PROCLAMATION NO. 6/2008

THE CITY GOVERNMENT OF ADDIS ABABA CIVIL SERVANTS PROCLAMATION

WHEREAS, it is necessary to strengthen the justice system so as to give civil servants better protection and it is essential to incorporate in a new law the changes occurring as a result of the implementation of the human resource management sub-program of the civil service reform program; and also, it has become necessary to issue law that is necessary to identify the powers and functions of the civil service commission and administrative offices of the city government;

NOW, THEREFORE, in accordance with Article 2(7), Article 11/1/ and 2/c/ and also Article 14/1/ /a/ of the Revised Addis Ababa City Government Charter proclamation No.361/2003, it is here by proclaimed as follows:

PART ONE

General

1. Short Title

This proclamation may be cited as the "Addis Ababa City Government Civil Servants Proclamation No. 6/2008."
2. Definitions

In this proclamation:-

1. “City” shall mean the Addis Ababa City.
2. “City Cabinet/cabinet” shall mean the Addis Ababa City Cabinet.
3. “Administration” shall mean the Addis Ababa city government Administration.
4. “Administrative Tribunal” shall mean the city government administrative tribunal established based on Article 75 of this proclamation.
5. “Civil Servant” shall mean a person employed permanently by the city government of Addis Ababa; however, it shall not include the following:
   a) Bureau heads, deputy bureau heads, commissioners, deputy commissioners and their equivalent or above officials;
   b) Members of the city council, sub-city council and kebele council;
   c) Judges of the courts of the city government of Addis Ababa and public prosecutors;
   d) Members of the Addis Ababa city police force including other employees governed by the regulations of the police;
   e) Employees excluded from the coverage of this Proclamation by other appropriate laws.
6. “Temporary Civil Servant” shall mean a person who is employed in a government office for a job which is not permanent in nature or, where circumstances so require, to a permanent position; however it shall not include, the following;
   a) persons employed as daily laborers who are paid on daily basis;
   b) persons who are assigned for internship or training;
   c) persons who enter into a contract with a government office as an independent contractor for consideration;
   d) persons who enter into a contract with a government office due to their special skills and ability on part-time basis for consideration.
7. “Government office” shall mean any office of the City Government of Addis Ababa established as an autonomous entity by a proclamation or regulations and fully or partially financed by the city Government budget; included in the list of the government institutions to be drawn up by the city cabinet.
8. “Class” shall mean the basic unit of positions classification in which a group of positions which are similar in duties and responsibilities are classified so that a common class title can be used; the same general requirements as to education, experience, knowledge ability and skill can be required and the same salary rate, range, can be applied to the class.

9. “Position” shall mean a set of current duties and responsibilities assigned by a competent authority to be performed full time by an individual employee.

10. “Promotion” means assigning a civil servant to a higher grade;

11. “Commission/ Commissioner” shall mean the civil service commission or commissioner, respectively, of the city government;

12. “Head of a Government Office” shall mean a government official who directs the office and includes the deputies;

13. “A Medical Certificate” shall mean a certificate that describes the health condition or prescribes sick leave of a civil servant and issued by a local medical institution licensed by the appropriate authority or where the certificate is acquired from abroad it shall be verified by an authorized body.

14. “Salary” shall mean base pay and periodical increments fixed for a grade of a class.

15. “Conditions of Work” shall mean the entire field of relations between government office and government employee and shall also include hours of work, wage, leave, health and safety, compensation to employment injury, dismissal, retrenchment and severance pay, disciplinary and grievance procedure and other similar matters.

16. “Redeployment” shall mean assigning a civil servant to a higher position without announcing the position for promotion according to Article 31 of this proclamation, or to similar position of an equal grade and salary, or to a lower grade where the civil servant so agrees.

17. “Administrative Decision” shall mean for the purpose of part (10) of this Proclamation a decision given by the Head of a government office, either orally or in writing, on a recommendation by disciplinary or grievance handling committee in accordance with the power conferred by law or a decision given by the Head of a government office without following the required due process.
18. "Appeal" shall mean a complaint lodged before the Administrative Tribunal by a civil servant aggrieved by administrative decisions of the head of government office.

3. Scope of Application
1. This proclamation shall be applicable to "Addis Ababa City Government offices" and "civil servants" covered by the definition given under Article 2 of this Proclamation.
2. Unless otherwise expressed, expressions stated in the masculine gender shall apply to the feminine gender.

