

# **CIVIL SERVICE ACT**

## **PART 1 INTRODUCTORY PROVISIONS**

### **Section 1 Content and Application**

#### **Article 1 Subject**

(1) This Act shall govern labour relations between civil servants and the state as the employer, the uniform rules that regulate admission to the civil service, the classification of the posts of civil servants, professional training and qualification of civil servants, career advancement and other matters of importance to the exercise of the rights and obligations of civil servants and specific matters of importance concerning regulation and exercise of the rights, obligations and responsibilities of governmental employees.

#### **Article 2 Application**

The provisions of this Act shall apply to civil servants in state bodies, the courts, penal institutions, the administrative staff of the Croatian Parliament, the administrative staff of the Office of the President of the Republic of Croatia, the administrative services and offices of the Government of the Republic of Croatia, the administrative staff of the Constitutional Court of the Republic of Croatia, the administrative staff of the Ombudsman, the administrative staff of the Children's Ombudsman, the administrative staff of the Gender Equality Ombudsman, the State Audit Office, and other bodies established to perform civil service (hereinafter: state bodies).

#### **Article 3 Civil servants and governmental employees**

(1) Functions in state bodies shall be performed by civil servants and governmental employees.

(2) Civil servants are persons who as their regular profession perform duties in state bodies within the competence of said bodies as provided in the Constitution, the law, or other regulations enacted pursuant to the Constitution and the law.

(3) Civil servants are also persons who perform IT tasks, general and administrative tasks, planning, material/financial and accounting tasks and similar tasks in state bodies.

(4) Governmental employees are persons in state bodies who perform supplementary and technical work and other duties required for timely and quality performance of duties within the competence of said bodies.

#### **Article 4 Rights, obligations and responsibilities of civil servants and governmental employees**

(1) Rights, obligations and responsibilities of civil servants shall be governed by a law and pertaining regulations.

(2) General labour regulations shall apply to any and all matters not regulated by this Act, or a special law, ordinances passed by the Government of the Republic of Croatia (hereinafter: the Government), other regulations enacted pursuant to the Constitution and laws or a collective agreement.

## **Section 2**

### **Principles**

#### **Article 5**

##### Legality and legal security

(1) In performing civil service, civil servants shall act in accordance with laws and pertaining implementing regulations.

#### **Article 6**

##### Prohibition of discrimination and favouritism

(1) In their work, civil servants shall neither discriminate against, nor favour persons on grounds of age, nationality, ethnic or territorial affiliation, linguistic background and racial origin, political or religious beliefs or affinities, disability, education, social status, sex, marital or familial status, sexual orientation, or some other grounds contrary to the Constitution or statutory rights and freedoms.

#### **Article 7**

##### Hierarchical subordination

(1) Civil servants shall carry out the instructions of the head of state body and civil servants who are their immediate superiors, unless otherwise specified by this Act or another law.

(2) Authority and responsibilities in civil service shall correspond to the defined hierarchy, wherein each level in the hierarchy is entitled to a specific degree of authority and responsibility.

#### **Article 8**

##### Accountability for performance

(1) Civil servants are expected to attain set goals and are answerable for their actions and work performance.

## **PART 2**

### **RIGHTS AND OBLIGATIONS OF CIVIL SERVANTS**

#### ***Chapter I***

##### ***Fundamental Rights***

#### **Article 9**

##### Work in suitable conditions

(1) Civil servants shall be provided with required organisational and technical conditions in which they can perform their duties in compliance with the principles and standards demanded by the civil service.

(2) Safe and healthful working conditions, free of exposure to circumstances which could threaten their health or safety shall be secured for civil servants.

(3) Civil servants shall be entitled to the protection of their physical and moral integrity during performance of their official duties.

### **Article 10**

#### Salaries and other benefits

(1) Civil servants shall be entitled to salary for their work.

(2) The right to equal pay for equal work or work of equal value shall be accorded to civil servants regardless of whether they are employed in the civil service on a long-term or a short-term basis or if they are on probation.

(3) Salaries and other benefits of civil servants shall be regulated under a special law.

(4) Benefits and other rights of civil servants may be regulated through a collective agreement.

### **Article 11**

#### Equal treatment and equal advancement opportunities

(1) Civil servants shall be treated fairly and equally by the head of state body and their immediate superiors, without discrimination and regardless of their race, political belief, sex, marital or familial status, sexual orientation, personal circumstances, age, or ethnic origin, and accorded equal opportunities for advancement, rewards and legal protection.

(2) Head of state body and superiors shall respect the dignity of civil servants.

(3) Civil servants shall be entitled to advancement and professional training through education and other forms of additional training.

### **Article 12**

#### Protection from unjustifiable transfer or removal from workplace

(1) Civil servants shall be guaranteed protection from any and all unjustified or unnecessary transfer or removal from the workplace.

(2) In case of use of special leaves as specified by the present or other laws or a collective agreement, the civil servant shall be entitled to return to same or similar jobs he/she previously entrusted to him/her.

### **Article 13**

#### Candidacy in elections

- (1) Civil servants may run as candidates in national and local elections.
- (2) Election and political opinions expressed during election campaigns shall not influence the status and advancement in the civil service after elections.
- (3) Political allegiance of a civil servant shall not affect correct performance of duties to which he/she has been assigned and shall not be a cause for failure to comply with regulations and carry out legitimate orders and instructions given by immediate superiors .

#### **Article 14**

##### **Petitions**

- (1) Civil servants shall be entitled to submit proposals pertaining to the exercise of rights in the civil service, submit petitions and complaints, and receive a response thereto.

### ***Chapter II***

### ***Duties of Civil Servants***

#### **Section 1**

#### **Principles Underlying the Conduct of Civil Servants**

#### **Article 15**

##### **Performance of duties and obligation to comply with the laws**

- (1) Civil servants shall perform their duties as envisaged in their job description correctly, timely, conscientiously and professionally, not using them for personal gain, in compliance with the principle of accessibility to public scrutiny, and in compliance with the constitutional and legal order of the Republic of Croatia.

#### **Article 16**

##### **Abuse of authority**

- (1) In performance of their duties, civil servants shall act in compliance with the principle of legality and protection of public interest, and they shall be prohibited from abusing their authority to pursue personal interest or interests of other natural or legal person.

#### **Article 17**

##### **Declining proffered gifts**

- (1) Civil servants shall be prohibited from seeking or receiving gifts for their personal gain, or for the gain of their family or an organisation, with a view to favourable settlement of administrative or other proceedings.

#### **Article 18**

##### **Unjustifiable rewarding of other civil servants**

- (1) Civil servants may neither offer nor give gifts or other benefits to other civil servants, their relatives or spouses or common-law partners for personal gain.

## **Article 19**

### **Providing information and explanations on administrative affairs**

- (1) Civil servants shall provide the public with necessary information on tasks carried out in accordance with regulations defining the right of access to information.
- (2) Civil servants shall provide explanations for all procedures conducted and decisions made during performance of their duties.

## **Article 20**

### **Timely and efficient performance of duties**

- (1) Civil servants shall perform their duties in an effective and timely manner, and in accordance with the law they shall provide legal assistance, avoiding unjustifiably complicated or procedures hard to carry through, as well as forestalling situations that may lead to actions detrimental to the legal interests of the clients or the State.

## **Article 21**

### **Non-disclosure of classified information and respect for privacy**

- (1) Civil servants shall, in accordance with the law, keep confidential any information brought to their notice during the performance of their official duties on the clients, their rights and obligations and legal interests.
- (2) Civil servants shall keep confidential official or other classified information as defined in the law or other regulations. The obligation to keep confidential official or other classified information shall remain in force even after termination of service for a period not exceeding five years, unless otherwise provided under a special law.
- (3) The head of the state body may exempt civil servants from the obligation to keep confidential official or other classified information in judicial or administrative proceedings if the information in question is essential to ascertain the state of facts or to reach a legal decision in said proceedings.

## **Article 22**

### **Professional conduct**

- (1) Civil servants shall uphold high professional standards in their work, by improving their professional skills and participating in additional professional training required for personal advancement and enhancement of the efficiency of the civil service.
- (2) The state bodies shall be responsible for permanent professional training of civil servants through organisation of workshops, exercises, seminars, courses, etc.

## **Article 23**

### **Presence at workplace**

- (1) Civil servants shall observe the prescribed office hours of the body in which they are employed and use such time to perform their duties, and they shall be present at their workplace as required by the nature of their employment .

(2) During office hours, civil servants may not leave the workplace without permission from their superior, except for use of daily rest breaks, whereas in case of emergencies they must provided justification for their absence immediately upon return.

(3) Civil servants shall notify their immediate superiors of their inability to appear at the workplace and of the reasons for it within 24 hours after the emergence of these reasons, unless unable to do so due to objective reasons or *force majeure*, in which case they shall notify their immediate superiors immediately after the reasons for their inability to effect notification have ceased. Civil servants shall not be entitled to salary for the duration of their unjustified absence from work.

(4) The possibility of work at detached sites (“remote work”) and part-time work shall be regulated by the Government through an ordinance.

#### **Article 24**

##### Use of entrusted assets

(1) Civil servants shall use the assets they have been entrusted with for the purpose of performing their duties with due care and they shall not use said asset for personal gain or other illegal activity.

#### **Article 25**

##### Personal conduct

(1) Civil servants shall behave in a manner that neither diminishes their own reputation or the reputation of the civil service nor compromises their impartiality in the performance of their duties.

(2) The code of conduct for civil servants shall be governed by the code of ethics of the Government.

### **Section 2**

#### **Orders**

#### **Article 26**

##### Obligation to carry out instructions

(1) Civil servants shall perform the duties assigned to them in compliance with the law, other regulations and rules of the profession and carry out the instructions of the head of state body and the immediate superior pertaining to civil service, as well as duties pertaining to the assigned workplace without a special order to do so.

#### **Article 27**

##### Duty to disobey order

(1) Civil servants shall refuse execution of an order which is illegal or whose execution would run contrary to the rules of the profession or the code of ethics, or whose execution could cause grave damage, or whose execution may constitute a criminal offence, and shall notify thereon the superior civil servant or the head of the respective state body.

