OF THE COUNCIL OF THE AMHARA NATIONAL REGIONAL STATE IN THE FEDERAL DEMOCRATIC REPUBLIC OF ETHIOPIA

Issued under auspices of the Council of the Amhara National Regional State

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The Amhara National Regional State Civil Servant’s Screening, Council of Regional Government Regulation.

Regulation No. 18/2004
A Council of Regional Government Regulation Issued to Provide for the Screening of Civil Servants in the Amhara National Regional State

Whereas, in order to bring about all rounded development that would improve the living standard of the people in the Regional State and thereby realize the building of democracy, it has become necessary to ensure better service
provisions by doing away with those civil servants who manifest impropriety, lack the necessary competence, are unwilling or do not show readiness to accept the development path of the Region and replace them through the employment and training of new professionals;

Whereas, with the view to attaining this objective, it is found necessary to establish a reform committee that evaluates civil servants and identifies their competence based on a defined criteria and renders decision opinions so as to post the right person to the right place at every level of government administration as well as designate a body that treats complaints and officially determine their duties and responsibilities thereof;

Now, therefore, the council of the Amhara National Regional Government, in accordance with the powers vested in it under the provisions of Art. 58, Sub art. 7 of the National Regional Constitution and Art. 88, Sub art. 1, of Civil Servants' proclamation No. 74/2002 /as amended proclamation No. 94/2004/, hereby issues this regulation as follows:

PART ONE

GENERAL

1. Short Title

This regulation may be cited as "The Amhara
2. **Definitions**

Unless the context otherwise requires, in this regulation:

1. The terms "Civil Servant" and "Government Office" shall have the definitions given to them under the provisions of Art. 2, Sub arts. 1 and 2 of proclamation No. 74/2002.

2. "Incompetence" means the inability to demonstrate capability and maturity be it due to lack of proper education or not displaying competence equivalent to service years.

3. "Failure to demonstrate readiness for change" means withholding practical contribution or obstructing the efforts made by the Regional Government to bring about radical change in the social, economic and political conditions of the country.

4. "Misconduct" means a habit or tendency of a civil servant known in relation to his committing contradictory deeds in violation of the rules and regulation of his office leaving aside the obligation he has promised to adhere to.
5. "Information" means a totality of opinion gathered from clients and workmates; any written information or criticism and generalization forwarded during an occasion of performance evaluation of the government office and kept as a profile.

6. "Senior official" means head of a government office appointed or assigned to direct an office including zonal departments and branch offices along with those heads of Woreda offices appointed at any level of the Regional Administration.

7. "Special Discipline" means a working procedure whereby, unlike the regular disciplinary measures, employees who manifest incompetences and inappropriate behavior are either dismissed from work or as deemed necessary, up graded or down graded from salary or position in accordance with the provisions of the Regional Civil Servants' amendment proclamation No. 94/2004.

8. "Grade" means the category into which an employee or an official falls as per the screening criteria issued thereto.

9. "Change Committee" means a committee which is responsible to identify those civil servants capable of putting into
effect the development directions set out by the government.

3. Scope of Application

This regulation shall apply to all government offices and civil servants of the Regional state for a period of time, not exceeding one year as much as possible.

4. Responsibility of Government Offices

Every government office shall screen and identify civil servants and officials under its responsibility by means of a committee established for such a purpose and thereby decide as to whether they shall be sustained in the work or not.

5. Appeal

With details to be outlined by a directive to execute this regulation, any civil servant dissatisfied with the decision passed on him, pursuant this regulation, shall have the right to appeal and have his case reviewed by the grievance hearing body to be established at any level.

PART TWO
OBJECTIVES AND PRINCIPLES OF THE SPECIAL DISCIPLINARY PROCEDURE

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6. Objective

The regulation shall have the following objectives:

1. Create favorable conditions for the executive offices of the Regional State in such a way that they are organized and capable of supporting development and act accordingly;

2. Suspend from civil service or demote those civil servants who create obstacles with regard to service provision due to various individual weaknesses.

7. Principles

1. The process of screening civil servants to be undertaken pursuant to this regulation shall be carried out in an officially recognized and transparent way.

