the civil service;

22-1.3.3. result of attestation or performance appraisal of a civil servant;

22-1.3.4. personal initiative of a civil servant.

22-1.4. Additional education of civil servant shall be determined by head of this state body.

22-1.5. Additional education of civil servants is carried out in directions determined in the legislation in the extension and re-training organizations, relevant structures established in the vocational education enterprises, interning and vocational courses and other enterprises with special permission for such activity.

22-1.6. Civil servant may be sent to the foreign countries for additional education.

22-1.7. Additional education of civil servant is carried out through service suspension, partial suspension or non-suspension.

22-1.8. Type, form, term and financial provision of additional education of civil servant shall be regulated by the rules defined by the relevant executive power body.

22-1.9. Civil servants serving in positions required higher legal education in the offices of the Constitution Court of the Republic of Azerbaijan, Supreme Court of the Republic of Azerbaijan, Judicial-Legal Board of the Republic of Azerbaijan and Attorney for Human Rights (Ombudsman) of the Republic of Azerbaijan, as well as in state bodies of the 2nd-5th category, shall be regularly involved to vocational trainings and professional development in the training-scientific enterprises of relevant executive power bodies.

Article 23. **Retirement coverage of civil servants**

23.1. Basis for retirement coverage of civil servants and its order shall be determined by relevant Law of the Republic of Azerbaijan with consideration of provisions of this article.

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

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

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

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

Article 24. **Reward of civil servants**

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

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

Articles 25. **Liabilities of civil servant**

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

25.2. If civil servant breaches requirements set forth in articles 18, 20 and 25.11 of this Law, one of the following disciplinary penalty actions may be applied to such civil servant:

25.2.1. a rebuke;

25.2.2. reduction in salary from 5% up to 30% for a period of one year;

25.2.3. transfer to the same classification position but with lower official salary;

25.2.4. transfer to the lower classification position;

25.2.5. demotion of professional rank for one level;

25.2.6. dismissal from civil service.

25.3. If grounds for application of the disciplinary penalty are exist in accordance with article 25.2 of this Law, then the investigation shall be carried out under order of the head of relevant executive power body and the civil servant shall present written explanation. Head of the relevant executive power body may appoint service inspection, if required. Refusal of the civil servant to present written explanation shall be registered and it shall not interfere with application of the disciplinary action.

25.4. Order of the service inspection is determined by the relevant executive power body.

25.5. Disciplinary actions may be applied to civil servants within one month from the day of revelation of causes provided for in article 25.2 of this Law. Period of stay of civil servant in business trip, annual leave, temporary disability, as well as service investigation or criminal investigation brought against civil servant shall not be included into this term.

25.6. Disciplinary penalty actions provided for in article 25.2.6 of this Law may be applied because of gross or regular infringements during obligations performance or non-observance of liabilities provided for in article 20 of this Law.

25.7. Disciplinary penalty actions provided for in articles 25.2.1-25.2.6 of this Law may be applied by head of the state body where the civil servant serves in, and disciplinary penalty actions provided for in article 25.2.1 of this Law may be also applied by the official (officials) authorized by head of the state body where the civil servant serves in.

25.8. Order on applied disciplinary penalty action may be appealed to the relevant executive power body within 7 working days after its signing. Then this body shall either cancel or remain in force disciplinary penalty action within 10 working days. The rules for appealing on the disciplinary penalty actions are determined by the relevant legislation of the Republic of Azerbaijan.

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

25.10. Civil servant bears material responsibility in order determined by the legislation for damage caused by his/her fault. Damage caused by legal actions of civil servants shall be fully reimbursed at the expense of state budget.

25.11. Civil servant must be called to the disciplinary responsibility if he/she does not observe requirements set forth in article 5.1 of the Law of the Republic of Azerbaijan "On Anti-Corruption" or commits law infringements set forth in article 9 of this law (if they do not create administrative or criminal responsibility).

