

Selected articles

5) civil service position shall mean a primary structural unit at a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, specified by the agency's structure and staff schedule and having job duties designated according to legislation within the powers specified in item 2) of this section;

6) job duties shall mean a list of the functions and powers vested in a civil service position, the responsibility for performing which is imposed on the civil servant and which are specified in the servant's job description;

7) professional competence profile for a civil service position shall mean a comprehensive description of a civil service position including a definition of the scope of responsibilities for that position and a list of special knowledge, abilities and skills required for a civil servant to perform job duties efficiently;

8) level of professional competence shall mean a personal characteristic including his/her education and qualifications, work experience, and the level of special knowledge, abilities and skills;

9) office hours of a civil servant shall mean the time during which a civil servant has to discharge his/her service duties according to the rules of internal office regulations;

10) personnel service of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall mean an independent structural unit or a separate civil service position within this public agency or its offices that shall: ensure exercise by the manager of civil service in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats of his/her powers; be responsible for documenting commencement, passage and termination of the civil service, for personnel selection, planning and implementing measures for professional competence improvement of civil servants; and perform other functions indicated by this Law and other regulatory legal acts;

11) service discipline of a civil servant shall mean strict compliance with a civil servant's oath and scrupulous performance by the civil servant of his/her job duties;

12) job duties shall mean all duties of a civil servant specified by this Law, internal service regulations of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats, and his/her official responsibilities;

13) appointing entity shall mean a public agency of Ukraine or the Autonomous Republic of Crimea or an official authorized by the law to appoint persons to, and release persons from, civil service positions;

14) support functions shall mean activities by employees of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats that do not suggest exercising of powers directly related to realization of tasks and performance of functions of such agencies specified in item 2) of this section.

Article 3. Basic principles of civil service

1. The principles of civil service shall be as follows:

- 1) the rule of law;
- 2) patriotism and service for the people of Ukraine;
- 3) legality;
- 4) equal access to civil service;
- 5) professionalism;
- 6) morality;
- 7) political neutrality;
- 8) transparency of work;
- 9) civil servant's personal responsibility.

Article 10. Rights of a civil servant

1. A civil servant shall have the right to:

- 1) respect for his/her personality and dignity, fair and respectful treatment on the part of managers, co-employees, and other persons;
- 2) clear definition of the scope of his/her job duties and logistic support of their performance;
- 3) access to necessary information for performance of job duties;
- 4) labor remuneration depending on the civil service position held, performance of official activities, length of work in civil service, and the civil servant rank;
- 5) professional competence development at the public expense;
- 6) job promotion;
- 7) vacation leaves, social and pension provisions according to the Law;
- 8) safe working conditions;
- 9) internal investigation at his request to withdraw groundless (in his opinion) accusations or suspicions;
- 10) unobstructed familiarization with documents regarding his/her performance of civil service work.

Article 11. Responsibilities of a civil servant

1. A civil servant shall be required to:

1) act solely on the ground of the Constitution and laws of Ukraine, within the powers and in the way stipulated by it;

2) adhere to the principles of civil service;

3) hold the state symbols of Ukraine in respect;

4) scrupulously perform his/her job duties;

5) within the scope of his job duties, implement decisions of public agencies of Ukraine or the Autonomous Republic of Crimea, as well as orders, directions, and instructions of managers issued within their powers;

6) observe legislative requirements on preventing and countering corruption;

7) observe rules of civil servant's professional ethics as specified by the law;

8) prevent any conflict of interests while performing civil service work;

9) adhere to internal service regulations of respective public agencies of Ukraine or the Autonomous Republic of Crimea or their secretariats;

10) constantly improve his/her professional competence level.

Article 12. Execution of orders by a civil servant

1. When fulfilling their job duties, civil servants shall act within the powers specified by legislation and according to their job descriptions.