PART TWO
Organizational structure, Position Classification, Salary Scale and Allowances

4. Organizational structure
1. Any government office shall undertake studies and decide the organizational structure and staffing plan to enable it to achieve its objectives.
2. If the organizational structure and the staffing plan prepared in accordance with Sub Article 11 of this Article requires additional budget, a government office shall first obtain the approval of the Finance and Economic Development bureau before implementing it.
3. The Commission shall issue directives regarding the organizational structure and staff planning of government offices.

5. Classifications of Positions
1. When a city government office faces new positions that are similar to positions already classified under a class, it shall allocate the positions under such class and implement the same.
2. Where a new position is created the city government office shall complete positions classification questionnaire and submit to the commission for evaluation and classification.

6. Salary Scale
1) The commission shall prepare a salary scale to be applicable to the Civil Service in general, submit the same to the Cabinet, and supervise its proper implementation upon approval.
2) The salary scale shall contain the base, maximum pay and steps indicating periodical increments for each grade.
3) Notwithstanding Sub-Article 1 of this Article and upon permission of the city cabinet, the Commission, based on the specific nature of a government office shall undertake studies of salary scales and submits the same to the council; and upon approval, supervise their proper implementation.

7. Equal Pay for Equal Work

All positions of equal value shall have equal base salary.

8. Payment of Salary

Any Government office, shall, at the end of each month, pay salary to civil servants or their legal representatives.

9. Increment of Salary

1) Periodical salary increments to civil servants shall be based on their performance evaluation results.

2) Civil servants scoring an evaluation result of satisfactory or above satisfactory shall be entitled to a salary increment every two years.

10. Attachment and Deduction of Salary

1) The salary of a civil servant may not be attached or deducted except:
   a) a written consent of the civil servant obtained; or
   b) due to court order, or
   c) the provisions of the law so provide.

2) By notifying the employee in writing, the monthly deductions from the salary of a civil servant pursuant to Sub-Article (1) (b) or (c) of this Article shall not exceed one third of his salary.

11. Allowances

1) Any allowance shall be paid only for the purpose of carrying out the functions of the civil service.

2) The commission shall undertake studies on the types and payment of various allowances and submit the same to the cabinet and, upon approval, supervise their implementation.
PART THREE
Human Resource Planning, Staffing and Performance Evaluation

CHAPTER ONE
Selection and Recruitment


1) The purpose of Human Resource planning shall be to enable a government office to take measures to meet the objectives specified in the strategic plan, to forecast its human resource demand, to acquire human resource in the right number and type, to develop and properly utilize it, monitor and evaluate its result and make corrective measures from time to time.

2) Any government office, based on its strategic plan, shall prepare and implement short, medium and long term human resource plan.

3) Vacancies may be filled through recruitment, promotion, transfer or deployment on the basis of the human resource plan.

4) The commission shall issue guidelines on human resource planning.

13. Filling of vacancies

1) There shall be no discrimination among job seekers or civil servants in filling vacancies based on their ethnic origin, sex, religion, political outlook, disability, HIV/AIDS or any other ground.

2) A vacant position shall be filled only by a person who meets the minimum qualification required for the position and scores higher than other candidates.

3) Notwithstanding the provisions of Sub-Articles (1) and (2) of this Article, where two or more have scored equal or close result in recruitment, promotion, and deployment preference shall be given to:

a) female candidates;

b) candidates with disabilities, and

c) members of nationalities comparatively less represented in the government office.

4) The definition of disabled person stated in the appropriate law related to disability shall also apply for the purpose of this Article.
14. Ineligibility

1) The following shall not be eligible to be civil servants:
   a) a person under the age of 18 years;
   b) any person who has been convicted, by a court of competent jurisdiction, of breach of trust, theft, or fraud;
   c) any person who is unwilling to take oath according to Article 18 of this Proclamation.
   d) without prejudice to Sub-Article (1) (b) of this Article a civil servant who has been dismissed on grounds of disciplinary offence, before the lapse of five years from the date of such dismissal.

2) Notwithstanding Sub-Article (1) (a) of this Article, the Commission may issue directives on circumstances in which young persons above the age of 14 and under 18 may be appointed as civil servants and the conditions of service applicable to them.

15. Employment of foreigners

Without prejudice to the provisions of Article 5(2) of the Federal Proclamation No 270/2002 the proclamation providing for foreign Nationals of Ethiopian Origin with certain rights to be exercised in their country of Origin and Article22(2) of this Proclamation, a person who is not an Ethiopian national may not be eligible to be a Civil Servant.

16. Vacancy Announcement and Examination for Recruitment

1) Government offices shall advertise every vacant position to be filled by a new civil servant.