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

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

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

Chapter V CIVIL SERVICING

Article 27. Right to be recruited to the civil service

27.1. Citizens of the Republic of Azerbaijan aged 16 owning professional skills in accordance with requirements of the relevant position and being fluent in state language of the Republic of Azerbaijan shall have the right to be recruited to the civil service regardless of race, nationality, religion, language, sex, social origin, property status, place of residence, beliefs, membership in social and other organizations.

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

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

27.2.2. if the convictions are not cancelled or expunged;

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

27.2.4. if there is available effective judicial decision on application to him/her coercive actions of the medical nature;

27.2.5. in other cases determined by legislation.

27.3. Possibility to recruit to civil service an applied person shall be preliminary checked. The check order shall be determined by the relevant executive power body. Private (family) life details shall not be checked.

Article 28. Recruitment to the civil service

28.1. Citizens are recruited to the civil service through the competition or interview.

28.2. Relevant executive power body shall announce a competition for recruitment to the civil service on vacant positions corresponded to the 5th-7th classifications of administrative positions. Competition announcement only for one gender representative is prohibited except for cases provided for in the legislation. Relevant state body shall regularly submit information on vacant positions (at least once in a month) to the relevant executive power body.

28.3. Persons wishing to participate in the competition shall apply to the relevant executive power body within 30 days from the day of competition announcement. Form

of the application determined by the relevant executive power body may be sent electronically or through paper carriers.

28.4. A competition consists of single test examination and interview. The procedure for announcement, holding and passing relevant decision about results of the competition is determined by the relevant legislation of the Republic of Azerbaijan.

28.5. Documents of persons successfully passed testing shall be submitted to the relevant executive power body within 10 working days and they are allowed to interview. Interview shall be conducted within 30 days after completion of document receipt.

28.6. Candidates successfully passed competition shall be introduced to the head of state body for appointment to the vacant position within 5 working days, unless otherwise is provided for by the legislation. When selecting one of the introduced candidates, the head of state body shall recruit him/her for 1 year as a probationer and appoint to a vacant position. Head of state body shall inform the relevant executive power body about relevant decision within 10 working days after presentation of the candidate. During probation period, a supervisor assigned by the head of state body, shall direct the work of a probationer, control his/her performance and upon probation completion, the supervisor shall submit the recommendation on whether to recruit the probationer to the civil service for the trial period or no. Unless otherwise is provided for in the legislation, in case of positive recommendation, the probationer shall be recruited under signing a labour contract for 6 months trial period. The contract shall determine service conditions during trial period. Sample of labour contract concluded with a person recruited to the civil service for trial period shall be determined by the relevant executive power body. If the contract is not violated during trial period then the head of state body following the terms of the contract shall issue an order on permanent recruitment of this person to the civil service upon completion of trial period and conclude relevant labour agreement with him/her. Sample of labour contract concluded with a person recruited to the permanent civil service shall be determined by the relevant executive power body.

28.6-1. Probation and trial period provided for in article 28.6 of this Law shall be also applied to persons firstly recruited to the civil service in relevant executive power body based on the competition on vacant positions corresponding to the 5th-7th classifications of administrative positions.

28.7. If a person recruited to the service as a probationer again succeeds in the competition during this period in accordance with article 28 of this Law and is appointed to the new position, the length of service on the previous position shall be considered. If a person recruited to the civil service for the trial period again succeeds in the competition

under article 28 of this Law, he shall be re-appointed to new position for trial period with consideration of the previous trial period.

28.8. If persons recruited to the permanent civil service and dismissed from the civil service under article 33.1 of this Law (except for persons holding auxiliary position) have been re-recruiting to the civil service, probation and trial periods provided for in article 28.6 of this Law shall not be applied referring to such persons.

28.9. Persons being educated abroad in framework of the "State Program on education of the Azerbaijan youth in foreign countries in 2007-2015" shall be kept as reserve staff in the relevant executive power body and this body shall submit to the relevant executive power body for recruitment of these persons to the civil service hors concourse under the legislation.