(2) Civil servants given orders with the characteristics specified in paragraph (1) above shall proceed as follows:

- a) apprise the officer issuing said order of its illegality, that execution thereof would be contrary to the rules of the profession and the code of ethics, that it may cause grave damage or constitute a criminal offence;
- b) if the order is repeated, demand from the officer giving a written confirmation of the repeated order including its exact specification and bearing the officer's signature;
- c) if said order is confirmed, notify the person immediately superior to the ordering officer, and, if execution of said order does not constitute a criminal offence, execute said order. If said order is signed by a governmental minister or other head of a central state administration body, the civil servant shall notify the Government thereof in writing.

(3) A civil servant shall not be held liable for any damage caused through the execution of an order, provided that he/she has acted in compliance with paragraph (2) above.

(4) Civil servants may not be held accountable if they act in compliance with paragraph (2).

(5) A civil servant may not execute an order if doing so constitutes a criminal offence, even if the order is repeated and confirmed in accordance with paragraph (2), or otherwise he/she shall be held accountable along with his/her immediate superior or the head of the body issuing the order.

## **Article 28**

### **Option to refuse an order**

(1) A civil servant may refuse to execute an order or implement a decision that may:

- a) cause damage to his/her legitimate rights and interests ,
- b) pose a risk to his/her health,
- c) require a higher degree of expertise than that possessed by the civil servant who was given the order.

(2) Refusal to carry out a task which may constitute a health hazard shall not be permitted in those jobs which imply exposure to health hazards and for which special work conditions as defined by law.

## **Article 29**

### **Performance of duties not included in the job description of a civil servant**

(1) In exceptional or urgent circumstances, a civil servant may be required to temporarily perform duties commensurate with his/her abilities and skills although not included in his/her job description, but only for a period not exceeding 30 consecutive days.

## **Article 30**

### **Obligation to substitute for absent civil servants**

(1) Commensurate with his/her abilities and in the interest of the civil service a civil servant shall substitute for a temporarily absent civil servant, as instructed by his/her superior.

### **Article 31**

#### **Prohibition on exceeding authority**

- (1) A civil servant may not perform duties which exceed the authority delegated to him/her by virtue of the post which he/she has been assigned to.
- (2) In an emergency, a civil servant may be temporarily empowered to act beyond his/her regular authority, subject to an express approval of the superior officer.

### **Section 3**

#### **Conflict of Interests**

### **Article 32**

#### **Ban on starting a business or establishment of a legal person**

- (1) A civil servant may not start a business or establish a company or other legal person to operate in the same area of activity in which he/she is employed as civil servant, or in an area associated with the activities within the competence of the body in which he/she is employed.

### **Article 33**

#### **Possibility of engaging in extra work**

- (1) A civil servant may, outside of his/her regular working hours and with prior approval from the head of the state body, perform duties or provide services for a legal or natural person, only if the state body in which he/she is employed does not oversee the activities or operations of the legal or natural person, or if such work is not prohibited by special legislation and does not constitute a conflict of interests or an impediment to orderly performance of regular duties and does not impinge upon the reputation of the civil service.
- (2) The approval specified in paragraph (1) above shall not be required for publication of technical articles and other authorial contributions or for occasional at seminars and consultations.
- 3) The head of the state body shall decide in a written form on the request of the civil servant for approval referred to in paragraph (1).

### **Article 34**

#### **Duty to report potential conflict of interests**

- (1) A civil servant shall notify his/her superior in writing of any financial or other interest he/she, his/her spouse or common-law partner, child or parent may have in the decisions of the state body in which he/she is employed.
- (2) A civil servant shall notify his/her superior in writing of financial or other interest of natural or legal persons with whom he/she had a business relationship two years before his/her admission to the civil service and in relation to whom the state body in which he/she is employed is conducting administrative affairs.



(3) A civil servant shall notify his/her superior in writing of his/her holding of shares and bonds or financial and other interest in companies in relation to which the state body in which he/she is employed is conducting administrative affairs, and which may constitute a cause for a conflict of interests.

(4) Prior to assuming his/her post, a civil servant shall report on whether his/her spouse or common-law partner, child or parent hold a top-level position in a political party, professional association or company or another legal person maintaining a business relationship with the state body in which the civil servant is assuming a post, or over which said body is performing administrative or inspectional oversight.

(5) The superior shall examine the circumstances cited in the written notifications referred to in paragraphs (1) through (4) above and notify the head of the state body thereof. If these circumstances lead or may lead to a conflict of interests the head of the state body shall exempt the civil servant from certain jobs.

(6) Data on a potential conflict of interests and the decision of the head of the state body on exemption of the civil servant from certain jobs due to the potential conflict of interests shall be entered in the civil servant's personal file.

### **Article 35**

#### Participation in operations of companies or other legal persons

(1) A civil servant shall not be a member of management or supervisory bodies of companies or other legal persons subject to oversight by the state body in which he/she is employed.

(2) In the performance of official duties, a civil servant shall not conduct administrative oversight of companies or other legal persons in whose operation he/she participates.

### **Article 36**

#### Prohibition of political campaigning

(1) During office hours, a civil servant may not encourage other civil servants to engage in the work of a political party.

### **Article 37**

#### Disallowable decisions

(1) A civil servant shall not make decisions or participate in a decision-making process affecting the financial or other interests of:

- a) his/her spouse or common-law partner, child or parent;
- b) natural or legal persons with whom he/she is having or used to have official or business contacts in the past two years;
- c) natural or legal persons who have financed his/her election campaign in the past five years;
- d) companies, institutions or other legal persons in which the civil servant intends to seek employment;
- e) associations or legal persons in which he/she holds the post of administrator or membership in the board of directors;

- f) natural or legal persons for which the civil servant acts as an authorised agent , legal representative or trustee in bankruptcy;
- g) natural or legal persons with whom the civil servant, his/her spouse, child, or parent are involved in a dispute or to whom they are indebted.

## **PART 3**

### **MANAGEMENT IN CIVIL SERVICE**

#### **Article 38**

Central state administration body competent for civil service affairs

(1) The central state administration body competent for civil service affairs shall be responsible for implementation of this Act, shall monitor the status and propose measures for the development of the civil service and oversee the enforcement of this Act.

#### **Article 39**

Organisational units competent for development  
and human resources management

(1) State bodies in which 50 or more civil servants and governmental employees are employed shall establish internal organisational units in charge of development and human resources management(hereinafter: personnel units).

(2) Personnel units shall:

- a) see to human resources management and development;
- b) issue opinions on matters pertaining to the civil service;
- c) prepare civil service admission plans, co-ordinating the assignment of civil servants with the plans of the central state administration body competent for civil service affairs;
- d) participate in developing educational strategies, programmes and plans for the state bodies in which they operate;
- e) keep personal records of civil servants and government employees, regularly submitting new data to the Central Register of Civil Servants;
- f) conduct civil service admission procedures in co-operation with the central state administration body competent for civil service affairs.

(3) For state bodies with less than 50 employees the duties under paragraph (2) shall be performed by the central state administration body responsible for civil service affairs, unless the performance of these duties is otherwise regulated under a special regulation.

## **PART 4**

### **ADMISSION TO CIVIL SERVICE AND JOB ASSIGNMENT**

#### **Section 1**

**Requirements for Admission to Civil Service**

#### **Article 40**

**Job specification**

(1) Vacancies may be filled only in compliance with the staff regulations and rules and according to the adopted civil service recruitment plan.

(2) Jobs in state bodies, the required number of civil servants for each job, assignment conditions and other matters relevant to the organisation and operation of a state body in compliance with the law shall be laid down in the staff regulations and rules .

(3) State administration bodies and administrative services and offices of the Government shall submit a proposal of staff regulations and rules for prior approval to the central state administration body competent for civil service employment affairs, whereas the judiciary bodies shall submit such a proposal to the central state administration body having competence in judicial affairs.

(4) The administrative staff of the Croatian Parliament, the Office of the President of the Republic of Croatia, the administrative staff of the Constitutional Court of the Republic of Croatia, the administrative staff of the Ombudsman, the administrative staff for the Children's Ombudsman, the administrative staff of the Gender Equality Ombudsman, the State Audit Bureau, and other bodies established to provide civil service shall submit their staff regulations and rules to the central state administration body competent for civil service employment affairs.

#### **Article 41**

##### **Planning obligation**

(1) The civil service admission procedure may be conducted only in compliance with the civil service admission plan drawn up in accordance with the provisions of this Act, except in case of need for admission to the civil service for a fixed term.

#### **Section 2**

##### **Civil Service Admission Plans**

#### **Article 42**

##### **Admission plan**

(1) The civil service admission plan shall establish the actual status of filled or vacant posts in the civil service, the number of civil servants required on a long-term basis for the period for which the plan is drafted, the number of probationers and admission to the civil service for a fixed term due to increased volume of work.

(2) The civil service admission plan shall establish the actual status of posts filled by members of national minorities and shall anticipate the employment of a number of civil servants from among the members of national minorities required to achieve minority representation in line with the Constitutional Law on National Minorities and the legislation regulating public administration.

#### **Article 43**

##### **Preparation and adoption of plans**

(1) Personnel units shall compile draft civil service admission plans at the time of drawing up the draft state budget for the subsequent calendar year and in conformance therewith.

(2) Based on the collected draft plans specified in paragraph (1), upon prior consent by the Ministry of Finance, and with due consideration for the needs of state bodies and available funding, civil service admission plans shall be laid down as follows:

- a) the central state administration body competent for civil service employment affairs shall present civil service admission plans for state administration bodies and the administrative services and offices of the Government,
- b) the central state administration body competent for judicial affairs shall present civil service admission plans for judiciary bodies,
- c) heads of other state bodies shall present civil service admission plans for these bodies.

(3) Civil service admission plans specified in paragraph (2) shall be presented within 30 days from entry into force of the state budget for the calendar year covered by these plans.

(4) In addition to civil service admission plans for a single calendar year (short-term plans), medium-term plans (two-year periods) and long-term plans (four-year periods) can also be adopted.

#### **Article 44**

##### **Publication of civil service admission plans**

(1) Civil service admission plans shall be published in the *Official Gazette*, in at least one daily paper sold throughout the territory of the Republic of Croatia, and shall be posted on the web site of the central state administration body competent for civil service employment affairs.

#### **Section 3**

##### **Methods of Filling Vacancies**

#### **Article 45**

##### **Filling vacancies**

(1) Vacancies in the civil service shall be filled through a public announcement of vacancies.

(2) Prior to its announcement, a vacancy may be filled from among the existing civil servants through an internal announcement or a transfer.