2) Notwithstanding Sub-Article IV of this Article, whenever there is shortage of professionals in the labor market, a government office may solicit graduates of higher educational institutions for recruitment in cooperation with the institutions.

3) The commission shall issue directives with regard to advertising vacant positions, and the preparation and conducting of examinations and disclosing the results there of.

17. Medical Certificate and Police Record

Without prejudice to Article 13/3/ of this Proclamation, the candidate who has scored the highest mark, among the competitors and passed the examination, shall submit medical certificate except HIV/AIDS test to prove his fitness for service and written testimony to prove that he has no police record with regard to crimes referred to in Sub-Article /1/ of Article 14 of this proclamation.
18. Appointment and Oath of Fidelity

1) A newly appointed civil servant shall be served with a letter of probation appointment, signed by the Head or any other authorized official of the government office, stating the title and grade of his position, his salary and date of commencement of his appointment, together with job descriptions of his position.

2) The appointed civil servant shall, before commencement of his work, take the following oath:

“I solemnly and sincerely swear to faithfully serve the people and execute government policy, and to respect at all times the Constitution and the laws of the Country and not to disclose to any party information that is revealed to me by reason of my duties and is classified as secret or confidential by law or standard transparent procedure.”

19. Determination of Starting Salary

1) Any newly appointed civil servant shall be paid the base salary as fixed by the civil service salary scale for the position he is appointed.

2) The commission shall issue directives on the circumstances in which government institutions may decide to pay a higher base salary to new recruits and the directives may include the types of position, the extent of departure from the base salary, the eligibility criteria and other relevant matters.

20. Prohibitions

In any circumstance it is strictly forbidden to employ or to be employed by presenting a falsified /forged document or using any other illegal means.

21. Probation

1) The purpose of probation shall be to prove the competence of a newly appointed civil servant through follow-up of his performance.
2) The period of probation of a civil servant on the position of his appointment shall be for six months, however, if the performance result is below satisfactory, it may be extended for an additional period of three months.

3) The service of a probationary civil servant shall be terminated where the performance evaluation result is below satisfactory for the extended period of probation.

4) Where the civil servant on probation is absent from his work due to employment injury and without prejudice to the provisions of Sub-Article (2) and (3) of Article 54 of this proclamation, he shall be allowed to complete the remaining probation period following the date of his recovery.

5) Where the civil servant on probation period is absent due to force majeure for a period less than one month, the performance evaluation will cover only the period in which he was present at work.

6) Notwithstanding, the provision of Sub-Article (5), of this Article, a civil servant on probation is absent due to maternity leave, for a period of more than one month, she shall be allowed to complete the remaining probation period following the end of her maternity leave. However, that if her absence is less than a month, her evaluation will cover only the period in which she was present at work.

7) Unless otherwise provided in this proclamation, a civil servant on probation, during the probation period, shall have the same rights and obligations to a civil servant who has completed his probation.

22. Permanent Appointment

1) Where the civil servant on probation has scored satisfactory or above satisfactory performance result, a letter of permanent appointment shall be issued to him.

2) If performance evaluation result of the civil servant on probation is not filled before the expiry date of the probation period, without prejudice to the responsibility of the official concerned, the performance evaluation shall be carried out within one month following the probation period.
23. Temporary Employment

1) Without prejudice to Sub-Article 2 of this Article, a government office may appoint a temporary civil servant only for a job which is not of a permanent nature, however, a government office may, where circumstances so require, appoint a temporary civil servant to a permanent position.

2) A government office may appoint a foreign national on temporary basis, where it is proved that it is impossible to fill a vacant position that requires high level professional by an Ethiopian through promotion, transfer or recruitment.

3) The Commission shall issue directives on recruitment, rights and duties as well as work conditions of temporary employees.

CHAPTER TWO
Promotion

24. Objectives

Promotion shall be given for the purpose of enhancing the performance of government offices and motivating the employees.

25. Selection for promotion

1) Any civil servant who has completed his probation may compete for promotion within the government office he is appointed, unless he is prohibited by relevant directives on promotion.

2) The Commission shall issue directives on the promotion of Civil Servants.

26. Prohibitions

In any circumstance it is strictly prohibited for a civil servant to compete for promotion or to get promotion by presenting forged / falsified document or using any other illegal means.

CHAPTER THREE
Transfer and Redeployment

27. Internal Transfer

1) A government office may, whenever necessary based on the civil service commission directives, transfer a civil servant to another similar position of an equal grade and salary or to another place of work within the government office.
2) Notwithstanding the provisions of Sub-Article (1) of this Article, a civil servant may, without affecting his salary, be temporarily assigned to another position, for not more than a year, irrespective of the grade or type of functions where it is required to prevent the occurrence or rectify the damage of any disaster to the government office.