2. The screening activity shall be executed on the basis of the principles of neutrality, fairness and genuineness.

PART THREE
EXAMPLES OF INEFFECTIVENESS AND DESCRIPTIVES OF MISCONDUCT

8. Corruption

The commission of one or the other of the following shall hold one responsible for
corruption or impropriety pursuant to this regulation:

1. To demand or receive money in cash, or an invitation in kind, or any other similar gifts from a service seeking person;
2. Intentional or negligent misappropriation of public funds from a government coffer;
3. Improper demanding or receiving per diem or arbitrarily pay thereto;


9. Wasting of Government Resources and Office Hours

Any civil servant who is confirmed to have committed one or the other of the following regularly shall be held responsible for wastefulness of government resources and office hours pursuant to this regulation:

1. Late arrival to and early departure from work place against the legally prescribed office hours;

2. Going out of office during the working hours under the pretext of tea break or other reasons and thereby stay long out of work or even not to be back to the office;

3. Being idle and cause the idleness of others by moving about or wondering
10. Lack of Readiness for Change and Diversification of Outlook

Any civil servant, in whom the weakness stated herein under are manifested, shall be presumed as having been not ready for change:

1. Negatively perceive or total reject the civil service reform program being underway in the Region;

2. Use all available forums and opportunities to vilify or to deliberately disseminate inappropriate information with the view to persuading others not to accept the development policies and strategies issued by the government;

3. Refusing to accommodate new ideas being bound hand and foot by obsolete views and outdated working procedures;

4. Lacking in an initiative and interest for a multi-faceted reform by merely Worshiping impractical educational...
11. **Failure in Ethics**

Any civil servant found to have been reputed with any of the following behaviors shall be held responsible for breach of ethical norms or impropriety pursuant to this regulation:

1. Placing oneself in a position of the beneficiary, ill-treating, showing a bad eye to or insulting a service seeking person;

2. With the view to achieving one's own individual wishes, spreading false information, conniving for evil ends and thereby disturbing the working atmosphere of the community;

3. Wasting precious government office hours by running after improper affairs of individual advantages and thereby backbiting those officials found to have been unable to entertain such cases;

4. Standing at a deceptive spot or leaning against corners and tittle-tattling with a peer during office hours; thereby aborting the working morals of those innocent and diligent civil servants who happen to run for work by piercing them with offensive remarks or belittling their working initiatives;

5. Cause an indirect damage to the qualifications and traditional working norms.
government work by covering up or taking care of those subordinate employees who display weakness in performance;

6. Ruining or endangering the work place and the moral values of the surrounding community being addicted by additive substances or affected by alcoholic drinks.

12. Lack of Work Initiative

Any civil servant in whom the weakness indicated here under are manifested, shall be deemed not to have work initiative pursuant to this regulation:

1. Despite having received monthly salaries, one's explicit loss of interest for work and thereby develop a habit to perform duties only with the pressure of a superior;

2. Self imposed limitation not to do work, evasion or avoidance of responsibilities using various pretexts;

3. Depicting hatred for work, manifesting same in different manners and thereby negatively influencing the desire of other employees to do work.

13. Lack of Willingness

Any civil servant shall, pursuant to this regulation, be presumed guilty for lack of willingness where he:
1. Corrupt misdeeds or causes to happen one on service seeking persons or government service provision due to not honestly accomplishing the duty he is assigned to perform;

2. Is reserved from giving immediate responses to the questions and allegations received from the service seeking community or institutions either face to face or through convenient media;

3. Causes the feeling of bitterness by the community against the government as a result of creating work delays and rendering unjust decisions or orders.

14. Absence and Incompetence

Any civil servant shall, pursuant to his article, could be held liable and subjected to disciplinary actions where:

1. It is confirmed that he is repeatedly absent from work on various pretexts;

2. There appears to be a repeated manifestation of problems with regard to lack of his competence or degree of efficiency required for the quality and quantity of his assignment.