(3) A candidate entitled to preferential treatment in civil service admissions by virtue of special legislation shall refer to such a right in his/her application, and the candidate shall be accorded preferential treatment in relation to other candidates only under equal conditions.

(4) Selection from among the candidates to fill vacancies pursuant to paragraphs (1) and (2) shall be made on the basis of their professional qualification, skills, professional experience, performance in previous work and their shown test results.

( 5) The civil service admission procedure shall be suspended in case of an insufficient response to the announcement within the time limit specified therein, or if the applicants fail to meet formal requirements for admission to the civil service or their test results are unsatisfactory.

( 6) The procedure and method of inviting applications for vacancies through public and internal announcements shall be regulated by a Government ordinance .

#### **Article 46**

Assignment of civil servant selected by way of public or internal announcement of vacancies

(1) In case of a candidate selected by way of public or internal announcement of vacancy who is a civil servant in the state body announcing the vacancy, a decision on the candidate's assignment to the post shall be issued.

(2) If a candidate from another state body is selected through a public or internal announcement of vacancies, the head of the state body where the candidate is employed shall be notified thereof and his/her written opinion on transfer of said civil servant shall be sought. If the head of the state body where the candidate is employed fails to respond within 8 days, the head shall be deemed to have given his/her consent for transfer of the civil servant concerned to the other state body.

(3) Upon receipt of the transfer consent mentioned in paragraph (2), the head of the state body that administered the public or internal announcement of vacancies shall issue a decision on the candidate's assignment to the post in question.

(4) If a publicly announced vacancy is to be filled by an applicant who is not in the civil service, a decision shall be issued on admission to the civil service. Upon finality of said decision, a decision on assignment to the respective post shall be issued.

#### **Section 4**

#### **Civil Service Admission Procedures**

#### **Article 47**

Standard and extraordinary admission procedures

(1) Procedures for admission to the civil service may be standard or extraordinary.

(2) Standard admission procedures shall be conducted periodically for admission of persons to the civil service who have completed their education for specific qualifications and profession, but who have no practical work experience (probationers).

(3) Extraordinary procedures shall apply when there is a need in the civil service for admission of qualified persons experienced in jobs specified in the staff regulations and rules.

(4) Admission to the civil service shall be possible only if required funds are allocated from the state budget.

#### **Article 48**

## Requirements for admission to the civil service

- (1) A person admitted to the civil service shall possess:
  - a) appropriate professional qualifications ,
  - b) competence and experience , except in the case of admission of probationers,
  - c) medical fitness to perform the duties of the post to which he/she is assigned,
  - d) Croatian citizenship.
- (2) Over and above the conditions laid down by special legislation, the admission of persons who are foreign nationals or stateless persons to the civil service shall be subject to a prior approval of the central state administration body competent for civil service employment affairs.
- (3) Besides the requirements under paragraph (1), other requirements for admission to the civil service may be stipulated under a special law, an ordinance or the staff regulations and rules of a state body.

### **Article 49**

#### Bars to admission

- (1) Admission to the civil service shall be barred for persons:
  - a) who are defendants in a criminal proceedings or who have been convicted of a crime for which a prison sentence of not less than two years is mandated by domestic or international laws for crimes against the person, humanity, morality, public or private property, public administration and public interest, or due to public sector fraud, unless subject to rehabilitation under a separate law,
  - b) who were dismissed from the civil service due to a gross dereliction of official duty, for a duration of four years after termination of their civil service,
  - c) who were dismissed from the civil service due to unsatisfactory performance during the probationary period, for a duration of four years after termination of their civil service,

### **Article 50**

#### Ban on assignment of state officials to civil service posts

- (1) State officials shall not be assigned to posts in the civil service without undergoing the civil service admission procedure by way of public announcement of vacancies, and they may not be accorded privileged status during such procedure, unless otherwise specified in this Act or another law.

### **Article 51**

#### Verification of the list of candidates and testing

- (1) The list of applicants for vacancies who meet the formal requirements specified in the vacancy announcement shall be verified by the selection board appointed by the head of the body concerned. One member on said board must be a representative of the central state administration body competent for civil service employment affairs.

(2) Applicants on the list mentioned in paragraph (1) shall be tested for their competence, skills and professional experience . The selection of applicants on the list mentioned in paragraph (1) shall be based on scored test results.

(3) In cases when no candidate successfully passes the testing procedure for admission to the civil service, the admission procedure shall be suspended. Before initiating a new admission procedure for the same vacancies, the content of the tests shall be reviewed and a new selection board appointed.

## **Article 52**

### **Admission to the civil service and assignment to posts**

(1) The selected candidates shall be admitted to the civil service through a decision issued by the head of the state body concerned.

(2) The decision specified in paragraph (1) shall be an administrative act.

(3) An complaint may be filed against the decision under above paragraph (1) to the Civil Service Board within 15 days of its receipt. The complaint shall defer the implementation of the decision.

(4) For persons admitted to the civil service a the decision on assignment to a post shall be issued upon finality of the decision referred to in paragraph (1).

(5) A person admitted to the civil service shall become a civil servant as of the date on which he/she starts working. The date of the commencement of work specified in the decision on assignment to the post may be deferred for justified reasons for a period not to exceed 60 days, subject to a special decision.

(6) If the person admitted to the civil service does not commence work on the specified date, the head of the state body shall void the decision on admission to the civil service and the decision on assignment of that person. In such a case, the vacancy procedure for that post may be re-opened.

## **Section 5** **Probation**

### **Article 53**

#### **Mandatory probation period**

(1) As a rule, persons shall be admitted to the civil service for a non-fixed term and subject to a mandatory probation period.

(2) The probationary period for persons admitted to the civil service in standard procedures (probationers) shall last for 12 months.

(3) The probationary period for persons admitted to the civil service in extraordinary procedures shall for 6 months.

(4) The provisions of paragraphs (1) and (2) on probation shall not apply if the post is filled through the promotion or transfer of a civil servant.

## **Article 54**

### **Doing the probation**

(1) A civil servant admitted through a standard procedure (probationer) shall be trained for independent work during the probationary period and to this end, the civil servant shall attend a special training programme for performance of duties pertaining to a specific post; for the training purposes he/she may be assigned to work at various organisational units of the same or other state body.

(2) If the civil servant under paragraph (1) is assigned to work in another state body, the rights arising from the service shall be exercised in the state body in which he/she is admitted to the service.

(3) The head of the state body shall appoint a commission to monitor and assess the work of the civil servant referred to in paragraph (1).

(4) A civil servant admitted through an probation at the post to which he/she is assigned. His/her work shall be monitored and assessed by his/her immediate superior.

## **Article 55**

### **Assessment of civil servants in probationary period**

(1) Upon completion of the probationary period, civil servants shall be rated as follows:

- a) “satisfactory”, if their work and demonstrated knowledge and efficiency indicate that successful performance of duties can be expected of them;
- b) “unsatisfactory”, if their work and demonstrated knowledge and efficiency indicate that successful performance of duties cannot be expected of them.

(2) A civil servant whose performance during the probationary period falls short of required standards shall be discharged from the civil service and a decision to this effect shall be issued within eight days from expiry of the probationary period.

(3) If the decision on dismissal from the civil service is not issued within the period specified in paragraph (2), the civil servant shall be deemed to have performed satisfactorily during the probationary period.

## **Section 6**

### **Civil Service Examination**

## **Article 56**

### **Obligation to take the examination**

(1) A civil servant who receives a satisfactory assessment in probation shall take the civil service examination within six months from expiry of the probationary period.

(2) A civil servant who has passed the bar examination shall not be required to take the civil service examination.



### **Article 57**

#### General and specific section of the civil service examination

- (1) The civil service examination shall consist of a general and a specific section.
- (2) The procedure, manner of taking and content of the civil service examination shall be laid down in a Government ordinance.

### **Article 58**

#### Civil Service Commission

- (1) The civil service examination shall be taken before the Civil Service Commission organised under the aegis of the central state administration body competent for civil service employment affairs.
- (2) The members of the Civil Service Commission who conduct the general section of the civil service examination shall be appointed by the head of the central state administration body competent for civil service employment affairs, whereas the members of the Commission who conduct the special section shall be appointed by the head of the central state administration body or other state body competent for a specific administrative field.

### **Article 59**

#### Costs of taking civil service examination

- (1) The costs of taking the first civil service examination shall be covered by the state body which demands from the civil servant to take the examination.

### **Article 60**

#### Failure to take the civil service examination within the stipulated period

- (1) The service of the civil servant who fails to pass the civil service examination within the period specified in Article 56 of this Act shall cease upon expiry of the last day of the period stipulated for taking said examination.
- (2) If the application for taking the civil service examination is timely submitted, and the civil servant is not summoned to take the examination within the period specified in paragraph (1), this period may be extended until the date when the civil servant is summoned to take the examination.
- (3) In case of temporary disability due to illness or maternity or other justifiable reason, the period specified in paragraphs (1) and (2) may be extended for the duration of the temporary disability or other justified reason.
- (4) A special decision shall be issued on the prolongation of the term of civil service and extension of the period for taking the civil service examination specified in paragraphs (2) and (3).

**Section 7**  
**Fixed-term Civil Service and Tasks Assigned Under Temporary Service Contracts**

**Article 61**  
Fixed-term civil service

- (1) For performing temporary duties or those the volume of which has increased on a temporary basis and which are not of a longer-term nature, as well as for substitution of a civil servant absent for a longer period of time, persons may be engaged in the civil service for a fixed term for the duration of the temporary duties or until the absent civil servant has returned to work .
- (2) Prior approval of the Ministry of Finance shall be required for admission to the civil service for a fixed term.
- (3) In case of a foreseeable duration of fixed-term service of not less than six months, persons shall be admitted with a mandatory probationary period of two months.
- (4) Fixed-term civil service to perform temporary duties may last up to six months and may be extended for another period not exceeding six months.
- (5) Persons shall be admitted to fixed-term civil service through vacancy announcements issued by the competent employment bureau. Applications in response to such announcements shall be submitted within eight days.
- (6) Vacancies need not be announced for an available fixed-term post if there are civil servants admitted to the state body for a fixed term who meet requirements for the post.
- (6) A fixed-term may not be transformed into a into a permanent civil service.