3) Where it is proved by a medical certificate that a civil servant who has completed his probation is unable to carry out the functions of his position or to work in his place of work due to his health condition, he shall be transferred to another suitable position or place of work with:

a) the same grade where such vacant position is available; or

b) a lower grade where a vacant position of the same grade is not available and he is willing to be transferred to a position of lower grade;

4) Where the position of a civil servant is cancelled, he shall be transferred to another position of an equal grade within the government office.

28. Acting-Assignment

1) Where circumstances so require a civil servant may be assigned to a higher position in an acting capacity for not more than a year.

2) Notwithstanding the provision of Sub-Article (1) of this Article a civil servant may be assigned to higher position in acting capacity to replace a civil servant who is on education or training leave that lasts for more than a year.

3) Any civil servant assigned in an acting capacity shall be entitled to acting allowance. The Commission shall issue directives on the amount of such allowance.

29. Transfer from another Government Institution

1) A government office may, wherever necessary and the recipient and sender government offices as well as the civil servant so agree, transfer a civil servant to a similar position of equal grade and salary from another government office by notifying the commission.
2) Where the concerned civil servant, regional government office or the federal government office in which he has been working so agree and the appropriate authority in the Region or Federal Government approves it, a civil servant may be transferred from the regional government or federal government office to the city government office to a similar position of equal grade and salary.

3) A civil servant transferred according to this Article shall not lose the salary and benefits acquired by virtue of his grade and service before the transfer.

30. Secondment

1) A civil servant may, where it is necessary and the government office and the civil servant so agree, seconded to another government office or regional government office or public enterprise or non-governmental organizations to perform a specific duty for a period not exceeding one year.

2) Where it is necessary, any government office may second a civil servant from public enterprise, regional government office or non-governmental organization for a period not exceeding one year.

3) Notwithstanding Sub-Article /1/ of this Article, upon the decision of the city Mayor a civil servant may, without affecting his salary, be assigned to another government office or based on the request of a regional state to a government office of such state, for a period not exceeding one year.

4) Where a civil servant is seconded in accordance with Sub-Article /1/ of this Article

a) his salary and other benefits shall not be affected because of his assignment;

b) his performance shall be evaluated by the government office to which he is seconded and transferred to the employer office;
31. Redeployment

1) The filling of a vacant position in any government office through redeployment of a permanent civil servant from another government institution shall be only where the government office is closed or it has redundant manpower or the position of the civil servant is cancelled and the Commission so decides.

2) Any government institution may redeploy its employees on the basis of competition where it implements a new organizational structure.

3) A civil servant redeployed according to this Article shall be entitled to his previous salary and benefits acquired by virtue of his grade and service.

CHAPTER FOUR
Performance

32. Performance Evaluation

1) The purpose of performance evaluation shall be:-
   a) to enable civil servants to effectively discharge their duties in accordance with the expected level, quality standard, time and expense;
   b) to evaluate civil servants on continuous basis and identify their strengths and weaknesses with a view to improve their future performance;
   c) to identify training needs of employees;
   d) to give reward based on result;
   e) to enable the management make administrative decisions based on concrete evidence;

2) Performance evaluation shall be carried out in a transparent manner.

3) The Commission shall issue directives on performance evaluation.
PART FOUR
Working Hours and Leaves
CHAPTER ONE
Working Hours

33. Regular Working Hours
Regular working hours of civil servant shall be determined on the basis of the conditions of their work and shall not exceed 39 hours a week.

34. Office Hours
The time when the office hours of civil servants begins and ends shall be determined by Regulations to be issued by the Addis Ababa City Cabinet.

35. Overtime Work
1) Any civil servant who has worked overtime shall be entitled to compensatory leave or overtime pay based on his preference.

2) The Commission shall issue directive on the conditions of overtime work, amount of payment and compensatory leave.

36. Public Holidays and Weekly Rest Day
1) Any civil servant shall incur no reduction in his regular pay on account of having not worked on public holiday or weekly rest day or on a day offices are closed by the order of the government.

2) Any civil servant ordered to work on a public holiday or on a day government offices are closed by the order of the government, due to compelling circumstances, shall be entitled to overtime pay or compensatory leave based on his preference.