15. Discrimination

Any civil servant shall be accused and be guilty thereof to that effect where he:
1. Causes the distribution of public service in unbalanced and improper way on the basis of relations or intimacy despite the fact that the government has decided and organized the service in such a way that it be distributed equally and without discrimination;

2. Serves as instrument for discriminatory practices performed by his work mates or immediate bosses or work in cooperation with them.

16. Breach of Secrecy
Any civil servant who obstructs the practicality of the decision reached by his office or department by passing on same to any one who is not entitled to know before it is made official, or imposes negative influence on its implementation, shall be charged for breach of secrecy pursuant to this regulation.

PART FOUR
ORGANIZATION OF EXECUTIVE BODIES AND PROCEDURES OF DECISION MAKING
17. Establishment of the Change Committee, Membership Composition and Working
### Procedures

1. There shall be established, pursuant to this regulation, in every government office, or jointly in more than one government offices, as the case may be, a change committee entrusted with the responsibility of examining the conditions of each and every civil servant therein and rendering proposals for decision of senior official(s) thereof.

2. The committee shall be accountable to the senior official of the government office established thereof.

3. The committee shall undertake the activities of examination and screening on civil servants on the basis of allegations and evidences obtained from the office and the service seeking community.

4. Where the senior official renders a decision different from the proposals by rejecting the opinion of the committee, he shall explain and state the details of his reasons on the minute and sign thereto. Such a minute shall serve as the official document of the committee.

5. The committee shall be composed of 3 management representatives and 2 representatives from the rest of the staff; provided that one of the two...
representatives of the employees shall be female.

6. The chairperson of the committee shall be nominated from among the management and designated as such by the senior official of the office.

7. The committee members shall neither sit in the meeting nor take part in the process where their own case or the case of employees with whom they are related by consanguinity or affinity is being examined or reviewed.

8. The decision of the committee shall be adopted by the majority vote. In case of a tie, the proposal of the group involving the chairperson shall pass a preferred decision of the committee.

9. Every committee member shall be obliged to keep any secret that he has come to know or happened to have access to by virtue of his duties.

10. Every committee member shall be accountable to the public government with regard to activities undertaken therefor pursuant to this regulation.

18. Powers and Responsibilities of the Committee

The committee shall, pursuant to regulation, have the following powers and responsibilities:
1. Receive, compile and examine the credibility of information coming from the surrounding area or from the office either publicly, in secret, in writing or orally;
2. Notify to the concerned the methods and means of presenting information in an acceptable place, time and condition;
3. Properly examine the information so presented and after putting in order and grading employees on the basis of the gravity of their weakness according to the degree of their complexity to simplicity, prepare on the basis of predetermined criteria, a list of those employees who would not eligible to continue in office;
4. Officiate the list to the general staff of the office and initiate discussion there upon prior to its submission to the cabinets at various levels.

19. **Source of Information of the Committee**
The Change committee may, in order to carry out its screening duties, obtain the information that it desires from the following sources:
1. Criticism or self-criticism to be made after the deliberation on the discussion document;
2. Information that may be secured through methods and designed working procedures to gather public opinion;
3. The personal file of the employees;
4. Where necessary, the opinion of the officials of his previous government offices and his present work mates.

20. Individual and Collective Accountability of the Committee Members

1. Members of the change committee shall, when so required, give full explanation about functions they performed in their capacity as committee members.
2. Guided by democratic procedures, the committee shall give lawful and appropriate recommendation which combines collective responsibility and individual accountability.

21. Criteria for Membership of the Committee

The members of the change committee shall be selected and designated as per the following criteria:

1. Having been found to be exemplary in their good conduct;
2. Absence of records with respect to corruption or disciplinary offenses;
3. Show of commitment for
implementation of the civil service reform program;
4. Standing firm in support of the all embracing change currently under way;
5. Having served in the office for two consecutive years.

22. Term of Office of the Committee Members

Without prejudice to the implementation period of this regulation, the term of office of the committee members shall be the time required to accomplish the duty.

23. Establishment and Accountability of the Coordinating Committee

1. There is hereby established, a region wide coordinating committee, whose accountability is to the Council of the Regional Government.
2. Members of the coordinating committee shall be as indicated here below:
   A. Capacity Building Bureau;
   B. Information Bureau, and;
   C. Mass Participation and Organization Affairs Bureau.