**Article 62**  
Assignment of tasks

- (1) Individual tasks performed in a state body, with the exception of the tasks performed by civil servants referred to in Article 3(2) of this Act, may be assigned to the providers of professional services outside of the civil service on the basis of temporary service contracts. The relationship between the service provider and the state body shall be subject to the regulations governing the mandatory legal relations.
- (2) Expenses for the providers of services under paragraph (1) shall not exceed 2% of the total funds allocated for the basic salaries and contributions in the current year for the state body concerned.
- (3) Professional service providers engaged on the basis of service contracts may not become civil servants without undergoing the civil service admission procedure, standard or extraordinary.

**Section 8**  
**Decisions- on the Rights, Obligations and Responsibilities of Civil Servants**

## **Article 63**

### **Decisions**

- (1) Decisions on assignment to posts, other rights and obligations of civil servants, and on termination of civil service shall be issued by the head of the body or the person so authorised in writing by said head.
- (2) Authority to issue the decision referred to in paragraph (1) may cover all or only certain decisions.
- (3) The decisions under paragraph (1) are administrative acts.
- (4) Final decisions on admission to the civil service, assignment to posts, transfer, mobility and termination of civil service shall be submitted to the central state administration body competent for civil service employment affairs.

## **Article 64**

### **Complaints**

- (1) Complaints against the decisions under Article 63(1) of this Act can be filed with the Civil Service Board.

## **Section 9**

### **Deciding on Complaints**

## **Article 65**

### **Civil Service Board**

- (1) The Civil Service Board shall be set up as an independent body to deal with complaints complaint in accordance with the provisions of this Act.
- (2) The seat of the Board shall be at the central state administration body competent for civil service employment affairs.
- (3) In the performance of its duties, the Civil Service Board shall use a seal bearing the coat of arms of the Republic of Croatia.
- (4) The letterheads of administrative acts issued by the Civil Service Board shall conform to the regulations governing the use of official state stationery.
- (5) Office and other administrative work for the Civil Service Board shall be performed by the central state administration body competent for civil service employment affairs.

## **Article 66**

### **Members of the Civil Service Board**

- (1) The Civil Service Board shall have a chairperson and members appointed by the Government in based on an internal announcement from among employed civil servants for a renewable five-year term . All members on the Board shall hold degrees in law, and the chairperson shall have the bar examination certificate.

(2) The civil service trade union shall be notified of the internal announcement mentioned in paragraph (1). Said union shall also be entitled to review applications filed pursuant to said announcement and all other necessary documentation, and it may propose members of the Board.

(3) The chairperson and members of the Civil Service Board shall be independent and they shall perform their duties impartially in compliance with the law.

(4) The Government may relieve of their duties the chairperson and members of the Civil Service Board prior to expiry of their mandate at their own request or due to their illegal, unconscientious or negligent performance.

(5) The chairperson and members of the Board shall carry out no other duties during their term in office, and they shall be entitled to remuneration for their work on the Board as decided by the Government.

(6) The chairperson and members of the Civil Service Board shall have the status of civil servants, and they shall exercise their civil service rights and obligations in the central state administration body competent for civil service employment affairs.

(7) For the duration of their term in office, the rights and obligations of the chairperson and members of the Board in the state body in which they served prior to their appointment shall be suspended, and upon expiry of their term of office they shall be entitled to resume appropriate duties within the same state body. The request for reinstatement shall be submitted not later than 30 days following the expiry of the term of office.

(8) Through an ordinance the Government shall define in more detail the number of the members, the structure and work of the Civil Service Board.

### **Article 67**

#### **Dealing with complaints**

(1) The Civil Service Board shall deal with complaints lodged against decisions on admission to the civil service and decisions affecting the rights and duties of civil servants.

(2) The Civil Service Board shall decide on complaints not later than 30 days upon receipt of said complaints.

(3) State bodies as well as civil servants shall be entitled to initiate administrative proceedings against the decision of the Civil Service Board within a period not to exceed 30 days from the date of receiving said decisions.

### **Section 10**

#### **Civil Service Mediation**

### **Article 68**

#### **Mediation**

(1) Mediation is intended to settle disputes arising between civil servants through a mediator in the civil service.

(2) Mediation covers the following disputes:

- a) disputes between superior and subordinate civil servants pertaining to operating plans, assignment of tasks and workload;
- b) disputing performance and efficiency assessments proposed by the superior;
- c) complaints in cases of personal harassment, discrimination, abuse of position by superiors and poor or irregular execution of overseeing functions;
- d) complaints regarding the work and conduct of civil servants prior to submitting a proposal to the head of the state body to initiate proceedings for minor violation of official duty;
- e) and other disputed relations arising between civil servants.

### **Article 69**

#### Election of mediators

(1) In each state body, civil servants shall elect among themselves a civil service mediator (hereinafter: mediator) for every 100 civil servants employed therein. In a State body employing less than 100 civil servants, one mediator shall be elected.

(2) Civil servants who perform duties involving human resources planning and management and similar duties may not be elected mediators.

(3) A civil servant who receives the greatest number of votes shall be appointed by the head of the state body as mediator for a term not to exceed three years.

(4) If no mediator is not elected, the head of the state body shall designate a person to act as mediator on a temporary basis.

### **Article 70**

#### Performance of duties

(1) Upon acceptance of his/her duties, the mediator shall perform the duties entrusted to him/her in the state body in which he/she is employed and elected as mediator.

(2) The mediator shall perform the mediation duties over and above the regular duties and duties assigned to him/her.

### **Article 71**

#### Remuneration

(1) The mediator shall be entitled to a special remuneration to be fixed by the head of the central state administration body competent for civil service employment affairs.

### **Article 72**

#### Dismissal from office

(1) A mediator may be relieved of duties at his/her own request, at the request of the trade union or at the request of at least 15 civil servants.

(2) The head of the state body may relieve the mediator even prior to the expiry of the term for which he/she is elected, if he/she fails to perform his/her duties conscientiously and in a timely manner.

### **Article 73**

#### **Initiation and conclusion of mediation**

(1) Proceedings before a mediator shall be initiated at the request or upon a complaint lodged by a civil servant who has an interest in settling a dispute.

(2) Mediation shall be concluded with the mediator's written report on an amicable settlement of the dispute, or his/her written report containing a settlement proposal which is forwarded to the head of the body and the civil servants involved in said dispute.

(3) Mediators shall conclude proceedings not later than 30 days from the date on which the mediation request or complaint under paragraph (1) was lodged.

## **PART 5**

### **CLASSIFICATION OF POSTS IN THE CIVIL SERVICE**

#### **Article 74**

##### **Classification of posts**

(1) Posts shall be classified in compliance with the standards applicable to all state bodies, and these are: required professional qualification, complexity of tasks, independence in work, degree of co-operation with other state bodies and communication with clients, degree of responsibility and influence on decision-making.

(2) Classification of posts shall constitute a basis for regulating salaries in the civil service.

(3) The classification of posts is designed to ensure the performance of managing and executing duties through the following categories:

- a) posts of managerial civil servants;
- b) posts of senior civil servants;
- c) posts of junior civil servants.

(4) Posts within each category shall be classified according to the criteria under paragraph (1) above.

(5) Civil servants shall be recruited through a public announcement of vacancies in the category of the posts of managerial civil servants, ministry secretaries, directors in ministries, deputy secretary of the Government, chief of staff of the Government, deputy state secretaries of central state offices, deputy and assistant directors of state administrative organisations and chiefs of staff of state administrative offices in regional self government units.

(6) A detailed breakdown of posts within each category shall be given provided by a Government ordinance.

#### **Article 75**

##### **Titles and descriptions of posts**

(1) Uniform standards and criteria for titling and describing the civil service posts shall be specified in a Rulebook by the head of the central state administration competent for civil service employment affairs.

(2) Unless otherwise specified in this Act, the titles and descriptions of posts in state bodies shall be determined in the staff regulations and rules by the head of the body upon prior consent of the central state administration competent for civil service employment affairs.

### **PART 6 TRANSFERS**

#### **Article 76**

##### **Transfer of civil servants**

(1) A civil servant may, as required by the service, be transferred to another post in the same or different state body, at the same or different location, but only to posts within the same category and involving the same or similar complexity of tasks.

(2) By way of derogation from the provision of paragraph (1), a civil servant, with his/her consent, may be transferred to a post entailing tasks of a lesser complexity for which he/she meets the established criteria.

(3) Civil servants may not be transferred from one location to another without their consent if his/her length of service exceeds 20 years or if such transfer may adversely affect his/her familial circumstances.

#### **Article 77**

##### **Accommodation in case of transfer**

(1) A civil servant transferred to another post more than 100 kilometres away from his/her place of residence shall be provided with suitable accommodation for him/her and his/her family within 6 months at the latest, unless otherwise provided under *lex specialis*. Accommodation costs shall be borne by that state body.

(2) Until accommodation is secured for a civil servant and his/her family, he/she shall be entitled to compensation on account of increased costs due to familial separation, as well as compensation of the costs of travel to and from his/her place of residence over weekly rest days, public holidays and non-working days, pursuant to a Government ordinance or the provisions of the respective collective agreement. Civil servants shall be entitled to reimbursement of actual relocation costs.

#### **Article 78**

##### **Transfer to another state body**

(1) If a civil servant is transferred, as required by the service, from one to another state body, a prior written agreement shall be required between the head of the state body from which the civil servant is being transferred and the head of the state body to which the civil servant is being transferred.

#### **Article 79**

##### **Transfer at civil servant's request**

(1) A civil servant may be transferred to another post at his/her request, if provision is made in the plan for filling that vacancy.

(2) If no provision is made in the plan for filling that vacancy, the civil servant may be transferred due to:

- a) health reasons, based on physician's recommendation to change the workplace,
- b) familial reasons.

#### **Article 80**

##### **Permanent and temporary transfer**

(1) As required by the service, civil servants shall be transferred for an indefinite period (permanent transfer).

(2) A civil servant may be temporarily transferred, if so required by the service, for a duration not to exceed 6 months, or until the return of the absent civil servant the transferred civil servant is substituting for.

(3) In case of a transfer under paragraph (2) above, the civil servant shall be entitled to a salary which is more beneficial to him/her.

(4) A civil servant temporarily transferred to another state body shall exercise all civil service rights as in the state body from which he/she is transferred.

#### **Article 81**

##### **Assignment to work outside the civil service**

(1) For the performance of temporary duties requiring special skills and professional experience, a civil servant may be assigned to work outside the civil service, to local and regional self-government units, international organisations, or legal persons vested with public authority in the Republic of Croatia.