3) Notwithstanding the provision of Article 35/1/ of this Proclamation a civil servant ordered to work on a weekly rest day, due to compelling circumstances, shall be granted a compensatory leave during working days of the next week.
CHAPTER TWO
Annual Leave

37. Principles
1) The purpose of annual leave is to enable a civil servant to get rest and resume work with renewed strength.

2) Any newly appointed civil servant shall not be entitled to annual leave before serving for eleven months.

3) There shall be no payment in lieu of annual leave; however, payment may be made for unused annual leave due to termination of appointment.

38. Duration of Annual Leave

1) A civil servant shall be entitled to annual leave of 20 working days for his first year of service.

2) A civil servant who served for more than a year shall be entitled to additional leave of one working day for every additional year of service; however, the duration of annual leave shall not exceed 30 working days.

3) Previous service rendered in any city government, Federal, or Regional government offices shall be considered for the purpose of Sub-Article (2) of this Article.

39. Granting of Annual Leave

1) Annual leave shall be granted within the budget year in accordance with a leave program disclosed to the civil servants prepared on the basis of consideration of the interest of the government office and, as much as possible, the preference of each civil servant.

2) A civil servant may, at the time of taking his annual leave, take advance payment of the salary of the month in which he will be on leave.
3) Without prejudice to the provisions of Article 37(2), a civil servant, after the completion of 11 months service, shall be granted annual leave based on the service rendered.

4) A civil servant who resigns after taking his annual leave in accordance with Sub-Article 3 of this Article before the end of the budget year shall be liable to pay back part of the advance salary for which he has not rendered service.

40. Postponement of Annual Leave

1) Notwithstanding the provisions of Article 38(1) of this Proclamation, the head of a government office may authorize the postponement of annual leave for not exceeding two budget years, where the government office, due to compelling reasons, is unable to grant a civil servant his annual leave within the same budget year; however, the accumulated leave shall be granted to the civil servant in the third budget year.

2) Notwithstanding the provisions of Article 37(3) of this Proclamation, a civil servant whose annual leave is postponed for two years in accordance with Sub-Article (1) of this Article may claim payment, and the government office shall make the payment for the first year of the accumulated annual leave from a budget allocated for such purpose.

41. Unused Annual Leave

1) Where the appointment of a civil servant is terminated, the payment shall be made for the number of working days of unused annual leaves which are postponed as specified under Article 40/1/ of this Proclamation.

2) The provisions of Sub-Article 1/1 of this Article shall not apply to the civil servant transferred under Article 29 of this Proclamation or redeployed under Article 30 of this Proclamation. However, unused leave that had been postponed as specified under Article 40/1/ of this Proclamation will be transferred to the government office to which he is transferred or redeployed.
CHAPTER THREE
Other Leaves

42. Maternity Leave

1) A pregnant civil servant shall be entitled to:
   a) paid leave for medical examination in accordance with a doctor’s recommendation;
   b) paid leave before delivery if recommended by a doctor.

2) A pregnant civil servant shall be entitled to a period of 30 consecutive days of maternity leave with pay preceding the presumed date of her confinement and a period of 60 consecutive days of maternity leave after her confinement.

3) If the pregnant civil servant delivers before the completion of prenatal leave which is granted under Sub-Article 2 of this Article, the unused prenatal leave will be granted after her confinement.

4) If the pregnant civil servant does not deliver on the presumed date, the days subsequently taken before her confinement shall be replaced by the annual leave she is entitled to within the budget year or that of the following budget year if no annual leave is left.

5) The civil servant shall be entitled to sick leave on the recommendation of a medical doctor in accordance with Article 43(1) of this Proclamation, if she becomes sick after completion of her maternity leave under Sub-Article (2) of this Article.

6) A spouse who is a civil servant shall be entitled to a paternity leave with pay for five working days on his wife’s delivery.

43. Sick Leave

1) Any civil servant shall be entitled to sick leave where he is unable to work due to sickness.
2) The duration of sick leave to be granted to a permanent civil servant in accordance with Sub-Article (1) of this Article shall not exceed eight months in a year or twelve months in four years, whether counted consecutively or separately starting from the first day of his sickness.

3) Sick leave to be granted in accordance with Sub-Article (2) of this Article shall be with full pay for the first three months, half pay for the next three months and without pay for the last two months.

4) A civil servant on probation shall be entitled to one month sick leave with pay.

5) Where any civil servant is absent from work due to sickness:
   a) he shall, as soon as possible, notify the government office unless prevented by force majeure;
   b) he shall produce a medical certificate in case of absence for three consecutive days or for more than six days within a budget year.

44. Leave for Personal Matters

Any civil servant shall be entitled leave for personal matters such as mourning, wedding, examination and the like for a maximum of seven days within a budget year.