2. Orders by managers of all levels given within their powers shall be binding on their subordinated civil servants.

3. If a civil servant has any doubt as to lawfulness of an order given by his superior, the civil servant shall have the right to request a written confirmation thereof and, upon obtaining the confirmation, shall be required to execute the order. In this case the civil servant shall be exempted from liability if the order has been declared unlawful in due course, except for execution of a manifestly criminal order.

If a manager receives a civil servant's request for a written confirmation of an order, the manager shall be required to give a written confirmation or cancel the order in question.

Article 13. Requirements regarding political neutrality of a civil servant

1. A civil servant shall be required to perform his/her job duties in an unbiased manner irrespective of his/her party affiliation and political views.

2. A civil servant shall have no right to organize or take part in strikes.

4. When performing his/her official job duties, a civil servant shall have no right to take any actions that manifest his/her political views or indicate his/her personal attitude towards certain political parties.

SECTION IV ENTRY INTO CIVIL SERVICE AND PERFORMING CIVIL SERVICE WORK

Chapter 1. General conditions for entering into civil service

Article 15. The right to civil service and restrictions as to entry into civil service

1. Ukrainian citizens aged 18 and over and having a good command of the official language, regardless of their race, color, political, religious or other beliefs, sex, ethnical and social origin, property status, and place of residence, shall have the right to enter into civil service, subject to requirements to professional competence, area of expertise (profession) and restrictions specified herein.

2. The following persons may not enter into civil service:

- 1) a person declared incapable by court or whose capability is limited;
- 2) a person who has had a conviction for an intentional crime unless such a conviction has been cancelled or expunged in accordance with the procedures established by the law;
- 3) a person with a court ruling divesting him of the right to engage in activities related to performance of state functions or to hold respective positions;
- 4) a person subjected to an administrative sanction for a corruption offence – within a year from the day of entry into force of the court ruling;
- 5) a person holding citizenship of another country.

3. A person may not be appointed to a civil service position in which he/she would be subordinated to a related person.

4. A person entering into civil service shall be required, prior to appointment to a civil service position, to withdraw from a position in the administration or supervisory board of a profit-making enterprise or organization except cases when the person is responsible for management of stocks, shares, or equities owned by the state or territorial community and represents the state or territorial community in a company's board (supervisory board) or an audit committee of a business company; and stop performing any other paid or income generating activities except for teaching, scientific and creative activities, medical practice, and sports coaching and refereeing.

A civil servant shall be subject to other requirements and restrictions as specified by the Law of Ukraine *On the Principles of Prevention and Combating Corruption*.

Article 16. Requirements to the professional competence level of a person aspiring to a civil service position

1. Unless otherwise stipulated by the law, a person aspiring to a civil service position shall be required to comply with the following minimum general requirements regarding education, qualifications, and work experience:

1) for subgroup I-2 positions – complete higher education, at least seven years of seniority, at least five years of working experience in managerial positions or in civil service positions of subgroup I-3 or II-2 or corresponding positions in local self-government;

6) for subgroup II-3 positions – complete higher education, at least five years of seniority, at least three years of working experience in managerial positions or in civil service positions of subgroup II-4 or III-3 or corresponding positions in local self-government;

12) for subgroup IV-1 positions – complete higher education, at least three years of seniority, at least two years of working experience in civil service positions or in local self-government;

14) for subgroup V-2 positions – basic higher education;

15) for subgroup V-3 and V-4 positions – undergraduate education.

2. Requirements regarding professional competence level of persons aspiring to group I-1 civil service positions as well as special requirements for working experience, requirements regarding area of expertise (person's specialization) and other requirements for professional competence level of persons aspiring to civil service positions of other subgroups of group I shall be defined by the appointing entity for those positions in accordance with the professional competence profiles approved by the appointing entity unless otherwise specified by the law.

Special requirements for working experience, requirements regarding area of expertise (person's specialization) and other requirements for professional competence level of persons aspiring to civil service positions of groups II, III, IV, and V shall be defined by the civil service manager in a respective public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats according to the procedure specified by the specially designated central executive authority for development and implementation of public policy on civil service.