(2) During such performance of temporary duties mentioned in paragraph (1), his/her rights and obligations arising from civil service shall be suspended but without prejudice to the uninterrupted seniority status and recognition of professional experience thus acquired .

(3) The conditions for assignment to work outside the civil service shall be governed by a Government ordinance.

### **PART 7**



## **ASSESSMENT OF PERFORMANCE AND EFFICIENCY OF CIVIL SERVANTS**

### **Article 82**

#### Performance and efficiency assessment

- (1) The performance and efficiency of civil servants shall be assessed annually for the preceding calendar year.
- (2) Civil servants engaged less than six months in the preceding year, regardless of the reasons, shall not be subject to performance and efficiency assessment.

### **Article 83**

#### Purpose of assessment

- (1) The purpose of performance and efficiency assessment is to:
  - a) motivate civil servants to perform their duties efficiently;
  - b) establish the contributions of civil servants in the performance of their duties as a bonus and career advancement criterion.

### **Article 84**

#### Assessment stages

- (1) The performance and efficiency assessment procedure for civil servants shall be conducted in three main stages:
  - a) planning the tasks to be carried out by a civil servant, where the civil servant and his/her immediate superior mutually define the working plan, setting the goals he/she is expected to achieve,
  - b) overseeing performance and efficiency, with the civil servant and his/her superior periodically reviewing previous results and adjusting the working plan as needed,
  - c) assessing the civil servant's performance and efficiency in their entirety by his/her superior based on results achieved.
- (2) At different stages of the assessment procedure a special performance and efficiency assessment report form shall be used, the tenor of which shall be defined in a Rulebook by the head of the central state administration body competent for civil service employment affairs.

### **Article 85**

#### Impact of performance and efficiency assessments

- (1) Performance and efficiency assessments shall be taken into consideration in determining:
  - a) training needs for individual civil servants or groups of civil servants;
  - b) fulfilment of conditions for promotion;
  - c) existence of conditions for continued work of civil servants on probation or their dismissal from service;
  - d) existence of conditions for assignment of a civil servant to work outside the civil service;
  - e) existence of conditions for use of paid study leave.

(2) Performance and efficiency assessments shall be considered in imposing sanctions for the breach of official duty.

#### **Article 86**

##### **Assessment procedure**

(1) The performance and efficiency of civil servants shall be assessed by their immediate superiors, with their efficiency being ascertained by a comparison between the results of completed tasks and reference values laid down in the description of their posts and working plans.

(2) If a civil servant is not satisfied with a proposed rating, he/she shall be entitled to submit a formal complaint to his/her superior, who shall examine the complaint in conjunction with the complainant.

(3) The fairness of the proposed rating shall be verified by the immediate superior of the civil servant who has proposed said rating, and the proposal shall be forwarded along with the opinion of the immediate superior to the head of the body.

(4) The head of the state body shall issue a decision on the assessment.

#### **Article 87**

##### **Performance and efficiency rating**

(1) The performance and efficiency of the civil servant shall be rated as follows:

- a) “outstanding” – if performance and efficiency are of the highest quality, ensuring optimum and consistent service,
- b) “excellent” – if performance and efficiency are particularly good, d ensuring first-class service,
- c) “good” if performance and efficiency are of average quality, ensuring reliable service,
- d) “satisfactory” - if performance and efficiency ensure minimum quality standards of service,
- e) “unsatisfactory” - if performance and efficiency are below minimum quality standards and do not suffice to ensure reliable and acceptable service.

#### **Article 88**

##### **Negative performance and efficiency rating**

(1) A civil servant who is rated as “unsatisfactory” shall be sent for additional training or assigned to another post.

(2) A civil servant who is rated as “unsatisfactory” twice in succession shall be dismissed by the force of law as of the date of the finality of the assessment report.

#### **Article 89**

##### **Entry of performance and efficiency ratings in personal files**

(1) Performance and efficiency ratings shall be entered in the civil servant's personal file.

## **PART 8**

### **ADVANCEMENT IN THE CIVIL SERVICE**

#### **Article 90**

##### Career advancement

(1) Advancement in the civil service shall be reflected in the promotion of a civil servant to a higher function within the same category of post or the promotion to a higher category of post.

(2) A civil servant may be promoted if:

- a) his/her work is assessed as "outstanding" or "excellent" at least twice in succession,
- b) an internal vacancy announcement is released for appointment to a post to which said civil servant would be assigned after promotion,
- c) he/she applies for an announced vacancy and meets formal requirements for the post,
- d) he/she achieves satisfactory test results proving his/her professional qualifications, required skills and knowledge.

(3) A civil servant cannot be promoted if there is no vacancy available under the staff regulations and rules to which he/she may be assigned upon promotion..

(4) The modalities of and criteria for career advancement shall be regulated by a Government ordinance. .

#### **Article 91**

##### Promotion

(1) Within the same category of post civil servants shall be promoted by way of corresponding pay rises.

(2) The modalities of and criteria for promotion shall be regulated under a separate law governing the salaries and other material benefits of civil servants.

## **PART 9**

### **TRAINING OF CIVIL SERVANTS**

#### **Article 92**

##### Training of civil servants

(1) All civil servants are committed to continuously improve their professional skills through in-service education and training programmes.

(2) Civil servants may be allowed to participate in specialised educational programmes outside the civil service in order to improve their professional skills relevant to the performance of their duties in the civil service.

**Article 93**  
Training programmes

- (1) Training programmes in the civil service shall include:
  - a) annual programmes of professional and in-service training in individual state bodies or organisational units;
  - b) personal training programmes for civil servants;
  - c) training programmes in strategic management, intended for civil servants in the category of managerial civil servants or civil servants who wish to advance from senior civil servants to the managerial category;
  - d) specialised training meant for individual groups of civil servants.
- (2) General training programmes shall be organised by a special organisational unit in the central state administration body competent for civil service employment affairs, whereas particular specialised programmes shall be arranged by departmental administration bodies.
- (3) The forms, methods and conditions for the training of civil servants shall be laid down in a Government ordinance .

**Article 94**  
Participation in training programmes, financing

- (1) Participation in training programmes shall be deemed an obligation of civil servants, and superior civil servants shall enable their subordinates to attend training courses.
- (2) Costs of training in the civil service shall be covered from the state budget.
- (3) In exceptional cases, civil servants may be wholly or partly compensated for the costs of participation in training programmes other than those intended for the civil service.

**Article 95**  
Study leave for qualification or training

- (1) Upon completing probation a civil servant shall be entitled to apply for a paid or unpaid study leave of absence for qualification or training in the duration not to exceed one academic year.
- (2) The study leave programme shall be approved by the central state administration body competent for civil service employment affairs.
- (3) The programme shall be in line with the civil servant's field of work, and in the function of improving his/her expertise.
- (4) During the paid study leave a civil servant shall be entitled to receive the basic salary pertaining to the post held by him/her without extra allowances. Costs of education shall be covered from the state budget.
- (5) On expiry of the leave for qualification or training the civil servant shall be entitled to return to the same or a corresponding post in the civil service.

(6) Upon completed study leave the civil servant shall be expected to stay in the service not less than twice the duration of the professional training to which he/she was assigned. If during this period the civil servant is assigned to another training or education programme, the period of such training or education shall not be counted as the time the civil servant is expected to stay in the service.

(7) If the civil servant, upon completion of professional training or specialisation, does not remain in the service for the duration specified in (6) above, he/she shall reimburse the entire amount of funds expended for his/her training.

(8) A civil servant who fails to complete a professional training programme to which he/she is assigned shall reimburse the funds expended for his/her professional training.

## **PART 10**

### **ACCOUNTABILITY FOR BREACHES OF OFFICIAL DUTY**

#### **Section 1**

#### **Accountability for Breaches of Official Duty**

#### **Article 96**

#### Accountability for breaches

(1) Civil servants shall be held accountable for breaches of official duty if they fail to perform the duties entrusted to them conscientiously, professionally and within prescribed schedules, if they fail to uphold the Constitution, laws and other regulations or codes of conduct during their service or pertaining to their service.

(2) Criminal liability shall not exclude accountability for breaches of official duty, if the cause for criminal charges also constitutes a breach of official duty.

(3) Exoneration from criminal liability shall not imply exoneration from accountability for breaches of official duty if the act committed constitutes a breach of official duty.

#### **Article 97**

#### Types of breaches

(1) Breaches of official duty can be minor or grave.

(2) Grave breaches of official duty shall be defined by law, whereas minor breaches shall be defined by law, a Government ordinance and the staff regulations and rules.

#### **Article 98**

#### Minor breaches of official duty

(1) Minor breaches of official duty include:

- a) frequent tardiness in appearing for work or leaving the workplace earlier,
- b) leaving work premises during working hours without permission and without a good reason,
- c) disorderly keeping of files, data or other entrusted documentation,
- d) unauthorised one-day absence from work,
- e) failure to inform the superiors of the inability to appear for work within 24 hours without a justified reason,
- f) other minor breaches of official duty as specified by law, a Government ordinance or staff regulations and rules.

## **Article 99**

### **Grave breaches of official duty**

(1) Grave breaches of official duty include:

- a) non-performance or careless, untimely or negligent performance of official duties,
- b) illicit activities or failure to take measures or action for which the civil servant is authorised in order to prevent illicit activities,
- c) providing inaccurate data which may influence decisions taken by competent bodies or lead to other damaging consequences,
- d) abuse of position or overstepping one's authority in the discharge of duties,
- e) refusal to perform duties without justified reasons for the refusal,
- f) unauthorised use of equipment entrusted for the execution of tasks,
- g) disclosure of official or other classified information pertaining to the performance of civil service,
- h) engaging in activities incompatible with the tasks of the post or without obtaining prior permission from the head of the state body,
- i) preventing natural or legal persons from exercising the right to submit applications, complaints, objections and petitions or to exercise other legal rights,
- j) use of inauthentic documents to secure privileges in the service,
- k) behaviour contrary to the Code of Conduct and damaging to the dignity of the civil service,
- l) improper treatment of clients and expressing any kind of intolerance towards other people,
- m) unexcused absence from work for two to four consecutive days,
- n) a type of conduct for which a penalty for a minor violation of official duty has been meted out three times,
- o) other breaches of official duty qualified as grave by virtue of *lex specialis*.