28.10. Recruitment to the permanent civil service shall be approved by document of the relevant state body on behalf of the Republic of Azerbaijan.

Article 29. **Holding of administrative positions**

29.1. Holding of the positions corresponding to the superior-4th classification of administrative positions shall be performed through interviewing or promotion.

29.2. Holding of positions corresponding to the 5th-7th classification of administrative positions in state bodies (except for the relevant executive power body) shall be performed on the basis of decision of the head of this state body through competition in order provided for in article 28 of this Law or interview under articles 29.3-29.9 of this Law. Relevant executive power body and relevant executive power body making decision about competition (interview) shall guarantee fair, transparent and operative conduct of such competitions of interviews.

Provisions of this article shall not be applied to the civil servant who is transferred to the lower position in the body he/she serves in by his/her own consent, as well as under transferring to the position corresponded to the classification of the holding administrative position and being similar to the position title and service functions.

Civil servant may be transferred to the position in other state body with similar or lower classification than present administrative position without application of provisions of this article with the mutual consent of the heads of these state bodies.

Filling of vacant positions corresponding to the 5th-7th classification of administrative positions in the relevant executive power body shall be performed only through an interview on the basis of decision of the head of this state body in accordance with articles 29.4, 29.6-29.8 of this Law.

29.3. Holding of the positions corresponding to the 5th-7th grade administrative positions in state bodies (except for the relevant executive power body) by persons serving as civil servants in administrative positions in same or other state bodies and having professional rank corresponded to the administrative position classification, as well as persons having minimum 5 years service experience and working in administrative positions shall be carried out through an interview.

In order to hold positions corresponding to the 5th-7th classifications of administrative positions there may be carried out an interview (internal interview), first of all, providing for participation of the civil servants holding administrative positions in the state body and having professional rank in accordance with the classification of administrative positions under decision of the head of this body. The interview is carried out in order provided for in article 29.6 of this Law considering requirements of articles 29.4-29.9 of this Law.

If administrative position is not filled in result of the interview carrying out in accordance with the second part of this article, then there may be carried out an interview (general interview) anticipating the participation of other persons stipulated in the first part of this article under articles 29.4-29.9 of this Law or competition in order provided for in article 28 of this Law on the basis of the relevant decision of state body's head.

When carrying out filling of the relevant administrative position in accordance with this article, requirements of general conditions for holding vacant positions determined in the legislation shall be complied.

29.4. Except for the case provided for in the second part of article 29.3 of this Law, interviewing announcement shall be given one month prior to the date of an interview through mass media by the relevant executive power body based on request of the relevant state body.

The decision of the head of state body on interview conduct in accordance with the second part of article 29.3 of this Law shall be officially announced in this state body one month prior to the date of interview conduct.

29.5. Civil servants serving in the administrative positions of no more than 2 classifications lower than the classification of announced position, as well as persons had been serving in the administrative positions of no lower than 2 classifications may participate in an interview.

Civil servants, whom the disciplinary action was applied to, shall not be allowed to the competition and interview.

The first part of this article shall not be applied to the holding of positions corresponding to the 5th-7th classification of administrative positions in the judicial power bodies with the participation of the persons serving in these bodies.

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

29.7. The commission provided for in article 29.6 of this Law shall consist of minimum 3 members including representative of the relevant executive power body.

29.8. Eligibility of a person participating in the interview to the relevant position shall be determined through checking of knowledge level, professional development, general world-view, abilities required for relevant position.

29.9. The following shall be considered during an interview:

29.9.1. professional rank;

29.9.2. attestation results;

29.9.3. additional education according to requirements of relevant position.

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

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

Article 30. **Terms of civil service**

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

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

30.3. Civil servants holding administrative position shall have the paid annual leave for a period of 30 calendar days. An additional paid leave shall be granted for the length of service in the following order:

30.3.1. for working experience from 5 to 10 years – 2 calendar days;

30.3.2. for working experience from 10 to 15 years – 4 calendar days;

30.3.3. for working experience more than 15 years – 6 calendar days.