45. Special Leave with Pay

Any civil servant shall be entitled to special leave with pay where:

1) he is summoned by a court or any other competent authority, for the time utilized for the same purpose;

2) he participates in the election of government official, for the duration of the voting.
46. Special Leave without Pay

1) A civil servant who has completed his probation, upon sufficient ground, applies for a special leave without pay; the head of the government office may authorize the grant of such leave if it does not adversely affect the interest of the institution.

2) A civil servant who has completed his probation period and runs for election shall be entitled to leave without pay during the election campaign and for the duration of the voting.

47. Medical Benefit

1) A civil servant who has completed his probationary period by the contribution from his monthly salary as specified under Sub-Article 2 of this Article:
   a) shall have the right to get all medical services in government medical institutions without incurring additional costs;
   b) shall have the right to get medical services, with half pay, in government medical institutions for his spouse and minor children.

2) The Commission jointly with other relevant government office shall undertake studies regarding the amount of monthly contribution to be made by civil servants towards the medical benefits they are entitled to under Sub Article (1) of this Article and submit the same to the city cabinet for approval and supervise its implementation upon approval.

PART FIVE
Occupational Safety and Health

48. Employment Injury

1) "Employment Injury" shall mean employment accident or occupational disease;

2) "Employment Accident" shall mean any organic injury of functional disorder suddenly sustained by a civil servant during or in connection with the performance of his work, and shall include the following:-
a) injury sustained by a civil servant outside of his regular work, or outside of his regular working place or hours, while carrying out orders by a competent authority.

b) injury sustained by a civil servant during or outside working hours while attempting to save his work place from destruction of imminent danger, though without order by a competent authority;

c) injury sustained by a civil servant while he is proceeding to or from his place of work in a transport service vehicle provided by the government office which is available for the common use of its employees or in a vehicle hired and expressly destined by the office for the same purpose;

d) any injury sustained by a civil servant before or after his work or during any interruption of work, if he is present in the work place or the premises of the undertaking by reason of his duties in connection with this work,

e) any injury sustained by a civil servant as a result of an action of the employer or a third person during the performance of his work.

3) "Occupational Disease" shall mean any pathological condition of a civil servant which arises, as a consequence of the kind of work he performs or because of the agent that causes the disease for a certain period prior to the date in which the disease became evident; however, it does not include endemic or epidemic disease which are prevalent and contracted in the area where the work is done.

4) The extent of disability and disease caused by an employment injury shall be determined under Article 24 of civil servant pension Proclamation no.345/2003.

5) Notwithstanding the provisions of Sub-Article (1) of this Article, any injury sustained by the deliberate act of the civil servant, in particular, by his non-observance of express safety instructions or by reporting to work in a state of intoxication shall not be deemed an employment injury.
49. Safety Measures

1) Any government office shall have the responsibility to:

a) ensure that the work place does not cause hazard to the health and safety of civil servants;

b) provide civil servants with protective devices and materials and give them instructions on their usage.

2) Any civil servant shall have the obligation to:

a) Observe directives issued in relation to safety and health;

b) Properly use safety devices and materials, and

c) Promptly inform the concerned official of any situation which he may have reason to believe could cause a hazard.

3) The Commission shall supervise occupational safety and health in government institutions and shall issue directives regarding safety precaution measures.

4) The Commission shall undertake studies on the occupational safety and health of work places and facilitate training for its implementation in the government institutions.

50. Principle of Disability

1) "Disablement" shall mean any employment injury as consequence of which there is a decrease or loss of capacity to work.

2) The effects of disablement are temporary disablement, permanent partial disablement, permanent total disablement and death.

51. Temporary Disablement

"Temporary disablement" shall mean the reduction for a limited period of time of the worker’s capacity for work partially or totally.
52. Permanent Partial Disablement

"Permanent partial disablement" shall mean incurable employment injury decreasing the injured worker’s capacity.

53. Permanent Total Disablement

"Permanent total disablement" shall mean incurable employment injury, which prevents the injured worker from engaging in any kind of remunerated work.

54. Medical Benefits and Injury Leave

1) The government office shall cover the following medical expenses incurred by a civil servant due to employment injury:

a) general and special medical treatment and surgical care expenses,

b) hospital and pharmaceutical care expenses,

c) any necessary prosthetic or orthopedic appliance expenses.

2) Any civil servant who has sustained an employment injury shall be entitled to injury leave with pay until he recovers and resumes work or until it is medically certified that he is permanently disabled; however, on the event of medical determination that the employee is unable to work permanently, he shall be entitled to the benefits provided for under Article 54/1/ of this Proclamation.