## **Section 2**

### **Bodies to Conduct Proceedings for Breach of Official Duty**

## **Article 100**

### **Bodies to conduct proceedings**

(1) Heads of state bodies shall decide on minor breaches of official duty, unless otherwise determined by *lex specialis* for civil servants in specific state bodies.

(2) The civil service tribunal shall decide on grave violations of official duty in the first instance, whereas the higher civil service tribunal shall decide in the second instance, unless otherwise determined by *lex specialis* for civil servants in specific state bodies.

(3) Civil service tribunals and the higher civil service tribunal shall be set up by the Government. Civil service tribunals shall be set up for one or more state bodies.

### **Article 101**

#### **Composition of civil service tribunals**

(1) Civil service tribunals shall each have a president and not less than ten members, of which the president and at least one member shall be appointed from among judges.

(2) The higher civil service tribunal shall have a president and not less than ten members, of which the president and at least two members shall be appointed from among judges.

(3) The presidents and members of civil service tribunals and the higher civil service tribunal shall be appointed by the Government.

(4) The civil service tribunals and the higher civil service tribunal shall be deciding within panels of three members appointed by the president of the tribunal for each individual case. The panel shall always be chaired by a member appointed from among judges.

(5) The decision setting up a civil service tribunal shall specify the state body to do clerical and other work for the tribunal. Clerical and other jobs for the higher civil service tribunal shall be done by the central state administration body competent for civil service employment affairs.

### **Section 3**

#### **Procedures for Breach of Official Duty**

### **Article 102**

#### **Application of law governing general administrative procedures**

(1) In procedures for breach of official duty the provisions of the law governing general administrative proceedings shall apply, unless otherwise specified in this or other laws.

(2) Procedures for breach of official duty shall be treated as a matter of urgency.

(3) No fees shall be charged in a procedure for breach of official duty.

### **Article 103**

#### **Public access and right to defence**

(1) Proceedings for breach of official duty shall be public. In exceptional cases the public can

be excluded by a decision of the body conducting the proceedings , if so required in order to keep confidential some official or other legally binding classified information, or for other justified reasons.

(2) The civil servant against whom the proceedings for breach of official duty have been initiated shall be entitled to a defence counsel , who shall be granted the status of empowered proxy.

(3) The body conducting proceedings for breach of official duty shall, at the request of the civil servant against whom proceedings have been initiated, allow participation of the trade union to which he/she belongs, which in such cases shall have a status equal to that of defence counsel.

### **Article 104**

#### **Initiation of proceedings**

(1) Procedures for minor breaches of official duty shall be initiated by a decision of the head of the state body at his/her own discretion or upon written proposal by a superior .

(2) Proceedings for grave breach of official duty shall be initiated by the head of the state body or the person authorised by him/her to act in that capacity, as at the date of submitting a motion for proceedings to the competent civil service tribunal ..

### **Article 105**

#### **Motion to initiate proceedings for grave breach of official duty**

- (1) The motion to initiate proceedings for grave breach of official duty shall contain:the name of the competent civil service tribunal,
- data on the motion submitter (the name and seat of the state body, plus the full name and function of the person authorised to file the motion),
- data on the civil servant against whom the proceedings are initiated (personal data , name and seat of the state body and organisational unit in which he/she is employed, the title of the post to which he/she has been assigned),
- facts pertaining to the breach of official duty (manner, time and location of the breach committed, and other circumstances giving rise to the legal aspects of a grave breach of official duty),
- the legal designation of the grave breach of official duty and the provision of the Act defining said breach,
- evidence proposed for presentation,
- signature of the motion submitter and seal of the state body concerned.

### **Article 106**

#### **Response to motion to initiate proceedings**

(1) The motion to initiate proceedings for grave breach of official duty shall be served on the



respondent , who may file a response within eight days of being served.

(2) In the response to the motion to initiate proceedings, the civil servant, his/her defence counsel or the trade union to which he/she belongs, inasmuch as authorised by the civil servant for representation, shall be entitled to propose submission of evidence relevant to deciding on the matter.

### **Article 107**

#### **Special provisions on proceedings for grave Breach of official duty**

(1) An oral hearing shall be held in a proceedings for grave breach of official duty, and the civil servant against whom the proceedings have been initiated shall testify.

(2) By way of derogation, hearing in a proceedings for breach of official duty may be held in absence of the civil servant against whom the proceedings have been initiated if there are justified reasons for doing so, and the civil servant has been duly summoned and entered a plea.

(3) Hearing in a proceedings for breach of official duty may be held in absence of the civil servant against whom the proceedings have been initiated even if such civil servant has not entered a plea, if he/she has been summoned three times consecutively but has not responded and has failed to account for non-attendance, to the effect that the tribunal deems that the civil servant is obviously avoiding attendance and intentionally delaying the proceedings.

(4) If, based on the oral hearing held pursuant to the above paragraphs (1) through (3), all facts essential to reaching a decision have been ascertained, the civil service tribunal shall decide on the motion.

### **Article 108**

#### **Decisions in proceedings for breach of official duty**

(1) Liability of civil servants in proceedings for breach of official duty shall be determined by a decision, whereas procedural matters shall be determined by a resolution.

(2) In a proceedings for minor breach of official duty a complaint against the decision of the head of a state body may be lodged with the competent civil service tribunal within eight days of the receipt of said decision.

(3) In a proceedings for grave breach of official duty a complaint against the decision of the civil service tribunal may be lodged with the higher civil service tribunal within eight days of the receipt of said decision.

(4) The decision on the complaint under paragraphs (2) and (3) shall be final and enforceable.

(5) An administrative dispute may be initiated against the appellate decision in a proceedings for breach of official duty.

## **Article 109**

### **Statute of limitations on initiating and conducting proceedings**

(1) The statute of limitations on the right to initiate proceedings for minor breach of official duty shall apply three months after the date on which the breach and its perpetrator have been ascertained, but not longer than six months after the date on which the breach was committed. If a final decision is not made within six months from initiating the proceedings, such proceedings shall be halted due to the statute of limitations.

(2) The statute of limitations on the right to initiate proceedings for grave breach of official duty shall apply one year after the date on which the breach and its perpetrator have been ascertained, but not longer than two years after the date on which the breach was committed. If a final decision is not made within two years from initiating the proceedings, such proceedings shall be halted due to the statute of limitations

## **Section 4**

### **Sanctions for Breaches of Official Duty**

## **Article 110**

### **Types of sanctions**

(1) The following sanctions may be imposed for minor breaches of official duty:

- a) verbal reprimand,
- b) written reprimand,
- c) written reprimand with entry in the civil servant's personal file,
- d) pecuniary fine in an amount not to exceed 10% of the civil servant's salary paid out in the month in which said sanction is imposed.

(2) The following sanctions may be imposed for grave breaches of official duty:

- a) pecuniary fine for a period from one to six months in a monthly amount of up to 20% of the total salary received by the civil servant in the month in which said sanction is imposed,
- b) suspension of advancement for a duration of two to four years,
- c) prohibition of promotion for a duration of two to four years,
- d) transfer to another less demanding post
- e) conditional dismissal from the civil service,
- f) dismissal from the civil service.

(3) The conditional sanction of dismissal from the civil service mentioned in paragraph (2) e) above, shall be pronounced as dismissal from civil service with a probation period of one year, but the sanction will not be executed provided that the civil servant does not commit another grave breach of official duty within the said period.

(4) The sum of fines imposed in one month for minor and grave breaches may not exceed 30% of the total salary paid out to the civil servant for that month.

(5) The sanction of transfer to another less demanding post may only be pronounced if such a post is available post in the state body.

(6) Sanctions pronounced in proceedings for breaches of official duty shall be implemented by the head of the state body or the person so authorised by him/her in writing.

### **Article 111**

#### **Determining and executing sanctions**

(1) When determining the types of sanctions, due consideration shall be given to the severity of the breach and its consequences, the degree of authority vested with the civil servant, the circumstances under which the breach was committed, and the extenuating or aggravating circumstances for the civil servant.

(2) The statute of limitations on execution of sanctions for minor breach of official duty shall be one year and, for grave breach of official duty, two years after finality of the decision on the basis of which said sanctions have been pronounced.

(3) A pronounced sanction shall be deleted two years after the said sanction for minor breach of official duty becomes final, provided that the civil servant does not commit another breach of official duty within that period.

(4) Upon expiry of four years following the finality of a pronounced sanction, the pronounced sanction shall be deleted, provided that the civil servant has not committed another breach of official duty since the finality of the pronounced sanction

### **Section 5**

#### **Suspension from Civil Service**

### **Article 112**

#### **Cases of suspension**

(1) A civil servant may be suspended from civil service by the decision of the head of the state body if criminal proceedings or proceedings for grave breach of official duty have been initiated against him/her, and the breach is of such nature that his/her continued presence in the civil service for the duration of said proceedings may harm the interests of the service.

(2) A civil servant against whom an investigation has been launched and who is placed in detention shall be deemed suspended, with an appropriate decision issued to that effect.

(3) The duration of suspension from civil service shall continue until the criminal proceedings or proceedings for grave breach of official duty have been concluded, or, in a case under paragraph (2) above, until the expiry of detention.

### **Article 113**

#### **Complaint against decision on suspension**

(1) A civil servant may lodge a complaint against the decision on suspension from civil service with the competent civil service tribunal within eight days of the receipt of said decision.

- (2) A complaint shall not defer execution of the decision.
- (3) The civil service tribunal shall decide on the complaint within 15 days from the receipt of said complaint.
- (4) The decision of the civil service tribunal on the complaint shall be final, but an administrative suit may be filed against it.

#### **Article 114**

##### **Salary compensation**

- (1) For the duration of suspension from civil service, the civil servant shall be entitled to salary compensation in an amount of 60%, or 80% if he/she supports a family, of the salary received in the month preceding the suspension from civil service.
- (2) Upon his/her return to the civil service, the civil servant shall be entitled to salary in the full amount.
- (3) The portion of the civil servant's salary withheld from the first day of suspension shall be reimbursed in the following cases:
- a) if the civil service tribunal accepts his/her complaint against the decision on suspension from service,
  - b) if by virtue of a final decision the criminal proceedings or proceedings for grave breach of official duty were halted, except in cases of involving the statute of limitations,
  - c) if the civil servant is acquitted by virtue of a final ruling in criminal proceedings or proceedings for grave breach of official duty.