Civil servant may be sent to unpaid leave at his/her own will and by consent of the head of state body.

30.4. Civil servants sent to the business trip shall be provided with the following:

30.4.1. accommodation in a hotel or service living area, and separate service housing area if business trip lasts more than 6 months;

30.4.2. workplace, possibility to use communication facilities;

30.4.3. other required technical and social services, including services financed by the body sent him/her to a business trip.

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

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

Article 30-1. Performance appraisal of the civil servants

30-1.1. The service performance of civil servants holding administrative positions shall be evaluated in the end of each calendar year. Aim of the service performance appraisal of civil servant is to assess performance of his/her duties during the year, fulfilment of requirement on holding position, as well as to define future development of the employee. The service performance appraisal results shall be considered during attestation of civil servant.

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

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

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

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

- 30-1.4.1. analysis and forecasting;
- 30-1.4.2. management;
- 30-1.4.3. impact ability and inspire inside the team;
- 30-1.4.4. team-building ability.

30-1.5. Service performance of civil servant is appraised as follows:

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

30-1.6. Results of the service performance appraisal of civil servant are formalized through service performance appraisal document. Performance of civil servant is evaluated in this document due to all criteria and relevant comments shall be given. The opinion of civil servant, whose service performance has been appraised, shall be attached to such.

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

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

Article 31. **Attestation of civil servants**

31.1. Each civil servant holding administrative and auxiliary positions shall pass an attestation not more than once in five years unless otherwise is provided for by this Law.

31.2. An attestation shall be performed collectively, impartially with involvement of the relevant executive power body representative and independent experts. Structure of attestation commission shall be approved by the head of relevant executive body.

31.3. Professional, diligence and ethical competences of civil servant shall be evaluated during attestation and conclusion on his/her eligibility for holding position shall be made.

31.4. Main objectives of attestation are:

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

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

31.4.3. need determination of civil servant for additional education.

31.5. Terms and schedule of the attestation shall be determined by the relevant state body in agreement with relevant executive power body; civil servants those to be passed the attestation shall be informed thereby not later than 1 month prior.

31.6. Members of the attestation commission may ask civil servant questions only concerning occupied position, job descriptions, speciality, performed works and their results, as well as questions concerning rights, service functions in order to determine conformity with the holding position. Evaluation of the assessing civil servant on his/her political views and convictions shall not be allowed.

31.7. Civil servants holding their positions less than 1 year, as well as probationers and servants with the trial period are not assessed. Civil servant being on a leave for child care shall pass an attestation not earlier than one year after service continuation.

31.8. In order to carry out an attestation, attestation commission consisting of a chairman, secretary and minimum 3 commission members shall be approved. Structure of the attestation commission is periodically changed and may include highly qualified specialists, scientific experts.

31.9. Service reference drafted by the direct supervisor of civil servant subject to an attestation shall be issued to such servant not later than 2 weeks prior to attestation and this civil servant shall acquire with this reference.

The reference shall assess service performance of civil servant; specify his/her personal abilities, strengths and weaknesses, performance results for previous period. Attestation list of previous attestations shall be also presented at the following attestations.

31.10. Direct supervisor of the civil servant may be invited to the attestation of this servant. Attestation commission shall listen to his information on performance of civil servant holding an attestation and consider presented materials.

31.11. In case of non-attendance of civil servant in the meeting of attestation commission due to unreasonable excuse, an attestation shall be considered as held and disciplinary penalty actions provided for in article 25.2 of this Law may be applied to this civil servant. In case of non-attendance of civil servant in the meeting of attestation commission due to reasonable excuse, an attestation shall be considered as cancelled. In case of non-attendance of civil servant in the meeting of attestation commission due to unreasonable or reasonable excuse, this civil servant shall pass regular attestation.