3) Where the civil servant intentionally delays his recovery by not following the treatment properly or by his non-observance of doctor’s instructions, his entitlement of medical benefits and leave under Sub-Articles /1/ and /2/ of this Article shall cease.

55. Disability Pension and Gratuity

1) Any civil servant who has sustained permanent total or partial disability due to employment injury shall be entitled to rights and benefits provided for by the public servants’ pension law.
2) Injuries which, although not resulting in incapacity for work, cause serious mutilation or disfigurement of the injured civil servant, shall be considered permanent partial disablement, for the purpose of payment of compensation and other benefits.

3) The assessment of the extent of employment injury under Article 28 of Public Servant’s Pension Proclamation No. 345/2003 shall also apply for the implementation of Sub-Article 2/ of this Article.

4) Where an employment injury resulted in the death of the civil servant the survivors shall receive gratuity provided in the relevant pension law.

56. Exemption from Tax

Any payment to be made pursuant to Article 55 of this Proclamation shall be exempt from taxation and may not be attached, deducted by way of set off or assigned by the beneficiary.

57. Claims of Compensation from Third Party

1) Where the injury sustained by the civil servant is caused by the fault of a third party, the government office shall be entitled to claim compensation from the third party an amount equal to the expenses, which it has incurred due to the injury.

2) In the event that the civil servant receives compensation from the third party who caused injury, the government office may deduct from the salary of the civil servant the expense incurred pursuant to Article 54 Sub-Articles (1) and (2) of this Proclamation. Where the amount of compensation received by the civil servant is less than the cost incurred by the government institution, the institution can claim the difference from the third party.

PART SIX
Training of Civil Servants

58. Objectives

A Civil servant shall be trained to improve his capability and attain better performance or to prepare him for higher responsibility based on career development.
59. Responsibility to Train civil servants

1) A government office shall have the duty to identify the training needs of the office and the civil servants and to prepare plans and budget for training and thereby ensure that civil servants receive the necessary training and furnish information thereon to the Commission.

2) The Commission shall, with a view to make the training of civil servants effective, prepare a policy with regard to conditions of training locally and abroad and submit the same to the city Mayor and supervise its implementation upon approval.

PART SEVEN
Managing Information Profile of Civil Servants

60. Personnel Records

1) Any government office and the Commission shall keep personnel records containing all relevant information regarding each civil servant as well as temporary employees.

2) Any civil servant shall have access to all information contained in his personnel records or to have a copy thereof.

3) Any person other than the concerned administrative staff shall not have access to personnel records unless authorized by the head of the government office.

4) It is prohibited to deposit any document in the personnel records of a civil servant without his knowledge.

5) Any government office shall be responsible for keeping personnel records of civil servants for a period determined in the directives issued by the government office authorized by law.

61. The Responsibility of Organizing Profile of Civil Servants

1) The Commission shall have the duty to:

a) Implement uniformly the human resource management information system at a national level;
b) organize civil servants human resource data base at city government level;

c) Collect and compile statistical data relating to civil servants.

2) Every government office shall send information on timely basis to the Commission's human resource database.

3) Any government office shall have a duty to send information on time to the human resource data base established by the Commission.

PART EIGHT
Obligations and Ethics of Civil Servants

62. Obligations of Civil Servants

Any civil servant shall:

1) be loyal to the public and the Constitution;

2) devote his whole energy and ability to the service of the public;

3) discharge the functions specified in his job description and accomplish other tasks ordered legally;

4) observe laws, regulations and directives related to the civil service;

5) have a duty to perform government policy efficiently.

63. Ethical Conduct of Civil Servants

Without prejudice to the provisions of Article 62 of this proclamation, the city cabinet shall issue detailed code of conduct Regulations of the Civil Servants.

64. Compulsory Medical Examination

1) Any civil servant shall have the obligation to take medical examination, with the exception for HIV/AIDS, when required by the government office on sufficient grounds relate to the service.
2) Expenses incurred pursuant to Sub-Article (1) of this Article shall be covered by the government office.

65. Handling and Use of Property

Any civil servant shall have the responsibility to properly handle and use the equipment and materials provided to him for the carrying out of his duties.

66. Extent of Liability

Any civil servant shall be liable for the damage or loss of equipment and materials provided to him for the carrying out of his duties, where such damage or loss is caused by his negligence or intentional act.