#### **Article 115**

##### **Suspension of civil service rights for the duration of Imprisonment**

- (1) The civil service rights of a civil servant sentenced to not more than six months imprisonment shall be suspended for the duration of his/her imprisonment.
- (2) A decision on the suspension of civil service rights under paragraph (1) above shall be issued within 15 days from the commencement of circumstances constituting the grounds for the suspension of rights.

### **PART 11**

## **LIABILITY FOR DAMAGE**

#### **Article 116**

##### **Obligation of Indemnification**

(1) A civil servant shall compensate for any damage he/she may cause in the service or pertaining to the service to the state body wilfully or as a result of gross negligence.

(2) Damage sustained by the state body in indemnifying natural and legal persons for damage caused wilfully or as a result of gross negligence by a civil servant shall also be deemed damage in the sense of paragraph (1).

(3) Regulations applying to specific services may provide for special cases of liability for damage caused during the service or in relation thereto, provided, however, that liability is based on wilful intent or gross negligence.

#### **Article 117**

Establishing the circumstances in which damage was caused

(1) The damage caused, the extent of it and the circumstances in which it was caused shall be established by the head of the state body or a person he/she has duly authorised by a decision other than an administrative act.

(2) Prior to issuing said decision the head of the state body shall hear the civil servant.

#### **Article 118**

Application of general provisions of law of obligations

If a civil servant refuses to repair the damage, the damage shall be made good under general provisions of law of obligations.

#### **Article 119**

Written agreement

(1) The head and the civil servant may conclude a written agreement on the amount and method of indemnification.

(2) The written agreement shall constitute an execution writ.

(3) Should an assessment of the extent of damage involve disproportionately high costs, the amount of compensation may be determined in a lump sum.

#### **Article 120**

Deadline for Indemnification

(1) The deadline for indemnification may not expire prior to the date on which salaries are paid out for the period in which the decision was issued. Based on the amount of damage, and at the civil servant's request, payment in instalments may be permitted.

## **Article 121**

### *Restitutio in integrum* (Reinstatement to prior state)

- (1) Compensation for damage to property, *restitutio in integrum* within a reasonable period of time may be allowed at the expense and the request of the civil servant. A written agreement shall be concluded to this effect.
- (2) If the civil servant fails to reinstate the prior state at his/her own expense within a designated period, a decision on compensation for damage shall be issued pursuant to the provisions of this Act.

## **Article 122**

### Compensation for damage sustained by a state body due to breach of official duty

- (1) During proceedings for breach of official duty, it may also be decided on a compensation for damage sustained by the state body due to such breach.
- (2) If the amount of damage cannot be established before the end of proceedings, only a decision on the liability for the breach of official duty shall be made, whereas a decision on the compensation itself shall be made in a proceedings conducted under the provisions of this Act.
- (3) An execution order may be sought before the competent court based on a final decision on indemnification.

## **Article 123**

### Exemption from liability

- (1) If damage occurred when the civil servant was acting upon instructions of his/her superior, and if the civil servant had warned in writing that carrying out such instructions could result in a damage, the civil servant shall be wholly exonerated from any liability for the damage thus occurred.

## **PART 12**

### **PLACING AT GOVERNMENT DISPOSAL**

## **Article 124**

### Dissolution of a state body and assumption of its duties by another state body

- (1) When a state body is dissolved, the civil servants in such state body shall be co-opted by the state body which assumes the duties of the dissolved state body, unless otherwise specified by *lex specialis*.

(2) Pending the adoption of the staff regulations and rules and assignment to posts pursuant to them, the civil servants co-opted as envisaged in paragraph (1) shall continue to perform the duties they performed in the dissolved state body or other duties at the order of the head of the body, and they shall exercise their right to salaries and other benefits in accordance with their existing work contracts.

(3) The civil servants who cannot be assigned in accordance with the staff regulations and rules due to the absence of posts for which they meet professional and other requirements shall be placed at the disposal of the Government.

(4) Decisions on assignment to posts or decisions on placement at the disposal of the Government shall be made not later than two months after the co-option of the civil servants.

### **Article 125**

#### **Dissolution of a state body and all duties performed thereby**

(1) If a state body is dissolved but its duties are not assumed by another state body, the civil servants of the dissolved state body shall be co-opted by the central state administration body competent for civil service employment affairs, unless otherwise specified by *lex specialis*.

(2) The civil servants co-opted as provided in paragraph (1) shall be placed at the disposal of the Government by the head of the body which has co-opted them.

(3) Decisions on placing at Government disposal shall be issued not later than one month after the date of co-option.

### **Article 126**

#### **Change in the competence of a state body**

(1) If a portion of the duties of a state body is transferred to the competence of another state body, the latter shall co-opt the civil servants who perform the duties assumed.

(2) The provisions of this Act pertaining to the dissolution of state bodies whose duties are assumed by another state body shall be applied accordingly to the civil servants co-opted as envisaged in paragraph (1).

### **Article 127**

#### **Adoption of staff regulations and rules**

(1) Once the staff regulations and rules have been adopted, civil servants shall be assigned to posts pursuant thereto, with due consideration for the duties said civil servants performed previously.

(2) When, pursuant to the ordinance on internal organisational structure of the state body concerned, individual organisational units of a state body or individual posts therein are abolished, or the number of staff required at individual posts is reduced, the civil servants who were until then assigned to those posts or to the abolished organisational units shall be assigned to other posts for which they are qualified. Preference in assignment shall be given to those civil servants whose previous work and efficiency have been valued higher.

(3) If there are no suitable posts to which the civil servants can be assigned, a decision shall be made to place them at Government disposal.

(4) A decision on assignment to a post or a decision on placement at the disposal of the Government, in accordance with the provisions of paragraphs (1) through (3) above, shall be issued within two months from entry into force of the new staff regulations and rules.

(5) Pending the issuance of the decision under (4) above, civil servants shall continue to perform the duties they performed at their earlier posts, or other duties as instructed by the head of the state body, while exercising their entitlement to salary and benefits under the existing work contracts.

### **Article 128**

#### **Duration of placement at Government disposal**

(1) General labour regulations relating to the duration and course of termination notice shall likewise apply to the duration and course of placement at the disposal of the Government as specified in Articles 124-127 of this Act.

(2) Uninterrupted service in the state bodies of the Republic of Croatia shall be taken into account in determining the duration of placement at Government disposal.

### **Article 129**

#### **Entitlement to salary compensation**

(1) For the duration of placement at Government disposal, a civil servant shall be entitled to his/her salary in its amount paid out in the month preceding his/her placement at Government disposal.

(2) Civil servants placed at disposal shall be entitled to salary compensation and other benefits pertaining to the civil service in the state body in which the decision on their placement at Government disposal was made.

### **Article 130**

#### **Transfer during placement at Government disposal**

(1) For the duration of mobility the civil servants may be permanently transferred to a post within the framework of their qualifications in any state body situated not more than 50 kilometres away from their place of residence.

(2) For the duration of placement at Government disposal the civil servants may be transferred, with their consent, to a post in any state body situated more than 50 kilometres away from their place of residence.

(3) If the civil servant refuses transfer referred to in paragraph (1) above, his/her civil service shall be terminated as of the date when he/she was supposed to start working at the new post.

### **Article 131**

#### **Dismissal and entitlement to severance pay**



(1) Upon expiry of the period of placement of civil servants at Government disposal, their civil service shall be terminated by force of law.

(2) The civil servants under (1) above shall be entitled to severance pay in an amount not lower than defined in general labour regulations.

(3) Uninterrupted service in the state bodies of the Republic of Croatia shall be taken into account in determining the amount of severance pay.

## **PART 13**

### **TERMINATION OF CIVIL SERVICE**

#### **Article 132**

##### Termination of civil service

(1) Civil service shall cease:

- a) by mutual consent ,
- b) upon expiry of the term of service,
- c) as a result of dismissal,
- d) by force of law, or e) in other ways prescribed by law.

(2) General provisions banning termination of employment for specific categories of employees shall not apply to civil servants whose service ends by force of law because their probation has been assessed as unsatisfactory.

#### **Article 133**

##### Decision on termination of civil service

(1) A decision shall be issued on termination of civil service.

(2) The decision under paragraph (1) above shall be issued within eight days after circumstances have arisen which are the cause for termination of service.

#### **Article 134**

##### Termination of fixed-term civil service

Fixed-term civil service shall cease upon expiry of the specified term of service, unless it is terminated earlier in some other manner prescribed by law.

#### **Article 135**

##### termination by mutual consent

Civil service may be terminated through a written agreement between the civil servant and the head of the state body, where the date of termination is specified.

### **Article 136**

#### **Dismissal from civil service**

(1) A civil servant shall be dismissed from the civil service if he/she has not performed satisfactorily in probation, and his/her service shall formally cease as of the date when the decision on termination of service becomes binding

(2) Civil service may be terminated by written resignation tendered to the state body by the civil servant.

### **Article 137**

#### **Termination by force of law**

(1) Civil service of a civil servant shall cease by force of law:

- a) in case of death,
- b) by establishing entitlement to pension on account of general incapacity for work – on the day the decision becomes final,
- c) reaching 65 years of age and at least 20 years of service towards pension eligibility – as of the last day in the year in which such conditions have been fulfilled,
- d) in case of an unconditional prison sentence in the duration of six months or more – as of the day the verdict becomes final,
- e) in case of a sentence for a criminal offence under Article 49, para. 1, clause a) of this Act – as of the day final conviction,
- f) in case of unjustified absence for five successive working days – as of the day of leaving the service or the first day of absence from work,
- g) in case of failure to pass the civil service examination within a defined period of time– on expiry of the period within which he/she was obliged to pass the examination,
- h) if it is ascertained that at the time of admission to the civil service he/she did not meet admission requirements as specified herein – as of the date of such ascertainment,
- i) if it is ascertained that at the time of admission to the civil service an impediment to such admission existed as laid down herein – as of the day of such ascertainment,
- j) if the sanction of dismissal from civil service has been pronounced for a grave breach of official duty – as of the day the decision of the civil service tribunal becomes final,
- k) if failing to report for duty after transfer within the statutory time limit without justification – as of the day when he/she was expected to report for duty,
- l) if assessed as “unsatisfactory” twice in succession – as of the day when the final decision on assessment becomes effective,
- m) in other cases defined by law.