31.12. Attestation commission shall give the following evaluations on the basis of results of civil servant attestation:

31.12.1. eligible for holding position;

31.12.2. eligible for holding position subject to work improvement and fulfilment of commission recommendations with the assumption of repeated attestation in one year;
31.12.1. not eligible for holding position.

31.13. In accordance with results of the attestation, the attestation commission may give recommendations on reward of different civil servants for achieved progress, inclusion into reserve staff list for promotion, involvement of civil servants passed attestation to additional education, service performance and work results improvement, demotion or dismissal. In this case, commission shall ground raised recommendations.

31.14. Assessment given to the performance of civil servant and recommendations of commission shall be passed through open voting in the absence of the assessing civil servant.

31.15. Attestation and voting shall be carried out with participation of minimum 2/3 of attestation commission members. Voting results shall be defined by majority vote. In case of equal vote, civil servant passing an attestation shall be considered as eligible for the holding position. If civil servant holding an attestation is an attestation commission member, he shall not participate in voting. Civil servant shall be informed on attestation results immediately after the voting.

31.16. Attestation results (assessment and recommendations) shall be included into attestation list drafted in one copy and signed by a chairman, secretary and attestation commission members participated in voting.

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

31.18. Head of the state body where the civil servant serves in may pass decisions on reward of different civil servants for achieved progress, inclusion into reserve staff list for promotion, his/her transfer to the higher position, his/her additional education in reference with service performance, transfer to the lower position, dismissal of civil servants not conformed to the holding position due to results of attestation under evaluation issued by attestation commission, considering recommendations and in accordance with effective legislation.

31.19. Decisions provided for in article 31.18 of this Law shall be passed not later than 2 months since day of civil servant attestation. Decision on transferring of the civil servant

to the lower position or his/her dismissal of civil servant under attestation results shall not be allowed upon this period expiration.

31.20. Time of absence of civil servant due to reasonable excuse, business trip and annual leave shall not be included into this two-month period.

31.21. Civil servant may appeal attestation results to the relevant executive power body during 7 working days. Relevant executive power body shall consider the complaint during 20 working days after its entrance.

Article 32. **Promotion right in civil service**

32.1. Civil servant may be promoted in the civil service through career growth in order set forth by this Law, as well as in result of competition or interview.

32.2. Right of promotion in civil service shall be carried out with consideration of successful and fair performance of duties by civil servants, existence of vacant position, as well as with consideration of additional education in accordance with requirements of vacant position.

32.3. *(taken out)*

32.4. *(taken out)*

Article 32-1. **Age limit for tenure in civil service**

32-1.1. The age limit of tenure of a civil servant in civil service is 65.

32-1.2. The period of tenure in civil service for civil servant attaining 65 may be extended for no more than 1 year each time by a head of the relevant state body. Period of tenure in civil service for civil servant shall not be extended for more than 5 years.

32-1.3. The period of tenure in civil service for civil servants serving in administrative positions referring to the superior-3rd classification can be extended above time provided for in article 32-1.2 of this Law with consent of the relevant state body.

32-1.4. Number of civil servants whose working period in civil service in the field related to the state body is extended under article 32-1.2 of this Law shall not exceed 15 percent of total number of employees of the institutions organizing single system of this state body,.

32-1.5. Number of employees of the offices or subordinated structures of state body whose working period was extended shall not exceed 2 percent of number of the employees accordingly working in the offices or subordinated structures of such state body.

32-1.6. If number of civil servants in the offices or subordinated structures of state body is less than 100, the number of employees with extended working period shall be rounded off up to 2 staff units.

32-1.7. Prolongation of the tenure of a civil servant in civil service is allowed with his/her consent.

32-1.8. The following shall be taken into consideration during implementation of article 32-1.2 of this Law:

32-1.8.1. non-application of disciplinary actions in civil service;

32-1.8.2. availability of academic decree or title;

32-1.8.3. state award;

32-1.8.4. successfully passing the attestation three times.