24. Duties and Responsibilities of the Coordinating Committee

The coordinating committee established
pursuant to Art. 23 herein above shall have the following duties and responsibilities:

1. Convene regularly and receive reports on the evaluation process to be conducted; set directions of solutions in case problems arise and render leadership;

2. Follow up and supervise that the evaluation under way is carried out in a healthy manner;

3. Take the necessary measure on basis of the information and proposals submitted to it from the Inspection Committee; possibly cause the discontinuance of the evaluation of an office or a locality where it finds the action so appropriate;

4. Provide instructions that would enable to sustain the effectiveness of the evaluation and ensure the implementation;

5. Submit a consolidated report to the Council of the Regional Government concerning the performance evaluation results of the employees.

25. Zonal and woreda Coordinating Committees
The Administrative Council at any level shall, pursuant to this regulation, take over the duties and responsibilities of the zon
26. Establishment and Accountability of the Inspection Committee

1. There is hereby established, pursuant to this regulation, an Inspection Committee which is responsible to technically support the coordinating committee hereto.

2. The committee shall be organized at Regional, Zonal and Woreda levels.

3. Having been accountable to the coordinating committee hereto, the region wide Inspection Committee shall consist of 5 members to be designated by the former.

4. Having been accountable to their designating bodies and the region wide Inspection Committee, the Zonal and Woreda Inspection Structures shall have 3 members each to be designated by the Administrative Council at any level.

27. Duties and Responsibilities of the Inspection Committee

The Inspection Committee shall have the following duties and responsibilities:

1. Follow up and inspect as to whether
28. Establishment of the Grievance Hearing Body

There is hereby established pursuant to this regulation, a Grievance Hearing Body to be known as the Grievance Hearing Body for the purpose of this regulation. The Grievance Hearing Body shall have the following powers:

1. To consider and dispose of any appeal or complaint filed under this regulation.
2. To inquire into the facts and circumstances of any appeal or complaint and to make such inquiries as it deems fit.
3. To call for the records or any other evidence in support of the appeal or complaint.
4. To make a finding on the basis of the evidence so taken.
5. To decide whether the appeal or complaint is allowable or not and to pass appropriate orders.

Any person aggrieved by a decision of the Grievance Hearing Body may appeal to the Appellate Authority under the provisions of this regulation.
committee membership at a time when the grievance case of an employee with whom he is related either by consanguinity or affinity is being entertained.

4. Every decision of the Grievance Hearing Body shall be adopted by majority vote. In case of a tie, the motion of the group involving the chairperson shall constitute the decision of the committee and such a decision shall be final and non-appealable.

29. Duties and Responsibilities of the Grievance Hearing Body
With details to be stipulated by a directive to execute this regulation, the Grievance Hearing Body shall have the following duties and responsibilities:

1. Publicize a time limit within which to present grievances;

2. Receive grievances in written form and have them inquired into;

3. Examine matters submitted to it and thereby render decision within 30 days.

30. Categorizing Civil Servants or Officials

1. Where the problems specified under part 3 of this regulation are observed on any civil servant or official, he/she
31. Rights of the Dismissed Civil Servant

1. 
2. 

A. Change pensioner
B. Having satisfactory performance
C. Dismissed from job
D. Change character

Any civil servant or official thereof who has been categorized under the provisions of sub-art. (D) of this article herein may be dismissed pursuant to this regulation. The case of gravity of his offence may be evaluated in accordance with the evaluation criteria to be stated in a document prepared by any civil servant or official thereof.
32. Re-employment as a Civil Servant

A civil servant who is dismissed from the civil service as per this regulation, shall have to wait at least for three years before possible re-employment thereto.

33. Duty to Cooperate

Any civil servant or official thereof shall have the duty to cooperate in the implementation of this regulation.

34. Effective Date

This regulation shall enter into force as of the date of its publication in the Zikre Hig Gazette of the Regional State.

Done at Bahir Dar
This 5th Day of July, 2004
YOSEF RETA
Head of the Government of the Amhara National Regional State