## **PART 14**

### **GOVERNMENTAL EMPLOYEES**

### **Article 138**

#### **Regulations**

General labour regulations and collective agreements concluded pursuant thereto shall likewise apply to the rights, obligations and responsibilities of governmental employees, unless otherwise stipulated by the provisions of this Act.

#### **Article 139**

##### **Classification of posts and salaries of governmental employees**

The classification of posts and salaries of governmental employees shall be laid down in a Government ordinance .

### **PART 15**

#### **PERSONAL FILES AND THE CENTRAL REGISTER OF CIVIL SERVANTS AND GOVERNMENTAL EMPLOYEES**

#### **Article 140**

##### **Personal files and central register**

(1) Each state body shall keep personal files of the civil servants and governmental employees it employs.

(2) The central state administration body competent for civil service employment affairs shall keep a central register of civil servants and governmental employees for the needs of state bodies.

(3) A decision to release data contained in the personal files and the central register of civil servants and governmental employees shall be made by heads of the state bodies where such records are kept.

#### **Article 141**

##### **Data from personal files**

(1) Data from personal files and the central register of civil servants and governmental employees shall constitute classified information. Civil servants and governmental employees shall be entitled to view the data in the personal file and those in the central register pertaining to them.

(2) The content and methods of keeping personal files and the central register of civil servants and governmental employees shall be laid down in a Government ordinance .

### **PART 16**

#### **OVERSIGHT**

#### **Article 142**

##### **Administrative and inspectional oversight**

(1) Administrative oversight of application of this Act and pertaining regulations shall be conducted by the central state administration body competent for civil service affairs.

(2) Inspectional oversight of the implementation of this Act and other laws and regulations applicable to civil servants and their civil service rights shall be conducted by the administrative inspectorate of the central state administration body competent for civil service affairs.

(3) When conducting inspectional oversight, administrative inspectors shall be authorised to:

- a) examine enactments on internal organisational structure, staff regulations and rules , personal files of civil servants and the central register of civil servants and governmental employees, as well as other documentation pertaining to the labour rights status of civil servants,
- b) seek data pertaining to the labour rights status of civil servants from other legal and natural persons,
- c) review civil service admission procedures,
- d) review the legality of decisions on job assignments, transfers, placement at Government disposal, termination of civil service, and other civil service rights and obligations.

### **Article 143**

#### **Motion to rescind or annul an illegal administrative enactment**

(1) Inasmuch as during an inspection the administrative inspector ascertains illegalities or irregularities in a decision on admission to the civil service and a decision on the rights and obligations of civil servants, he/she shall compile a report ordering the elimination of said illegalities and irregularities. The report shall be submitted to the head of the state body within a period not to exceed 30 days from the date of the inspection.

(2) If the head of the state body fails to eliminate the illegalities and irregularities ascertained under paragraph (1) within the period specified in the report, the administrative inspector shall propose the rescission of the illegal administrative enactment to the Civil Service Board if an obvious violation of this Act was committed during adoption of such enactment, or its annulment if said inspector deems that grounds for such administrative measure exist.

(3) The Civil Service Board may annul or rescind the administrative enactment mentioned in paragraph (2) within five years of the date such decision becomes final.

## **PART 17**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 144**

##### **Rescission of prior legislation**

(1) With the date of entry into force of this Act,

- a) with reference to civil servants, the Act on Civil Servants and Civil Service Employees (*Official Gazette* No. 27/01) and implementing legislation enacted pursuant thereto shall cease to be valid, save the provisions regulating their salaries , which shall remain in force pending commencement of application of *lex specialis* governing the salaries and other benefits of civil servants,
- b) with reference to governmental employees, the Act on Civil Servants and Civil Service Employees (*Official Gazette* No. 27/01) and implementing legislation enacted pursuant thereto shall cease to be valid, save the provisions regulating their salaries , which shall remain in force pending commencement of application of regulations governing the job classification and salaries of governmental employees.

(2) Until the date of entry into force of *lex specialis* laying down the salaries and other benefits of civil servants, as well as ordinances laying down the job classification and salaries of governmental employees, the provisions of Articles 108-112 of the Civil Servants and Governmental Employees Act shall remain effective, as shall the following implementing legislation:

- a) Regulation on Post Titles and Complexity of Tasks Coefficients in the Civil Service (*Official Gazette* No. 37/01, 38/01 - corr., 71/01, 89/01, 112/01, 7/02 - corrigenda, 17/03, 197/03, 21/04 and 25/04 – corrigendum);
- b) Regulation on Jobs and Special Working Conditions (*Official Gazette* No. 74/02).

(3) With reference to civil servants and governmental employees in the administrative departments and agencies of local and regional self-government units, the Civil Servants and Governmental Employees Act (*Official Gazette* No. 27/01) shall remain effective pending entry into force of *lex specialis* regulating their rights, obligations and responsibilities.

## **Article 145**

### **Ordinances and the Code of Conduct**

(1) Within a period not exceeding six months from entry into force of this Act the Government shall issue the following this Act:

1. the ordinance specified in Article 23(4) providing for the possibility of work from detached sites and part-time work,
2. the code of ethics specified in Article 25(2) of this Act laying down the rules of conduct for civil servants in the service,
3. the ordinance specified in Article 45(6) defining the procedure and mode of inviting applications for vacancies and administering their public and internal announcements
4. the ordinance specified in Article 57(2) defining the procedure, manner of taking and content of the civil service examination,
5. the ordinance specified in Article 66(8) laying down in detail [the number of members](#), the structure and operating methods of the Civil Service Board,
6. the ordinance specified in Article 74(6) defining in detail the posts within each category,
7. the ordinance specified in Article 81(3) of this Act regulating assignment of civil servants to work outside the civil service,

8. the ordinance specified in Article 90(4) regulating the modalities of and criteria for career advancement,
9. the ordinance specified in Article 93(3) of this Act defining the forms, methods and conditions for training of civil servants,
10. the ordinance specified in Article 139 laying down the job classification and salaries of governmental employees,
11. the ordinance specified in Article 141(2) of this Act defining the content and mode of keeping personal files and central register of civil servants and governmental employees.

#### **Article 146**

Staff regulations and rules issued by the head of the central state administration  
body responsible for civil service

- (1) Not less than six months after entry into force of this Act, the head of the central state administration body competent for civil service affairs shall issue the rulebook specified in Article 75(1) of this Act defining the uniform standards and criteria for civil service job titles and descriptions.
- (2) The head of the central state administration body competent for civil service affairs shall not later than the date of entry into force of this Act issue the Rulebook specified in Article 84(2) defining the tenor of special reports on performance and efficiency assessments of civil servants.

#### **Article 147**

Regulations on internal organisational structure and staff of state bodies

- (1) Not later than six months after entry into force of this Act, the Government shall harmonise the ordinances on internal organisational structure of state bodies with the provisions of this Act.
- (2) Not later than 60 days after entry into force of the ordinances specified in paragraph (1) above, heads of state bodies shall harmonise staff regulations and rules with the provisions of this Act.

#### **Article 148**

Organisation and appointment enactments

- (1) Not later than three months after entry into force of this Act, the Government shall:
  1. appoint the chairperson and members of the Civil Service Board (Article 66(1)),
  2. set up civil service tribunals and the Higher Civil Service Tribunal (Article 100(2)),
  3. appoint the members of civil service tribunals and the Higher Civil Service Tribunal (101(3)).
- (2) Until such time as the new civil service tribunals and the Higher Civil Service Tribunal are set up and their members duly appointed by virtue of this Act, the proceedings for grave breaches of official duty shall be conducted by former civil service tribunals and the Higher Civil Service Tribunal set up according to previous regulations.

**Article 149**  
Collective negotiations

(1) Not less than six months after entry into force of this Act, the Government shall summon the representatives of the civil service trade union for negotiations on ensuring compliance of the current Civil Service Collective Agreement with the provisions of this Act.

**Article 150**  
Rights acquired under earlier regulations

(1) Those civil servants and governmental employees employed in the civil service on the date of entry into force of this Act shall continue to work at their former posts and retain their salaries and other rights under previous decisions, pending the issuance of the decision on assignment to posts in compliance with the regulations on internal organisational structure and staff regulations and rules harmonised with the provisions of this Act.

**Article 151**  
Change in status of certain civil servants

(1) Upon formal assumption of office of the Government after the first parliamentary elections, the posts of ministry secretary, director in a ministry, deputy secretary of the Government, chief of staff of a Government office, deputy state secretary of a central state administrative office and deputy and assistant director of state administrative organisations shall be accorded the status of civil servants, whereas the current post of assistant minister shall be abolished.

(2) Persons occupying the posts specified in paragraph (1) shall continue to perform their duties and shall be entitled to salaries based on previous decisions until assignment to said posts on the basis of a vacancy announcement in accordance with the provisions of this Act and thereafter, if they are not reappointed, the Government shall decide to relieve them of duty.

(3) The vacancy announcement for appointment to the posts specified in paragraph (1) shall be announced not later than 60 days after formal assumption of office by the Government after the first parliamentary elections held after commencement of application of this Act.

(4) The relieved official as specified in paragraph (2) above, who prior to appointment to such office was a civil servant shall be entitled to assignment, without undergoing competition procedure, to the state body in which he/she was in the civil service prior to appointment to office or to another state body, if there is an available post for which he/she is qualified. The relieved official shall submit the request for assignment to the head of the body in which he/she served prior to appointment not later than 30 days after the date of his/her being relieved.

(5) The relieved official as specified in paragraph (2) above, who was not a civil servant prior to appointment, and the relieved official as specified in paragraph (4) above, who does not submit a request for assignment to the state body in which he/she served prior to appointment, shall exercise the entitlement to compensation in compliance with the law laying down the obligations and rights of government officials.

## **Article 152**

Proceedings initiated before entry into force of the this Act

Proceedings conducted on matters pertaining to civil service and labour relations not completed by the time of entry of this Act into force shall be continued and concluded under the previous regulations.

## **Article 153**

Entry into force

(1) This Act shall enter into force on 1 January 2006, with the exception of the provisions of Articles 23(4), 25(2), 45(6), 57(2), 66(8), 74(6), 74(6), 75(1), 81(3), 84(2), 90(4), 93(3), 139, 141(2) and 144-153, which shall enter into force on the eighth day of their publication in the *Official Gazette*.

Class: 023-03/04-01/16

Zagreb, 15 July 2005

THE CROATIAN PARLIAMENT

The President  
of the Croatian Parliament  
Vladimir Šeks, m.p.