Article 33. **Termination of civil service**

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

33.1.1. at own will of the civil servant;

33.1.2. liquidation of state body;

33.1.3. staff or quantity reduction of civil servants;

33.1.4. recruitment with violation of legislation requirements;

33.1.5. if head of state body where the civil servant serves in, passes relevant decision on non-conformity of the civil servant to the holding position due to insufficiency of his/her professionalism, business and moral competencies in accordance with assessment and recommendation presented by the attestation commission established under this Law;

33.1.6. dismissing from the civil service under article 25.2.6 of this law;

33.1.7. renunciation of citizenship of the Republic of Azerbaijan;

33.1.8. election to the legislative or local self-government bodies, as well as due to appointment as a judge, if they do not refuse such positions;

33.1.9. non-fulfilment of the labour functions by civil servant because of full disability for a period over 6 months uninterruptedly unless longer-term period is provided for by the legislation;

33.1.10. effective accusing sentence or effective judicial decision on application of the coercive actions of the medical nature;

33.1.11. death of the civil servant, as well as if the court considers him/her as missing or declares as deceased;

33.1.12. when attaining age limit of tenure in civil service.

33.2. In case of voluntary retirement of civil servant due to attainment of retirement age in accordance with relevant legislation, such person shall be granted with lump-sum in the amount of six-fold monthly pension calculated in general order (not depending on assignment of other pension under the legislation) and taxes shall not be withheld from this amount.

33.3. Civil servant shall continue civil service during 1 month after submission of the application on resignation from civil service in case of existence of decision of head of state body on continuation of the civil service. If requires, head of state body may prolong this period for 1 addition month.

Chapter IV FINAL PROVISIONS

Article 34. Other issues of civil service

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

Article 35. Effectiveness of this Law

This Law shall become effective from 1September 2001.

**Heydar Aliyev
The President of the Republic of Azerbaijan**

With amendments made on the basis of laws No 74-IIQD dated of 13 February 2001; No 359-IIQD dated of 02 July 2002; No 398-IIQD dated of 03 December 2002; No 569-IIQD dated of 30 December 2003; No 597-IIQD dated of 05 March 2004; No 646-IIQD dated of 04 May 2004; No 684-IIQD dated of 08 June 2004; No 751-IIQD dated of 10 September 2004; No 886-IIQD dated of 15 April 2005; No 914-IIQD dated of 10 May 2005; No 980-IIQD dated of 01 September 2005; No 78-IIIQD dated of 03 March 2006; No 108-IIIQD dated of 12 May 2006; No 122-IIIQD dated of 30 May 2006; No 159-IIIQD dated of 10 October 2006, No 179-IIIQD dated of 28 November 2006, No 246-IIIQD dated of 16 February 2007, No 303-IIIQD dated 10 April 2007, No 356-IIIQD dated of 31 May 2007; No 420-IIIQD dated of 1 October 2007; No 424-IIIQD dated of 1 October 2007; No 458-IIIQD dated of 19 October 2007; No 462-IIIQD dated of 19 October 2007; No 504-IIIQD dated of 7 December 2007; No 510-IIIQD dated of 7 December 2007; No 536-IIIQD dated of 1 February 2008; No 546-IIIQD dated of 12 February 2008; No 579-IIIQD dated of 1 April 2008, 624-IIIQD dated of 2 June 2008; No 638-IIIQD dated of 13 June 2008; No 648-IIIQD dated of 13 June 2008; No 654-IIIQD dated of 24 June 2008; No 755-IIIQD dated of 30 December 2008; No 806-IIIQD dated of 28 April 2009; No 820-IIIQD dated of 26 May 2009; No 885-IIIQD dated of 30 September 2009; No 901-IIIQD dated of 27 October 2009; No 921-IIIQD dated of 26 November 2009; No 972-IIIQD dated of 5 March 2010; No 38-IVQD dated of 21 December 2010; No 57-IVQD dated of 1 February 2011; No 126-IVQD dated of 17 May 2011; No 345-IVQD dated of 20 April 2012.