3. Requirements regarding professional competence level of persons aspiring to civil service positions may not be revised more than once a year.

Article 29. Assessment of a civil servant's performance of official duties

1. To determine the quality of performance of official duties, service productivity and efficiency, as well as to plan a career and identify the need to improve the level of professional competence, assessment of civil servants' performance of official activities shall be carried out.

Assessment of performance of official activities of civil servants holding civil service positions in groups II, III, IV, and V (hereinafter—appraisal) shall be carried out every year by the civil servant's direct supervisor.

Assessment results shall be signed by the civil servant's direct supervisor and the supervisor of the civil servant's direct supervisor and given to the civil servant for review against his signature no later than within five working days.

2. The results of the assessment may consist of a negative, positive, or excellent rating along with an explanation thereof.

3. In case of a negative assessment of performance of official activities of a civil servant, the civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall identify the measures to improve the civil servant's performance on recommendations of the manager of a respective independent structural unit. The next assessment of the civil servant's official activities shall be carried out in six months, and if the result is again negative, the civil servant shall be subject to dismissal in pursuance of Article 41, part 1, item 3 of this Law.

4. An excellent rating received by a civil servant for performance of official activities may entail a reward by a decision of the civil service manager of the public agency.

Article 30. Improvement of professional competence level of civil servants

1. Improvement of professional competence level of civil servants shall be conducted at the expense of the state budget and other sources not prohibited by the law in the form of occupational programs, special training courses, topical workshops, trainings, internship, and other activities in accordance with the procedures established by the specially designated central executive authority for development and implementation of public policy on civil service, as well as by means of studying at relevant higher education institutions in accordance with the legislation on higher education.

2. The principal higher education institution for training, re-training, and advanced training of experts in the area of public administration shall be the National Academy of Public Administration under the President of Ukraine.

3. The civil service manager of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall, within the limits of

expenses provided for upkeep of the public agency, make arrangements for improvement of professional competence level of civil servants.

4. Improvement of professional competence level of civil servants shall be carried out as necessary but at least once in every three years.

The need for improvement of professional competence level of a civil servant shall be identified by his/her direct supervisor and personnel service of a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats based on the results of performance appraisal of his/her official duties.

5. The manager of civil service in a public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats shall make provisions for improvement of professional competence level of civil servants appointed to civil service positions for the first time within a year from the day of their appointment.

6. In order to improve his/her professional competence level, a civil servant may undertake an internship on the off-the-job basis for a period from one month to six months in a different civil service position in the same or other public agency of Ukraine or the Autonomous Republic of Crimea or their secretariats where the servant is performing civil service work, or in another public agency.

SECTION VIII

A CIVIL SERVANT'S DISCIPLINARY AND PROPERTY LIABILITY

Article 52. A civil servant's disciplinary liability and grounds to hold the civil servant to disciplinary liability

1. Disciplinary liability shall consist of imposing disciplinary sanctions on a civil servant for committing disciplinary offences specified by this Law.

2. A civil servant can be held disciplinarily liable if the civil servant has committed a disciplinary offence.

3. Disciplinary offences shall include:

1) expression of disrespect for state symbols of Ukraine;

2) failure to fulfil, or improper fulfilment, within the scope of official responsibilities, resolutions of public agencies of Ukraine and/or the Autonomous Republic of Crimea, orders, instructions, and assignments issued by supervisors within their powers;

3) failure to fulfil, or improper fulfilment of job duties;

4) abuse of official powers provided that elements of crime or disciplinary offence are absent;

5) failure to take measures to remove a conflict of interests as specified by the law;

6) violation of restrictions on the civil servant's participation in the election process as specified by the election legislation;

7) violation of internal service regulations;

8) violation of the civil servant's rules of professional ethics;

9) truancy, that is a civil servant's absence from work with no good reasons for more than three consecutive hours during a working day;

10) a civil servant's appearance in the office in a state of alcoholic, narcotic or other intoxication.