PART NINE
Disciplinary Measures and Grievance Procedure

67. Objectives

The objectives of disciplinary penalty shall be to rehabilitate a delinquent civil servant when he can learn from his mistakes and become a reliable civil servant or to discharge him when he becomes recalcitrant.

68. Types and Classification of Disciplinary Penalties

1) Depending on the gravity of the offence, one of the following penalties may be imposed on a civil servant for breach of discipline:
   a) Oral warning;
   b) Written warning;
   c) Fine up to one month’s salary;
   d) Fine up to three month’s salary;
   e) down grading up to the period of two years;
   f) Dismissal.

2) The penalties specified under Sub-Article (1) (a)-(c) of this Article shall be classified as simple disciplinary penalties.
3) The penalties specified under Sub-Article (1) (d) - (f) of this Article shall be classified as rigorous penalties.

4) A civil servant who is demoted in accordance with Article (1) (e) of this Article and upon the lapse of his period of punishment, shall be reinstated;

   a) to a similar available vacant post, without any promotion procedures;

   b) in the absence of a vacant post, he shall be reinstated to a similar post without any promotion procedures when it becomes available at a later time.

5) After a disciplinary measure has been taken on a civil servant, such measure shall remain in his record:

   a) for two years from the date the measure is decided, where the penalty is simple;

   b) for five years from the date the measure is decided, where the penalty is rigorous.

69. Offences Entailing Rigorous Penalties

Rigorous disciplinary penalties may be imposed for the following offences:

1) to undermine one’s duty by being disobedient, negligent or tardy or by non-observance of working procedures;

2) deliberate procrastination of cases or mistreatment of clients;

3) to deliberately obstruct work or to collaborate with others in committing such offence;

4) unjustifiable repeated absenteeism or non-observance of office hours in spite of being penalized by simple disciplinary penalties;
70. **Taking Disciplinary Measures**

1. A government institution shall establish a disciplinary committee which shall investigate disciplinary charges brought against civil servants and thereby submit recommendations to the concerned officials.

2. Disciplinary measures may be taken irrespective of any court proceedings or decision.

3. Establishment of disciplinary committee, working procedure, and its power and duties shall be determined by regulations issued by the cabinet.

71. **Suspension from Duty**

1. Any civil servant will be suspended from duty if it is presumed that:
   a) He may obstruct the investigation by concealing, damaging, or destroying evidence related to the alleged offence; or
   b) He may commit additional offence on the property of the government institution; or
   c) The alleged offence is so grave as to demoralize other civil servants or negatively affect the public trust towards civil servants; or
   d) He may commit any breach of discipline of equal gravity with the offences specified under this Article.
   e) To initiate physical violence at the place of work;
   f) To neglect of duty by being alcoholic or drug addict;
   g) To accept or demand bribes;
   h) To commit an immoral act at the place of work;
   i) To commit an act of theft or breach of trust;
   j) To commit an act of misrepresentation or fraudulent act;
   k) To inflict damages to the property of the government due of an intentional act or negligence;
   l) To abuse of power;
   m) To commit sexual violence at the place of work;
   n) To commit any breach of discipline of equal gravity with the offences specified under this Article.
The disciplinary offence may lead to dismissal.

2) A civil servant can be suspended from duty and may not get his salary according to Sub-Article (1) of this Article only for a maximum period not exceeding two months.

3) The decision given in accordance with Sub-Article (2) of this Article shall be notified to the civil servant in writing, with the grounds and duration of his suspension signed by the Head of the government office.

4) Unless a decision of dismissal is rendered against a suspected civil servant, the salary withheld at the time of suspension shall be paid to him without interest.

5) The suspension of a civil servant shall not deprive him of other rights and duties that are not affected by the suspension.

72. Period of Limitation

1) Disciplinary measure shall not be taken against a civil servant who has committed an offence entailing simple disciplinary penalty unless such measure is taken within six months, from the time the commission of the offence is known; however, the official who has failed to take the disciplinary measures within the time limit shall be held responsible.

2) No disciplinary charge shall be brought against a civil servant who has committed an offense entailing rigorous disciplinary penalty and such offense also subjected to criminal liability, unless the disciplinary charge is brought within the time limit provided in the Criminal Code for such criminal offenses.

3) No disciplinary charge shall be brought against a civil servant who has committed an offense entailing rigorous disciplinary penalty and such offense is not subjected to criminal liability, unless the disciplinary charges is brought within the time limit provided in the Criminal Code for petty offenses.

4) Notwithstanding the provisions of sub-Articles 2/ and 3/ of this Article the official, who has failed to take the measures within a period of one year, shall be held responsible.